



**Tendring Local Plan Section 2
Examination**

MATTER 8: Protected Places

Written Statement

Anglian Water Services Ltd

JANUARY 2021

8.1 Water conservation, drainage and sewerage (Policy PPL5)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

In relation to PPL5 are the water conservation measures outlined in PPL5 clearly articulated and supported by clear evidence?

Anglian Water considers that the requirement to demonstrate that sewerage and sewage treatment infrastructure is present or can be provided in time to serve development is justified, effective and consistent with national planning policy. We are also fully supportive of the requirement to incorporate Sustainable Drainage Systems in new developments wherever possible as this will reduce the risk of surface water and sewer flooding and has wider community and environmental benefits.

The requirements in the second paragraph of Policy PPL5 relating to foul drainage are necessary to ensure that the potential risk of downstream flooding and pollution to the water environment is considered as part of the determination of planning applications.

It is also legitimate to expect proposals to demonstrate that there is, or will be capacity in the sewerage network, since the Council may need to impose planning conditions to ensure that dwellings or other types of development are not occupied until the capacity is available¹. For larger developments we request planning conditions be applied where there is a need to specify the phase(s) of development that can come forward before mitigation within the foul sewerage network is required.

All new dwellings have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day.

The National Planning Policy Framework policies expect local planning authorities to adopt proactive strategies to adapt to climate change that take full account of water supply and demand considerations. The local planning authority can consider whether a tighter water efficiency requirement for new homes is justified to help manage demand.

To include the optional higher target, national planning practice guidance states that it will be for a local planning authority to establish a clear need based on:

- existing sources of evidence
- locally specific evidence including water cycle studies.

¹ The use of planning conditions for this purpose has been established in the Barratt Homes Vs Welsh Water case which was considered by the Supreme Court. <https://www.supremecourt.uk/cases/docs/uksc-2009-0038-judgment.pdf>

- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
- consideration of the impact on viability and housing supply of such a requirement.

Existing sources of evidence

The main source of information for establishing need is the Environment Agency 'Water Stressed Areas Final Classification (2013)², which identifies areas of serious water stress where household demand for water is (or likely to be) a high proportion of the current effective rainfall available to meet that demand.

The Environment Agency advises the Secretary of State that the areas classified as 'Serious' in the final classification table should be designated as 'Areas of serious water stress'. Affinity Water supplies water to the majority of Tendring District. The Affinity Water company area and the Anglian Water region are both identified as an area of serious water stress.

Consultations with the local water and sewerage company and the Environment Agency

Anglian Water and Affinity Water (see attached letter) are of the view that there is sufficient evidence to justify the inclusion of the optional higher water efficiency standard in the Tendring Section 2 Local Plan.

Viability

Local Planning Authorities are required to consider viability taking account of local circumstances and policy requirements, but Government research has shown that the cost of the optional higher water efficiency standard and associated cost can be as low as £6-9³ per dwelling. We therefore consider that this does not make the Tendring Local Plan, or individual development proposals, unviable.

Are the Council's proposed modifications to policies and supporting text necessary for soundness?

Policy PPL5: we note that it proposed to remove reference to the optional higher water efficiency standard (110 litres/per person/per day) from Policy PPL5 as it was considered to be 'potentially too prescriptive' by members of the Council's Planning Policy and Local Plan Committee (Examination Document RR8). We do not consider this modification to be effective as it does not provide certainty about the water efficiency standard which is to

² <https://www.gov.uk/government/publications/water-stressed-areas-2013-classification>

³ [The Housing Standards Review Cost Impact report \(2014\)](#) prepared for DCLG advises that the cost of introducing such a standard would be between £6-£9 per dwelling.

be applied for new dwellings. As set out above the expectation is that new dwellings meet the mandatory national standard or the optional higher water efficiency standard where there is a local need and it is included in a Local Plan.

Anglian Water is supportive of the inclusion of the optional higher water efficiency standard as set out in the Submitted Local Plan. As such we would wish to see it retained in the Local Plan.

It is also important to have a consistent approach to water efficiency for the proposed Colchester-Tendring Borders Garden Community which straddles the administrative boundary. Anglian Water is the water undertaker for Colchester area and the optional higher water efficiency standard is included in the Section 2 Colchester Local Plan (policy DM25).

Two further modifications are proposed in response to comments made by Natural England. We are supportive of these modifications as proposed particularly the additional wording which would require water re-use measures to be implemented in all new developments.

Para 7.5.2: we note that additional text has been added to the supporting text to refer to the Council working together with Anglian Water in relation to capacity within the sewerage network which is supported.

Para 7.5.4: additional text is proposed to address the Environment Agency's comments that surface water infiltration may not be suitable in all cases which is supported.

8.5 Ardleigh Reservoir Catchment Area (PPL13)

Are the Council's proposed modifications to these policies necessary for soundness?

The Council's proposed modification to Policy PPL13 would address Anglian Water's previous comments. The wording is set out in the agreed Statement of Common Ground and is therefore fully supported.