

PLANNING COMMITTEE

Date: 2nd March 2026

SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA AND ERRATA

Item No. 9/1(a) 25/01391/FM Page No. 9

Anglian Water: Email dated 13 February 2026. The email received has been summarised (by the planning officer) as follows -

- Heacham Water Recycling Centre (WRC) operates a numeric environmental permit issued by the Environment Agency (EA). This includes a defined limit on the Dry Weather Flow which is set by the EA and is designed to protect the water environment. The Dry Weather Flow is the volume of treated effluent that can be discharged to the receiving watercourse. The figure is the average daily flow to a wastewater treatment works during a period without rain.
- Any additional flow that would cause the WRC to exceed its permitted Dry Weather Flow is an unacceptable risk to the environment.
- When assessing the WRC Dry Weather Flow headroom Anglian Water take the latest Q90 figures, as verified by the EA, and add sites with consent which are yet to be added to the network.
- The current WRC permit is 4500 cubic metres per day, however the WRC was operating at 4,771 cubic metres per day as of the 2024 Q90 data. Headroom is therefore at -271 cubic metres. This does not include approved developments which are yet to connect to the network.
- Heacham WRC currently lacks the capacity to accommodate the additional flows generated by this development.

Cllr Ryves: I have been looking at some appeal DECISIONS

APP/V3120/A/09/2108686 CUMNOR HILL
APP/W0530/W/19/3224708 MELBOURN

In Cumnor Hill, the relevant main issue was the adequacy of the proposed foul and surface water arrangement. It was held that the IWIA91 right to connect is amended by the LPA requirement that a drainage scheme should be agreed before development. (This seems in line with Condition 19). Further the Inspector believes that without full knowledge of the discharge flows these "COULD contribute to environmental or amenity problems downstream."

para 28 " the appellant has failed to demonstrate that residents downstream would not experience resultant and increased risks of flooding "

in Melbourn there was " an absence of adequate substantive evidence as regards the predicted flow of effluent...there are known capacity issues of concern on the receiving network"

Could you please comment on these cases in the light of the application above, as the implication is that uncertainty favours non development.

Cllr Parish: Neither I nor a representative of Heacham Parish Council are allowed to speak at the presentation of this item at planning committee.

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I reiterate the strong objection I and the PC have to this application being approved. It is the second, recent, application which has come forward with objections from Anglian Water due to the lack of capacity at Heacham Waste Water Treatment Works (WWTW). The incremental impact of such applications, going forward, will, if allowed, contribute to the very significant risk of untreated sewage entering The Wash between Heacham and Hunstanton. That body of water is typically at the threshold of being of poor bathing water quality. Any ingress of raw sewage will tip it into being an environmental, economic and social 'disaster'. In addition, there will be obvious health risks to anyone bathing or paddling on, certainly, Heacham Beaches.

To support this and similar applications, before Heacham treatment works are upgraded or new facilities are made available, would indicate an imbalance in risk assessment which, it appears, has not been considered. A possibility of a successful appeal against refusal against a contribution to the poisoning of our local sea. This is not just an application for a small development in Docking, it is a statement of what the Local Planning Authority considers more important in the service area of the Heacham works, houses or health and economic well being.

Assistant Director's Comments:

The comments and concerns raised by Cllr Parish and Cllr Ryves are acknowledged. The issues are discussed within the Officer's Report.

In response to the queries related to the aforementioned appeal decisions;

APP/V3120/A/09/2108686 40 Cumnor Hill, Oxford – Demolition of existing house and garage.

- Erection of four detached houses with garaging and parking (<https://whitehorsedc.moderngov.co.uk/documents/s9906/Cumnor%20Hill%20decision.pdf>) Inspector was required to consider the proposed foul drainage arrangements for the site. Thames Water had works to the water treatment works programmed and funding agreed although planning consent had not yet been obtained. Proposal sought to provide package treatment plants in the short term, with intention to connect to public sewer longer term.
- Inspector considered whether a condition could be used to secure drainage information and was of the view that such a condition met the guidance in Circular 11/95, as was relevant.
- Inspector goes on to discuss detailed arrangements of the capacity of the drainage network. Specifically in this case, the proposed discharge rate from the four proposed dwellings would be in excess of the capacity of the watercourse as it passes through the neighbouring garden and this would be likely to cause flooding. This is because the existing channel and culverts are restricted in width and diameter in the garden of no.36.

