

Matter 7, Queson 1

‘Provide evidence to support five-year land supply delivery (which responds to relevant developer MIQ response statements) using the definition of deliverable in NPPF glossary.’

1. Introduction

- 1.1 During the examination hearing session for [Matter 3: Delivering Sufficient Homes \(Policy HOU1\)](#) on Wednesday 24th January 2024, the Inspector requested that the Council provides further information to demonstrate the deliverability of a range of sites which support the Council’s five-year supply of housing land. The Inspector requested that this information responds to relevant developer MIQ response statements (available in the [Examination Library](#)). The Inspector also requested that the NPPF definition of ‘deliverable’ is used when providing evidence of site deliverability.
- 1.2 This document and associated document ‘Appendix 2 - Five Year Land Supply Delivery Evidence’, provides the Council’s response to this request.
- 1.3 In order to demonstrate five years’ worth of deliverable housing sites, robust, up to date evidence needs to be available. [Annex 2 of the National Planning Policy Framework](#) defines a ‘deliverable site’. As well as sites which are considered to be deliverable in principle (category (a) sites), the definition also sets out the sites which would require further evidence to be considered deliverable (category (b) sites), namely those which:
 - have outline planning permission for major development;
 - are allocated in a development plan;
 - have a grant of permission in principle; or,
 - are identified on a brownfield register.

‘Category (a) sites

These are sites which do not involve major development and have planning permission, and all sites with detailed planning permission. They should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).’

‘Category (b) sites

The site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register. These should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years.’

- 1.4 To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years.
- 1.5 A number of representations are made which challenge the delivery of some sources of future housing supply. The majority of the sites which are subject to challenge fall into category (b) and therefore require further evidence to support their delivery. This evidence is referred to in **Table 2**, below, and can be found within **Appendix 2** which accompanies this statement.
- 1.6 The Authority considers that all challenge sites are available now, and subject to allocation would be in a suitable location for development now. For those in category (b) their inclusion within the five-year supply requires clear evidence of a *realistic prospect* that housing completions will be achievable within the applicable five-year period. There is no requirement to demonstrate with certainty that a site will be developed within the applicable five-year period, the test to be applied is a *realistic prospect* test having regard to the evidence.
- 1.7 The latest published five-year land supply statement relates to the period 2023-2028. In this statement, the Inspector has requested that the period 2024-2029 should be used in relation to anticipated delivery rates for those sites which are subject to challenge.
- 1.8 The guidance confirms that evidence, to demonstrate deliverability, may include, but is not limited to:
- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
 - firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;
 - firm progress with site assessment work; or,
 - clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.
- 1.9 Each of these are examples of the types of evidence which can be relied upon, it is not a closed list, and there is no requirement for each site to fulfil all of the examples.

2. Approach to Windfall

Representations: That the Councils windfall allowance in the first five years should be reduced further to account for double counting with the small site permissions, the impacts of nutrient neutrality, and the inclusion of a suitable lapse rate.

