James Bailey PLANNING

Document: Hearing Statement on Matter 15

Title: Statement on behalf of Wellbeck Strategic Land III Ltd, in relation to the Examination of the Greater Norwich Local Plan 2018-2038

Client: Wellbeck Land

Date: March 2023

Hearing Statement

Matter 15 Housing Provision

Statement on behalf of Welbeck Strategic Land III Limited in relation to Land North of Tuttles Lane East, Wymondham

Examination of the Greater Norwich Local Plan 2018-2038

March 2023

1. INTRODUCTION

1.1 On behalf of Welbeck Strategic Land III Limited (Welbeck Land), James Bailey Planning Ltd (JBPL) are instructed to submit Hearing Statements to the Greater Norwich Local Plan Examination (GNLP).

1.2 The site that these Statements relate to is "land North of Tuttles Lane East, Wymondham." This was previously assigned the site reference GNLP0006 and has been referred to as such in the course of our Hearing Statements.

1.3 The Regulation 18(c) GNLP document identified the town of Wymondham as having the need for a contingency of 1,000 dwellings. The site of land North of Tuttles Lane East was identified as a reasonable alternative site which could assist with this delivery. This proposal has subsequently been removed from the pre-submission version of the Local Plan.

1.4 The site area is 53.68ha, with a masterplan strategy for the delivery of 700 dwellings and associated infrastructure and land for a new sixth form centre for Wymondham High School.

1.5 It remains the view of Welbeck Land and JBPL that the GNLP is proposing a spatial growth strategy that is fundamentally flawed, and therefore "unsound." There is an over reliance on long standing strategic site proposals; there is a change in policy direction towards Village Clusters sites which remains unjustified; whilst there is a reduction in proposing development towards more sustainable locations, notably the GNLP's Main Towns.

Matter 15

1.6 This Hearing Statement has been prepared on behalf of our client Welbeck Land in respect of the fourth stage hearing session for the Examination of the Greater Norwich Local Plan Matter 15 **Housing Provision** of the Inspector's Matters, Issues and Questions (MIQs). The sessions are scheduled for March 2023.

1.7 The Statement is intended to assist the Inspector's review of the questions raised in Matter 15, which is due to be considered for the discussion at the Examination Hearing session on Wednesday 22nd March 2023.

1.8 These Hearing Statements follow on from the representations made to the Regulation 19 Stage by JBPL and the initial second Hearing Sessions in March 2022, as well as in response to the Regulation 18(c) Stage by Bidwells, all of which was on behalf of Welbeck Land. They should be referred to by the Inspectors during the course of the Examination.

1.9 It is also important to note that there is a distinct absence of references to "Wymondham" within the GNLP. Wymondham is identified as a Main Town within the Settlement Hierarchy, and is the largest settlement in South Norfolk District. It is also acknowledged as an important settlement within the Norwich-Cambridge Arc. It also previously featured within the Norwich Policy Area, inferring an importance beyond the Partnerships geographical area.

1.10 Wymondham also has a railway station providing easy and direct access to both Norwich and Cambridge. As set out in the recently published Transport for New Homes report "Building Car Dependency" (2022), in order to reduce private car trips, new homes need to be built in places which can be best served by a modern public transport network, and where residents have the opportunity to walk or cycle within the development, and also into and out of it to the adjacent urban area. Proximity to a railway station is therefore a very important factor in the delivery of sustainable development. Consequently, it is very surprising that there is not more housing being identified towards Wymondham.

1.11 The Plan remains largely silent on Wymondham, and instead appears to rely heavily on the delivery of sites in the adopted Wymondham Area Action Plan. At present, identified sites still remain undelivered, whilst others are still to come forward through planning applications, (as set out in our earlier representations).

1.12 The Area Action Plan (AAP) was supposed to run until 2026 and deliver 2,200 dwellings. It was at this point that the secondary education capacity was considered to be a potential cap on growth to the Town, with the Academy Trust, who ran Wymondham High School at that time and continue to do so, stating they did not want to operate a split school site which would facilitate the required increase in capacity. The education situation has moved on since the adoption of the AAP, although this does not appear to have been considered, investigated, or properly reflected in the GNLP.

1.13 Welbeck Land have held discussions with Norfolk County Council Education and Wymondham High School. GNLP0006 can successfully provide and implement the relocation and enhancement of the Secondary School and Sixth Form Education Facility. This invaluable infrastructure provision could cater for additional growth within Wymondham, which would aid successful growth within the Key Growth Areas, as identified within Policy 1 of the GNLP.

1.14 There does not seem to be an adequate education strategy within the GNLP evidence base. The Infrastructure Needs Report (B12) is significantly lacking regarding secondary school provision; place planning; or associated costs, and is simply a factual record of the school positions now, rather than planning how schools will deal with the children arising from growth across the GNLP area. Once again, the conclusions of the Wymondham Area Action Plan seem to be being used to limit any further consideration of Wymondham, without undertaking an up-to-date assessment of what could be done to expand the existing schools.

1.15 When considering the housing trajectory, the GNLP is basing its reliance on its housing delivery for Wymondham through the historic AAP sites. If these sites are delivered by 2026 as programmed, this then suggests that only minimal growth is anticipated between 2026 and 2038, for one of the Main Towns in the Norwich-Cambridge Arc. This cannot be viewed as delivering sustainable development, and therefore undermines the credibility of the Plan.

1.16 The approach in the GNLP towards Wymondham does not therefore appear to represent a sound, logical, or sustainable approach.

1.17 Moreover, the Village Clusters Housing Allocations Plan (VCHAP) (2023) that is currently under consultation at Regulation 19 stage, seeks to accommodate at least 1,200 new homes through the allocations of smaller sites ranging from 12 to 50 dwellings, to meet identified need. This makes up 5.5% of the GNLP growth.

1.18 Therefore, 5.5% of the GNLP growth is reliant on a separate plan that has yet to be found 'sound' and adopted. Documents making such important decisions should be considered at the same time and at the same Examination, if a consistent approach is to be implemented.

1.19 JBPL have submitted representations to the Regulation 19 stage consultation for the VCHAP, on behalf of Welbeck Land. Fundamentally, these set out that some of the allocations within this document are in very unsustainable locations where emerging GNLP polices and the NPPF would otherwise look to direct growth away from smaller villages that are missing vital infrastructure. The approach of allocating housing based on primary education in a rural area is essentially being questioned.

1.20 JBPL and Welbeck Land continue to argue that this is also flawed approach, and will not deliver the suggested number of dwellings to sustainable locations. Moreover, how can the GNLP rely on this Plan to provide the remaining 1,200 dwellings if it is only just out for consultation and much further behind the process of the GNLP?

1.21 Moreover, Policy 1 of the GNLP states that the VCHAP needs to provide a minimum of 1,200 dwellings. According to the recent draft that is out for consultation the South Norfolk VCHAP provides allocations for 1,228 dwellings. This is 28 dwellings above the minimum required. Should any sites not be delivered, or if less dwellings are delivered on any of these sites, it is highly likely that the VCHAP will not provide the minimum housing numbers needed to positively support the GNLP.

1.22 In this instance, it is also worth pointing out that the small-scale developments associated with the VCHAP would not provide the relevant benefits or contributions needed to improve the existing infrastructure.

1.23 A full copy of the representations submitted to the VCHAP Reg 19 consultation stage is set out in Appendix A.

1.24 Matter 15 – Housing Provision

Does the Plan set out a positively prepared strategy for the supply and delivery of housing development that is justified, effective and consistent with national policy?

1.25 Since the last Examination Hearing Sessions in March 2022, the Partnership has prepared further evidence work. In September 2022 the Partnership submitted the housing trajectory update (Document D3.2D Topic Paper); and the housing forecast (Document D3.2E Topic Paper) in order to assist answering this question.

1.26 The updates in these documents take account of:

i. comprehensive housing monitoring information as of 1 April 2022, including recorded housing completion figures for 2021/22;
ii. information about individual sites discussed at the Examination Hearing Sessions in February and March 2022;
iii. updated information on delivery provided by developers and site promoters; and,
iv. assessments of how housing delivery rates may be affected by Natural England's advice of 16 March 2022 on nutrient neutrality.

1.27 Accordingly, the Hearing Sessions programmes for March 2023 will now focus on the following questions:

- Question 2: Taken as a whole, do any alterations to the site delivery assumptions significantly alter the overall housing land supply position?

- Question 4: Will there be at least a 5 year supply of deliverable housing land on adoption of the Plan?

- Question 5: Are the assumptions for homes to be delivered on existing commitments justified in relation to the following sites? Beeston Park, North Rackheath, Land at brook Farm and Laurel Farm, Norwich RFU and Long Stratton.

Question 2: Taken as a whole, do any alterations to the site delivery assumptions significantly alter the overall housing land supply position?

1.28 The updates, listed above, have built in an 18-month expected delay on the delivery of major sites as a result of the extra investigation and mitigation work relating to Nutrient Neutrality (NN). This is considered a "short-term" delay by the Partnership.

1.29 The Partnership consider that the GNLP has already factored in enough additional homes within the expected allocations that would create a buffer preventing these "short-term" delays having any impact on the delivery of housing annually. The Partnership therefore feel they have safeguarded the delivery of the "objectively assessed need" over the plan period.

1.30 However, the Topic Paper – Housing Forecasts September 2022 Part 1 and Part 2 – clearly shows that a significant number of sites, over 100, have been rated RED on the Nutrient Neutrality RAG Assessment meaning that there is a high risk of these sites not achieving NN.

1.31 These sites identified across the GNLP area will be significantly impacted as a result of Nutrient Neutrality and the required mitigation, which is currently unknown. This in turn will result in significant delays in delivering their expected total numbers, and may even result in the number of dwellings that can be achieved on any given site being reduced.

1.32 The commentary column within Part 2 sets out a common theme that sites will be delayed as result of Nutrient Neutrality. Moreover, it is highly likely that the majority of these sites will no longer be able to deliver on their identified allocated number of dwellings if they are to achieve Nutrient Neutrality.

1.33 Policy 1 of the GNLP sets out that there is a need for around 40,550 new homes and the GNLP makes a provision of 49,492 new homes. However, the sites that are going to be impacted as a result by Nutrient Neutrality and highlighted as Red in the Nutrient Neutrality Traffic Light Assessment account for 25,393 of the new dwellings. This is over half of the dwellings that have been allocated in the GNLP at 51%.

1.34 Is the proposed buffer within the GNLP really large enough to deal with such a comprehensive impact and potential shortfall of delivery on current allocations due to the delays and uncertainties as result of Nutrient Neutrality?

1.35 To look at this from a different perspective 102 sites have been highlighted as Green in the Nutrient Neutrality Traffic Light Assessment and considered to not be impacted by Nutrient Neutrality. This accounts for 11,455 new homes allocated with in the plan. Therefore, only 23% of the overall allocated dwellings have certainty that they can be delivered without being negatively impacted because of Nutrient Neutrality.

1.36 In the absence of detail relating to site specific areas effected by NN, and in the absence of National and Local guidance on how to effectively mitigate against

sites that may not meet NN, it cannot be reasonably considered that the GNLP will be delivering on their required identified need, particular in the first 5 years of the plan period. Frustratingly, other sites are available, achievable, and deliverable and have also considered Nutrient Neutrality but have not been included within the GNLP and are not constrained in the same way with the NN issue. Welbeck Land's site at the land north of Tuttles Lane east in Wymondham, is one of these sites.

1.37 Please see Appendix B for the Matter 4 Hearing Statement submission, that includes within Appendix One the "Wymondham Development Nutrient Neutrality Technical Note" that has been prepared by RPS Group to support our submissions to the GNLP. It sets out a detailed analysis and identifies the quantum of development that is achievable on this site whilst achieving Nutrient Neutrality.

1.38 Appendix B is the Hearing Statement for Matter 4 and Nutrient Neutrality, that sets out concerns and key differences between the Natural England and Norfolk Nutrient Neutrality calculators. The mitigation scheme proposed by the GNLP uses a calculator that is not in accordance with the Natural England guidance, and therefore is open to challenge. Ultimately, this approach offers further uncertainty for the 51% of new dwellings that are being allocated within the Plan and are likely to impacted by Nutrient Neutrality.

1.39 All of this completely undermines the delivery of a vast amount of new housing within the GNLP, and it significantly alters the housing land supply at the point the Plan would become adopted. This is altered to the point that Partnership would not have a deliverable 5 year housing land supply as required by paragraphs 16(b) and 68(a) of the NPPF.

1.40 Whilst it is understood that the changes in the forthcoming updated NPPF and the Levelling-Up and the Regeneration Bill looks to provide a degree of flexibility to the housing land supply position for areas with up-to-date plans, these amendments do not allow for a Plan to become adopted that cannot demonstrate a deliverable land supply for the first 5 years of the plan period.

Question 4: Will there be at least a 5 year supply of deliverable housing land on adoption of the Plan?

