

Joint Position Statement on Development in the Horning Knackers Wood Water Recycling Centre Catchment

Date xxxx

Prepared by ~~Anglian Water Services and~~ the Broads Authority, North Norfolk District Council and the Environment Agency.

Contents

1. Introduction	1
2. Background	1
3. Anglian Water Services’ Stance	3
4. Policy Background	4
5. Local Authority Responsibilities	5
6. Horning Water Recycling Centre	6
7. Implications for Development in Horning	7
Appendix 1: Horning Knackers Wood Water Recycling Centre Catchment	9
Appendix 2: Statement of Fact, Anglian Water Services, February 2022.....	10

1. Introduction

1.1. This statement has been prepared to support Local Planning Authorities in their decision making on development in Horning, North Norfolk. This is an update from the previous Joint Position Statement that was adopted/endorsed in 2017.

2. Background

2.1. Horning Knackers Wood Water Recycling Centre discharges to the River Bure. In doing so, this Water Recycling Centre (WRC) contributes nutrient loads to the downstream watercourses as well as to the Bure Broads and Marshes Site of Special Scientific Interest (SSSI), a component of the Broads Special Area of Conservation (SAC)/ Broadland Special Protection Area (SPA).

2.2. Concerns regarding development in the catchment of the WRC (Appendix 1) relates to the potential impact of rising nutrient loads on the river and sensitive downstream receptors and excess flows caused from water ingress into the system (from surface water, river over topping and the resultant groundwater infiltration which is compounded through defects in the public and private network). The environmental permit limits for Knackers Wood WRC are set to preserve the

quality of water in the watercourse downstream of the discharge point both to ensure that there is no deterioration in Water Framework Directive status and that decisions support measures to help the waterbody to achieve good ecological potential, nor deterioration in Conservation Objectives. The permit limits are several, set against modelled conditions specific to that waterbody and interdependent with each other. Currently, one of the permit limits, Dry Weather Flow is in exceedance by a significant amount. At present, the section of the river Bure that receives the discharge from Knackers Wood has an overall WFD status of 'moderate' and also 'moderate ' for ecological potential. ~~At present, the main River Bure achieves 'high status' for water quality (very good quality), and the Bure Broads and Marshes SSSI predominantly meets the water quality thresholds.~~ As a minimum, our objectives are to ensure that there is no deterioration in water quality in the river and that the water quality thresholds set out in the Conservation Objectives for European protected sites continue to be met or bettered. Further details on the needs of the European Site are available from Natural England.

2.3. The pressures caused by excessive volume puts river water quality at risk in two main ways:

- a) Clean groundwater and surface water will be mixed with foul water which is then treated to the discharge concentration expected for a normal foul water flow. This has the potential to increase the concentrations of nutrient load in the waterbody. To illustrate this, where a water company wants to increase its volumetric flow, its sanitary permit is tightened requiring physical alterations to the WRC to remove a greater proportion of nutrients.
- b) WRCs have storm water tanks which are there to store excess foul water flows in storm conditions to be treated when capacity is available and to prevent the WRC being overwhelmed and discharging untreated foul water into rivers. The size of the storm water tanks is set based on the permitted volumetric flow. At Horning WRC, the stormwater storage capacity is being taken up by the excessive flows even in normal weather which leaves little capacity for storms. This increases the risk of untreated foul water being discharged in the Bure. This is a significant threat to water quality and the 'no deterioration' objectives.

2.4. The environmental permit issued in respect of the discharge to the river has two elements: the sanitary permit and the volumetric permit. Both elements are set by the Environment Agency at a level to ensure that the discharge to the river Bure does not cause deterioration of the Water Framework Directive classification of that waterbody and support the objectives of the River Basin Management Plan. The volumetric permit is set both to ensure that the total chemical and bacterial

loading does not exceed safe limits and that stormwater capacity designed to prevent discharge of untreated foul water into the river is not overloaded. **Horning Knackers Wood WRC is in protracted exceedance of the volumetric permit due to the continued ingress of surface and groundwater.**

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~~A high quality water environment is an integral part of the natural environment, providing a good habitat for plants, animals and quality of life benefits for local people. Water resources and a high quality water environment underpin economic development, by providing water for households, industries, agriculture, recreation and tourism. The 'high status' water quality in the River Bure is atypical for East Anglian rivers, making this a particularly important catchment to safeguard. The 'high status' is due in part to the significant investment that the water company have made since the 1990s to reduce phosphorus concentrations in effluent to protect the Broads as well as ongoing work by the Environment Agency to identify and address poor water quality across the wider catchment. This investment, and the environmental and socio-economic benefits it has delivered, should not be jeopardised by development.~~

~~To ensure that there is no increased risk to water quality, there must be no increase in nutrient loading from the Horning WRC above that assessed by the Environment Agency under the 'Review of Consents' project which concluded in 2007. Any development that could increase foul water flows to the WRC could increase the loading from the Centre.~~

3. Anglian Water Services' Stance

3.1. Anglian Water formally withdrew from the 2017 Horning Position Statement in April 2022 and issued a Statement of Fact which updated their position in relation to new development and their continued commitments and liabilities around operation and maintenance of the public sewer network in Horning.