It is our view that this appeal decision differs from that under discussion. The proposal referred to in the Inspectors Report had issues regarding the immediate drainage network as well as the capacity of the water treatment works. This is not the case with the current planning application which relates to the capacity at Heacham WWTW only.

APP/W0530/W/19/3224708 Land off New Road, Melbourn –
https://applications.greatercambridgeplanning.org/online-applications/files/A4325BAEE54ED0ECC1637D9584EB0971/pdf/S_4241_18_DC-Appeal_Decision-4446040.pdf

- This appeal related to an application to discharge a planning condition on a planning application for 199 dwellings plus a 75 bed care home.

- In this case the Inspector took the view that there was insufficient information submitted by the applicant to demonstrate that there was an appropriate drainage scheme for the site, given the identified issues in the sewerage network.

The scale of that application is significantly different to that currently proposed.- In that case, when the detailed information was submitted, the Inspector was of the view that this was insufficient to demonstrate an acceptable solution.

APP/A450/W/25/3367464 – Land at buildings at Cleadon Lane Industrial Estate, Cleadon Lane, East Boldon
<https://planning.southtyneside.info/MVM.DMS/Planning%20Application/819000/819378/ST110921FUL%20Appeal%20Decision.pdf>

- Application for 202 residential units.
- No objection from Northumbrian Water and the LLFA to the drainage strategy.
- Council advised that it did not wish to defend its position in the light of another similar appeal in their area.
- General comments made on how the Framework assesses such issues (set out below in more detail)

With all the appeal decisions I would caution about giving too much weight to these, as I am not aware that these are precedent cases, therefore representing case law. There are differences evident in all of them from the current case, not least the fact they are in different areas of the country, the view of the particular water company differs on each application, and the scale of development involved is different.

That said, the most useful element is the interpretation of how planning policy should be applied, in the latter, and most recent appeal cited by the Applicant. This is relevant to this case in my view. I would therefore point out paragraphs 8-12, and would highlight the following:

8. “.....There the appointed Inspector found, in summary, that it is clear in the Framework that the focus on planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. I concur with that approach. In contrast, the approach that the Council advocated in its reason for refusal would in effect place a moratorium on new house building where those houses were to be served by a drainage network that is not operating efficiently.

9. This would mean that there could be no further house building in such areas until matters relating to the wider drainage network were addressed. There appears to be no apparent way of predicting when this might be with any accuracy, but submissions by interested parties suggest that there could be a significant lead in time before any works that might be necessary could be designed and implemented. Following completion of the works, it would seem that there would need to be a post completion monitoring period of at least 10 years to establish their effectiveness. This period of inertia in new housing development would undermine the aim of the Framework to significantly boost the supply of homes and would be a perverse outcome in the face of pressing housing need.

10. I accept that Paragraphs 187, 198 and 199 of the Framework set out aims with regards to pollution, including water pollution, and the impact that new development might have upon the natural environment. However, there are other legislative mechanisms in place to address the efficient functioning of the drainage network, and this is evident in the recent enforcement investigation and penalty that Ofwat have imposed on NW. With direct reference to paragraph 201 of the Framework, that is, to my mind, how the matter should be addressed, as opposed to

paralysing the delivery of much needed new homes whilst other bodies ensure compliance within their own areas of responsibility.....”

12. “Considering the matter in the round, I give significant weight to the position of NW and the LLFA that the proposed development would lead to betterment in terms of the drainage network, and to NW’s position that there is capacity available to accept the foul drainage. But even if this was not correct, the provisions of the Framework do not support the resisting of new house building until such time as the pollution control regime functions efficiently. On the contrary, the Framework requires the decision maker to assume that the pollution control regime is operating efficiently. This is in my view, a clear steer that the considerations raised in this instance relating to the efficient operation of the wider drainage network should fall outside of the matters which are material to my consideration of the appeal (my emphasis).”

Understandably, in the absence of further AW information to demonstrate harm, the applicant was very keen to have the application brought back to Planning Committee as soon as possible. However, the latest comments received from Anglian Water regarding Dry Weather Flow rates and providing further information on the existing capacity issues at Heacham WWTC, irrespective of any consented development that is yet to connect to the network, are a material change in circumstances which require full consideration. Whilst officers have sought to interrogate this technical information and provide the necessary clarity that Members need to make a proper decision, given time constraints and with the best will in the world, it has not been possible. More importantly, any decision regarding this site would have wider strategic implications for development within the Borough which needs to be thoroughly understood by Members given the government’s mandate for growth. On this basis, it is recommended that the application be **DEFERRED**.