1.41 The Partnership do recognise that updates to the PPG relating to Nutrient Neutrality are not yet in place. This, along with the absence of the Norfolk and Natural England mitigations strategies and any site-specific mitigations, creates a level of uncertainty in "*respect of availability, timing, and cost of mitigation*".

1.42 Therefore, in relation to some of the allocated sites, given the absence of information and mitigation strategies, it is highly likely this would "*lead to the conclusion that these sites could not be considered deliverable*". If this were the case, then it is likely that the Plan will be unable to provide a sufficient 5-year land supply at the point of adoption.

1.43 The Partnership argues that whilst Paragraph 68 of the NPPF states that plans "*should*" identify a supply of deliverable sites for years one to five of the Plan, they suggest it does not say the Plan "must" do this.

1.44 It is important to note that many Plans have been found to be un-sound as a result of not providing a deliverable 5 year housing land supply at adoption. Most recently, Uttlesford District Council, as an example.

1.45 The alternative being promoted by the Partnership would be to stagger the expectation of the delivery of housing, with less being built in the early period of the Plan to counter these acknowledged delays. In short, there is an assumption by the Partnership that the required housing will be delivered over the plan period, but with a greater number being delivered in the later stages of the Plan. Those sites coming forward at the early part of the plan period doing so because they: are outside of a Basin Catchment Area; already have the relevant planning permission; or being considered 'windfall' development. The assumption is that the relevant Local and National Nutrient Neutrality strategies will be readily available in due course, and that allocated sites can make these strategies fit their site-specific context. However, what if the strategies aren't available in time, or what if they can't be fitted in the context of site-specific areas? Either way, the proposed alternative would not secure a 5-year land supply at the point of adoption, because of the acknowledged delays caused by Nutrient Neutrality.

1.46 It is the opinion of JBPL and Welbeck Land that this would make the Plan speculative at best, and undeliverable at worst. The overall housing numbers would be based on the "off chance" that: any delays can be satisfactorily overcome; and that the required mitigation (that is yet to be published or become adopted) will be readily available at some point in the future. In short, the GNLP would suggest focusing much of its delivery towards the latter stages of the plan period. On this basis, the Plan would be looking to deliberately stall the progression of growth in the immediate years.

1.47 The Partnerships evaluation and justification that a lack of 5-year land supply at the point of the Plan being adopted is a requirement that "should" take place rather than "must" take place. This is in itself a plan that is not positively

prepared. Moreover, the Partnerships alternative approach, is to project the delivery of housing towards the latter stages of the plan period, in the hope that mitigation strategies and site specific evidence will be readily available 'later on'. On this basis, JBPL and Welbeck Land believe the Plan is not deliverable, and that the GNPL is contrary to Paragraph 16 of the NPPF.

1.48 It is also important to acknowledge that there at least six allocated sites for over 1,000 dwellings each. Three of these sites at over 3,000 dwellings and employment areas. It is very reasonable to describe these sites as larger scale developments that are significant extensions to existing villages and towns.

1.49 NPPF Paragraph 22 states that 'if' large scale development form part of the Plan 'policies should be set within a vision that looks further ahead (at least 30years), to take in to account the likely timescale for delivery.

1.50 The GNLP only captures the period of 2023 – 2038, a total 15 years. As such the Plan should be extended to deal with a longer period in time. The objectively assessed needs over the Plan period for a 30 year period will differ to that of a 15 year period. As such, the GNLP should be extend and plan for the need over a longer period to support the delivery of larger sites as required in Paragraph 22 of the NPPF.

Question 5: Are the assumptions for homes to be delivered on existing commitments justified in relation to the following sites?
Beeston Park; North Rackheath; Land at brook Farm and Laurel Farm; Norwich RFU; and Long Stratton.

1.51 It is for these reasons set out above that the Inspectors are right to question the delivery of those sites that are listed in Question 5.

1.52 This Hearing Statement has focussed on Beeston Park as an example of the issues with the delivery of existing permissions, and how they are assessed within the updated evidence documents provided by the Partnership.

1.53 Beeston Park is the largest allocation within the Plan, and is for up to 3,520 new dwellings; up to 16,800sqm of employment space; and up to 8,800sqm for new shops.

1.54 The Beeston Park site gained Outline planning permission in 2016, with a revised decision in 2017. In the 6 years since that decision, only a single Reserved Matters application has been submitted, which is for the infrastructure across the site, (including spine roads; drainage details etc.). This application does not include any detail for any dwellings.

1.55 A future Reserved Matters application for any dwellings is unlikely to come forward until: a) the infrastructure application has been approved and potentially commenced; and b) a developer has been secured who would subsequently submit the application. However, none of this can take place until the site has been mitigated for Nutrient Neutrality.

1.56 The Joint Delivery Statement (JDS) for the Beeston Park site, (signed 07/09/2022), states that investors are “incoming”, rather than have already been secured. Also, the completion of the sale of the land is subject to contractual commitments being met. Currently, there is no Planning Committee for the Reserved Matters infrastructure application. Therefore, with local elections imminent, it is unlikely that the infrastructure application will be heard by Members before the Summer.

1.57 Is it reasonable to suggest that a subsequent Reserved Matters application for the first phase of housing will <u>not</u> be submitted and approved in time for the first 50 houses to be built out and delivered by 2025, as suggested by the Topic Paper – Housing Forecasts 2022 (Part 1)? It is the opinion of JBPL and Welbeck Land that this is very unlikely.

1.58 To add to the complexity, the Beeston Park site is expected to have multiple developers building out at the same time. However, not a single developer has been identified as of yet. This is likely to add further delay to the acknowledged 18- month NN delay, while certainty of delivery via any required NN mitigation measures is considered by individual developers.

1.59 As an example, and notwithstanding the Joint Delivery Statement, the Beeston Park site is very likely to significantly alter the overall housing land supply position due to the delays outlined above.

1.60 To answer the Examiners questions on the Beeston's site:

- Have reserved matters applications for residential phases of this site been submitted and/or approved?
    - **No Reserved Matters for residential phase have been submitted for this site yet.**

- What upfront infrastructural works need to be completed before significant numbers of homes can be delivered? How advanced are those infrastructural works, and when are they expected to be completed?
    - **The live Reserved Matters application relates to infrastructure including spine roads and drainage. As different developers are expected to deliver the residential phases, it is assumed that access to these phase for utilities and roads will have to be delivered first, if not, how can the residential phases be delivered if land for infrastructure is in different ownership and delivered on a different time scale?**

- Is public funding necessary to deliver this site, particularly with regard to phases 2 and 3? If so, has this funding been secured?
    - **From the detail available on the application and evidence in the GNLP, no funding has yet to be secured.**

- Are the assumed annual completion rates for this site likely to be achieved? Will there be multiple outlets on this site?
    - **No, the annual completion rates are not likely. Currently, 50 dwellings are to be completed by 2025, yet no Reserved Matters application for residential phases have been submitted and no prior to commencement conditions from the Outline permission have been discharged.**

1.61 JBPL have also considered another very large allocation at North Rackheath.

1.62 The allocation is for 3000 dwellings. An Outline application submitted is for 3,850 dwellings. The application does not include any detail surrounding NN mitigation.

1.63 The Joint Delivery Statement D8.B38 states that it is expected that a "Committee resolution to grant planning permission" is anticipated within 12 months of the Outline application being submitted and a decision notice given 6 months after allowing for a s106 and conditions to be agreed. The Outline application was received and validated on the 20/04/2022.

1.64 The Joint Delivery Statement D8.B38 also states that the applicant is preparing a Nutrient Neutrality mitigation scheme and that "t*he incorporation of appropriate mitigation within the North Rackheath scheme is likely to require <u>significant</u> revision and amendment to the submitted outline permission*". It is important to note that no such scheme has yet to be submitted to the Outline permission and no amendments have been made to the application.

1.65 As such, it is extremely unlikely that the current application will meet the expected deadlines of achieving a resolution to grant by April 2023. This will push back all the delivery rates as the Outline application has not been granted let alone a Reserved Matters application for residential phases being submitted.

1.66 Therefore, to answer the Examiners questions;

- Have planning applications for residential phases of this scheme been approved?
    - No, Reserved Matters applications have not even been submitted as the live Outline permission is yet to be granted.
- Are the assumed annual completion rates for this site likely to be achieved?
    - No, as the applications are delayed and the NN mitigation is still unknown and how this will impact the overall numbers and masterplan.

1.67 In all, the Plan area is heavily constrained with the Basin Catchment Areas identified, and it should try to positively and ambitiously safeguard against any likely delays for delivery by delivering more allocations to improve the chances of the dwellings coming forward within the plan period. It is believed the current housing buffer does not achieve this ambition.

SUMMARY

1.68 In summary, it is JBPL and Welbeck Land's opinion that the GNLP is not positively prepared, and does not offer a sound strategy for the supply and delivery of housing development, as required by Paragraphs 16 and 68 of the NPPF.

1.69 As a direct result of Nutrient Neutrality a significant number of sites, particular the larger sites, are going to be delayed and very unlikely to be completed and delivered towards the end of the plan period. Accordingly, the identified need for housing will be unmet, and whilst the Partnership argue that they have built a buffer within the allocations to deal with such situations, they also honestly acknowledge that as a direct result of the delays, at the point the Plan is adopted they will not have a deliverable 5 year housing land supply.

1.70 For this reason alone the Plan is fundamentally flawed and cannot be considered sound against the Paragraph 16 and 68 (a) of the NPPF.

1.71 The delivery of those sites later on in the Plan period rely heavily on national and local guidance for NN and a site specific mitigation strategy. It is very likely that even if the guidance and mitigation strategies were available, the sites would no longer be able to deliver the total amount of anticipated dwellings, but rather a lot less of the initial numbers proposed.

1.72 Furthermore, Natural England have highlighted concerns to the use of a local Norfolk Nutrient Neutrality calculator that considers different base line variables to arrive at the appropriate levels of mitigation.

1.73 There is merely only 23% of new homes that are allocated in the GNLP that will not be impacted by Nutrient Neutrality. The remaining 77% will be open to uncertainties in the require mitigation which in turn will fundamentally undermine the delivery of house on any given site.

1.74 For these reasons, the buffer required to safeguard the housing numbers would need to be 'hugely' ambitious. This is clearly not the case.

1.75 Therefore, it is in our opinion that for the GNLP to be sound, further large deliverable allocations should be explored to ensure that the housing need is met over the plan period.

1.76 JBPL and Welbeck Land arrive at this opinion without factoring the current stage of the South Norfolk VCHAP which accounts for 5.5% of the GNLP housing numbers. This is currently out for consultation and is a long way off becoming an adopted plan. Therefore, it must be reasonably asked, can the GNLP progress in the absence of the VCHA for South Norfolk not being adopted? If this document is not adopted, or falls away, does the GNLP deliver the required need based on its reliance on an unadopted document?

1.77 Moreover, Policy 1 of the GNLP states that the VCHAP needs to provide a minimum of 1,200 dwellings. According to the recent draft that is out for consultation the South Norfolk VCHAP provides allocations for 1,228 dwellings. 28 dwellings above the minimum required. Should any sites not be delivered or if less dwellings are delivered on any of these sites, it is very likely that the VCHAP will not provide the minimum housing numbers needed to positively support the GNLP. Please see Appendix A.

1.78 This provides further uncertainty to the delivery of houses through the GNLP. To overcome this uncertainty the GNLP must be more ambitious and look to include sites that are not constrained with the same issues.

1.79 The land north of Tuttles Road East can deliver a proportionate number of dwellings to the GNLP need, and this would go a long way in supporting the Partnership and local communities over the next 15 years.

March 2023
JBPL

James Bailey PLANNING

APPENDIX A: Submission to South Norfolk District Council's Village Clusters Housing Allocations Plan (2023)

South Norfolk Village Clusters Housing Allocation Plan

Regulation 19 Stage

Representations on behalf of Welbeck Strategic Land III Limited in relation to Land North of Tuttles Lane East, Wymondham

A South Norfolk District Council document,
part of the Greater Norwich Local Plan 2018-2038

March 2023

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INTRODUCTION

1.1 On behalf of Welbeck Strategic Land III Limited (Welbeck Land), James Bailey Planning Ltd (JBPL) are instructed to submit representations to South Norfolk District Council on their Village Clusters Plan, which is being developed alongside the Greater Norwich Local Plan (GNLP).

1.2 Welbeck Land are continuing to promote the site at "land North of Tuttles Lane East, Wymondham" through the GNLP process. This site was previously assigned the site reference GNLP0006 and has been referred to as such in the course of these representations where necessary.

1.3 The Regulation 18(c) GNLP document identified the town of Wymondham as having the need for a contingency of 1,000 dwellings. The site of land North of Tuttles Lane East was identified as a reasonable alternative site which could assist with this delivery. This proposal has subsequently been removed from the pre-submission version of the Local Plan.

1.4 The site area is 53.68ha, with a masterplan strategy for the delivery of 700 dwellings and associated infrastructure and land for a new sixth form centre for Wymondham High School.