- 2.1 The Council's view is that there is no evidence or justification to discount the windfall allowance further because the approach taken by the Council already includes a very substantial discount.
- 2.2 There is no challenge to the contribution that windfall developments have previously made in the district, these are based on recorded delivery rates for this source of new homes.
- 2.3 In the future, windfall developments will continue to be a significant component of housing delivery in the district. There are multiple sources including infill developments within boundaries, change of use and re-use of buildings, rural exceptions developments, and an increasing number of sources which do not require planning permission. Prior to the Site Allocations Development Plan being adopted in 2011 all development in the district was provided on windfall sites as there were no site allocations in the previous Plan. Between 2001 and 2011 windfall developments delivered 3,465 net new dwellings at an annual average rate of 346 dwellings per year. This is indicative of the large nature of the district and its capacity to deliver windfall developments from multiple sources.
- 2.4 There is no change in the proposed development strategy which should lead to a conclusion that windfall growth will be constrained in the future, in fact, the strategy and national policy changes are generally more permissive of this type of growth.
- 2.5 Taken over the Plan period the Council has nevertheless taken a very conservative approach to future windfalls with the allowance over the Plan period being equal to around 50% of historic delivery rates. This is reduced further in the first five years of the trajectory. This is not because the evidence suggests that windfall rates are likely to slow, rather the Council is concerned to ensure that the overall strategy does not rely excessively on this source of developments.
- 2.6 In addition to the large reductions already made by the Authority the representations make three arguments for further reductions in windfall allowances.
 1. *That a further discount of future delivery rates is necessary to avoid double counting of dwellings already accounted for in the small sites planning permissions* - It is accepted that elements of future windfall will have planning permission and risk being counted twice. Some overlap between these sources is likely but is adequately addressed in the discounts already applied.
 2. *That it is necessary to discount further to take account of the impacts of nutrient neutrality.* Nutrient impacts may delay development, but this does not mean that such development should be discounted entirely from the trajectory. Sites which are delayed, rather than discounted, need to be added back into the trajectory at some point e.g. by increasing expected delivery rates in later years. The LPA expects nutrient neutrality issues to be addressed within the five-year period to allow this source of homes to be delivered so no further discount is justified.

3. *That a lapse rate should be applied.* Previous rates of delivery, from which future allowances are derived, are based on actual delivery rates so will already include a suitable lapse rate.

2.7 Had the Authority not already applied a substantial discount in its approach to windfall allowances in the five-year period it would agree that adjustments should be made to take account of the above considerations. However, as illustrated in the table below, the effect of applying the further reductions sought would result in a highly unrealistic allowance for windfall growth incorporating multiple discounts (double discounting) which are not justified. A future allowance for windfall growth at just 22.5% of historic rates is not justified by the evidence.

Table 1 - Comparative windfall allowances

Windfall Allowance	Resulting Dwellings per year	% of previous annual average delivery	Comments
Historic rate of windfall delivery	270	100%	Figure represents actual recorded delivery so will be inclusive of a lapse rate.
LPA discounted windfall delivery rate over Plan period (submission version Plan)	135	50%	Rate reduced to ensure no over reliance on windfall sources rather than evidence of diminishing sources of supply.
LPA discounted windfall delivery rate over five-year period (as per submission version Plan trajectory)	108	40%	Removes first year of windfall delivery to help further ensure no double counting with small sites allowance.
Further discounts as argued for in representations	60	22.5%	Assumes a further year at 135 dwellings is removed from allowance, that a 5% lapse rate is applied, and that 80 units will not be delivered due to nutrient impacts as argued for in representations.

3. Contested Sites

Representations: That allocations in the Plan which are subject to nutrient neutrality requirements do not meet the achievable test and delivery expectations on some sites are optimistic and therefore should not be included.

3.1 Representations make the case that sites which are subject to nutrient neutrality requirements should not be counted as deliverable unless mitigation is available now and given that no mitigation is currently available such sites should not be included, as a matter of principle, in the five-year supply. The Authority considers that this is the wrong approach and that the correct approach is to consider if there is a *realistic*

prospect of mitigations becoming available within the five-year period. In this regard the authority considers nutrient mitigation measures to be the same as any other required enabling infrastructure which must be in place before development can proceed. It is wrong to simply rule sites out which are not currently served by appropriate infrastructure (mitigation) without addressing the timing of the delivery of such infrastructure.

