

Anglian Water Consultation Response

Norfolk Minerals & Waste Local Plan - Reg. 19 Publication

1. Anglian Water

1.1. Anglian Water is the water and water recycling provider for over 6 million customers in the east of England. Our operational area spans between the Humber and Thames estuaries and includes around a fifth of the English coastline. The region is the driest in the UK and the lowest lying, with a quarter of our area below sea level. This makes it particularly vulnerable to the impacts of climate change including heightened risks of both drought and flooding, including inundation by the sea.

2. Anglian Water and Local Plans

2.1. Anglian Water is a statutory consultee under The Town and Country Planning (Local Planning) (England) Regulations 2012. Anglian Water wants to proactively engage with the local plan process to ensure the plan delivers benefits for residents and visitors to the area, and in doing so protects the environment and water resources. In the context of the Minerals and Waste Local Plan preparation, we are engaging as a waste operator through the operation and management of our water recycling network and centres. As a purpose-led company, we are committed to seeking positive environmental and social outcomes for our region.

3. Commentary on the Norfolk Minerals and Waste Local Plan

3.1. Anglian Water has previously engaged with Norfolk County Council in making representations on earlier iterations of the Minerals and Waste Local Plan (MWLP). Through our representation on the Publication Version of the MWLP we will positively respond with reference to our previous comments and indicate areas of support and where we have outstanding matters of concern.

Policy MW1: Development Management Criteria - STRATEGIC POLICY

Sound-No

The Local Plan is unsound because Policy MW1 is not justified.

- 3.2. We note that the policy has been amended to include additional clauses regarding the conservation and enhancement of the natural, built and historic environment, and surrounding landscapes. Whilst we support the policy aims, the approach is unclear and does not provide sufficient detail for applicants.
- 3.3. For example, the bulleted list provides a range of measures and enhancements to be provided, but these should be informed by the context of the application, given that the nature of mineral extraction and waste management proposals vary significantly. Furthermore, the supporting text for the requirement to provide biodiversity and geodiversity net gains, does not provide an interpretation of geodiversity net gain nor how applicants should demonstrate how it will be provided and managed.
- 3.4. We disagree with the use of the '**must**' in the final section of this policy, as the purpose of planning is to balance the benefits versus the harm. We propose that '**should**' is a term that

provides a better interpretation of this policy requirement, particularly as enhancement measures need to be justified and proportionate to development proposals.

- 3.5. The policy seeks to address a wide range of development management criteria and it may be clearer if it is split into specific subject/topic areas that reflects the supporting text.

**Policy MW3: Climate Change Mitigation and Adaptation - STRATEGIC POLICY
Sound-Yes**

- 3.6. We support the aims of the policy which aligns with our Strategic Direction Statement and strategic ambitions. Anglian Water recognises that climate change is one of the key challenges for us as a water company, and we have a clear ambition to become a net zero business by 2030 and reduce capital (embedded) carbon by 70% from a 2010 baseline. Our Net Zero Strategy to 2030² includes measures for decarbonising our electricity supply and vehicle fleet, as well as focusing on procuring green electricity. Currently we generate around 30% of our energy from renewable sources including bio-resources, wind, and solar power – our existing renewable energy installations not only contribute towards our renewable energy target, but also help to provide energy security for the operation of essential infrastructure such as our water supply and water recycling networks and assets. Our 2025 target is to increase our energy from renewables to 45% and 100% by 2030. Our strategy is based on decarbonisation principles and hierarchy that first reduces emissions, uses renewables and green energy, and then utilises carbon insets/offsets through natural sequestration measures.
- 3.7. We have also maximised opportunities to extract heat from final effluent discharged from Anglian Water water recycling centres which is then transferred to greenhouses in Norfolk (Whitlingham) and Suffolk. Closed-loop heat pumps are used to transfer waste heat from our water recycling centres to the greenhouses to accelerate the growth of the plants. The heat pumps are powered by a new CHP (Combined Heat and Power) plant, the carbon emissions of which are channelled back into the greenhouses to help the plants grow.
- 3.8. The policy accords with the paragraph 20 of the NPPF (National Planning Policy Framework), although it could set out clearer planning measures to address climate change mitigation and adaptation. A complete policy position would set out the current baseline of emissions from the mineral and waste sectors and show the pathway to reducing emissions by 78% by 2035 and to net zero by 2050, as set out in the Climate Change Act.
- 3.9. The recent announcement that the government has proposed changing national planning policy to relax restrictions on building new onshore wind farms in England by removing the rigid requirement for onshore wind sites to be designated in a local plan, is an opportunity to highlight that our operational sites such as WRCs could be potential locations for onshore wind, subject to other policy considerations.
- 3.10. In addition, we welcome the amendments to criterion d. following our representation to the Preferred Options consultation, regarding managing surface water flows through sustainable drainage systems, and connections to the public sewerage network.