1.5 It remains the view of Welbeck Land and JBPL that the GNLP is proposing a spatial growth strategy that is fundamentally flawed, and therefore "unsound." There is an over reliance on long standing strategic site proposals; there is a change in policy direction towards Village Clusters[1] which remains unjustified; whilst there is a reduction in proposing development towards more sustainable locations, notably the GNLP's Main Towns.

South Norfolk Village Clusters Housing Allocations Plan (VCHAP)

1.6 These representations have been prepared on behalf of Welbeck Land in respect of the current consultation stage on the South Norfolk Village Clusters Housing Allocations Plan (VCHAP) Regulation 19 Pre-submission Draft Plan.

1.7 The document seeks to identify residential allocations in 'Village Clusters', and also to establish settlement limits.

1.8 The VCHAP will be a separate document that will be subject to its own Examination process. However, the VCHAP document is still an important part of the decision-making process for the Greater Norwich Local Plan, which is currently already at Examination stage.

[1] A group of villages that shares services and facilities, for example a primary school.

1.9 These representations are intended to be standalone comments to the VCHA, and are submitted to South Norfolk District Council accordingly. However, they will also be a referred to at the GNLP Examination, notably in the Hearing Statement to the Inspector's questions on Housing Provision (Matter 15 of the Inspectors MIQs), which is due to be considered on 22nd March 2023.

STRATEGIC OBJECTIVES & METHODOLOGY

2.1 If found 'sound' by an independent Planning Inspector, then the Village Clusters Plan will replace existing Site-Specific Allocations and Policies Documents. It will then become part of the Adopted Development Plan for the Greater Norwich Partnership Area.

2.2 The approach taken to assessing and allocating sites within 'village clusters' was identified as a method which "*seeks to strike a balance between accessibility and dispersal*".

2.3 It is understood that the 'innovative' approach taken to allocate development on sites achieving a balance between accessibility and the dispersion of growth, was originally chosen in order to "*promote social sustainability by supporting rural life and services".*

2.4 The overarching objective of the site allocation process is to identify the *"most sustainable sites overall".* As part of the allocation process, improvement to local services, facilities and infrastructure are proposed, as well as ensuring any development is of appropriate scale, location, and density and is well related to the character of existing villages.

2.5 As stated in the introduction (A13) there are 48 village clusters in South Norfolk, and in line with the GNLP each one is centred around the local primary school. *"Primary school catchment are taken as a proxy for social sustainability; however, the Council recognises that many other facilities are importance to local communities and has also undertaken an audit of other facilities and services within clusters, to inform site selection".*

2.6 Only sites submitted to the Council by a landowner or agent were reviewed during the preparation of this document, and the submitted sites were assessed on a traffic light system against the following criteria:

- Access to the site
- Accessibility to local services and facilities
- Utilities Capacity / Infrastructure
- Broadband
- ORSTED Cable Route
- Contamination & ground stability
- Flood Risk
- Landscape / Townscape Impact
- Biodiversity & Geodiversity
- Historic Environment

- Open Space
- Transport & Roads

2.7 A total of 500 sites were reviewed as part of this process.

2.8 As part of the Sustainability Appraisal prepared by AECOM, the view was taken that the majority of shortlisted sites perform reasonably well in terms of access to local services and facilities, particularly in relation to supporting walking access to at least a primary school.

2.9 The Sustainability Appraisal has aimed to assess a site's sustainability in compliance with the strategic objectives of the NPPF, identified in Paragraph 8.

> *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*
>
> *a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
>
> *b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
>
> *c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating*

2.10 An overarching objective of sustainability and achieving a balance between accessibility and dispersion on growth has been proposed by South Norfolk District Council, along with a series of criteria for sites to be assessed against to reflect the documents key objectives. It is the opinion of JBPL and Welbeck Land that the methodology and resulting site allocations are not supported by robust evidence and are not sustainable.

2.11 Therefore, it is considered that the document not ‘sound’.

PROPOSED ALLOCATIONS

3.1 A total of 48 settlements are seen as 'village clusters'. Approximately 51 sites have been identified in the VCHAP as allocations over 32 of these village clusters. It is proposed that 1,228 dwellings will be delivered across these 51 sites, ranging from allocations between 12 and 50 units.

3.2 It is important to note that the draft GNLP Policy 1 requires the VCHAP to deliver a minimum of 1,200 dwellings. Therefore, anything less than the delivery of 1,200 dwellings by the VCHAP will have a negative impact on meeting the deliverable need identified by the GNLP.

3.3 A review suggested that the methodology set out has not been strictly followed and applied to the site selection process. 11 of the sites identified are in settlements with no school in the immediate area, despite "*primary schools being taken as a proxy for social sustainability*".

3.4 In addition to this apparent inconsistency in terms of proximity to a primary school, several sites previously allocated in the 2015 South Norfolk Site Specific Allocations and Policies Document that have not yet been developed, have been deemed 'available and deliverable' and have been carried forward into the VCHAP. Of the 11 carried forward sites deemed available and deliverable, works have either stalled or not commenced on 7 of the sites due to 'on-site constraints'. This is primarily due to the sites being located within a nutrient neutrality catchment, or due to a lack of infrastructure. Although no strategy or solution has been suggested as to overcome the considerable constraints identified, the sites have nonetheless been included and are therefore contributing to the 1,200 dwellings that the VCHAP must deliver.

3.5 This begs the question, how are these identified and acknowledged constraints going to be overcome? If the answer is unknown, then these sites should be removed from the allocations and labelled as undeliverable at this point in time.

3.6 Several of the sites proposed for allocation have been identified that do not appear to meet the sustainability objectives, and have missed the fine balance between dispersion and accessibility. This is despite the methodology and site selection process, suggesting this process is flawed.

3.7 It is therefore considered that the 1,200 dwellings proposed are not deliverable or sustainable, and not consistent with the overarching objectives and visions of both the VCHAP and wider GNLP. Additionally, as the VCHAP will not provide at least a deliverable 1,200 dwellings the GNLP will in turn not meet its requirement of delivering wider need of over 49,000 dwellings over the plan period.

3.8 An extensive list of the village cluster allocation, with the local primary school and Pupil Admission Number (PAN) can be found in Appendix One.

3.9 It appears that almost all the allocations identified are located on Greenfield land, and for proportionately low dwelling numbers. Individually and collectively, they will be unable to deliver benefits and opportunities associated with larger allocations.

3.10 Of the allocated sites, these representations have chosen to focus on 4 sites in particular, as 'test cases' to demonstrate noncompliance with both national policy and the proposed objectives of the VCHAP and the GNLP. This does not mean that only the four allocations identified are flawed, but that these sites are prime examples of issues inherent to the site selection process.

3.11 The sites we have identified for further consideration are:

- Bressingham (SN4053 / VC BAW1)
- Hales (SN0308 / VC HAL1 & HAL2)
- Tivetshall (SN319 / VC TIV1)
- Thurlton (SN5025 / VC THU2 & SN1049 / VC THU2)

3.12 These are considered further in the section on Site Sustainability & Accessibility, below.

SITE SUSTAINABILITY & ACCESSIBILITY

Bressingham (SN4053 / VC BAW1)

Figure One: Allocation location (red) school location (blue).

4.1 The Bressingham allocation is identified in red above, and is proposed for residential development for approximately 40 dwellings.

4.2 Services and facilities located within Bressingham include: The Chequers Pub; St. Johns Church; Bressingham Garden Centre; Bressingham Hall and Gardens; a Steam Museum; and sports fields.

4.3 Bressingham Primary School is located immediately opposite the site off School Road. The primary school has a Pupil Admission Number (PAN) of approximately 17 students per year, although there is some variation between years.

4.4 Assuming a population of 2.4 people per household (as an acknowledged industry standard), a new population of approximately 96 can be expected from this site.

4.5 No acknowledgement of a financial contribution or proposed extension to the school is included in the evidence base. It is therefore reasonable to question whether the local primary school does actually have the capacity, now or in the future, to respond to a population increase from the proposed site.

4.6 The evident disparity between the local PAN and proposed allocation size is likely to result in increased traffic on the local road network, with children having to attend schools in surrounding areas.

4.7 However, the PAN for other primary schools in nearby villages must also be considered. For example, the nearby primary school in Winfarthing is approximately 5 kilometres away from Bressingham, and has a PAN of just 15. It has its own residential allocations (SN4050 / VC WIN1 & SN4050 / VC WIN2) totalling approximately 40 new dwellings, with potentially a further 96 new residents for their village, school, and facilities.

4.8 Further on-site constraints for the Bressingham site are identified in the site assessment. The potential impact on the highways network is unknown, and a small area of the site at risk of surface water flooding (see below).

Figure Two: Surface Water Flooding map

4.9 Therefore, although the site appears relatively constraint free, with access to a small number of services accessible locally, there appears to be insufficient capacity at the local primary school. The inability to serve the proposed new population will inevitably put pressure on the local highways network and surrounding villages, increasing congestion through a more significant reliance on private vehicle use.

Hales (SN0308 / VC HAL1 & HAL2)

Figure Three: Allocation location (red).

4.10 Both of the allocations proposed for Hales are identified in red above, and are proposed to deliver approximately 58 dwellings combined.

4.11 A village hall; two restaurants; a petrol filling station; playing fields; and a dog boarding facility, are all located within Hales. There is no primary school in the village.

4.12 With no village primary school, it must be assumed that all pupils will need to attend the next nearest schools, which are: Loddon Junior School; and Loddon Infant & Nursery School, both with a PAN of 60.

4.13 It can therefore be assumed that there will be a population increase of approximately 139 new residents in Hales (by applying the assumption of 2.4 persons per household), which is quite a considerable increase for a village with limited services and facilities. With the average UK household having '1.24' cars, it is likely that in addition to over 100 new residents, the allocation will also result in approximately 70 additional cars which will feed into the local highways network.

4.14 It is reasonable to assume that in the absence of a village primary school, there will be an increase in car movements between Hales and Loddon, which will put additional pressure on the surrounding infrastructure, and will ultimately towards reliance on the use of private motor vehicles. This is considered contrary to the objectives of both the VCHAP and the GNLP, which is seeking to promote 'sustainable' growth.

4.15 It is also worth recognising that other nearby settlements, such as Thurton, may also have insufficient school capacity locally due to their own allocations. There is the potential that residents of Thurton will also be travelling to Loddon as an overspill, putting pressure on the village's highways network and local facilities.

4.16 Although acknowledged in the sustainability appraisal for the significant amount of easily accessible services and facilities, Loddon cannot be relied upon as 'overspill' for all settlements within a certain radius. It is simply unsustainable to rely on this approach, and this 'knock on' effect does not seem to have been properly or thoroughly considered.

4.17 The unsuitable and unsustainable location of the proposed allocation, and resulting impacts on not only Hales but also other surrounding villages, appears to deviate significantly from the objective of the VCHAP "*to attach importance to transport and climate change SA objectives, whilst also providing opportunities for residential development in a range of villages with more modest accessibility to services and facilities".*

4.18 As part of the site assessment process, several on site constraints were identified. Several areas of the site are categorised as at medium risk of surface water flooding (see below).

4.19 There were also concerns raised regarding the Grade II listed building (UID 1373193) immediately east of the proposed allocation (see below).

Figure Four: Heritage England Listed Building map search.

Figure Five: Surface Water Flooding map

4.20 The potential issue of a lack of capacity in the local existing sewage infrastructure was also acknowledged, as well as serious concerns from National Highways regarding visibility issues and the proposed use of a highly constrained and unsuitable access off Briar Lane.