- 3.2 The requirement in the Framework is that a site should be in a suitable 'location' for development now. This is not the same as 'suitable for development now'.
- 3.3 This 'realistic prospect' test was the test applied at the examination of the Greater Norwich Local Plan (recently examined and subject to the same delivery constraint) where the Examining Inspectors were content to rely upon the likely availability of mitigation at a future date to conclude that the strategy was sound, and a five-year land supply was demonstrated.
- 3.4 The position on Nutrient Neutrality, and in particular the need for mitigation, is rapidly changing. The Norfolk Authorities have established a Joint Venture (Norfolk Environmental Trading) to source mitigations and make them available to the market. The Authorities have recently been awarded 9.6 million pounds in funding to source and make mitigation available. The conditions of the funding require that it is committed to projects by April 2025. The partners expect to agree governance arrangements shortly and will be seeking expressions of interest from providers this Spring. The Council is engaged in discussion with a provider in the Wensum catchment in relation to a scheme which would deliver sufficient mitigation for all planned growth in the catchment.
- 3.5 [Schedule 15](#) of the new Levelling Up and Regeneration Act 2023 has inserted brand new regulations into the Habitats Regulations 2017 (regulations 85A – 85D and regulations 110A – 110C). These new regulations require Local Planning Authorities to consider the achievement of the new nutrient pollution standards now set for designated nutrient-sensitive SAC catchments as being certain when these are relevant to their appropriate assessments. The intent being that reliance on this will lessen the need for mitigation of new developments coming forward in those catchments.
- 3.6 Under the accelerator programme Anglian Water has committed to upgrading Fakenham WWRC to the required TAL standard by the end of March 2025. This will substantially reduce the need for mitigation in the Wensum Catchment. Similar upgrades must be completed by 2030 at Stalham, Belaugh (Hoveton) and Briston (see **Annex 1** at the end of this document).
- 3.7 Table 2 provides further details in relation to each of the contested sites. References to supporting evidence is detailed in bold (e.g. **COR01/A**). This information can be found in the accompanying document **Appendix 2: Five Year Land Supply Delivery Evidence**.

Table 2 - Local Authority evidence for contested sites

Site Details	Total dwellings	Number of dwellings included by LPA in Five Year Supply 2024-2029	Category Planning status
<p>COR01 Land Between Norwich Road and Adams Lane, Corpusty</p>	38	38 between 2026 and 2028	<p>Existing allocation also adopted in Neighbourhood Plan. Decision pending on full planning application.</p> <p>Impacted by Nutrient Neutrality</p>
	<p>The site is subject to a full planning application for 38 dwellings (PF/21/1990). The applicant is a local Housing Association. The remaining issue relates to the need for nutrient mitigation which the applicant intends to source from Norfolk Environmental Trading (see COR01/A - e-mail from site promoter). The trajectory does not anticipate any completions until 2026/27, a further two years from now, which is considered sufficient time to source mitigation. Even if the timetable was to slip this small scheme can easily be delivered by 2029.</p> <p>No reduction in delivery expectations is justified.</p>		
<p>F01 Land North of Rudham Stile Lane (east of Water Moor Lane)</p>	Approx 950	130 between 2026 and 2029	<p>Existing allocation. Has outline planning permission.</p> <p>Impacted by Nutrient Neutrality</p>
	<p>Site owner has provided a detailed statement (see Examination Library ref EH011 (u)(i)) outlining the timetable to discharge conditions on the outline application, commence development with enabling road infrastructure in September 2024, and market the site with the benefit of an agreed position on Nutrient Neutrality which will allow first phase of approx. 360 dwellings in accordance with trajectory expectations. The five-year trajectory does not expect any significant delivery before 2027/28 giving a suitable period for submission and approval of Reserved Matters application(s).</p> <p>No reduction in delivery expectations is justified</p>		
<p>ROU03 Land at Back Lane, Roughton</p>	30	15 in each of two years commencing 2026	<p>Existing Allocation</p> <p>Impacted by Nutrient Neutrality</p>
	<p>The site is subject to a full planning application for 38 dwellings (ref 19/1028). The applicant is a local Housing Association. The remaining issue relates to the need for nutrient mitigation which the applicant intends to source from Norfolk Environmental Trading (see ROU03/A - e-mail from site promoter). The trajectory does not anticipate any completions until 2026/27 which is considered sufficient time to source mitigation for nutrient neutrality, secure the planning permission and start to deliver development on the site. Even if commencement were to be delayed there is sufficient time within the five-year period to deliver this small site.</p> <p>No reduction in delivery expectations is justified.</p>		