Policy WP2: Spatial Strategy for Waste Management Facilities

Sound-Yes

- 3.11. Anglian Water is supportive of the policy and welcomes the amendments following our previous representation, to ensure that it is consistent with the National Planning Policy Framework and planning practice guidance in terms of the specific locational needs for water recycling centres.

Policy WP3: Land suitable for waste management facilities - STRATEGIC POLICY

Sound-No

The Local Plan is unsound because Policy WP3 is not positively prepared in terms of achieving sustainable development or justified given reasonable alternatives.

We would welcome modifications to the policy and supporting text.

- 3.12. Reference is made to waste management facilities on water recycling centres being limited to composting and anaerobic digestion. In our representation to the Preferred Options Consultation, we indicated that Anglian Water as sewerage undertaker is concerned that this is not justified in that there may be other waste management uses which would be suitable at water recycling centres, dependent upon both scale and location. The policy as currently drafted stifles innovations coming forward in the field of bio-resources. Therefore, the policy should be flexible to ensure that future sustainable options for bio-resources are considered - particularly in the context of addressing climate change mitigation and nutrient neutrality.
- 3.13. We consider that the development management criteria in Policy MW1 should be appropriate to ensure that suitable waste management facilities are considered at water recycling centres, and the specific types of facilities do not need to be specified.
- 3.14. We would therefore welcome modifications to Policy WP3 to allow for other waste management uses at water recycling centres associated with ambitions for the long-term sustainable management and operation of our facilities. Amending the policy would support the delivery of lower carbon solutions and so assist in the pathway to net zero for the sector in Norfolk.

g) water recycling centres (~~composting and anaerobic digestion only~~);

Policy WP9: Anaerobic Digestion

Sound-Yes

- 3.15. We support the policy, which acknowledges that anaerobic digestion facilities will be acceptable where they are integrated with water recycling centres.
- 3.16. **SUPPORTING TEXT MODIFICATION:** It would be helpful if the supporting text explained that anaerobic digestion (AD) produces biogas (a mixture of around 60% methane and 40% carbon dioxide) and digestate, and that biogas can be burned directly in a gas boiler to produce heat or burnt in a combined heat and power (CHP) unit to produce heat and electricity.

Alternatively, the biogas can be cleaned to remove the carbon dioxide and other substances, to produce biomethane, which can be injected into the national gas grid to be used in the same way as natural gas or used as a vehicle fuel. This would demonstrate the options available from AD and replace the text in paragraph W9.1 that states methane gas drives a diesel generator.

Paragraph W14.2

3.17. **SUPPORTING TEXT MODIFICATION:** We would welcome modifications to this paragraph of the supporting text as it implies that there have been recent changes to the General Permitted Development Order (2015) regarding the permitted development rights for water and sewerage in Schedule 2. It would be correct to state:

*“W14.2 With increasing populations and water quality standards there is continuing investment being made into wastewater treatment. ~~Although changes to permitted development rights have sought to remove the need for planning applications for very small developments~~ **Permitted development rights exist for certain types of water and sewerage development which are set out in the General Permitted Development Rights Order 2015 (as amended).** **However, there are still applications that will need to be determined beyond the thresholds for permitted development”.***

Policy WP14: Water Recycling Centres

Sound-No

The Local Plan is unsound because Policy WP14 is not positively prepared in terms of achieving sustainable development or justified given reasonable alternatives.

3.18. We support the amendments to this policy that reflect our previous representations to the Minerals and Waste Local Plan.

3.19. However, we note that policy MW3 Climate Change Mitigation and Adaptation provides a positive policy framework for renewable energy to support our routemap to net zero ambition - this includes renewable energy installations contributing to our energy requirements at our water recycling centres (WRCs). It would be helpful if the policy and supporting text acknowledges that improvements to existing sites and supporting infrastructure relating to climate change mitigation and adaptation and resilience of essential infrastructure will be addressed through Policy MW3.

3.20. **PROPOSED POLICY MODIFICATION:**

Policy WP14: Water Recycling Centres
New or extended Water Recycling Centres, or improvements to existing sites and supporting infrastructure, will only be acceptable where such proposals aim to:

- a. treat a greater quantity of wastewater; and/or*
- b. improve the quality of discharged water; and/or*
- c. reduce the environmental impact of operation; **and/or***
- d. **incorporate climate change adaption and mitigation measures (as detailed in Policy MW3).***

Proposals must also comply with the development management criteria set out in Policy MW1.