Tivetshall (SN319 / VC TIV1)

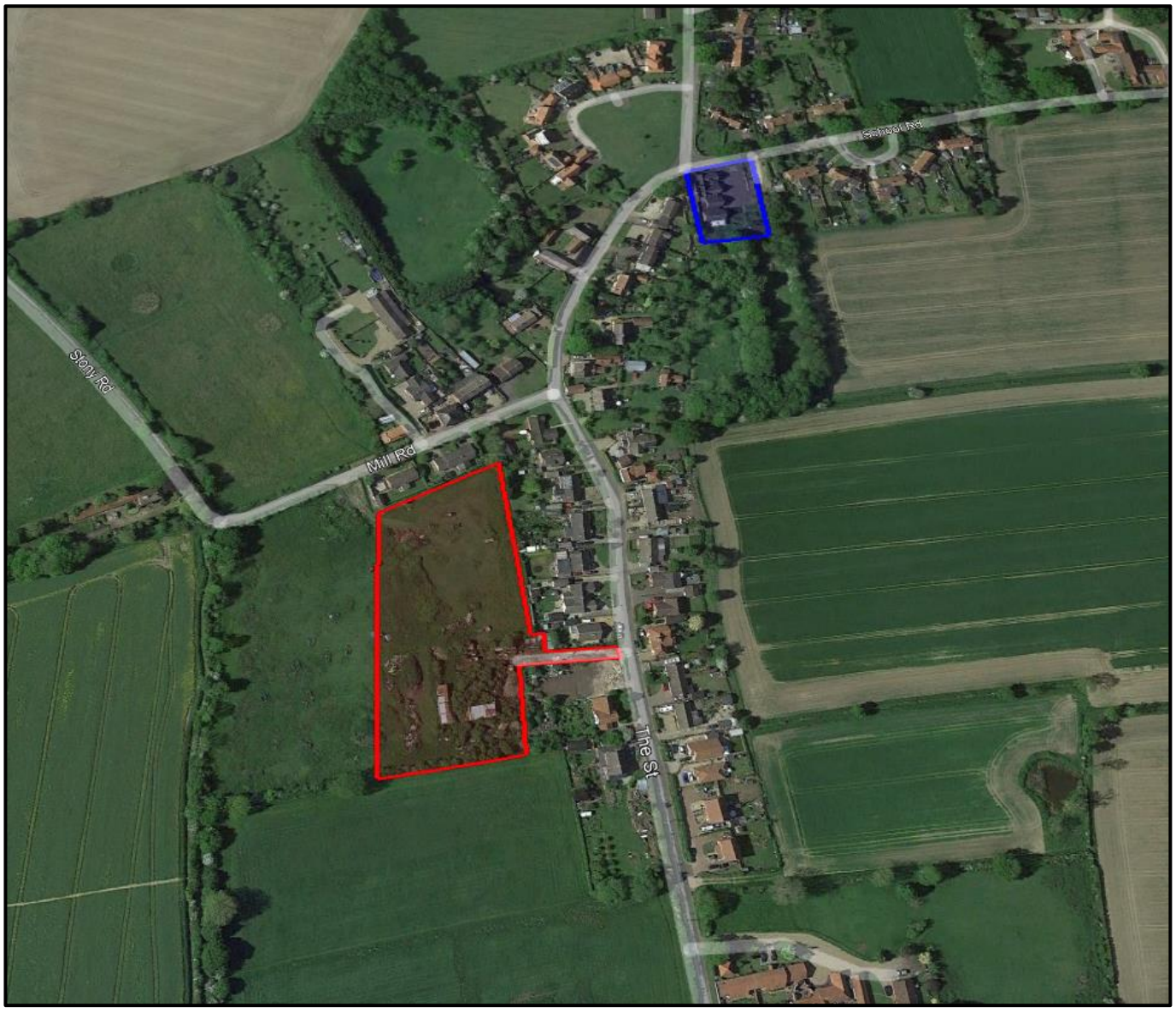

Figure Six: Allocation location (red) school location (blue).

4.21 The site outlined above is the proposed allocation in Tivetshall for approximately 20 dwellings, with an estimated population of approximately 48.

4.22 Tivetshall is home to a small number of local services including: a village hall; Post Office; and a primary school. However, as is the case with other allocated sites, there is a mismatch between the allocation size for the village (20) and the PAN for the primary school which is just 7.

4.23 Despite the size of the settlement, and limited accessibility to services and facilities, Tivetshall is the only settlement within its 'cluster' and it is therefore located in a relatively isolated location.

4.24 As part of the site assessment process, several on-site constraints were recognised. Concerns were raised by County Highways regarding the capacity of the local road network, as well as the lack of existing footpath provision, which would result in an increased use of unsustainable transport modes, which is contrary to the VCHAP's sustainability objectives. County Highways go on to state that: *"there is no possibility of creating suitable access to the site".* Highways Concerns extend to pedestrian safety, specifically regarding access and connections between the site and existing area.

4.25 The potential for the land to be contaminated by previous uses has also been acknowledged.

4.26 The presence of a nearby non-designated heritage asset was also raised as an area of concern.

4.27 The significant on-site constraints, as identified above, have previously led to unsuccessful applications on the site. JBPL have investigated the planning history of this site, and frustratingly there are no records in the public domain to verify the assessment with the site to confirm the reasons for refusal.

Thurlton (SN5025 / VC THU2 & SN1049 / VC THU2)

Figure Seven: Allocation location (red) school location (blue).

4.29 As shown in the above, two allocations are proposed in Thurlton, equating to a total of 27 dwellings. This would result in an estimated population of approximately 64 new residents across these two sites.

4.30 Compared to settlements previously discussed in these representations, Thurlton is relatively large, and is well serviced by local facilities.

4.31 There is a local primary school within the village, Thurlton Primary School, which has a moderate PAN of 15. There is unlikely to be sufficient capacity available at the village school to cater for the increased population locally.

4.32 In addition to this, it is worth noting that the nearby settlement of Haddiscoe has been selected for an allocation of approximately 35 dwellings (SN0414 / VC HAD1). As Haddiscoe does not have its own primary school, the closest school is Thurlton, which will add a further drain on school capacity.

4.33 The need to travel approximately 3.5 kilometres to the nearest primary school will inevitably put further pressure on local infrastructure, especially the highways network, due to additional vehicle movements.

Summary

4.34 Despite the aims of the document, and the methodology of the site selection process, many of the sites do not appear to reflect national guidance with regards to the growth and expansion of communities.

4.35 Sustainable growth has not been demonstrated in the site selection process, and will therefore not be achieved if this approach is to be followed. Paragraph 11 of the NPPF describes sustainable development for plan making as promoting *"a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".*

4.36 The failure of the chosen approach taken to allocate sites for residential development, in order to align growth and infrastructure, improve the environment, and mitigate against climate change, has repeatedly been demonstrated and evidenced throughout these representations.

4.37 The considerable discrepancy between proposed residential growth and existing infrastructure / capacity immediately contradicts the fundamental principle of sustainable development, as outlined in Paragraph 11.

4.38 Not only does the site allocation methodology fail to deliver sustainable development, (an objective identified in Paragraph 16 of the NPPF), but it will result in adverse impacts socially and environmental, especially with regard to significantly increasing reliance the use of private motor vehicles.

4.39 Paragraph 95 of the NPPF states that: "*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education".*

4.40 The key justification for the spatial strategy of allocating residential development in rural areas was identified as supporting rural communities, reflecting the character of Norfolk, and focus development *"where there is the greatest potential to access services and facilities by walking, cycling and public transport, or at least without having to drive long distances, with resultant gas emissions, air pollution and traffic".*

4.41 In the cases of the allocations identified and presented in these representations, the objectives and idea of bottom-up, small scale sustainable development has not been achieved.

4.42 For many of the allocations, it appears the idea of small-scale sustainable development ‘on paper’ has not translated to the proposed sites selected. Although the pattern of proposed development has attempted to reflect the character of the wider area, the small ‘village clusters’ identified simply do not have the local infrastructure to deliver the proposed dwellings in a sustainable manner. This approach will cause issues for existing and new communities.

4.43 The progress of the 11 site allocations (173 dwellings) carried forward from the 2015 South Norfolk Site Specific Allocations and Policies Document remain stalled. These sites should be discounted until the constraints have been overcome. It is considered premature to describe these sites as ‘available’ and ‘deliverable’.

4.44 These representations have scrutinised 4 settlements in detail, which contain 6 allocations and account for approximately 145 dwellings. Issues surrounding primary school PAN capacity have been identified, which would result in increased reliance and use of private motor vehicles. It is considered these are representative of the entire allocation methodology process.

4.45 These representations have identified that there are a number of areas of concern associated with the allocation, namely school capacity issues; on-site constraints identified; sites being carried forward with issues that have no immediate solution (e.g. nutrient neutrality catchment areas); and sites with historic refusals due to insurmountable constraints. These serious areas of concern would appear to undermine the entire allocation methodology for the VCHAP.

4.46 It is clear that the idealistic vision of small scale, bottom-up development, in rural areas striking a balance between accessibility and dispersion, has not been achieved. Instead, it has resulted in an unsustainable spatial strategy for delivering residential development in rural areas of the district.

LAND DESIGNATION

5.1 From reviewing the VCHAP, it appears that almost all the site allocations are on land designated as greenfield land, with only 2 to 3 allocations on brownfield sites.

5.2 The brownfield sites allocated are proposed for between 20 to 25 dwellings each, equating to a total of 50 out of the 1,200 dwellings being proposed by the VCHAP. This means that brownfield land will contribute to only 4% of dwellings proposed to be delivered as part of the Village Clusters Plan (see below).

5.3 For every 25 dwellings built, one of these will be located on brownfield land, this is unacceptable and is inconsistent with national guidance.

5.4 Paragraph 69 states that land should be identified *"through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirements".*

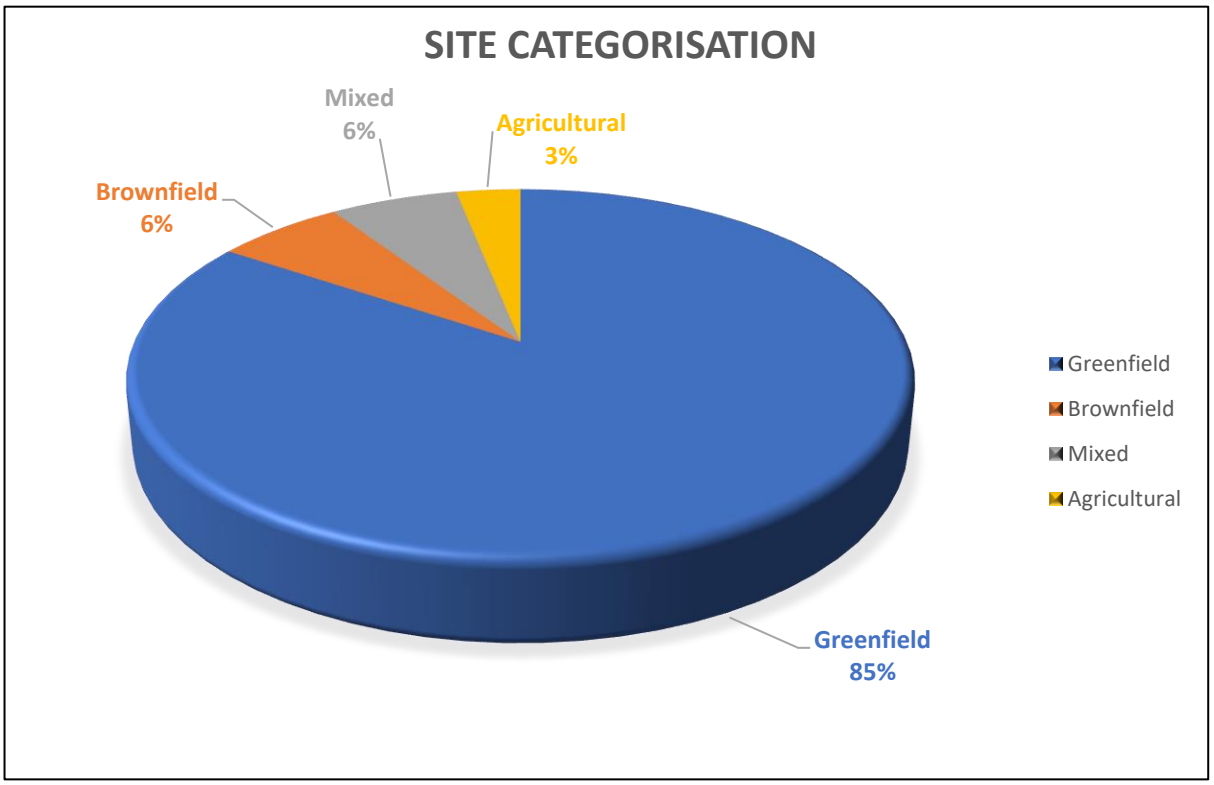

Figure Eight: Land designations of proposed allocations

DWELLING ALLOCATION SIZE

6.1 The VCHAP establishes allocations of between 12 and 50 units, in order to be viable and remain in keeping with the pattern of development within the rural areas of the district.

6.2 As identified in Section 4 above, this approach will result in adverse impacts on the local road network and existing facilities, primarily on Primary Schools with a comparatively low PAN to the dwelling numbers proposed.

6.3 Financial contributions would be invaluable and enable improvements to the local infrastructure and to extend existing schools and increase their capacity to mitigate the impact of new development.

6.4 However, it is acknowledged that small scale allocations are not able to finance or deliver these kinds of benefits. As evident below, the VCHAP relies heavily on allocations of 25 dwellings or less, and only a handful of sites are allocated for approximately 50 dwellings. In order to increase the sustainability of the spatial strategy being proposed, whilst remaining consistent with the rural character of the area, there should be less of a reliance on small scale sites, and a higher number of allocations for between 40 and 50 dwellings.

6.5 At present, allocations proposed for 35+ dwellings do not even contribute 25% of the 1,200 proposed new dwellings. Even a shift to 33% of 35+ dwellings and 66% 25 dwellings and less, would go a long way to supporting the financial issues identified. This would then reduce adverse impacts resulting from increased traffic movements on the local road network.