Site Details	Total dwellings	Number of dwellings included by LPA in Five Year Supply 2024-2029	Category Planning status
Land at West Raynham	94	Start 2025/26 35,35,24 thereafter	Resolution to grant full planning permission (PF/17/0729) subject to Section 106 Agreement Impacted by Nutrient Neutrality
	Applicant confirms Section 106 is engrossed and issue is awaiting agreement in relation to Nutrient Mitigation. An on-site mitigation scheme has been designed for 72 of the 94 dwellings which is pending approval (see WRN01/A -e-mail from site promoter). However, the local authority agrees that delivery in 2025/26 now appears optimistic. Even if commencement were to be delayed there is sufficient time within the five-year period to deliver this site. No reduction in delivery expectations is justified.		
BRI01 BRI02 Land East & West of Astley Primary School, Briston	25 and 40	Commence in 2026	Proposed Allocations (BRI01 is a new allocation. BRI02 is rolled forward from existing Site Allocations Plan) Impacted by Nutrient Neutrality
	Both sites are controlled by the same landowner who has recently purchased these sites together with large areas of the adjacent farm. He is also the proposed developer and confirms a planning application is likely in the next 8 weeks including proposals to address nutrient neutrality using land on the farm which is located on the upper reaches of the Bure system (see BRI01&02/A - e-mail from site promoter). Subject to planning permission being granted the site owners expects commencement in 2025 slightly earlier than the Local Authority trajectory. The LPA considers delivery is unlikely before 2026. No reduction in delivery expectations is justified.		
F10 Land South of Barons Close, Fakenham	55	Commence 25/26 10,30,15	Proposed Allocation Impacted by Nutrient Neutrality
	The site owner confirms the site is under option to a housebuilder (see F10/A - e-mail from site promoter). Nutrient Neutrality mitigation is expected to be provided on site as part of the adjacent open space which will be conveyed to the developer as a single parcel. Delivery in 2025 as suggested in the trajectory appears optimistic but there is no reason why this site should not deliver within five years. No reduction in delivery expectations is justified		
F03 Land at Junction of A148 and B1146, Fakenham	65	Commences 26/27 40,25	Proposed Allocation Impacted by Nutrient Neutrality
	The site is in single ownership and is available for development now. Subject to allocation the owners intend to select a development partner and build out the		

Site Details	Total dwellings	Number of dwellings included by LPA in Five Year Supply 2024-2029	Category Planning status	
	<p>site. On site Nutrient mitigation is proposed. A Delivery statement confirms the proposed trajectory is realistic (see F03/A - delivery statement from site promoter). Even if commencement were to be delayed there is sufficient time to build out the scheme within five years.</p> <p>No reduction in delivery expectations is justified</p>			
F02 Land Adjacent to Petrol Filling Station, Wells Road, Fakenham	70	26/27 10,30,30	Proposed Allocation	NN Proposed
	<p>The site is in single ownership and is available for development. Subject to allocation the site promotor confirms delivery expectations in accordance with the housing trajectory. Nutrient Mitigation credits are likely to be required from a third-party provider (see F02/A - delivery statement from site promoter).</p> <p>Even if commencement were to be delayed there is sufficient time to build out the scheme within five years. No reduction in delivery expectations is justified</p>			
HOV01/B Land East of Tunstead Road, Hoveton	190 inclusive of elderly	2026/27 30,40,40,40	Proposed Allocation Impacted by Nutrient Neutrality	
	<p>The site is in single ownership and is under option to a local house builder. In their hearing representations (see Examination Library ref EH011(p)). FW Properties confirm their delivery trajectory as 50 dwellings plus the required care home in years 1-4 following adoption. This is a slower rate than proposed in the housing trajectory which assumes 150 completions over this period.</p> <p>Reduce delivery expectations to 90 dwelling equivalents to correspond with developer expectations</p>			
ST19/A Land Adjacent Ingham Road, Stalham		2025/26 10,30,30	Proposed Allocation Impacted by Nutrient Neutrality	
	<p>This site was previously thought to be under option to Hopkins Homes who built the adjacent development. However recent correspondence suggests this is no longer the case and a new national builder has an interest. No option has been completed so it is too early to conclude that delivery will occur within the five-year period. Remove 70 dwellings from the five-year supply.</p>			
ST23/2 Land North of Yarmouth Road, East of Broadbeach Gardens, Stalham	Proposed to be allocated for 80 dwellings	2024/25 10,40,30	Proposed Allocation (partial roll forward from existing Site Allocations Plan) Impacted by Nutrient Neutrality	
	<p>The site has resolutions to grant two planning permissions (PF/21/1532 & PF/21/2021) providing for 61 Assisted living and 40 affordable homes and is owned by the proposed developer. The only issue requiring agreement relates</p>			