'Since the 2017 Position Statement we have undertaken investigations and work to protect

Joint Position Statement on Development in the Horning Catchment

our assets from river flooding and surface water entering the foul system. There is no single engineering solution which can be provided by Anglian Water and the issues being experienced primarily relate to continued infiltration and inundation.

We have published the Horning Statement of Fact (see [Appendix 2](#)), which sets out the investigation and work we have undertaken to date and how we will respond to new development proposals within the Horning WRC catchment.

We are committed to engaging with key stakeholders going forward and will update the Statement of Fact as and when needed’.

4. Policy Background

4.1. Policy HOR6 of the North Norfolk Site Allocations DPD (February 2011) states that development will be required to ‘demonstrate that there is adequate capacity in sewage treatment works and no adverse effect from water quality impacts on European Wildlife Sites.’

4.2. ~~It should be noted that at the time of writing, an updated North Norfolk Local Plan is due to be submitted for examination. That document will replace the Site Allocations DPD. In the emerging Plan there are no specific site allocations in Horning and the relevant policies are: CC7 and CC13.~~ It should be noted that at the time of drafting, an updated North Norfolk Local Plan was submitted for examination. That document will replace the 2011 Site Allocations DPD once adopted. In the emerging Plan there are no specific site allocations identified in Horning but the issues identified are incorporated into policies: CC7; Flood Risk & Surface Water Drainage and CC13; Protecting Environmental Quality and relevant proposals will need to demonstrate adequate water treatment and disposal exists or can be provided in time to serve any proposal. Proposals will need to comply with statutory environmental quality standards and demonstrate, individually or cumulatively, that any development would not give rise to adverse impacts on the natural environment, including water quality.

4.3. Policy DM2 of the Local Plan for the Broads (adopted 2019) says ‘To ensure the protection of designated sites, no new development that increases foul water flows requiring connection to the public foul drainage system within the Horning Knackers Wood Catchment will be permitted, until it is confirmed that capacity is available within the foul sewerage network and at the Water Recycling Centre to serve the proposed development’.

~~Policy HOR1 of the Broads Authority Site Specific Policies DPD adopted 2014 states that: ‘To ensure the protection of designated sites, no new development requiring connection to the public foul drainage system within the Horning Catchment, should take place until it is confirmed capacity is available within the foul sewerage network and at the Water~~

~~Recycling Centre to serve the proposed development.’ Policies HOR2, 5 and 7 support or re-iterate this policy.~~

5. Local Authority Responsibilities

5.1. The legal framework for the protection, improvement and sustainable use of waters is provided by the Water Framework Directive (WFD) which was enacted into UK law in December 2003. Since the UK left the EU, all European laws were transposed into UK Law.

5.2. Under the UK Regulations, local authorities must have regard to the Plans developed to deliver the Regulations in exercising their functions. This means that they need to reflect the priorities and objectives (as described above) in local planning policies, infrastructure delivery plans and in the determination of individual planning applications. With regards t o development in the Horning catchment, the main priorities and objectives are to ensure no deterioration and seek an improvement in river water quality and to meet the Conservation Objectives for the Bure Broad and Marshes SSSI/ SAC/ SPA.

5.3. Local authorities and other public bodies are also required to provide information and “such assistance as the Environment Agency may reasonably seek in connection with its WFD function.

5.4. The WFD was incorporated in to UK law separately as The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Local authorities, along with other public bodies, have a general responsibility not to compromise the achievement of ~~UK~~ compliance with ~~EU Directives, including the WFD~~ relevant EU Directives and the Water Environment Regulations (2017); if we don’t comply with the requirements then it is contravention of our own law.

~~5.5. Non-compliance with EU Directives could potentially lead to the European Commission bringing legal proceedings and fines against the UK. The Localism Act 2011 includes a new power for UK Government to potentially require public authorities (including local authorities) to make payments in respect of EU financial sanctions for infraction of EU law if the authority has caused or contributed to that infraction. In theory, this power applies to infractions of WFD requirements, including deterioration of water body status, though in practice, Government and the Environment Agency would seek to work with a local authority to resolve the situation and avoid levying penalty payments.~~

5.6. The Localism Act also sets out the duty to cooperate, which requires local planning authorities to co-operate on cross-boundary planning issues, including, as stated in the National Planning Policy Framework, the provision of infrastructure for water ~~supply~~ resources and water quality, as well as climate change adaptation and conservation and enhancement of the natural environment.

