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Environment Agency

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By email:
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Date: 24 March 2023

Your ref: APP/W0530/W/23/3315611

LPA ref: 22/02771/OUT

Dear Alison

Town and Country Planning Act 1990
Appeal by Brookgate Land Limited on behalf of the Chesterton Partnership
Site address: Land to the north of Cambridge North Station, Cambridge, CB4 OAE

The Environment Agency (the Agency) was recently notified of the above planning appeal by Fiona Bradley (Greater Cambridge Planning Partnership) and issued an objection to the planning application on 27 February 2023 (appended to this letter for reference). This letter is to confirm the Agency's position and provide a further written representation in their capacity, as an interested party to the planning appeal. It will expand upon some of the issues raised in the initial objection letter and hopefully provide clarity for the Inspector on what is both a strategic and complex issue. The Agency would wish to attend the public inquiry and make a further statement at which point they would be happy to assist with any further questions the Inspector and appellant may have.

The Agency's position remains that they object to the planning application on the grounds that it may increase abstraction and risk deterioration to water bodies in the Greater Cambridge area as a result of the additional demand for potable water use. The planning application does not demonstrate that the potential impact on water resources and Water Framework Directive (WFD) environmental objectives has been assessed, nor appropriate mitigation considered. Therefore, it is the Agency's view that the proposed development is contrary to Policy CC/7 of the South Cambridgeshire Local Plan (2018) where it specifies that proposals must demonstrate that there is adequate (public water) supply to serve the whole development, and the quality of groundwater or surface water bodies will not be harmed.

There are three strands to the Agency's objection, each of which are covered in more detail below:

Evidence of risk of deterioration

The Agency regulates the abstraction and impoundment of water, working with water companies, farmers, industry, businesses, and others to protect access to water and ensure that the water in England is abstracted sustainably. The Agency must take action to prevent deterioration under Regulation 3 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The primary regulatory intervention to prevent deterioration is to cap water abstraction licences i.e. to reduce the licensed quantities to remove some or all of the headroom above average levels of abstraction.

Reduced flows in surface water bodies like rivers and chalk streams can mean that the water body is unable to support or sustain a healthy ecology. Healthy flows allow for a range of natural river processes to take place (fast and shallow waters), supporting a range of fauna and flora. Healthy flows also allow for dilution of pollutants when water bodies receive drainage and discharge from the urban environment including roads, agriculture, and wastewater flows. Without adequate flows water bodies can also be vulnerable to the impacts of climate change when events such as droughts exacerbate the already low flow conditions.

The Agency has evidence that water bodies in the Greater Cambridge (GC) area, including chalk streams, are being adversely affected by the abstraction of groundwater which is essential to supply existing homes, business, and agriculture. The Agency has conducted investigations which identified that a number of water bodies have flows that are failing to meet their WFD ecological flow targets due to abstraction, with further assessment concluding that the ecology was sensitive to flow and abstraction in some surface water bodies (e.g. the River Granta and River Cam). There is wider evidence that abstraction is causing pressure on chalk streams, river headwaters and spring flows and groundwater dependent wetlands. Abstraction pressure can also reduce the resilience of these features to dry weather and drought events. Whilst there is a risk of deterioration in the ecological status of water bodies which increases as abstraction increases, increased abstraction will also increase the existing pressure on the wider water related environment.

Availability of sustainable water supplies

Water companies in England are required by law to produce Water Resources Management Plans (WRMP). The duty to prepare and maintain a Water Resources Management Plan (WRMP) is set out in sections 37A to 37D Water Industry Act 1991. WRMPs are produced every 5 years and set out the companies' assessment of customer demands and available supplies over a 25-year planning period. The existing Water Resources Management Plan was published in 2019 (WRMP19). Cambridge Water Company (CWC) published the draft version of its 2024 plan (dWRMP24) for consultation on 24 February 2023.

Water companies have had guidance on investigating deterioration risk since 2018. The Agency provided them with guidance [1] to carry out these investigations. The extent and likelihood of growth and the current status of a water body and its elements is used to determine the timescales for action. The Agency issued further guidance on licence capping in November 2021 [2] and again in April 2022 [3] to ensure that action needed to prevent deterioration (as a result of the no deterioration investigations) is properly represented in the WRMPs.

Following the November 2021 national guidance, the local Agency office (East Anglia Area EAN) provided CWC, with details of the licensed quantity reductions (licence caps) that the Agency believed were required to prevent deterioration. This information was provided to CWC on the 4/3/2022 and an update 19/7/2022.

The implications for CWC's current WRMP published in 2019 (WRMP19) are significant in that the abstraction licence reductions required to prevent deterioration meant there is less licensed water available than was reflected in the WRMP19. Consequently, the growth included in the adopted 2018 Local Plans for Cambridge City and South Cambridgeshire, may be reliant on unsustainable sources of water. The Agency's view is that this results in a materially different and reduced availability of supplies from WRMP19 to the draft WRMP24. The WRMP24 is more representative of the water supply pressures on the company and should be used as the revised baseline for planning purposes.