Site Details	Total dwellings	Number of dwellings included by LPA in Five Year Supply 2024-2029	Category Planning status
	<p>to nutrient neutrality. The owner is committed to the development and would like to commence in 2025 subject to NN issues being addressed. The required LURA upgrades to Stalham WWTW will substantially reduce the need for permanent mitigation. Discussions are on-going with a view to securing third party mitigation locally (see ST23/2/A - email from site promoter). Development in 2024/25 now appears unlikely to the LPA but even if commencement is delayed the entire scheme of 101 units is considered deliverable within the five-year period. The applicant has offered heads of terms to a third-party mitigation provider.</p> <p>Increase site yield to 101 units within five years</p>		
<p>H20 Land at Heath Farm, Holt</p>	220	90 commencing in 2027/2028	Proposed Allocation Not impacted by Nutrient Neutrality
	<p>This site is a continuation of the now completed development to the west. It is in the same single ownership and the agent confirms discussions and interest from a national house builder (see H20/A - email from site promoter). The development of the site will be straight forward with all highway and drainage infrastructure provided via the completed phase 1. The trajectory does not anticipate delivery until 2027/28 which is sufficient time to secure planning permission and deliver development in a highly desirable location.</p> <p>No reduction in delivery expectations is justified.</p>		
<p>NW01/B Land at Norwich Road & Nursery Drive, North Walsham</p>	416 inclusive of elderly	Trajectory indicates commencement in 2025/26 40,40,40,73,73,70,40,40	Proposed Allocation Rolled forward and enlarged allocation which has resolution to grant pp for hybrid application. Not impacted by Nutrient Neutrality.
	<p>This site has a resolution to grant planning permission (PF/22/1596) subject to completion of a section 106 Agreement. It is under the control of a regional housebuilder with a stated intention to commence development following issue of the planning permission. The trajectory includes 266 units. The planning application confirms delivery of circa 200 units in five years.</p> <p>No reduction in delivery expectations is justified.</p>		
<p>HOR6 Land East of Abbott Road, Horning</p>	26	26	Existing allocation proposed to be included inside the proposed development boundary for Horning. Impacted by Nutrient Neutrality Planning Application has now been withdrawn.

Site Details	Total dwellings	Number of dwellings included by LPA in Five Year Supply 2024-2029	Category Planning status
	In light of on-going issues with the WWTW at Horning the applicant has recently withdrawn their planning application (PO/11/1505) and the Authority agrees that there is no realistic prospect of development on this site being delivered within five years. Reduce five-year deliverable supply by 26 dwellings.		
Warham PF/19/0989	12	12	Full Planning permission Not Impacted by Nutrient Neutrality
	Contrary to what is stated in representations this site has full planning permission (PF/19/0989) and development has commenced. The Housing Association developing the site is understood to be seeking a new main contractor. There is no evidence that this permitted site will not deliver over the five-year period. No reduction in delivery expectations is justified.		