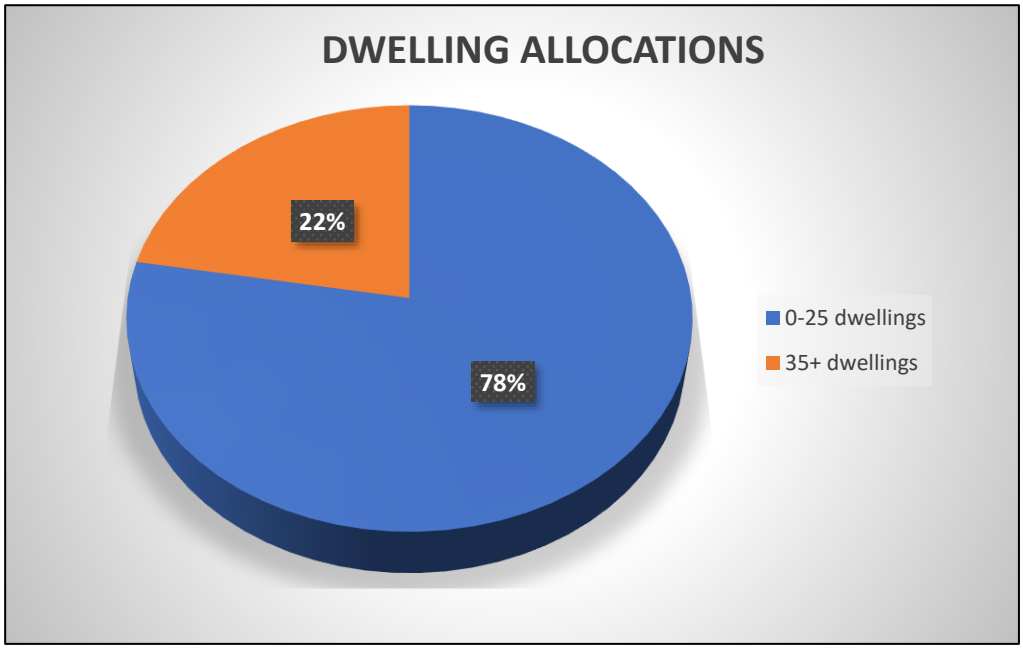

Figure Nine: Dwelling allocation size

WYMONDHAM SITE

7.1 Welbeck Land are continuing to promote the site at “land North of Tuttles Lane East, Wymondham” through the GNLP process.

7.2 The site is on the north side of Wymondham, and is approximately 53.68ha. A masterplan strategy for the delivery of 700 dwellings and associated infrastructure has been prepared, including land for a new sixth form centre for Wymondham High School.

7.3 The site was previously included at the Regulation 18(c) stage of the GNLP, where it was identified as a contingency site. The site has subsequently been removed from further iterations of the GNLP.

7.4 The site off Tuttles Lane is considered a sustainable location for residential development, with access to existing services and infrastructure which either sufficient capacity or opportunities for future expansion.

7.5 Unlike the sites being allocated in the VCHAP, this development is capable of delivering considerable benefits to the local community, as well as the funding of significant infrastructure improvements. This is due to the large scale, strategic nature of the proposal.

7.6 The site off Tuttles Lane, Wymondham is therefore considered to be an available and deliverable site, that can demonstrate the fundamental principles of sustainable development. It therefore offers a more suitable location for residential development than the approach to growth being taken through the VCHAP.

SUMMARY

8.1 Although JBPL and Welbeck Land welcome the progression of the VCHAP, it is felt this should be considered at the same time as the rest of the GNLP. It remains difficult to comprehend that two interrelated documents are being considered on separate timetables. Especially, as the VCHAP must deliver a minimum of 1,200 dwellings to support the GNLP meeting its need of over 49,000 dwellings over the plan period. These representations conclude that the VCHAP will unlikely deliver the 1,200 dwellings required, and in turn will significantly undermine the GNLP that is already being drastically constrained by the Nutrient Neutrality issue.

8.2 JBPL and Welbeck Land support the principle of sustainable development 'scattered' throughout the district. However, the methodology that has been used, and allocation sites identified, mean that the approach taken to the VCHAP is flawed. As a result, the numbers being proposed by the VCHAP are questioned, which in turn has a direct implication on the soundness of the GNLP, which is heavily reliant on the VCHAP.

8.3 By scrutinising a number of sites in detail, the entire allocations process has been brought into question. It is believed the VCHAP is unsustainable and is inconsistent with national guidance, and should therefore not be found 'sound'.

APPENDIX ONE Village Clusters Housing Allocations Plan Analysis Table

Clusters	School	PAN	Allocation Reference	Dwelling No	Designation
1	Alpington& Bergh Apton CE VA Primary	20	Alpington SN0400 / VCALP1	Approx 22	Greenfield
	Bergh Apton (CE VA Primary School) as above	20	Bergh Apton SN0412 / VCBAP1	Approx 12-25	Brownfield
2	Aslacton Primary School	15	Aslacton SN0459REVA / VC ASL1	Approx 35	Greenfield
	N/A Aslacton Primary School	15	Great Moulton SN5010 / VC GRE1	Approx 12	Greenfield
	N/A Aslacton Primary School	15	VC GRE2	14 dwellings – work has commenced	Greenfield
3	Barford Primary School	15	Barford SN0552 Rev B / VC BAR1	Approx 20	Both
4	Barnham Broom CE VA Primary School	15	Barnham Broom VC BB1 SN0018SL	Approx 40	Greenfield
5	Barnham Broom CE VA Primary School	15	Bawburgh SN4053 / VC BAW1	Approx 35	Greenfield
6	Bressingham Primary School	17	Bressingham SN4036 / VC BRE1	Approx 40	Greenfield
7	Brooke VC CE Primary School St. Peter	20	Brooke SN0432REVA / VC BRO1	Approx 15	Greenfield
	St. Paul Carbrooke Church of England Primary Academy and Nursery	30	SN0432REVB / VC BRO1	Approx 15	Greenfield
8	Bunwell Primary School	15	Bunwell SN0537 / VC BUN1	Approx 15	Greenfield
	Bunwell Primary School	15	Bunwell SN0538Rev / VC BUN 2	Approx 20	Greenfield
	Bunwell Primary School	15	Carleton Road VC CAR1 Planning permission for 3 dwellings subject to nutrient neutrality	3	Greenfield
9	Ditchingham Church of England Primary Academy	15	Ditchingham SN0373 / VC DIT1	Approx 35	Greenfield
10	Earsham CE VA Primary School	10	Earsham SN0390REVA / VC EAR1	Approx 25	Greenfield
11	N/A Gillingham St. Michael's Church of England Primary Academy	8	Geldeston SN0437 / VC GEL1	Approx 20	Greenfield
	Gillingham St. Michael's Church of England Primary Academy	8	Gillingham SN4078 / VC GIL 1	Approx 35	Greenfield
12	N/A Loddon Junior School Loddon Infant & Nursery School	60 60	Hales SN0308 / VC HAL1	Approx 35 Approx 23 TOTAL 58	Greenfield

			VC HAL2 (carried forward)		
13	Hempnall Primary School	15	Hempnall SN0220 / VC HEM1	Approx 15	Greenfield
14	Ellingham CE VC Primary School Great Ellingham Primary School	10 15	Ellingham SN0305REVA / VC ELL1 SN3018 / VC ELL2	Approx 25 Approx 12	Greenfield Agricultural land
15	Little Melton Primary School	15	Little Melton SN5040 / VC LM1	Approx 20-25	Greenfield
	Little Melton Primary School	15	SN5041 / VC LM1	Approx 10-15	Greenfield
16	Mulbarton Primary School	60	Mulbarton SN2038 / VC MUL1	Approx 35	Greenfield
	Mulbarton Primary School	60	SN0204 / VC SWA1	Approx 20	Brownfield
17	N/A Harleston Sancroft Academy	N/A	Needham SN2065REV / VC NEE1	Approx 15	Greenfield
	N/A Harleston Sancroft Academy	N/A	Wortwell SN2121REVA / VC WOR1 SN5029 / VC WOR1	Approx 4 Approx 8	Greenfield Greenfield
18	Newton Flotman Church of England Primary Academy	15	Needham Flotman SN4024 / VC NEW1	25	Greenfield
19	Pulham CE Primary School (allocation is in Pulham St Mary	15	SN1052REV / VC PSM1	Approx 50	Greenfield
20	Rockland St Mary Primary School & Nursery	12	Rockland St Mary SN2007 / VC ROC1	Approx 25	Greenfield
	Rockland St Mary Primary School & Nursery	12	SN0531 / VC ROC1		Greenfield
	Rockland St Mary Primary School & Nursery	12	SN2064REV / VC ROC2	Approx 25	Greenfield
21	Seething and Mundham Primary School	15	Seething SN2148 / VC SEE1	Approx 12	Greenfield
22	Spooner Row Primary School	15	Spooner Row SN0444 / VC SP01	Approx 15	Greenfield
	Spooner Row Primary School		SN0567 / VC SP02	Approx 25	
	Spooner Row Primary School		SN2082 / VC SP02		
	Spooner Row Primary School	15	VC SP03	Permission for 7 dwellings.	
23	Stoke Holy Cross Primary School	30	Stoke Holy Cross GNLP0202 / VC ST01	Approx 25	Greenfield
24	Tacolneston Church Of England Primary Academy	10	Tacolneston SN1057 / VC TAC1	Approx 25	Greenfield
25	Preston primary School		Tasburgh SN4079 / VC TAS1	Approx 25	Greenfield
26	Thurton Primary School	15	Thurlton SN5025 / VC THU1	Approx 12	Greenfield
	Thurton Primary School Overspill to Loddon	15	SN1049 / VC THU2	Approx 15	Greenfield

27	Tivetshall Primary School	7	Tivetshall Primary School SN0319 / VC TIV1	Approx 20	Greenfield
28	N/A Thurlton Primary School	15	Haddiscoe SN0414 / VC HAD1	Approx 35	Greenfield
	N/A Thurlton Primary School	15	Burgh St Peter SN4017 / VC BUR1	Approx 12	Greenfield
29	Wicklewood Primary School **a**nd Nursery	15	SN0577REVA / VC WIC1	Approx 30	Greenfield
	Wicklewood Primary School **a**nd Nursery	15	SN4045SL / VC WIC2	Approx 12	Greenfield
30	All Saints CE VA Primary, Winfarthing	15	Winfarthing SN4050 / VC WIN 1	Approx 20	Greenfield
	All Saints CE VA Primary, Winfarthing	15	SN4050 / VC WIN 2	Approx 20	Greenfield
31	Woodton Primary School Enhance facilities	7	Woodton SN0278 / VC W001	Approx 50	Greenfield
32	N/A Tacolneston Church Of England Primary Academy	10	Ashwellthorpe SN0242 / VC ASH1	Approx 15	Greenfield
	N/A	10	N0017SL / VC ASH1		Greenfield

James Bailey PLANNING

APPENDIX B: Hearing Statement for Matter 4 Sustainable Communities and Environment

Hearing Statement

Matter 4 Sustainable Communities and the environment

Statement on behalf of Welbeck Strategic Land III Limited in relation to Land North of Tuttles Lane East, Wymondham

Examination of the Greater Norwich Local Plan 2018-2038

March 2023

1. INTRODUCTION

1.1 On behalf of Welbeck Strategic Land III Limited (Welbeck Land), James Bailey Planning Ltd (JBPL) are instructed to submit Hearing Statements to the Greater Norwich Local Plan Examination (GNLP).

1.2 The site that these Statements relate to is "land North of Tuttles Lane East, Wymondham." This was previously assigned the site reference GNLP0006 and has been referred to as such in the course of our Hearing Statements.

1.3 The Regulation 18(c) GNLP document identified the town of Wymondham as having the need for a contingency of 1,000 dwellings. The site of land North of Tuttles Lane East was identified as a reasonable alternative site which could assist with this delivery. This proposal has subsequently been removed from the pre-submission version of the Local Plan.

1.4 The site area is 53.68ha, with a masterplan strategy for the delivery of 700 dwellings and associated infrastructure and land for a new sixth form centre for Wymondham High School.

1.5 It remains the view of Welbeck Land and JBPL that the GNLP is proposing a spatial growth strategy that is fundamentally flawed, and therefore "unsound." There is an over reliance on long standing strategic site proposals; there is a change in policy direction towards Village Clusters sites which remains unjustified; whilst there is a reduction in proposing development towards more sustainable locations, notably the GNLP's Main Towns.

1.6 Importantly, a Nutrient Neutrality (NN) assessment has been carried out for this site by the RPS Group, who are leading consultants in this new field. This has used the Natural England nutrient neutrality calculator, which has yielded a minimum housing figure the site can deliver. The RPS assessment for the site north of Tuttles Lane, Wymondham can be viewed in Appendix One.