Paragraphs W15.2 - W15.6

- 3.21. **Paragraphs W15.2 and 15.3:** We are disappointed that these paragraphs infer that there is no information relating to planned improvements at Whitlingham WRC, even though information was provided in our submission to the Preferred Options consultation. Through our PR19 Business Plan we identified investment to extend our plant at Whitlingham to cater for growth and increased capacity to cater for the additional sludges from our water recycling centres as a result of higher environmental quality regulations. This will provide sufficient capacity to deal with the impacts of regional growth and for increased sludge loads received from other WRCs affected by the WINEP (Water Industry National Environment Programme) phosphate reduction programmes as they are delivered through AMP7. This investment strategy is based on a longer-term plan and the knowledge that further staged investment will be needed in AMP8 and AMP9 to keep ahead of the growth projections across the Anglian region and to respond to changes in environmental legislation.
- 3.22. Our draft Drainage and Wastewater Management Plan (DWMP) was published for consultation earlier in the summer and we are now reviewing the responses with a view to publish the final version in 2023. The DWMP will support the development of our Long-Term Delivery Strategy (LTDS) and our business plan for the 2024 Price Review (PR24).
- 3.23. The draft DWMP identifies Whitlingham WRC as a catchment where there is already partnership working. The medium-term strategy for the Whitlingham water recycling catchment is attenuation with a longer-term strategy to 2050 of surface water removal, a new permit, new process streams, and infiltration removal.
- 3.24. **We strongly suggest that the text is revised** to ensure that it accurately signposts the relevant plans and strategies prepared by Anglian Water that inform our investments for Whitlingham WRC, so that the Local Plan is referencing the correct information and decision-makers can access this information through the lifespan of the plan, as our own plans are updated every 5 years to take account of changes to growth projections, regulatory and legislative changes, and environmental implications. This ensures that we can plan effectively and invest where it is needed.
- 3.25. **Paragraph W15.4:** As we previously stated in our representation to the Preferred Options Plan, the focus of the Local Liaison group was on operational issues only and was not intended to consider wider issues.
- 3.26. The Local Liaison Group was active a few years ago for Whitlingham WRC to discuss matters including odour. However, the group has not been active for some time, and **we consider that this text is out of date and should be removed from the Local Plan.** Should there prove to be a need for a liaison group to be re-established in the future then we will work proactively with Norfolk County Council, relevant stakeholders, and the local community to discuss any concerns regarding our site.
- 3.27. We work to engage stakeholders through the development of our plans and strategies, including our emerging Drainage and Wastewater Management Plan (DWMP). Furthermore, development that requires planning permission, has a statutory consultation process whereby the local communities are informed of planned works. As we have indicated through our proposed modification to paragraph W3.2, the Plan should indicate that the General Permitted

Development Order (2015) provides a wide range of permitted development rights on our operational land.

3.28. **Paragraph W15.5:** As stated above and in previous consultation responses, we have clearly recognised the need for a long-term strategy for our water recycling centres and the foul sewerage network to accommodate further growth as set out in our Water Recycling Long Term Plan. The emerging Drainage and Wastewater Management Plan (DWMP) will consider the need for further investment at our existing water recycling centres which has been developed in consultation with the Norfolk authorities, The Broads Authority, and the Environment Agency. **We would therefore suggest that the supporting text in this paragraph is amended** to make this clear and ensure that reference to a masterplan is removed. It is not possible to produce a masterplan for the site as there are so many factors that can change overtime, which impact on our investments and capital programmes - including innovative technology, changes to emerging growth patterns, and changing legislative requirements. These changes include the proposed measures in the Levelling Up and Regeneration Bill to address nutrient issues. As an environmentally regulated utility, all works Anglian Water undertakes are necessary and have a clear purpose and wider environmental benefit. We regularly update our plans, engaging with our regulators, stakeholders and working in partnership with other stakeholders to provide positive environmental outcomes. The recent nutrient neutrality issue in Norfolk is one such issue that will have implications for future investments at certain WRCs within the River Wensum and The Broads catchments. Therefore, the requirement for a masterplan would put the delivery of strategic investment at Whitlingham WRC at risk.

Policy WP15: Whitlingham Water Recycling Centre

Sound-No

The Local Plan is unsound because Policy WP15 is not positively prepared in terms of achieving sustainable development or justified given reasonable alternatives.

3.29. We support the amendments to the policy because of our previous consultation submission to the Preferred Options consultation in 2019. However, there remains an outstanding area of concern that we wish to raise, as a result of our comments on the supporting text above, regarding our current and emerging plans and strategies that provide further detail regarding future investments at Whitlingham WRC.