4. North Walsham Sustainable Urban Extension (SUE)

Representations: That delivery expectations on the SUE at North Walsham are optimistic and not supported by the evidence.

- 4.1 Representations refer to the 'Start to Finish' report published by Lichfields as evidence that the North Walsham SUE is unlikely to deliver the expected growth both within the initial five years and also, as a consequence of a later start than anticipated, over the Plan period. The LPA accepts that this report provides useful context but given that its conclusions relate to averages across the country, rather than local and site-specific evidence, it should not be relied upon. As previous editions of the report have stated '*Because no one site is the same - and with significant variations from the average in terms of lead-in time and build rates - a sensible approach to evidence and justification is required*'.
- 4.2 The report also concludes that the inclusion of affordable housing supports higher rates of delivery, and that this principle is also likely to apply to other sectors that complement market housing for sale, such as build to rent, specialist elderly and self-build which are not subject to the same market conditions as volume house building.
- 4.3 The North Walsham SUE has been subject to extensive planning and consultation through the preparation of the Submission Plan. It is:
 - In the control of regionally significant house builders, including one of the largest providers of affordable homes in the region, both of which have a strong track record of delivery in the district. There is no land assembly required to bring the

site forward in accordance with policy and a single legal agreement can be completed.

- A Development Brief for the site is expected to be approved by the LPA during 2024. The preparation of this has involved extensive public engagement, the preparation of a detailed evidence base, and agreement amongst partners and consultees in relation to technical issues including highways impacts. The policy wording allows for the parallel, rather than sequential, approval of the Development Brief and Outline Planning approval to shorten the consenting process.
 - The proposal is confirmed to be viable.
 - The timing and processing of a planning application is already subject to discussion about a Planning Performance Agreement.
 - The development of the site is not subject to nutrient neutrality requirements.
- 4.4 The promotor has confirmed a timetable for the submission of applications and subsequent delivery (see [Examination Library](#) document EH006 (d)).
- 4.5 This process is not comparable to strategic scale growth at Fakenham where all of the above stages happened after, rather than prior to, allocation of the site in the Development Plan.

NORTH NORFOLK LOCAL PLAN EXAMINATION ANGLIAN WATER POSITION STATEMENT ON NUTRIENT NEUTRALITY WATER RECYCLING CENTRE UPGRADES TO NUTRIENT POLLUTION STANDARDS

This Position Statement seeks to clarify the situation regarding upgrades to Anglian Water's Water Recycling Centres (WRCs) following the introduction of nutrient pollution standards through the Levelling Up and Regeneration Act. To assist with the examination of the North Norfolk Local Plan and the delivery of proposed growth, Anglian Water has provided a response to questions raised by North Norfolk District Council (NNDC).

1. Which works are affected serving the North Norfolk area?

The Levelling Up and Regeneration Act 2023 (LURA) amends the Water Industry Act 1991 to meet certain nutrient pollution standards (technically achievable limits or TAL) for phosphorous and nitrogen at qualifying sewage treatment works (Anglian Water refers to these as water recycling centres). These standards apply in England only and relate to discharges of treated effluent into designated nitrogen and phosphorus sensitive areas including the River Wensum SAC and The Broads SAC in North Norfolk¹. The designation cannot be revoked, meaning that even if the area is no longer considered to be in an unfavourable condition by virtue of nitrogen or phosphorus pollution from nutrients in water, it will still be considered a sensitive catchment area and protected as such.

Certain water recycling centres (WRCs) are exempt from the LURA requirements if they have a capacity of less than a population equivalent of 2000 when designation of the catchment area takes effect, or the Secretary of State designates the area as exempt. At the current time, we do not anticipate that there will be any WRCs serving a population equivalent of 2000 or more, exempted within the designated sensitive catchments in North Norfolk. The Government has confirmed that a limited exemption process will be completed by 1 April 2024, when WRC exemptions will be confirmed.

