

HBF Conference October 2013



“What’s Happening with the Flood & Water Management Act 2010”

***STEPHEN WIELEBSKI MSc (Dist) CEnv PEng FCIOB FBEng MSPE ACI Arb FRSA
DIVISIONAL DEVELOPMENT DIRECTOR***

The current position

- **Over six years since the floods of 2007 and which led to the Pitt Report of 2008 – cross party acceptance of all 90+ recommendations but where are we today?**

“Caught somewhere between hesitation hill and decision valley but it may be about to enter the culvert of destiny”.

Legislative timetable – an update for your diary

- **Introduction of Section 42 & the ‘National Standards’ for foul sewers – date still unknown but the earliest that this can possibly happen is 1st October 2014.**
- **Introduction of SuDS Standards – final date still unknown but it could be 1st April 2014 (or later) in England.**
- **1st October 2016 – latest date by which all pumping stations serving two or more dwelling transfer to the WaSC.**
- **Wales – following introduction of the MBS in Oct 2012 no further indication at all from WAG in terms of SuDS Standards.**

What is happening in Wales?

- **MBS introduced in October 2012 – transitional arrangements came to an end on 1st October 2013 – after this date full compliance with MBS.**
- **Welsh Water operate in parts of England – Severn Trent operate in parts of Wales – we don't want Welsh Water standards in England.**
- **HBF members operating in Wales report some difficulties in securing S104 agreement and well outside the originally stated Welsh Water KPI commitment – Welsh Water say the opposite!**
- **Welsh Water have imposed 33% bonding requirement for all adoptable sewers – if applied in England it would severely constrain our ability to provide new homes.**
- **Evidence points to surface water sewers meeting the required vesting criteria as of 1st October 2011 are not being adopted by WW.**
- **Evidence – we need to know from developers what reality actually is.**

MBS – what has happened since October 2012?

- **7th Nov 2012 HBF submit a dedicated paper to Defra outlining its assessment of the additional costs associated with the MBS.**
- **Dec 2012 – Defra create dedicated task and finish groups with the objective of resolving a number of clearly identified issues.**
- **Jan/Feb 2013 – Defra retained consultants supposedly committed to engaging with HBF as part of its remit to evaluate both the technical and cost differences – i.e. MBS versus SfA 6th Edition/Part H - it didn't happen until much later in the year.**
- **April 2013 – Defra consultants issue their report and costs – HBF find many inconsistencies and fatal flaws.**
- **May 2013 – Based on the output from their consultants, Defra proceed to submit their IA to the RPC – HBF in an unprecedented move agree with the RPC that a rebuttal submission from the house building industry is of intrinsic importance.**

MBS – what has happened since October 2012 cont.

- **June 2013 – RPC confirms Defra's IA is not fit for purpose and effectively red cards the submission.**
- **August 2013 – HBF prepares and submits a Policy Review Paper to HM Treasury, BRE/BIS, and the No 10 Policy Group. As one of many sensible suggestions the HBF paper advocates reliance on Part H of the Building Regs as the national standard.**
- **Paper well received by Government and prompts cross Government department discussions with the focus clearly on Defra's future intentions.**
- **Current position – awaiting further developments with the Secretary of State still to confirm what the mandatory build standards will be.**
- **HBF/Defra advice – continue to secure S104 technical approvals in accordance with SfA 6th Edition and Part H Building Regulations.**

SuDS Standards – the story so far

- **Early 2013 – Defra create a further series of dedicated task and finish groups; these are currently on-going and working towards the provision of non-statutory guidance and process recommendations.**
- **A number of critical issues have emerged:-**
 - 1. How do we deal with 3rd party land restrictions – likely that there will be no requisition procedures granted to SABs**
 - 2. Surface water run-off quality implications – no link to the contaminated land regime at present**
 - 3. Bonding provision still at levels causing considerable concern**
 - 4. Land take implications/additional costs/project viability implications**
- **Current position – Secretary of State still to confirm what the SuDS Standards will be.**

SuDS: land use/impact on layout density

Actual case study: (393 dwellings)

| | |
|-----------------|-------------|
| Gross Area | 36.30 Acres |
| POS | 7.71 Acres |
| SuDS Land Take* | 1.23 Acres |
| Net Area | 27.36 Acres |

*SuDS as %age of net land area 4.3%

Density – 14.4 dwellings/acre (SuDS land-take equates to loss of 18+ dwellings

SuDS – equivalent development land cost circa £652k

Who else have we been engaging with?

- **British Geological Survey (BGS) – the importance of SuDS infiltration mapping as an integral part of the land acquisition desk study/due diligence process.**
- **Infiltration mapping also of intrinsic importance when discussing surface water drainage strategy with the SAB.**
- **DCLG – who have responsibility for managing the ‘one in two out’ process.**
- **Environment Agency – discussions about surface water run-off quality.**
- **We are about to engage with the RPC for a second time but in relation to SuDS.**
- **Water UK – who share the same concern about the MBS/SuDS Standards as the HBF.**

A new working relationship with Water UK

- **Memorandum of Understanding between HBF & Water UK now in place – effective from February 2013.**
- **Recognition that we have areas of common interest.**
- **Structure comprises of a Policy Group of four (two from Water UK/two from HBF) and a Joint Water UK/HBF Developers Committee looking at best practice guidance and procedures.**
- **Water UK share similar concerns to HBF concerning the MBS.**
- **Latest news – we have agreed to put a joint proposal to Defra that will see Water UK/HBF working together to produce appropriate standards and guidance for the MBS. Reliance on Part H of the Building Regulations and SfA 6th Edition will be at the core of these proposals.**

Other emerging working relationships

- **HBF & WRAS have recently agreed a Memorandum of Understanding – this came into effect in September 2013.**
- **Why was this beneficial - again areas of common interest and concern.**
- **In the context of SuDS WRAS have similar concerns to HBF relating to RWH and the wider public health issues. This may well result in a joint submission as part of the emerging SuDS Standards work that is on-going with Defra.**
- **HBF currently in discussions with UKWIR in the hope that a third MoU can be brokered.**

What of the next 12 months?

- **HBF will continue to engage with Defra and others to bring about the best possible introduction of the MBS and SuDS Standards.**
- **Potential of further discussions with HM Treasury**
- **Newly convened Bonds Working Group – tasked with looking at all aspects of bonding – made up of principal partner/stakeholder interests**
- **Water Bill – some good points for house builders (fair and equitable charging) - other aspects not so good.**
- **Important that we continue to engage with Government.**
- **Call for evidence from HBF members**

Thank you & any questions?