Matter 4

1.7 This Hearing Statement has been prepared on behalf of our client Welbeck Land in respect of Matter 4 **Sustainable Communities and the environment** of the Inspector's Matters, Issues and Questions (MIQs) for the Examination of the Greater Norwich Local Plan.

1.8 The Statement is intended to assist the Inspector's review of the further questions raised in relation to Matter 4, which is due to be considered for further discussion at the Examination Hearing session on Tuesday 21st March 2023.

1.9 These Hearing Statements follow on from the representations made to the Regulation 19 Stage by JBPL, and to Regulation 18(c) Stage by Bidwells, on behalf of Welbeck Land. They should be referred to by the Inspectors during the course of the Examination.

<u>Issue 1</u> - Is Policy 2 justified, effective and consistent with national policy?

Question 16: Is the modification to Policy 2 suggested by the GNLP (in the Nutrient Neutrality Mitigation Statement of Common Ground with Natural England) justified, effective and consistent with national policy, the Written Ministerial Statement of 16th March 2022, and the evidence?

1.10 The main modification being proposed through the SoCG relates to section 10 of Policy 2 of the GNLP, which states:

Within the catchments of the River Wensum Special Area of Conservation (SAC), The Broads SAC and the Broadland Ramsar:

- *Residential development that results in an increase in the number of overnight accommodation and*
- *Non-residential development that, by virtue of its scale or type may draw people from outside the catchments of the SACs and/or generate unusual quantities of surface water and/or (by virtue of the processes undertaken) contain unusual pollutants within surface water run-off*

must provide sufficient evidence to enable the Local Planning Authority to conclude through a Habitats Regulations Assessment that the proposal will not adversely affect the integrity of sites in an unfavourable condition.

1.11 It is also suggested that supplementary text should also be included as an additional modification, explaining that the policy:

- *Applies to residential developments leading to an increase in overnight accommodation and non-residential development that, by virtue of its scale or type, may draw people from outside the catchments of the SACs and/or generate unusual quantities of surface water and/or (by virtue of the processes undertaken) contain unusual pollutants within surface water run-off as per the NE advice;*
- *Only applies to those parts of Greater Norwich affected by the WMS, as southern parts of South Norfolk and Broadland are not in the affected catchments. Maps of the river catchments will be included as an appendix to the plan;*
- *Ensures that relevant permissions will only be granted with necessary nutrient mitigation in place prior to occupation and in compliance with the Habitats Regulations;*
- *Requires evidence to be submitted to the local planning authority (as the competent authority) to show that on-site or off-site mitigation has been secured and will be implemented for relevant developments prior to their occupation;*
- *States that the requirement only applies whilst the protected habitat sites are in unfavourable condition.*

1.12 In nutrient neutrality areas, Natural England has produced calculators to allow developers to calculate the nutrient loads that must be mitigated by a new

development. These are catchment specific and are based on Natural England's generic methodology with local, catchment specific adaptations.

1.13 Natural England produced a nutrient calculator for the developments within The Broads Hydrological Catchment in March 2022 "The Natural England Calculator". In October 2022 the Norfolk Authorities released their own nutrient calculator "The Norfolk Calculator" as an alternative to the Natural England Calculator.

1.14 There is a difference between the Natural England Calculator and the Norfolk Calculator.

1.15 Natural England disputes the methodology used in The Norfolk Calculator, which has a reduced level of precaution in the nutrient budget calculation. Importantly, it also uses the figure of "1.88 people per household" in its calculations instead of the more recognised 2.4 people per household as is applied in the Natural England Calculator. The 1.88 figure remains unreferenced at present. Although Natural England does not intend to raise an objection to the Norfolk Authorities using The Norfolk Calculator, it does object to the use of tighter nutrient discharge limits for wastewater treatment works (WWTWs) to be introduced under the Levelling Up and Regeneration Bill as this bill has not yet passed through Parliament.

1.16 In its response to The Norfolk Calculator of 7th October 2022 (see Appendix Two), Natural England recommends that the Norfolk Authorities take legal advice to ensure their approach is "robust and not open to legal challenge". This calls into question the validity of The Norfolk Calculator. It may be exceedingly difficult for the Norfolk Authorities to defend the use of their calculator when in other nutrient neutrality areas, the Natural England nutrient calculator is being used.

1.17 In its response to The Norfolk Calculator, Natural England takes issue with several aspects of the methodology being used. This includes the occupancy figures being used, as well as water usage, and also the predicted levels of nutrients in WWTW discharge. It is also important to note the vast differences in nutrient export values from land use types between the two calculators. Nitrogen export values from open urban land for example are almost four times greater in the Natural England Calculator than in The Norfolk Calculator.

1.18 Differences in methodology between The Natural England Calculator and The Norfolk Calculator have a significant effect on calculated nutrient load. Therefore, how can developers be assured their nutrient mitigation strategies that are calculated using The Norfolk Calculator will be accepted, should the methodology behind the calculator face legal challenge? The Norfolk Authorities recommendation that The Norfolk Calculator be used, while there is still the prospect its methodology could be challenged legally, places the Authorities and developers in a very difficult position.

1.19 Welbeck Land have commissioned the RPS Group to undertake a specific calculator for their site north of Tuttles Lane east, Wymondham. It has contrasted both The Natural England Calculator and The Norfolk Calculator to provide 'minimum' housing figures that can be delivered on their site at Wymondham.

This ranges between 260 – 500 new dwellings. The full RPS Report is set out in Appendix One of this document. It is asked whether a similar comparison exercise been carried out for all of the sites being proposed in the GNLP, including those in the emerging Village Clusters document, and can nutrient neutrality be demonstrated for the same number of homes as is being portrayed in the GNLP? If it does not, then there is certainly going to be a shortfall of housing delivery at some point, which must clearly undermine the Plan.

1.20 It is clear the approach being taken by the Partnership is not fully consistent with the Written Ministerial Statement of 16th March 2022, and subsequent correspondence from Natural England. There is a less cautionary and more optimistic approach being applied through the use of the Norfolk Calculator. There is also a significant reliance on current 'unknowns', including: the future assessment of WWTWs; the results of Water Resources East consultation on their plan for the East of England[1] (which only ended in February 2023); mitigation strategies; and credit schemes. Therefore, there remains a genuine risk with bringing forward a premature Plan that may not physically be deliverable.

Question 17: Is the application of the Policy 2 as suggested to be modified in Q16 likely to affect the viability and deliverability of residential development in the plan area?

1.21 It would appear that the changes proposed to the wording of Policy 2 will certainly have the ability to affect the viability, and ultimately the deliverability of the residential development in the Plan area.

1.22 The onus, as is correct, is on the applicant to provide evidence to support their proposals. However, the concern is what is considered to "sufficient" evidence to provide to LPAs. This then feeds into a Habitats Regulation Assessment.

1.23 However, there remains uncertainty over:

1. how these assessments will be undertaken;
2. what experience or qualification is required to review these assessments by the LPA; and
3. the length of time any assessment by the LPAs may take.

1.24 Ultimately, it is considered this proposed wording will have direct impact on the Plan.

1.25 RPS have been considering the direct implications of the difference between the recent calculators, in relation to the Welbeck site at Wymondham (see Appendix One), and they have questioned some of the assumptions being used specifically for The Norfolk Calculator.

1.26 In The Natural England Calculator nutrient loads are assumed to be constant across the lifetime of the development. However, should the Levelling Up and

[1] https://wre.org.uk/ - the recent consultation only ended on 20th February 2023.

Regeneration Bill pass through Parliament, then (using the Welbeck Land Wymondham site as an example) the WWTWs to which the Wymondham development drains would have it permitted discharge lowered by 37% for total nitrogen and 32% for total phosphorous. In the case of a 700-home development at Wymondham, this would reduce the excess phosphorous load from the site by 97% and eliminate all excess nitrogen load.

1.27 Even if the Levelling Up and Regeneration Bill does not pass-through Parliament in its current form, there is a great deal of pressure on regulators and the Government to reduce nutrient discharge from WWTWs into watercourses. The assumption made by The Natural England calculator that nutrient discharge from WWTWs will remain at the same levels in perpetuity is unrealistic.

1.28 Should the Levelling Up and Regeneration Bill pass, or another Bill with similar implications for WWTWs, then the effect on nutrient loads could be so significant that nutrient mitigation may only be required until 2030. Considering this, has the Partnership considered temporary mitigation schemes, such as cessation on nutrient heavy farming practises to bridge this gap?

Question 18: Is the nutrient neutrality mitigation strategy likely to be successful in facilitating the delivery of the plan?

1.29 The answer to this question is unknown at present.

1.30 The work on nutrient neutrality remains ongoing, with a lot of collaboration between Natural England and LPAs being cited and joint ventures being proposed. Local solutions are being suggested, which is very positive.

1.31 There is also lots of discussion about 'nutrient credits' and how developers may be able to 'purchase' these, but as yet a scheme is not defined or set out.

1.32 There remains a serious lack of detail at the current time, with it being suggested that further reports will be available in summer 2023. It is therefore advised that it would be difficult to make important decisions in advance of this time.

1.33 There has been detailed research into off-site mitigation solutions and nutrient credit systems by Royal Haskoning DHV on behalf of Norfolk Local Authorities. However, a nutrient credit scheme for Norfolk remains undefined. This means developments such as that at Wymondham can be much more certain that nutrient neutrality requirements will be met as they do not wholly rely on off-site mitigation or nutrient offsetting schemes.

1.34 Under both The Norfolk Calculator and The Natural England Calculator there is a significant gap between the level of mitigation required for phosphorous and nitrogen neutrality. This gap would ideally be made up using nutrient offsetting schemes, however with such schemes being undefined and years away from being implemented in Norfolk, the number of houses that can be provided by developers will be limited significantly. This is demonstrated using the Welbeck Land site at Wymondham in Appendix One.

1.35 The significant unknown factors relating to the mitigation strategy for nutrient neutrality, means that it is unclear if there will be any impact on the direct delivery of the Plan.

1.36 Until a definitive mitigation strategy is agreed and set out, and any implications are known, then this must be considered a potential threat to the delivery of the Plan.

1.37 What is known is that the Partnership are suggesting that a significant proportion of their identified housing is anticipated to be delivered towards the end of the Plan period. In part, some of this is as a direct result of 'nutrient neutrality' and its effect on the deliverability of certain allocated sites. To balance this approach, it is therefore suggested that sites such as land north of Tuttles Lane east at Wymondham should be considered now as a viable and deliverable alternative site, as it can guarantee a certain amount of housing delivery during the early part of the Plan period, which is currently lacking. (See Appendix One for more details).

1.38 What is known for sure is that "*nutrient neutrality is one of the biggest challenges facing the home building industry and we cannot afford to wait until 2030 for a solution*" – Stewart Baseley, HBF's Executive Chairman.

1.39 There remains a genuine concern amongst the house building industry, and until there is a clear solution and pathway through this issue, then development in these areas must remain a risk. Uncertainty does not make for good planning, and therefore undermines any Plan making at this time.

March 2023
JBPL

APPENDIX ONE

WYMONDHAM DEVELOPMENT NUTRIENT NEUTRALITY

Technical Note

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28 February 2023

rpsgroup.com

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
01	Client Issue	C Rogers	Ola Holmstrom	Ola Holmstrom	25 Aug 2022
02	Updated Broads Calculator	C Rogers	Ola Holmstrom	Ola Holmstrom	22 Nov 2022
03	Updated Broads Calculator	B Kearsey	C Rogers	C Rogers	24 Feb 2023
04	Dual Calculator Approach	B Kearsey	Ola Holmstrom	Ola Holmstrom	1 March 2023

Approval for issue

Ola Holmstrom	Ola Holmstrom	1 March 2023

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Prepared for:

Welbeck Land

Contents

1 BACKGROUND

1.1 Welbeck Land are the promoters of a parcel of land situated immediately to the North of Wymondham, Norfolk with a potential for circa 700 units, a care home, a local centre a primary school and a sixth form centre. The initial concept master plan for this development is shown below:

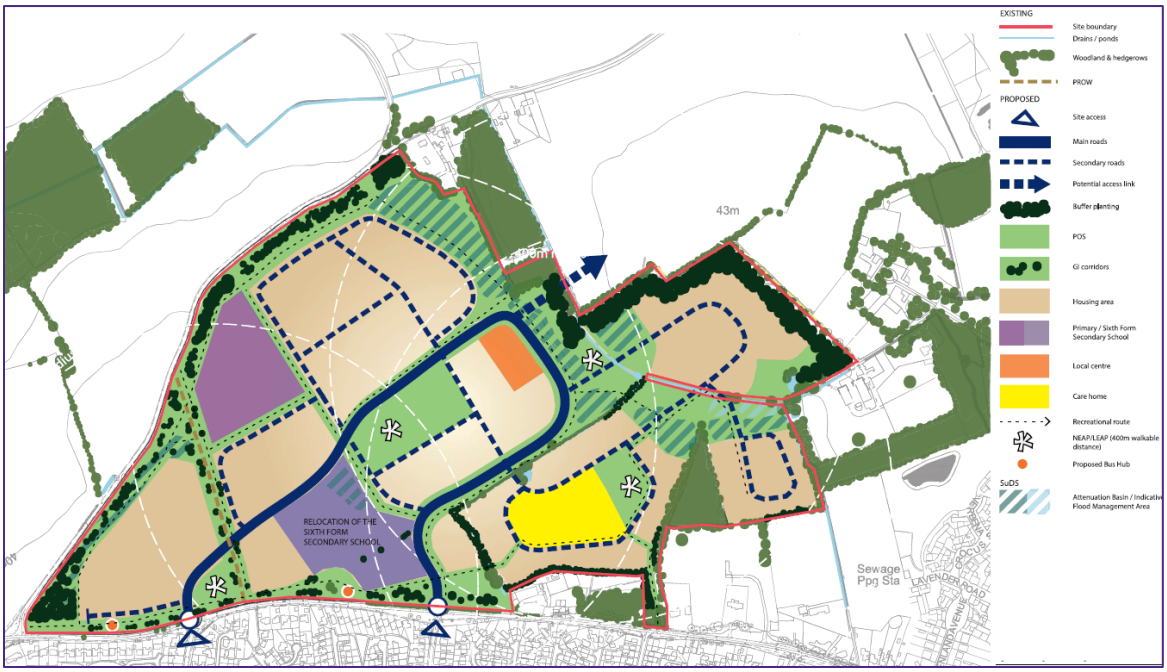

Figure 1 – Concept Master Plan

1.2 The site is located within the catchment of the Component SSSIs of The Broads SAC which are subject to Nutrient Neutrality restrictions due to their unfavourable condition. In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants, and algal blooms through the process of eutrophication.