The upgrade date for a nutrient significant plant (or WRC), where the catchment area is designated during the initial period is 1 April 2030. Therefore, in summary the LURA, requires all WRCs serving over 2000 population to reach technically achievable limits (TAL) for phosphorous (0.25mg/l) and nitrogen (10mg/l) by 1st April 2030 within the designated nutrient sensitive catchments. On this basis we consider that the list of nutrient significant plants in North Norfolk will include:

BELAUGH WRC (serves Hoveton in North Norfolk and Wroxham in Broadland)
BRISTON WRC
FAKENHAM (OLD AND NEW) WRC

¹ <https://www.gov.uk/government/publications/notice-of-designation-of-sensitive-catchment-areas-2024/notice-of-designation-of-sensitive-catchment-areas-2024>

LUDHAM-WALTON HALL WRC
STALHAM WRC

There are smaller WRCs within the designated sensitive catchments (i.e. those serving below 2000 population equivalent) that do not meet the thresholds in the LURA for upgrades. Some of these are proposed for phosphorus removal to TAL in our PR24 Business Plan as part of our Water Industry National Environment Programme (WINEP) to help improve the ecological quality of watercourses; thereby going beyond the requirements of the LURA. However, our PR24 Business Plan is currently with Ofwat for determination; therefore, we cannot at this stage provide certainty on our WINEP proposals until we receive Ofwat's final determination in December 2024.

2. What, if any proposals, are there for upgrades and when are these likely to be completed?

For the WRCs listed above the legislative requirements require the upgrades to be completed by 1 April 2030. Anglian Water will therefore be required to deliver nutrient removal schemes to meet the nutrient pollution standards at all affected WRCs by this date to meet this legislative requirement. These investments are included in our PR24 Business Plan for AMP8 (2025-2030)².

Fakenham WRC: As part of Ofwat's Accelerated Infrastructure Delivery (AID) programme³ we have regulatory approval from Ofwat to accelerate delivery of the upgrades to nutrient pollution standards at Fakenham WRC by 31 March 2025. Following advice received from Natural England, development proposals cannot rely on this delivery date to reduce the level of mitigation, as the legal deadline date of 1 April 2030 required by LURA has not changed. Any development proposals coming forward must demonstrate to the local planning authority that any proposed residential development has sufficient nutrient mitigation up to 1 April 2030.

However, once the AID nutrient removal scheme at Fakenham WRC is commissioned and compliance with the required nutrient pollution standards is proven, the Norfolk nutrient neutrality calculator can be adjusted accordingly to ensure that the level of nutrient mitigation will be reduced for development schemes connecting to the WRC, and the need for any temporary mitigation to 2030 will fall away. It is the intention of Anglian Water to deliver the upgrades to Fakenham by 31 March 2025 to align with the regulator's requirements.

² <https://www.anglianwater.co.uk/siteassets/household/about-us/pr24/ANH27-Enhancement-strategy-Ecological-improvements.pdf> Section 3 Nutrient removal and sanitary parameters

³ <https://www.ofwat.gov.uk/wp-content/uploads/2023/04/Appendix-2-Accelerated-Delivery-Project-Final-Decisions-2023.pdf>

3. Our [NNDC] understanding is that there is a programme of investment at all three of the above Works [Fakenham, Stalham, Belaugh] which not only takes into account of the proposed growth in Local Plans but is now factoring in the specific TAL requirements of the LURA which is programmed for completion before the 2030 date. Is this the case generally and specifically the case for Fakenham?