3.30. **PROPOSED POLICY MODIFICATION:** Our draft DWMP consultation was undertaken with a wide range of stakeholders including local authorities and The Environment Agency. The policy does not need to reference the requirement for a longer-term masterplan as this aspect is fulfilled by the DWMP, which Councils are consulted on, and future AMP (Asset Management Plan) periods for investments in capital programmes. Therefore, it is proposed that Policy WP15 of the local plan is amended as follows:

"Any proposals for the improvement of the WRC must ~~be accompanied by and~~ be consistent with a longer-term ~~masterplan~~ strategy for the WRC which forms part of Anglian Water's Drainage and Wastewater Management Plan, or is required to: produced in collaboration with the constituent authorities of the Greater Norwich Growth Board, the Broads Authority and the Environment Agency.

- a) comply with new legislation; and/or
- b) accommodate growth within, or connecting to, the Whitlingham water recycling catchment."

3.31. We acknowledge that The Broads SAC (Special Area of Conservation) and the Crown Point Registered Park and Garden are designated wildlife and heritage sites in proximity to Whitlingham WRC and these are identified in the newly introduced criteria d. and e. of the policy. We would question why these criteria are specifically required when natural and historic environment criteria are already wholly addressed through Policy MWI, together with other natural and historic environment designations and assets. We consider that Policy MWI provides a comprehensive approach to the relevant development management criteria that should underpin development proposals that require planning permission at our WRCs, including Whitlingham WRC.

Policy WP17: Safeguarding Waste Management Facilities - STRATEGIC POLICY

Sound-Yes

3.32. We welcome the amendments to this policy following our representation on the Preferred Options consultation, which recognise the consultation areas extending from our WRCs and pumping stations.

Policy MPSS1: Silica and Sand Extraction Sites - STRATEGIC POLICY

Sound-No

The Local Plan is unsound because it is not justified given reasonable alternatives.

Whilst we welcome the introduction of the policy and its approach, we would welcome modifications to the policy and supporting text as follows:

3.33. We note that the Preferred Option M&WLP policy SIL 02 - land at Shouldham and Marham (silica sand) has been removed from the Publication M&WLP and replaced with new strategic policy MPSS1. We support the inclusion of criterion (f) to require an acceptable Hydrological Impact Assessment to identify any potential impacts to groundwater and appropriate mitigation measures.

3.34. Furthermore, we welcome inclusion of criterion (i) in the policy regarding sufficient stand-off distances around any water main that crosses the site or diversion of the water main at the developers' cost and to the satisfaction of Anglian Water. We recommend that the supporting text explains that the developer will need to confirm the stand-off distances with Anglian Water in advance of submitting their application.

3.35. **PROPOSED POLICY MODIFICATION:** Anglian Water would also require the standard protected easement widths for the sewers and for any requests for alteration or removal to be conducted in accordance with the Water Industry Act 1991. We therefore recommend that criterion (i) reads as follows:

- (i) *A sufficient stand-off distance around any water main **or foul sewer** that crosses the site or diversion of the water main/**sewer** at the developer's cost and to the satisfaction of Anglian Water;*

Policy MP4: Agricultural or Potable Reservoirs

Sound-Yes

3.36. We welcome reference to Anglian Water's Water Resource Management Plan in the supporting text to provide context to Policy MP4.

3.37. Water Resource Management Plans play a crucial role in securing the public water supply for the region. The plan identifies the investment required to secure public water supply for the region whilst protecting and enhancing the environment. This is then projected into water company business plans. Every five years we develop our Water Resources Management Plan (WRMP) which sets out how we will manage the water supplies in our region to meet current and future needs over a minimum of 25 years. Our current Plan, published in 2019, covers the period from 2020-2045. We are now developing our next Plan (WRMP24) for the period 2025 - 2050.

3.38. The proposed strategic reservoir options in South Lincolnshire and The Fens are nationally strategic infrastructure and have been identified as strategic supply side options for addressing future water demand in the Anglian Water region due to population growth, climate change impacts and protecting the environment.

3.39. As nationally strategic infrastructure projects (NSIPs), these will be submitted as Development Consent Order applications to the Planning Inspectorate. An Examining Authority appointed by the Secretary of State and supported by the Planning Inspectorate examines the application and will make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant or to refuse development consent. In such cases the Local Authority will not be the decision-maker but will provide a statutory local perspective throughout the process and be responsible for discharging the requirements associated with an NSIP in their area if development consent is granted.

4. Conclusion

4.1. Anglian Water is supportive of many of the policy areas that guide development associated with our role as a waste operator, and policies that seek to safeguard our existing assets and network. We though continue to have a number of concerns in relation to the soundness of the plan, and a number of these were previously raised in our consultation response to the Preferred Options consultation (Reg. 18) and newly introduced policies/policy tests.

4.2. Given the matters raised in our response, we would want to engage with Norfolk County Council Minerals and Waste Policy Team to identify areas where we can agree proposed modifications to policy and areas where there are outstanding matters to be addressed through examination process. We would welcome the preparation of a Statement of Common Ground in this respect.