

KING'S LYNN & WEST NORFOLK LOCAL PLAN REVIEW EXAMINATION

Policy G42.1 – Nutrient Neutrality requirements for development in KL&WN within the River Wensum catchment

On Day 10 (17 April 2014), the Inspectors requested further information, regarding the implications of Natural England's Nutrient Neutrality (NN) requirements for new development within the River Wensum catchment. The Wensum catchment (with NN implications) covers some of the eastern part of the Borough.

This note is a response to action point 71 of the Inspectors Action List.

G42.1 – Land Adjacent to 16 Lynn Road, Great Bircham

The NN issue potentially affects the proposed 0.58ha site allocation G42.1, for at least 10 dwellings. For the site to come forward, in applying for planning permission the applicant would need to follow NN procedural requirements.

An application for 12 No dwellings on the site, submitted by Avada Homes, was validated in May 2023 (23/00768/FM). This is still pending, given the requirements to ensure that Natural England's NN requirements can be met, with reference to the potential impact of development upon the Wensum catchment.

The Borough Council's Ecologist (March 2024) highlighted concerns that the Nutrient Neutrality Calculation that accompanied the application would increase nutrients. On this basis, mitigation will be necessary for the application to be supported.

The Ecologist has suggested that the use of a septic tank for collecting foul water discharge from the development could be replaced by a "package treatment plant" (PTP). Use of a PTP rather than a septic tank would improve efficiency of foul water treatment to service the development and reduce discharge of nutrients to an acceptable level; i.e. fulfilling NN requirements for Avada Homes' proposals and allowing planning permission to be granted.

Borough Council's Nutrient Neutrality guidance

The Borough Council has set up a web page, explaining what an applicant needs to do to demonstrate NN, if their development is affected:

- https://www.west-norfolk.gov.uk/info/20000/planning_and_development/956/nutrient_neutrality

This NN web page explains:

- The need to calculate the level of nutrients and nutrient impact, for which mitigation will need to be identified;
- Planning permission cannot lawfully be granted unless deliverable mitigation to address those impacts is identified and secured (this would normally be done through a shadow Habitats Regulation Assessment;

- Nutrient budget calculator tools – Norfolk or Natural England versions may be used to calculate net phosphate and nitrate loadings, together with offsetting for proposed mitigation.

In practical terms, the NN obligations entail (for affected sites sites) submission of additional information, before an application can be validated. In the case of G42.1, this is situated just outside the defined Wensum catchment ([Wensum and Broads Nutrient Neutrality Catchment Map \(arcgis.com\)](#)).

A developer/ promoter/ landowner would need to be mindful of the precautionary principle in preparing an application. In practice, this could lead to a delay in assembling supporting documentation and/ or the validation process, but this should not significantly delay determination of a proposal (therefore implementation). Once a scheme is approved, discharging conditions could marginally delay implementation (through ensuring necessary mitigation is in place), but this should only affect the start date by around 6-12 months.

Conclusions

Specific mitigation measures have been suggested by the Borough Council's Ecologist to address NN concerns associated with development of the Great Bircham site allocation (G42.1). Guidance and toolkits are provided through the Borough Council's dedicated web page. This offers an achievable way forward; setting out local NN requirements and toolkits (notably nutrient budget calculators), to allow developments affecting the Wensum catchment to come forward.