The Drainage and Wastewater Management Plan 2025-2030⁴ was published in May 2023 and identifies medium- and long-term strategies for water recycling centres and drainage networks. It is also used to inform investments in our PR24 Business Plan. Due to the large number of discrete sewer catchments we serve, forecasts are highly sensitive to development site locations, development timings and delivery build-out rates, which have a significant impact on the solutions the DWMP needs to consider. We therefore access reliable site location and timing information in alignment with Local Plans. Where a Local Plan has high confidence then these figures are used to guide our growth forecast. Where we do not have this information, our forecast relies on ONS information. We continue to work closely with our Local Authorities to ensure we update with the most up to date information to guide our business-as-usual investments.

The investment programmed for Fakenham, Stalham, Belaugh and Briston WRCs for the next AMP (2025-2030) is linked to the reduction in nutrients and is a legal requirement under the Water Industry Act as amended by the LURA. The capacity for future development is based on the permitted dry weather flow (DWF)⁵ for each WRC and the available headroom to accept further flows that would arise from new development within that permit. For the purposes of plan-making the capacity for future growth available at an existing WRC is a static view and will be subject to change due to the number of factors that may influence WRC headroom in the future – these include:

- Weather – principally the duration and intensity of rainfall - and surface and groundwater flows into the wastewater network that also influences network capacity and full flow to treatment capacity at WRCs
- Changes in wastewater flows from existing homes and businesses, for example as a result of more home working such as occurred in 2020 and 2021
- New connections resulting from existing commitments - new planning permissions and expansions of businesses either from existing Local Plan allocations or when windfall development is approved and constructed
- Reductions in foul flows as water efficiency measures reduce the amount of water used and then needing treatment
- Improved accuracy of data collection as new flow monitors are installed and defective monitors replaced
- Changes to permits and wastewater regulations

⁴ <https://www.anglianwater.co.uk/about-us/our-strategies-and-plans/drainage-wastewater-management-plan/>

⁵ <https://www.gov.uk/government/publications/calculating-dry-weather-flow-dwf-at-waste-water-treatment-works/calculating-dry-weather-fl4.ow-dwf-at-waste-water-treatment-works>

- Optimisation and upgrades of existing WRCs e.g., as part of standard maintenance, or through planned works, including improvements paid for by developers for non-domestic flows.

Anglian Water has worked with North Norfolk District Council throughout the production of their Local Plan. At each stage we provide an indication of capacity at our WRCs and any known future investments coming forward to address future growth. Based on the information and caveats above, we do not anticipate that the upgrades needed to implement TAL for phosphorous and nitrogen at Fakenham, Briston, Belaugh and Stalham WRCs will restrict the ability for proposed growth in the NNDC Local Plan to come forward in these catchments prior to the upgrades being undertaken, as there is currently available headroom within the permitted DWF to accommodate growth identified in the Five Year Land Supply Position Paper (5YLSPP) to 2030 and beyond this date. None of these WRCs have been identified for investment in growth to address DWF compliance in AMP8 (2025-2030) given the available headroom. Should the situation change post-2030, then further assessment will be undertaken to identify a solution in subsequent DWMPs to inform investments in later AMPs to enable growth to come forward as anticipated by the 5YLSPP (EX007) trajectory to 2040.

Belaugh WRC also serves Wroxham in Broadland District Council area, however, there is limited growth proposed in the Greater Norwich Local Plan (Inspector's report issued) so available headroom within the DWF permit at the WRC is sufficient take account of commitments/planned growth coming forward in that location.

4. Can the situation for North Walsham WRC be confirmed in relation to nutrient neutrality?

Since 2001, the discharge permit for North Walsham WRC means that following secondary treatment of wastewater at the WRC, the final effluent is discharged to the North Sea. As a result, future development connecting to the North Walsham WRC is not required to demonstrate mitigation for nutrient neutrality as the final effluent is not discharged into a nutrient sensitive catchment. For the same reason, there are no upgrades required at this WRC to reach TAL for phosphorous and nitrogen under the LURA amendments to the Water Industry Act. There is currently sufficient headroom at the WRC within its DWF permit to accommodate future growth proposed in the North Norfolk Local Plan.