

PLANNING COMMITTEE

Date: 13th April 2026

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

Item No. 9/1(a) 25/01391/FM Page No.17

Cllr Ryves: Email directly to Anglian Water dated 26th March 2026, as follows:

'I understand AW has withdrawn its objection to this small residential application.

Can I ask does WIA 106(4) provide a mechanism should your capacity be insufficient and allow an application to be considered unlawful?'

Anglian Water: Email response dated 30th March 2026, as follows:

'Once a site has planning consent, under Section 106 of the Water Industry Act, Anglian Water are obligated to accommodate flows and accept connections, regardless of any capacity constraints within our network.

The obligation to address capacity constraints within our network for approved development rest with Anglian Water.'

Anglian Water: Confirmed its new methodology for assessing WRC capacity via email dated 1st April 2026 as follows:

'We would like to share with you the latest updated list of our water recycling centres (WRC), along with details of how we will be approaching planning applications in each catchment from today, 1st April.

We have now changed our methodology for assessing WRC capacity. We submit Dry Weather Flow (DWF) data to the Environment Agency each year and update our planning responses to reflect the latest information. However, we recognise that extreme year-on-year weather variations can influence DWF. We have therefore revised our approach based on a three-year Q90 DWF average, plus known growth. This method smooths out volatility caused by unusually wet or dry years and offers a more representative long-term assessment of available capacity.

We recognise the challenges that can arise where Anglian Water raises an objection on the grounds of insufficient Water Recycling Centre (WRC) capacity. In some cases, developers have suggested the use of private package treatment plants as an alternative solution. However, the regulatory position is clear: the Environment Agency will only consider permit applications for developments proposing to include non-mains drainage if it can be demonstrated that a mains connection is not feasible in terms of cost and/or practicality. The Building Regulations 2010 and Government Guidance contained within the Planning Practice Guidance for [Water supply, wastewater and water quality - GOV.UK](#) (paragraph 020 ID: 34-020-20140306) sets out a hierarchy of drainage options. National planning practice guidance establishes a first presumption for development to discharge wastewater via the mains system. This is set out in the wastewater drainage hierarchy and ensures consistency with environmental permitting and building regulations requirements.'

Assistant Director's Comment: The email chain between Anglian Water and Cllr Ryves is noted.

Planning Committee
13th April 2026

The lack of objection from Anglian Water and discussion of the implications of the Water Industry Act 1991 takes place in depth within the Officer's Report to committee on pages 32 - 34. However, for clarification and reflected in case law, under S106 of the Water Industry Act 1991, developers have an absolute right to connect to the public sewer and Anglia Water cannot refuse connection on lack of capacity with any environmental impacts being matters for the undertaker to manage via its own statutory duties (Barratt Homes v Welsh Water) This is confirmed in the Anglian Water's email of 30th March 2026 i.e. they are obligated to accommodate flows/accept connections from consented development regardless of any capacity constraints .