Item No. 9/1(b) 25/00590/O Page No. 35

Agent: The planning application has been withdrawn.

Item No. 9/2(a) 25/01782/F Page No. 54

Agent: Queries the need for a further Construction Management Plan given that it had already been submitted.

KLWN BUG: Invite to Members to a proposed group cycle ride cycling from the KLIC site to and from the hub at Baker Lane.

Cllr Devulapalli: Requested to have a ‘pictorial representation’ of the possible routes through between the NORA and Baker Lane Active Travel Hubs.

Correction: Page 60 of the Officer report sets out comments from King’s Lynn Area Consultative Committee (KLACC). However, those comments relate to the NORA Travel Hub application (25/01783/FM) only and were inputted into this report in error and note related to the Baker Lane application.

Amended Condition:

~~10 Condition No development or other operations shall take place on site until a detailed Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:~~

- a) ~~the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used;~~
- b) ~~the location of any temporary buildings and compound areas;~~
- e) ~~the location of parking areas for construction and other vehicles;~~
- d) ~~the measures to be used to prevent the deposit of mud and other deleterious material on the public highway; and,~~
- e) ~~a scheme for the management and signage of all construction traffic.~~

~~The development of that phase shall be carried out in accordance with the approved construction management statement.~~

10 Condition The development hereby permitted shall be carried out in full accordance with the submitted Construction Management Plan ‘Revisions B – 18.08.25’.

10 Reason In the interests of maintaining highway efficiency and safety and in order to protect neighbour amenity, in accordance with Local Plan Policy LP21 and the provisions of the NPPF.

Assistant Director’s Comments: Amendments and corrections noted and considered acceptable. Regarding the request to show the cycle routes between the Hubs, an image has been included within the Planning Committee Presentation.

Item No. 9/2(b) 25/01678/F Page No. 74

Agent: Provided an amended plan changing the elevations from painted brick to chalk with brick detail and added glazing bars to the fenestration. A planning statement based on the amended plan was also received.

Assistant Director’s Comments: Whilst the amended plan and planning statement are noted, the general form of the extension is the same and conditions relating to materials and windows style could be amended to include chalk and further details of window style to be agreed if necessary. However, the extension as proposed is considered fully acceptable.

Item No. 9/2(d) 25/01758/F Page No. 99

Ecologist: Based on the updated information received, which demonstrates how the biodiversity enhancement will be delivered, the conditions should be amended accordingly.

AMENDED CONDITIONS:

~~6 Condition Within 3 months of the date of decision an Ecological Design Strategy shall be submitted to the local planning authority for approval in writing. The strategy must be submitted with accompanying calculations, demonstrating a measurable net gain in Area Units calculated using the Statutory Metric, including information about how the habitat will be established, secured and monitored for at least 30 years and the mechanism to achieve it.~~

The approved scheme of mitigation as per Statutory Metric V2 (Lucy Reed [Greenlight], 10/02/2026) and Biodiversity Net Gain Assessment (Greenlight, 10/02/2026) shall be carried out in accordance with the approved details with 3 months of the date of decision and thereafter retained in a suitable condition to serve the intended purpose.

A ‘statement of good practice’ shall be signed upon completion of the enhancement by a competent ecologist and evidence of delivery, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted’.

6 Reason In order to ensure the development does not result in the loss of habitat **for protected species and to deliver measurable net gain in** and to enhance biodiversity on the site in accordance with Paragraph 174 of the NPPF and Local Plan Policy LP20.

7 Condition ~~Within 3 months of the date of the details approved in writing by the Local Planning Authority, the Ecological Design Strategy shall be implemented in accordance with the details agreed and thereafter retained in a suitable condition to serve the intended purpose. A 'statement of good practice' shall be signed upon completion of the enhancement by a competent ecologist and evidence of delivery, and be submitted to the Local Planning Authority, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted'. Measures shall be implemented in full and the habitats maintained thereafter. A scheme of habitat management shall be submitted to and approved in writing by the local planning authority within 3 months of the date of decision, including information about how the habitat will be secured and monitored for at least 30-years and the mechanism to achieve it. Development shall be carried out in accordance with the approved plan.~~

7 Reason In order to ensure the development does not result in the loss of habitat **for protected species and to deliver measurable net gain in** and to enhance biodiversity on the site in accordance with Paragraph 174 of the NPPF and Local Plan Policy LP20.

Assistant Director's Comments: Amendments noted.