

Webinar FAQ

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General

Question	Answer
Will AW be providing expert witnesses to attend public inquiries or hearings into the planning appeals that may arise as a result of their comments/position?	Yes, we will absolutely provide the support required for any appeals.
The crossover between statutory controls is key for the planning system to be a right tool. I am not clear on the wastewater point yet. There also a need for MHCLG to update the PPG, particularly on the wastewater side to provide LPAs with greater weight in the decision.	We can provide examples of where WRC/network conditions related to capacity have been used and appeals where such conditions have been supported. Please see page 3
I think it is critical for AW to be involved in the preparation of local plans at the earliest possible point in time. There will probably be a considerable number of new local plans progressing through the new national planning system in the next year or so now we have the new NPPF. Does Anglian Water feel they have the capacity to cover all the local plans coming forward because it could be quite an onerous commitment?	Our Strategic Growth and Infrastructure Team are currently engaged with a number of local planning authorities to support with evidence for Local Plans and are continually reviewing capacity to support these. We're keen to work closer with your teams to help identify growth ambitions and capacity needs.

General

Question	Answer
<p>Is it possible to know when LPA's will know what "shortly" re capacity position is? LPA's will be seeking to try and manage/avoid non-determination appeals and need to advise/guide applicants?</p>	<p>We will be sharing the position on WRCs and capacity with LPAs in due course.</p>
<p>Surely the growth numbers we all need to be planning for are the Government's growth targets. This is what local plans will be planning for. I am not clear why OFWAT should disagree with those and what utility disagreeing with them has. Does this scenario not risk undermining what we are discussing today?</p>	<p>Yes, we agree that we need to be planning for these increased numbers but the timing of our business planning PR24 (which happened circa 2022-2024) has meant that the Government changes have come too late to set our investments for AMP8 (our next five-year funding cycle 2025-2030). We are in discussions with Ofwat about these challenges</p>
<p>With strategic planning coming this long-term planning will be looking at 250,000-300,000 new homes needed in Essex by 2050.</p>	<p>Increase in housing growth, as a result in the Government's change to the standard method, will be addressed through investments in our infrastructure within subsequent AMP periods. We are aware that LPAs will be gearing up for increased growth in emerging Local Plans and new Strategic Development Strategies, which we can provide advice on supporting evidence such as water cycle studies.</p>

Question	Answer
<p>How many homes would be required to support a new WRC?</p>	<p>We will always look at expanding and investing in existing WRCs to support known and planned for growth, however, we are currently looking into whether new WRCs would be appropriate in new settlements/urban expansions.</p>
<p>Is it not the case that with regard to new residential development that Local Plans give a reasonable idea as to the amount of growth coming forward in areas (e.g. North Northants spatial strategy adopted 2016).</p>	<p>It is only at the point that a Local Plan is adopted that the growth data is used to inform our DWMP (Drainage and Wastewater Management Plan – 25yr strategic plan) and future growth schemes. The five-year process for preparing our plans means that sometimes the LP is not at a stage to inform our long term investments. We work to support the preparation of Local Plans and advise on capacity and where growth might need to be phased. We plan to work and engage with LPAs much closer during the preparation of our next DWMP over the next four years.</p>
<p>My question about the prevention of occupation condition is whether Anglian Water has sought a barrister opinion as to whether that condition meets the six tests?</p>	<p>We have sought our own legal opinion however; this condition is used in Oxford where the LPA has increased the timeframe of permission to 5 years to align with the investment timeframe from Thames. The use of planning conditions as a means to control connections to sewerage systems was established in <i>Barratt Homes Limited -v- Dŵr Cymru Cyfyngedig</i> in 2009.</p> <p>We would also refer you to the planning decision reached by South Oxfordshire Council in relation to the Bayswater Brook planning application Planning Application P22/S4618/O The relevant condition is 50 within the attached report.</p> <p>The use of such conditions is further supported by the Appeal APP/X1545/W/18/3204432 and legal opinion : https://assets-global.website-files.com/62602eef03c83769e0539df4/655e7bc638c2a94b037a2131_KC%20Opinion%20sewage%20capacity%20with%20regard%20to%20planning.pdf</p>

Water Recycling Centre (WRC) Capacity

Question	Answer
<p>This sounds like something that should strongly inform SDSs once we are all unitarised and devolved - I assume the industry is aware of and engaged with this?</p>	<p>Yes, we are aware of SDSs and are keen to engage on them, when they are progressed. Our Strategic Growth and Infrastructure team will be the key point of contact for these.</p>
<p>With Strategic Planning coming into being in 2026, these plans will be looking at where the key areas of growth should be located over a 25–30-year period. The housing numbers will be significant. Ofwat ought to be able to use these Strategic Plans to understand where growth will happen and specify the scale of growth</p>	<p>As above</p>
<p>From the presentation, I note that you expressed scepticism regarding Local Plan growth targets. In case of BCKLWN, the (soon to be adopted) Local Plan 2021-2040 uses a housing need of 554 dwellings per year. New/ revised LHN increases to 989 dwellings per year. Would you use the latter/ larger figures in your infrastructure/ investment plans?</p>	<p>We would need certainty on which catchments the growth is aligned with. But the problem is we need the level of confidence that growth will be in certain locations to allow us to invest - hence adopted plans are used for our planning investment methodology, which aligns to Ofwat guidance. During the development of our next DWMP, we are keen to engage more with LPAs on growth ambitions and emerging Local Plans.</p>
<p>Not all areas have Local Plan coverage; some places grow through the planning by appeal process. Does this cause more regulator problems? What can local authorities do to make the case to Ofwat to take emerging Local Plans seriously, as these are important not just the adopted Local Plans.</p>	<p>Speculative development and windfall development does cause us problems as these are unknown and therefore we cannot request funding from Ofwat. We are engaging with Government and Ofwat through direct conversation and consultations to highlight the need to consider planning for growth beyond that in adopted Local Plans, so support in driving this message would be helpful.</p>