6. Horning Water Recycling Centre

6.1. The Environment Agency has confirmed that Horning Knackers Wood Water Recycling Centre is exceeding its permitted volumetric flow ~~Both Anglian Water and the Environment Agency agree that the Horning Knackers Wood Water Recycling Centre (WRC) and therefore~~ does not currently have capacity to accommodate further foul flows. ~~This means that measures need to be taken to reduce the flows the Centre receives from across the catchment. Some work has already been done, and further work is planned. These are detailed below. If the flows continue to rise there is a risk of increased~~ an increased risk of further nutrient loading to the river and therefore deterioration in water quality. There is also increased risk of sewer flooding.

6.2. Anglian Water Services (AWS) have undertaken investigations to identify why the WRC is receiving excessive flows. They ~~found~~ concluded that due to its location and proximity to the Broads, the sewerage system in Horning has long had an issue with the ingress of water, either from groundwater infiltration, where water seeps into underground pipework, or from surface water from street drainage and similar, ~~or~~ and from fluvial water, when the Broads over tops into the streets of Horning and subsequently floods via manholes into the sewerage system. Investigations found that ground conditions in this area are the cause of structural failures of both the public sewerage network managed by Anglian Water and the further privately-owned drainage network, which when combined with the permanently high-water table results in a high level of groundwater infiltration. It should be noted that much of this excess surface water ingress is not intentionally connected but enters the system through defects and overland flooding.

6.3. For more details on these investigations and also the actions Anglian Water Services have undertaken, along with the commitment next steps, please see Appendix 2.

6.4. ~~In an attempt to alleviate flows getting into the sewerage system, in 2014/15 Anglian Water carried out camera surveys of all of its owned sewers and any that had shown to have groundwater ingress have been replaced or relined.~~

- ~~6.5. Out of the entire network of 9.5km, a total of 1.5km has been repaired and six manholes have been rebuilt and/or sealed against infiltration. While this work was successful in reducing the groundwater ingress into the sewerage network, this has not totally resolved the flow issues.~~
- ~~6.6. The Highways Authority (Norfolk County Council) have been working with Anglian Water, and are progressing the removal of two surface water drainage gullies from the Anglian water sewerage system.~~
- ~~6.7. Anglian Water are progressing the building of a hydraulic model to better understand the flow and capacity within the system. This is due for completion at the end of the 2016-17 financial year.~~
- ~~6.8. This scheme is ongoing and will inform further remedial works upon the network. A subsequent period of 12 months of monitoring of flows to assess the efficacy of the scheme and whether there is capacity to accept additional flows will be required by the Environment Agency.~~

7. Implications for Development in Horning

Whilst flows to the Water Recycling Centre remain high, measures to reduce existing flows and prevent additional flows to the catchment need to be taken. Development that could increase the flows to the Water Recycling Centre therefore needs to be avoided. All opportunities to prevent and reduce clean surface, ground or fluvial water entering the sewage system also need to be taken.

New developments or changes to existing properties (commercial or domestic) that could increase foul water flows to the Horning WRC will not be looked upon favourably by the EA ~~and LPAs, Anglian Water or the undersigned~~ until the excessive flows to the Centre have been addressed with confidence, or if further innovations in technology and permitting are introduced. ~~It is considered that 12 months worth of the continuously collected flow monitoring data from the WRC, will provide enough evidence to determine the effectiveness of each tranche of works upon the system, and allow review of the acceptability of development.~~

This means that there will be a presumption against developments that increase flows to the WRC ~~in the short term~~. Similarly, there will be a presumption against developments that rely upon stand-alone foul water treatment solutions in sewered areas as they too have the potential to adversely affect water quality and are not subject to the environmental monitoring of a regulated water company. Rules in respect of permitting stand-alone foul water treatment solutions can be found at the following link:

[General binding rules: small sewage discharge to a surface water - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

~~The capacity that the infiltration scheme will free up at the WRC is difficult to predict and so the quantum of development that will be able to come forward in the future is currently unknown.~~

We (LPA and Environment Agency) are keen to ensure the water infrastructure is adequately considered upfront without unduly blocking development, whilst continuing to safeguard Habitats Directive sites, and meet the objectives of the Water Framework Directive. AWS have committed to address a number of issues, as detailed in their Horning Statement of Fact (see Appendix 2) and are committed to discuss with the EA in seeking further possible interventions in order to regain WRC compliance and the operation of the public sewer network.

