

B Do any infrastructure items represent 'showstoppers' which, if not completed by a certain date, would prevent implementation of particular key aspects of the JCS? Does the JCS appropriately identify them, and the consequences of their non-delivery?

1. We consider that not having the requisite infrastructure (both green and water) in place to safeguard European designated sites would be a 'showstopper', as the GNDP would then be in breach of the *Conservation of Habitats and Species Regulations 2010*, and liable to infraction proceedings in the European Court of Justice for non-compliance. These elements of infrastructure need to be in place and be operational before development takes place, in order to avoid exacerbating existing pressures on designated sites. The Habitats Regulations Assessment of the JCS, carried out by Mott MacDonald recognises that these elements are essential mitigation, without which it would not be possible to reach a conclusion of no adverse effect on European sites from the implementation of the plan. If an adverse effect was identified, the plan could only proceed if the competent authority were satisfied that, there being *no alternative solutions*, the plan must be carried out for imperative reasons of overriding public interest.
2. We recognise that there is no 'certain date' associated with these infrastructure improvements, but development must be phased to fit with infrastructure being in place and operational in advance of habitation.

C Is there evidence of agreement by providers that there is a reasonable prospect of the required infrastructure being completed by the critical dates?

1. We regard this as the greatest area of outstanding uncertainty, with particular reference to the water industry's role in provisioning water supply for the JCS growth numbers without further deterioration in the condition of the River Wensum SAC. The recent Review of Consents process completed by the Environment Agency confirmed that water abstraction for the public water supply at the Costessey point source is adversely impacting the flow regime of the River Wensum SAC, particularly in the lower reaches of the river, contributing to its unfavourable condition. The RoC process has identified a sustainability reduction of 20 MI/day by 2015 and a further reduction of up to 29 MI/d by 2020 or soon thereafter, which has been agreed between ourselves, EA and AWS. There are issues associated with asset management planning, and accessing the necessary funding, but we are working with Anglian Water and the Environment Agency to find an acceptable and cost-effective solution for all parties. Until this solution has been agreed, we are concerned that the site will remain in unfavourable condition and there is a risk of further deterioration. Therefore, we have advised that all current applications should not exacerbate the adverse effect on the Wensum by adding to the abstraction level. At present, we are not aware of what this solution will be, either in the short or long term. Although we have confidence that Policy 3 in the JCS precludes development which would have an adverse effect on the Wensum, this uncertainty may affect the ability to provision development prior to the implementation of RoC. We understand that AWS is currently assessing how much of the proposed growth in the JCS could be accommodated within existing availability from sources other than historic levels at the Costessey abstraction, and that this assessment should be submitted by the end of October 2010.
2. We understand that the Environment Agency and Anglian Water are also working on agreeing a rolling programme of improvements to waste water treatment plants, to accommodate the planned growth at strategic locations, and have advised in their position statements where those plants are at capacity and unable to serve more housing development.

D Is the JCS flexible? Does it indicate any actions that may need to be triggered by contingencies, such as failure to achieve timely provision of necessary infrastructure?

1. The JCS will have to be flexible, if it is to accommodate significant growth in this environmentally sensitive area within the constraints of the Habitats Regulations. For Natural England, the 'action' would, by default, be 'inaction', as no development could proceed – under the terms of JCS Policies 1 and 3 – without the required infrastructure being in place.