

Fiona Bradley
Greater Cambridge Shared Partnership

Our ref: AC/2022/131348/02-L01
Your ref: 22/02771/OUT

Date: 27 February 2023

Sent by email

Dear Fiona

A hybrid planning application for:

a) An outline application (all matters reserved apart from access and landscaping) for the construction of: three new residential blocks providing for up to 425 residential units and providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)); and two commercial buildings for Use Classes E(g) i(offices), ii (research and development) providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)), together with the construction of basements for parking and building services, car and cycle parking and infrastructure works.

b) A full application for the construction of three commercial buildings for Use Classes E(g) i (offices) ii (research and development), providing flexible Class E and Class F uses on the ground floor (excluding Class E (g) (iii)) with associated car and cycle parking, the construction of a multi storey car and cycle park building, together with the construction of basements for parking and building services, car and cycle parking and associated landscaping, infrastructure works and demolition of existing structures.

Land North of Cambridge North Station Milton Avenue Cambridge Cambridgeshire

Thank you for your letter dated 16 February 2023 to notify us that the applicant for the above planning application has appealed against the non-determination of the application.

We have been considering the impact of changes to abstraction licences in Greater Cambridgeshire. The changes will reduce the amount of water that can be abstracted in order to protect the environment. This action is underpinned by evidence that groundwater abstractions are causing a risk of ecological deterioration of some water bodies.

In November 2022 we provided comments on water resources as interim advice while we considered our position taking into account Cambridge Water's draft Water Resources Management Plan 2024 (WRMP24). The local planning authority recently asked us for an

update on our position in the light of the recent appeal and given current circumstances we would like to now formally **object** to this proposed development, as it may, through the additional demand for potable water use, increase abstraction and risk deterioration to water bodies in the Greater Cambridge area.

The planning application does not demonstrate that the potential impact on water resources and Water Framework Directive environmental objectives has been assessed and appropriate mitigation considered.

This objection is supported by the following legislation, policy and evidence:

- Under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (WFD Regulations), Regulation 33, public bodies must have regard to the relevant RBMP in exercising their functions which affect a river basin district. The Anglian River Basin Management Plan (RBMP) sets out the environmental objectives for the river basin district, including statutory objectives for water bodies and protected areas. It also includes a summary programme of measures required to achieve these objectives.
- Paragraph 174 (e) of the National Planning Policy Framework (NPPF), which recognises that the planning system should enhance the environment by preventing development from contributing to, or being put at unacceptable risk from, water pollution. The WFD Regulations also require that all water bodies are protected from deterioration.
- This position is also in accordance with Policy CC/7 'Water Quality' of the South Cambridge Local Plan 2018 which specifies that all development proposals must demonstrate that there are adequate water supplies to serve the whole development, or an agreement with the relevant service provider to ensure the provision of the necessary infrastructure, in order to protect and enhance water quality. The policy specifies that the quality of ground, surface or water bodies will not be harmed and opportunities have been explored and taken for improvements to water quality.

Some water bodies in East Anglia are at risk of ecological deterioration if abstraction increases within the licensed headroom. The upper River Cam and River Granta are examples of surface water catchments where river flows are failing to support Good Ecological Status/Potential and there is a risk of deterioration should abstraction increase above historic levels.

The Environment Agency issued abstraction licence capping guidance to all water companies in November 2021. The purpose of this guidance is to set out licence caps required to manage the risk of ecological deterioration. The implication of this guidance is that licence caps will be required for some licences meaning that there is less licensed water available than that reflected in the Water Resource Management Plan 2019 (WRMP19) for Cambridge Water. Consequently, some of the growth included in local plans based on WRMP19 may be reliant on unsustainable sources of water, because the water abstracted and used for growth risks causing environmental harm. Cambridge Water's draft WRMP24 is

soon to be published for consultation. Our review of the draft WRMP24 will allow us to assess if the required changes to licences have been included and sufficient water supplies are available for growth and the environment. The Agency will maintain its objection until we have sufficient confidence in its ability to sustainably supply growth and prevent deterioration of water bodies, or the applicant demonstrates that the risks can be mitigated or removed, in the context of the evidence.

The Agency will make its views on the draft WRMP24 public when we have provided our representation to Defra. Our position is subject to change depending on the outcome of our review of the draft WRMP24. Should the draft WRMP24 demonstrate it can sustainably supply growth, we may be able to remove our objection.

Both the Environment Agency and the local planning authority must have regard to the risk of deterioration when exercising their functions under Regulation 33 of the WFD Regulations. This includes the advice the Environment Agency gives as a planning consultee and the local planning authority in determining planning applications. It is reasonable to expect the local planning authority to be confident it has exercised its planning powers to ensure developments it approves have taken reasonable steps to assess and mitigate the deterioration risk, in order to comply with Regulation 33. Currently the application does not demonstrate the risk posed by the development has been sufficiently assessed or mitigated accounting for the impact of the licence capping on water supply.

Overcoming our objection:

We will maintain our objection until evidence is provided to demonstrate that an adequate and sustainable water supply can be provided, or that site-specific and/or off-site measures show that the risks posed by the development can be mitigated or removed, in the context of the evidence.

Advice to applicant

In considering this matter we have reviewed the following planning application submissions:

- Environmental Statement Vol 1 Main Report, Chapter 10, Flood Risk and Drainage
- Water Resources Addendum (PJA dated 21/09/2022)
- Sustainability Strategy Addendum (Brookgate dated 28/10/2022)
- Utilities Statement (Noveus dated 25/05/2022)
- Sustainability Strategy (Hoare Lea dated June 2022)

The Sustainability Strategy and Addendum seeks to reduce water use through water efficiency and rainwater harvesting for irrigation. The Water Resources Addendum (dated 21/09/2022) explores the water resource challenges (including water neutrality). However, the applicant needs to assess the potential risks to waterbodies from potable water demand both individually and in combination with other developments requiring water within the Cambridge Water resource zone. It should then identify mitigation measures to prevent the risk of ecological deterioration from water demands. This should consider development

phasing, water efficiency, water re-use and water offsetting. The assessment should be informed by the draft WRMP24 We can advise further on the scope of assessment required.

Advice to local planning authority

We advise the Local Planning Authority should work with the water company to establish water available for growth based on the draft WRMP24 and reflecting required caps to abstraction licences, and to establish the timeline for and the timing for sustainable alternative water supplies to be in place (for example bulk water transfer or a new reservoir). It will then be possible for the local planning authority to determine how much housing is planned up to the point in time that sustainable water supplies will be in place, and understand how much mitigation (e.g., using efficiency and re-use) is needed to avoid levels of water abstraction that will trigger risk of deterioration.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me.

Yours sincerely

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