Non-Domestic Water

Question	Answer
With the scale of growth planned, does Anglian Water support stringent planning water usage policies (80l/p/d) for new homes.	Yes, we support tighter water efficiency standards to 80l/p/d in Local Plans and we are involved in a Ofwat Innovation Project called Enabling Water Smart Communities that is doing lots of research and evidence gathering to support water reuse and efficiency measures in new development. We are also working with NE, EA and other water companies in the Water Resources East region to develop some shared standards on water efficiency in local plans that we hope to publish in due course. We offer an environmental incentive for developers who build homes to 90l per person per day - they will get money back from their infrastructure charge once we have completed an audit. We are happy to share this evidence and information with LPAs to support planning policy development.
When would new data be available as suggested on slide 8? Will that be fed into/ be made available for Local Authority Water Cycle Studies?	We will share this data in the coming weeks as we update our database with the latest Dry Weather Flow data for 2024 and sites with planning consent with connections to the end of 2025. We are happy to also share this information for any Water Cycle Studies that are developed.
Does this affect existing non-domestic e.g. if a supply is already over 20k per day?	No, unless they ask for more water (maximum daily demand) to serve their business over and above 20m3/day. A customer will be granted a maximum of 20m3/d of non-domestic water, in addition to any existing non-domestic water that they already receive

Non-Domestic Water

Question	Answer
At what point in the DCO process will you ask for the water resource assessment? and will you be asking for that to include cumulative assessment with other DCOs in the same catchment?	As early as possible in the process. We recommend a pre-planning application is made, such that AW can formally respond as early as possible.
What is the demand for a fairly standard data centre?	We are currently working with a data centre application, they initially wanted 2,800m3/d for cooling water.
Are you working with the Chambers of Commerce to make businesses aware?	Yes our Regional Engagement Team are liaising with local Chambers of Commerce to make businesses aware of our position on non-domestic water requests.
Can we please see the recommended wording of the condition you're speaking about?	Yes, happy to share all the conditions with all LPAs.
Are conditions capping demand enforceable by LPA? Does Anglian Water have any legally tested planning conditions to share?	The condition requires the applicant to stipulate the measures how they will meet the demand, we have not had our water conditions tested legally yet.

Non-Domestic Water

Question	Answer
When will this new non-domestic approach be implemented?	It already has been, as of August 2024, we have been limiting non-domestic usage to 20m ³ /d.
Do you expect to use S106/S111 to secure contributions for water management?	We do not currently use these as a mechanism for funding, however, we are looking into how the planning system could possibly enable further investment in the future.
In relation to schools there is a big difference between a primary and a high school.	Yes agree - the threshold which we have set for schools is one we anticipate for primary school (max 2 form entry) which serves a local catchment.

Water Recycling

Question	Answer
How does AMP delivery ensure coordination with housing delivery?	We recognise that there will be differences due to the 5-year planning cycles for our business plans and local plan preparation. Our intention is to use the most up-to-date and high confidence data available to inform our investments. During the preparation of our next DWMP, we will engage closely with LPAs to understand their growth ambitions and our proposed investments.
Do the planning responses for waste water apply to domestic and non domestic development?	Yes, although the responses will be different. A customer can pay for increased WRC capacity to deal with Trade effluent (non-domestic) wastewater flows. As such a trade effluent application would likely be a condition linked to an upgrade scheme, funded by the developer. The domestic foul only planning responses will be objections, where WRC capacity is not available.
When you share WRCs which have capacity can you please identify clearly what growth assumptions you have made?	This is based on third party data we have commissioned from Glenigan that uses developer build out rates to inform the rate of growth from existing commitments, aligned with dry weather flow headroom at our WRCs.
How are you dealing with live planning applications where you may have already commented on the application?	Where we can, we are updating our responses, however, we appreciate that we have not been able to do this in a number of cases. However, we will not amend our planning response based on the updated 2024 data we will be sharing.

Water Recycling

Question	Answer
Will developers be able to contribute to the upgrade of a specific WRC if required to overcome an objection?	Only to deal with trade effluent flows (from NHH non-domestic uses). Anglian Water currently cannot be requisitioned to increase WRC capacity for domestic flows.
When you object to schemes will you input into appeals where a refusal has been issued and there is no planned investment or headroom capacity?	Yes, we will support LPAs at appeals
If there is no resolution to the position during AMP8 then how does an LPA understand the early years capacity for their area? This will require stepped trajectories.	Yes, this may be the case for some LPAs where WRC capacity is constrained and there are no identified growth schemes in AMP8.

Sustainable Point of Connection (SPOC)

Question	Answer
If there isn't a SPOC, can we move down the hierarchy and have PTPs etc?	This is something that can be explored by an applicant, however, a PTP would need EA approval and permit