1.3 For this reason, Natural England, who are the main custodians for SPA and Ramsar sites, have issued guidance to local authorities that they expect new development to ensure that all new built assets can be brought forward without causing additional detrimental impacts to specific designated sites which in this case is The Broads SAC.

1.4 The Broads SAC has nutrient pressures from both Nitrogen and Phosphorus for which the site is in unfavourable condition.

1.5 The extent of the catchment is shown below in Figure 2.

Figure 2 - Extent of Nutrient Neutrality Area

1.6 The Nutrient Neutrality restrictions placed on Local Planning Authorities immediately delayed a significant number of applications across numerous authorities. To assist these authorities with this and in an aim to provide some clarity to the requirements, Natural England have provided guidance together with “Nutrient Calculators” which are catchment specific.

1.7 A specific calculator for the Broads SAC was prepared by Natural England and issued in March 2022. This calculator is referred to as “The Natural England Calculator”.

1.8 The Norfolk Authorities issued their own calculator in October 2022, referred to as “The Norfolk Calculator” this is based on the generic methodology used by Natural England Calculators, but varies greatly from the Natural England Calculator in the nutrient values it produces for developments.

1.9 Natural England dispute the validity of the methodology used by the Norfolk Calculator and recommends in a letter regarding the calculator issued in October 2022 that the Norfolk Authorities seek legal advice to ensure their approach is robust and not open to legal challenge.

2 NUTRIENT LOADING

2.1 The nutrient loading from new development is generated predominantly from the additional wastewater flows from residents with components from surface water runoff and drainage.

2.2 Both “The Natural England Calculator” and “The Norfolk Calculator” are used in this report as there is a legitimate question as to which one should be used for developments in Norfolk. The report compares results from both calculators and discusses the implications of both results for the proposed development at Wymondham.

2.3 The basis of both calculators is Natural England’s generic methodology for nutrient neutrality. which splits nutrient neutrality calculations into four stages:

1. Calculate the increase in nutrient loading that comes from a development’s wastewater using assumed occupancy figures, water consumption, and which treatment works wastewater from the development drains to.
2. Calculate the pre-existing nutrient load on the development site based on soil composition, catchment rainfall and current land use.
3. Calculate the future nutrient load from land use on the development site post-development.
4. Calculate the net change in nutrient loading from the development to the Broads SAC and Broadland Ramsar site with the addition of a twenty percent buffer. The net change in nutrient loading + the buffer is the nutrient budget.

2.4 The information below has been used to determine the nutrient loads that need to be mitigated for the proposed development in Wymondham:

- Wastewater will be treated at the Wymondham treatment works
- Existing land is predominantly cereal crop (based on aerial photos)
- New development is split into residential urban land, woodland, open urban land, and SuDS features.
- Units will have approximately 1.88 occupants in the case of The Norfolk Calculator, in line with Norfolk Council’s nutrient neutrality strategy, and 2.4 occupants in The Natural England Calculator in line with Natural England’s guidance.
- Water usage will be 100 litres per person, per day in the case of The Norfolk Calculator, inline with the Norfolk Authority’s methodology and 120 litres per person, per day for The Natural England Calculator in line with Natural England’s methodology.
- An additional 4.79ha of land next to the site will be converted from cereal agriculture to grassland.

2.5 The areas classified as residential urban land, SuDS and woodland have been calculated using the concept master plan. The footprint of each land use type is depicted in the map in figure 3.

2.6 The area designated for the primary school, sixth form centre and local centre have been classified as residential land for the purposes of nutrient load calculation as although they do not include new overnight accommodation, they will have a similar overall wastewater footprint as residential land.

2.7 Remaining site area has been designated “open urban land”; this category includes open areas of managed grass such as sports fields and play areas. Two small areas of woodland which will have unaffected by the development have been discounted from the analysis.

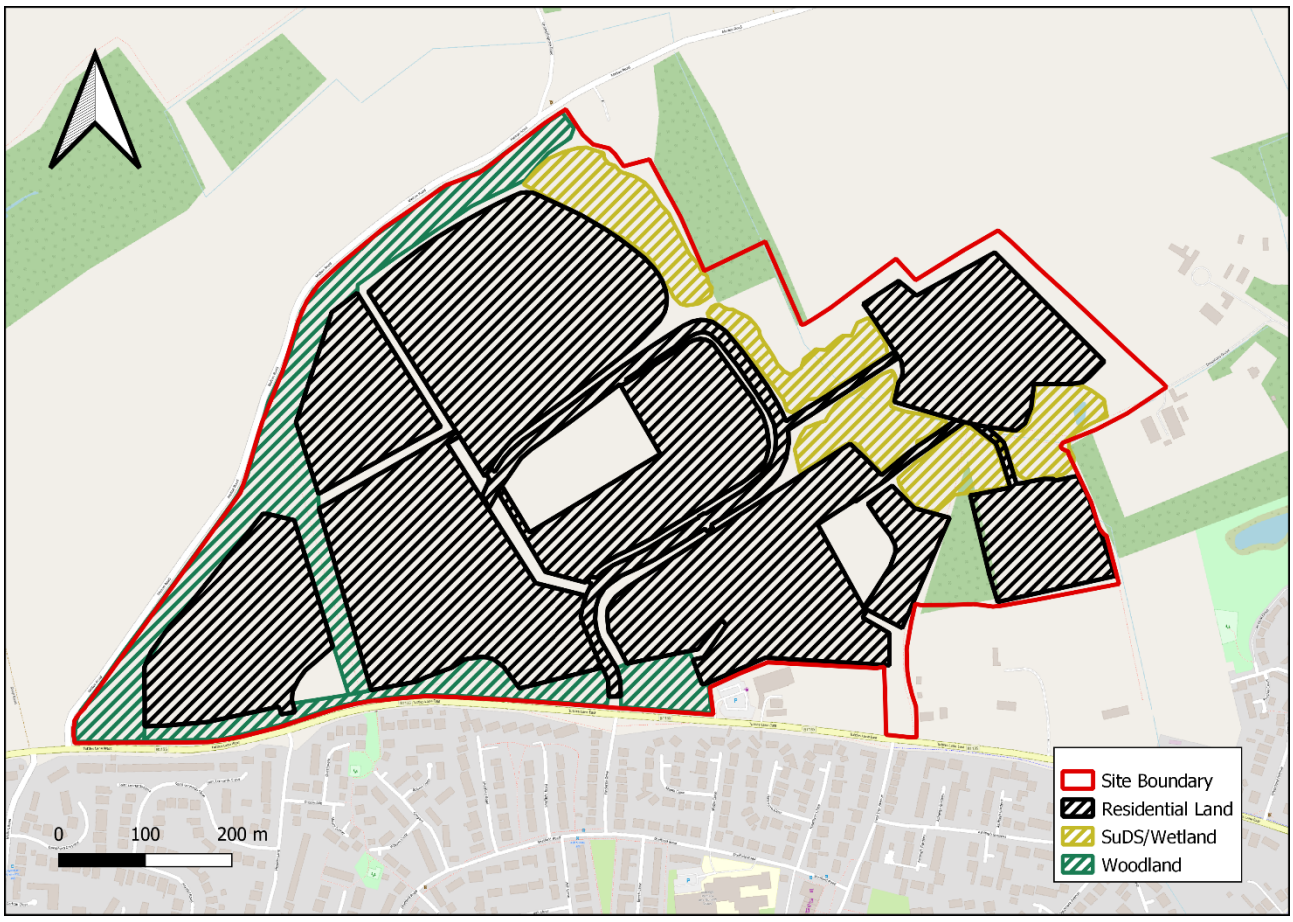

Figure 3 - Land Use After Development at Wymondham

3 NUTRIENT BALANCE

3.1 The Nutrient Calculators have been used to determine if there is an excess of nutrient to be mitigated as part of the development which is classed as the baseline. Once the baseline position has been determined in both cases, options have been considered to mitigate this based on the location and available land.

3.2 The two calculators covering The Broads SAC differ greatly in terms of figures used for occupancy and water usage and in how the two calculators approach future changes to nutrient discharge from wastewater treatment works (WWTWs).

3.3 Natural England does not plan to raise objections to The Norfolk Calculator's occupancy and water use figures but does object to The Calculator's approach to future regulations on WWTWs.

3.4 Natural England's response to The Norfolk Calculator does not mention the difference in Nutrient Export Values for land use types between the calculators even though this has a major influence on the final nutrient load calculation. Differences in these values for urban land between the two calculators are detailed below:

Table 1 - Nutrient Export Values for 1ha of Land at Wymondham

Land Use	The Natural England Calculator		The Norfolk Calculator	
	TP (kg/yr)	TN (kg/yr)	TP (kg/yr)	TN (kg/yr)
Residential Urban	1.27	11.82	0.36	5.49
Open Urban	0.68	6.97	0.01	1.82

3.5 Other methodology differences between The Natural England calculator and The Norfolk Calculator are summarised in the table below:

Table 2 - Key Differences Between Natural England and Norfolk Nutrient Calculators

Parameter	The Natural England Calculator	The Norfolk Calculator
Occupancy Rates	Occupancy rate of 2.4 based on national average from census data.	Occupancy rate of 1.88, the origin of this figure is unclear as detailed evidence has not been referenced
Water Usage*	Rate of 120L/pp/day based on the average for building regulations with a 20L/pp/day buffer.	Rate of 100L/pp/pd based on average for building regulations without precautionary buffer applied.
WWTW Discharge Concentrations	Based on current nutrient discharge levels for specific WWTWs in Norfolk with no provision for future tightening of discharge levels.	Based on current nutrient discharge levels for specific WWTWs in Norfolk with a provision for post 2030 tightening of discharge levels set out in the proposed Levelling Up and Regeneration Bill.
Mitigation Calculator	Does not include a mitigation calculator, negative nutrient loads are displayed as zero	Incudes a mitigation calculator, negative nutrient loads are displayed.
Nutrient Export Values for Specific Land Use Types	Export values as set out in Natural England's Generic Methodology.	Export values differ significantly from those in the Natural England Calculator, the justification for this difference is not clear.

*The regional Water Resources Flan for Eastern England has set a target consumption of 110L/pp/day by 2050

3.6 The original masterplan for the Wymondham development was conceived before nutrient neutrality regulations came into place in Norfolk. The number of dwellings (700) in the original concept master plan was therefore based on pre-nutrient neutrality considerations.

3.7 Reducing the number of dwellings both reduces the nutrient load due to lower levels of wastewater and runoff produced by the development, and a smaller share of land being taken up by urban land.

3.8 Nutrient load values for different development sizes at Wymondham under the two nutrient neutrality methodologies are presented in the table below, with the point of nutrient neutrality highlighted in green:

Table 3 - Nutrient Load Values for Varying Development Sizes at Wymondham

	Natural England Calculator		Norfolk Calculator	
Dwellings	TP Load (kg/yr)	TN Load (kg/yr)	TP Load (kg/yr)	TN Load (kg/yr)
700	66.21	922.82	11.49	76.99
600	51.04	600.1	4.78	0
500	35.86	277.24	0	0
400	20.69	0	0	0
300	5.51	0	0	0
260	0	0	0	0
200	0	0	0	0

3.9 This analysis demonstrates that a development at Wymondham can be nutrient neutral with 260 dwellings under the Natural England Calculator and 500 dwellings under the Norfolk Calculator.