Developers will need to engage with relevant parties in order to identify and progress ~~solutions~~ possible interventions; indeed AWS, the LPAs and EA actively encourage pre-application discussions. Developers will need to engage with relevant parties in order to identify possible interventions that can ensure no potential net addition to foul water flows. AWS, the LPAs and EA encourage pre-application discussions.

We are committed to work with all parties to progress solutions to enable development in Horning.

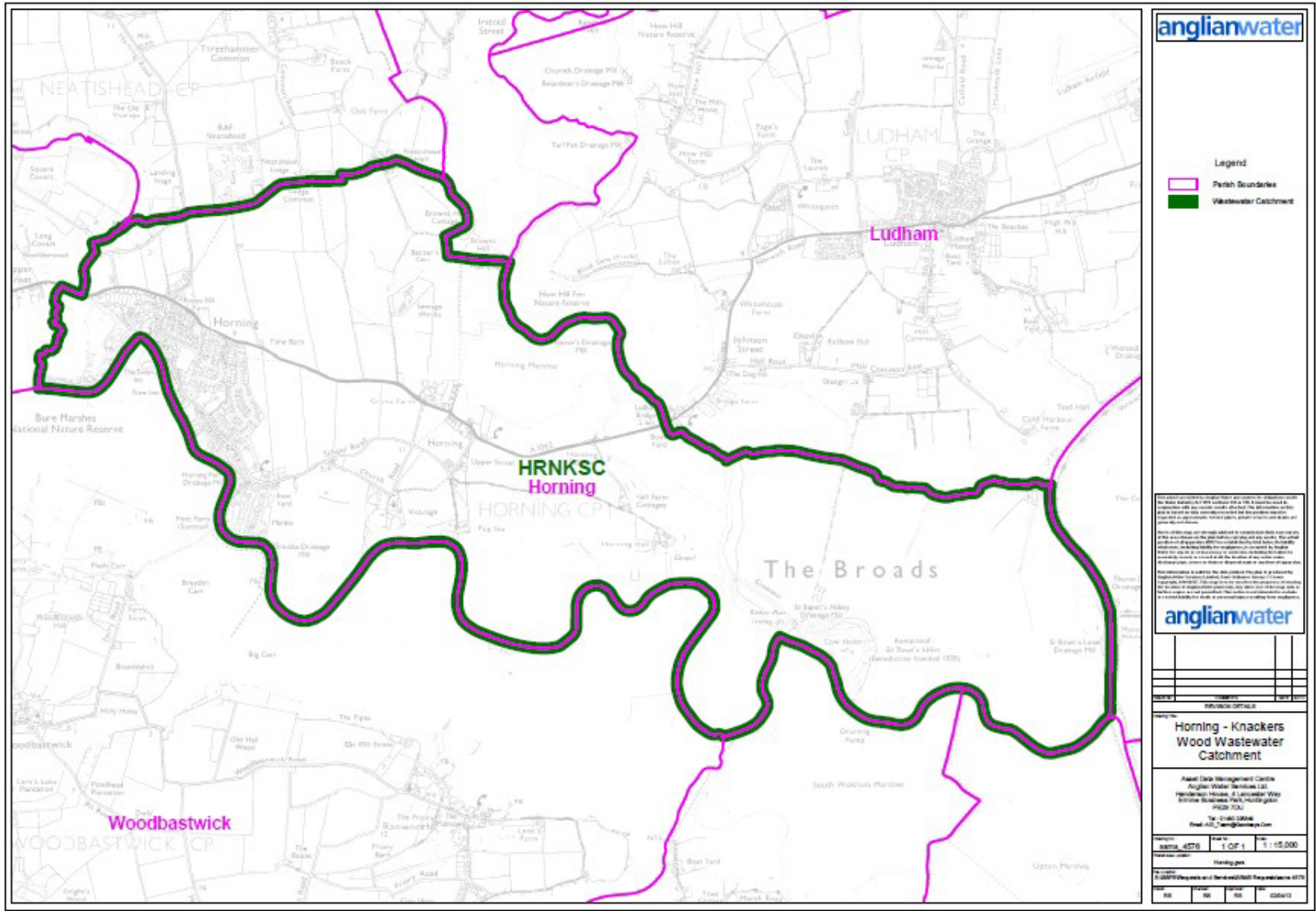
This position statement will be reviewed ~~after each tranche of works on the system, and again after the collection of 12 months post works data~~ every 12 months.

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Appendix 1: Horning Knackers Wood Water Recycling Centre Catchment



Appendix 2: Statement of Fact, Anglian Water Services, February 2022.