3.10 Site specific options have been investigated to determine if there are reasonable methods to offset these nutrients, the common ones being the provision of an engineered wetland to remove nutrients. At Wymondham there currently does not appear to be a watercourse large enough to remove all of the required nutrients for circa 700 units, with 5 ha of land being available for mitigation purposes.

3.11 There could be off site options investigated to remove nutrient from the watercourse downstream of the Wymondham wastewater treatment works but this would require the acquisition of further land which would bring further costs and constraints. An alternative could be an investigation into the opportunity to purchase Nutrient Credits to offset this load.

3.12 The above results show that a nutrient neutral development at Wymondham can be delivered without the need for further offsite mitigation or the use of a nutrient credit scheme. The number of dwellings that can be delivered varies greatly between calculator methodologies, between 260 and 500

Further Options

3.13 Nutrient load generated by the Wymondham development could also be controlled by reducing per capita water consumption. Although reducing water consumption has little effect on nutrient levels from wastewater, a more concentrated load is easier to treat, this is accounted for in both calculators.

3.14 Water saving measures in residential developments can include:

- Grey-water recycling systems, where water from sinks, washing machines and showers is re-used to flush toilets and for outdoor taps.
- Rainwater harvesting systems.
- More advanced systems such as pressure assisted toilets.

3.15 Natural England's calculators are generally strict on the use of reduced water consumption figures, so any plan to utilise water saving measures would need to be evidence based and robust.

3.16 Water saving plans are often more defensible in rental stock where tenants are not usually permitted to change fittings, they are however still possible in other types of housing stock.

Offsite Offsetting

3.17 In July 2022 the UK Government issued further information about Nutrient Neutrality and steps to be taken to assist with the delivery of mitigation schemes to help development to proceed. The Government accepted that mitigation schemes will be necessary to permit further development such as this at Wymondham.

3.18 The Government issued a ministerial statement from the Secretary of State for Environment Food and Rural Affairs on 20th July 2022. This set out that the Government will:

- Place a legal duty on water companies to upgrade wastewater treatment works by 2030 in nutrient neutrality areas
- Require Natural England to establish and deliver a Nutrient Mitigation Scheme.

3.19 The above announcements mean that there should be several mitigation schemes that developers can buy credits to mitigate against increased nutrient discharges and that in the fullness of time the level of nutrients discharged from wastewater treatment works will decrease.

3.20 The timing of these credits is crucial for developments, the development of nutrient credit schemes in Norfolk is progressing slowly with the nature of the schemes being undefined at this stage, this contrasts with other nutrient neutrality areas where council owned and privately owned nutrient credit schemes are well established.

4 SUMMARY

4.1 The proposed development at Wymondham is situated within a Nutrient Neutrality catchment susceptible to both Phosphorous and Nitrogen.

4.2 Unlike with other local authorities in nutrient neutrality areas, the Norfolk Authorities have issued their own bespoke nutrient calculator, the methodology of this calculator differs from the relevant Natural England calculator leaving developers with uncertainty over which calculator produces more valid nutrient load values. Differences between the two calculators are detailed briefly below:

- Occupancy rates vary greatly between calculators with The Natural England Calculator using the national average rate of 2.4 and The Norfolk Calculator using a rate of 1.88, the source of which is not given in the guidance.
- Water usage rates vary greatly between calculator with a 20% precautionary buffer applied to water use rates in the Natural England Generic Methodology not being carried over to The Norfolk Calculator. This reason for the omission of the buffer is unclear.
- The Norfolk Calculator includes a provision for tightening of WWTW nutrient discharge levels after 2030 as a part of the Levelling Up and Regeneration Bill, which has yet to pass though parliament. The Natural England Calculator unrealistically assumes that nutrient discharge rates will remain as they are today in perpetuity.
- The Norfolk Calculator provides a sub-calculator for determining the effectiveness of mitigation strategies, whereas The Natural England Calculator does not provide mitigation calculations and where the calculated nutrient load is negative, this is displayed as zero.
- Nutrient export values from land use types differ greatly between calculators, it is not clear why values in The Norfolk Calculator differ from Natural England's Generic Methodology.

4.3 Analysis of nutrient loads at Wymondham have demonstrated that under the methodology of the Natural England calculator a development including 260 dwellings at Wymondham can demonstrate nutrient neutrality, this figure rises to 500 dwellings under the methodology of the Norfolk Calculator.

4.4 Natural England disputes the validity of some parts of the methodology used by "The Norfolk Calculator" and has advised that the Norfolk Authorities seek legal advice on its use for planning.

4.5 The proposed development at Wymondham can still be delivered at a more realistic scale while demonstrating nutrient neutrality. With further master-planning and the use of offsite nutrient mitigation, the size of the development could be increased.

4.6 A more detailed study would be required to support the development of the scheme through the planning process.

APPENDIX TWO

7 Oct 2022

Our ref: Norfolk Nutrient calculator response

FAO: Heads Planning, Development Management and Planning Policy

By email only

Dragonfly House
2 Gilders Way
Norwich NR3 1UB

Dear Sir/Madam

Consultation: Norfolk Nutrient Budget Calculator (Developed by Norfolk LPAs and Royal Haskoning)

Thank you for your email of 23 September from Trevor Wiggett, consulting Natural England on the nutrient budget calculator that the Norfolk Authorities have developed with support from Royal Haskoning, hereafter referred to as the 'Norfolk calculator'.

Natural England notes that the approach adopted in the Norfolk calculator is broadly consistent with that which underpins the Natural England nutrient budget calculator. This response therefore focusses on the elements of the Norfolk calculator for which a different approach, or different figures have been used.

Following a review of the information shared with Natural England, there are three elements of the Norfolk calculator where the approach differs from that in the Natural England calculator:

1. Occupancy rates
2. Water usage
3. WwTW discharge concentrations

Detailed comments and advice regarding the three aforementioned elements are set out below.

Occupancy rates:

As set out in the Natural England Nutrient Neutral Generic Methodology and the Natural England Calculator Guidance document; "Competent authorities must satisfy themselves that the residents per dwelling/unit value used in this step of the calculation reflects local conditions in their area. The residents per dwelling value can be derived from national data providing it reflects local conditions. However, if national data does not yield a residents per dwelling/unit value that reflects local occupancy levels then locally relevant data should be used instead. Whichever figure is used, it is important to ensure it is sufficiently robust and appropriate for the project being assessed."

The Norfolk calculator also includes a separate occupancy rate for houses with multiple occupancy (HMO) and for hotels/guest houses to be used when there is development with an additional number of rooms above six residents. For hotels/guesthouse developments, the calculator additionally allows for a bespoke

figure of number of weeks occupied per year and an average occupancy rate (0-100%). There is no information in the ORS report to explain how these figures have been derived, or to support using a different occupancy rate for HMOs/tourist accommodation. The Royal Haskoning report indicates that the average occupancy rate for hotels and HMOs comes from the Dorset Heaths SPD. This SPD specifies a 1.65 occupancy rate for 'flats' but with no detailed information as to how this has been derived.

Natural England would advise that suitable provisions should be put in place to ensure that should hotels/guesthouses revert to residential accommodation in the future, there is a mechanism to assess the potential for any resulting change in nutrient load. We would further advise that the number of weeks per year use, and average occupancy of hotels and tourism accommodation should be adequately evidenced to provide the necessary certainty required for Appropriate Assessment.

Natural England therefore support the use of locally relevant data to derive an appropriate occupancy figure for Norfolk. The Norfolk Authorities, as competent authority must be satisfied that the evidence underpinning the occupancy rate in the Norfolk calculator is sufficiently robust and appropriate. We would recommend that project level Appropriate Assessments which are informed by the Norfolk calculator specifically include justification for why the competent authority has decided upon the occupancy rate that has been used.

We would also recommend the Norfolk Authorities review the comments made by Justice Jay at the High Court in the Wyatt v Fareham Judicial Review, regarding the use of occupancy rates which are appropriate to the type of development being permitted.

Water Usage:

The Natural England methodology and calculator recommends the addition of 10 litres per person, per day to the Building Regulations standard being applied to the planning permission (e.g. 110 litres per person, per day). The Norfolk calculator has removed this additional 10 litres per person, per day and relies on the Building Regulations standard which is secured as part of the planning permission.

The Norfolk Authorities have referenced a study to support the removal of the additional 10 litres per person, per day. It is noted that this study is of homes built to the 125 litres per person, per day standard, rather than 110 litres. We would highlight that Natural England's methodology was informed by the analysis by Waterwise of homes in London built to a stricter 105 l/person/day under the Code for Sustainable Homes which showed that actual water usage ranged between 110 to 140.75 litres per person, per day, depending on the occupancy rates (https://www.waterwise.org.uk/knowledge-base/advice-on-water-efficient-new-homes-for-england-september-2018/).

Natural England advise that the removal of the additional 10 litres per person, per day makes the Norfolk calculator less precautionary than the approach set out in the Natural England methodology, and the Natural England calculator.

WwTW discharge concentrations:

The Norfolk calculator uses a hybrid approach of retaining the Natural England methodology for Waste-water Treatment Works (WwTW) with high levels of anticipated new connections, and current discharge concentrations with an additional precautionary uplift for WwTW with lower levels of anticipated new connections.

Water companies can increase the concentration of nutrients in the waste-water discharged from WwTW up to the level set in their Environment Agency permit without the requirement for any new consent or consultation. Therefore, the Norfolk Authorities must be satisfied that the figures used in the Norfolk calculator do not risk underestimating the nutrient load of new development connecting to WwTW with lower levels of anticipated growth. It is important to recognise that when undertaking an Appropriate Assessment, potential impacts need to be considered over the lifetime of the development proposal.

For WwTW which do not benefit from a discharge permit with a defined maximum nutrient concentration, the Norfolk calculator uses 6mg/litre for Total Phosphorus, and 25mg/litre for Total Nitrogen. We note that these are the national average values used by the Environment Agency for their planning purposes.

However, as these values represent the national average, there will be a variation in WwTW performance with some performing better, and others worse than this figure.

Natural England advise that the reduction (by 2mg/litre) in the values used in the Norfolk calculator for WwTW without a defined maximum nutrient concentration makes the Norfolk calculator less precautionary than the approach set out in the Natural England methodology, and the Natural England calculator.

The Norfolk calculator includes future discharge concentration values for WwTW which have upgrades planned as part of the Periodic Review (PR) process. This is consistent with the approach set out in the Natural England methodology, and the approach taken for the Natural England calculator. The Norfolk calculator also incorporates the Technically Achievable Limit (TAL) figure from 2030 (0.25mg/litre for Phosphorus and 10mg/litre for Nitrogen) which was announced as a requirement for water companies in nutrient neutrality areas by Defra Secretary of State in July 2022.

The announced requirement for water companies to achieve TAL will be legislated through the Levelling-up and Regeneration Bill. Natural England advise that until the Bill receives Royal Assent the requirement for TAL cannot be considered certain. We recommend that the pre-2030 figure is used to determine the mitigation requirement for new development until the legislation securing the requirement for water companies to achieve TAL is in place.

Summary of Natural England's Advice

As set out above, Natural England considers the Norfolk calculator to have reduced the level of precaution in the nutrient budget calculation in comparison to the methodology and calculator we have produced. A reduction in the level of precaution in the nutrient budget calculation will have a corresponding increase in the potential for the mitigation delivered to be insufficient to fully address the potential for adverse effect to the Broads SAC, and River Wensum SAC.

Natural England accepts that it is the decision of the Norfolk Authorities, as Competent Authority to determine the approach (and associated calculations) taken to Appropriate Assessment of new development proposals. We therefore recommend that the Authorities take legal advice to ensure the approach taken to inform Appropriate Assessment of new development proposals is robust and not open to legal challenge.

Natural England do not intend to raise objection to the Norfolk Authorities using the Norfolk calculator to inform their Appropriate Assessments, other than the specific inclusion of the TAL figure for WwTW from 2030 onwards. As highlighted, the 2030 upgrades are not yet in legislation and therefore cannot be considered sufficiently certain to form the basis of a nutrient budget for new development proposals. Therefore, any Appropriate Assessment which relies on these figures, in advance of the relevant legislation being in place, would lead to an objection by Natural England.

Consultation responses to Appropriate Assessments relating to nutrient neutrality, which do not rely on the TAL figure from 2030 will include the following advice from Natural England:

Natural England notes that the Authority's own calculator has been used to calculate the nutrient budget for this application. This calculator deviates from the Natural England nutrient neutral methodology. As set out in our letter dated 7 Oct 2022 your Authority must be satisfied that the calculator is based on robust evidence and takes a suitably precautionary approach.

I hope this information is helpful, please contact my colleague Helen Dixon in the first instance if you wish to discuss further helen.dixon@naturalengland.org.uk

Yours faithfully

Simon Thompson
Principle Adviser – Strategic Solutions
Strategy and Government Advice

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