However, the Agency remains concerned that CWC's present day level of abstraction is already around the level of abstraction set by the licence caps which aim to avoid risk of deterioration. In addition, CWC has an increasing trend of overall company level abstraction and notably, this includes average increases since 2015 at more than half of the company’s abstraction sources (see Figure 1 below). It is not anticipated that CWC's demand management measures will take effect and reverse this trend until 2030. The Agency is concerned that the trend of rising overall abstraction will continue until such time as sustainable alternative supplies can be secured (for example a new reservoir or bulk water transfer scheme) posing a risk of deterioration of water bodies in the area.

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[1] Guidance on water resources investigations into the risk of WFD water body deterioration, Environment Agency January 2018
[2] Environment Agency letter to Regulatory Contacts in water companies in England Addressing deterioration risk from existing abstractions 15/11/21
[3] Water resources planning guideline
supplementary guidance – actions required
to prevent deterioration, Environment Agency 4/4/22

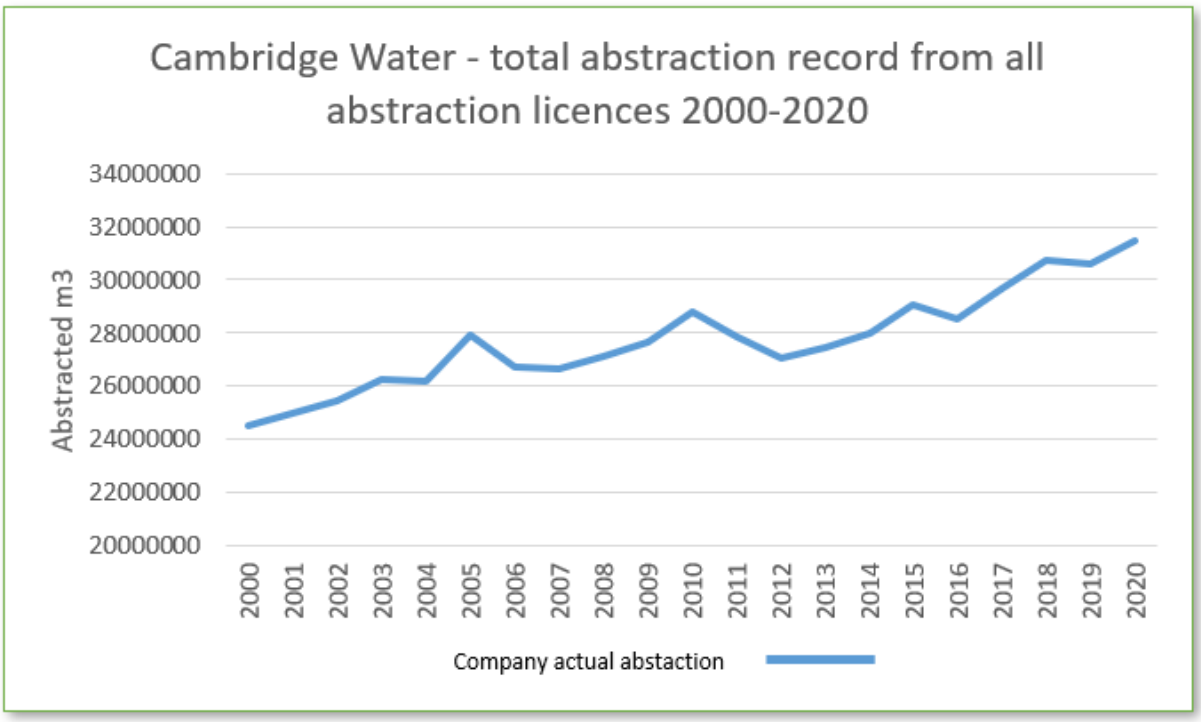

Figure 1: Cambridge Water – total abstraction record

The Agency's formal representation on the dWRMP24 will not be made until after the deadline for this further representation. This formal representation on the dWRMP will give the Agency's expert opinion on whether or not the draft WRMP24 demonstrates CWC can supply new developments without relying on abstractions that risk deterioration of water bodies. The Agency has yet to confirm whether CWC in its dWRMP24 has demonstrated that it can meet its customer's demands without posing a risk of environmental deterioration.

However, their early opinion of the draft WRMP24 can be shared for the benefit of the Inspector's and appellants understanding of the issues upon request.

CWC's dWRMP24 presents a very ambitious package of demand management measures, however even this is not enough to stop an overall forecast increase in demands until after 2030. The Agency has significant concerns about CWC's ability to deliver its preferred plan of demand management measures. CWC has reported demand above levels it has forecast in its WRMPs and consistently has not met its targets for reducing per capita consumption from 2016/17 onwards. This leaves the Agency with limited confidence in CWC's ability to deliver against more ambitious targets for water efficiency.

It is the Agency's view that CWC's proposed supply options are not well developed and the main supply options of a proposed transfer from Anglian Water and from the Fens reservoir have not been confirmed as feasible, or best value. CWC has not demonstrated it can make full use of the water when and if it becomes available. CWC has not identified any alternative supply options to the proposed Anglian Water transfer and Fen's reservoir, and if these are not feasible then CWC will have no choice but to increase abstraction at groundwater sources that risk causing environmental deterioration. Therefore, with the evidence of risk of

deterioration to water bodies and low confidence in the draft WRMP24, we are yet to be convinced that there are sustainable water supplies that can support new developments (including this site). CWC will have the opportunity to respond to our representation and the issues raised.

Planning application assessment and mitigation

The Agency recognises that the current planning application has demonstrated attempts to reduce water use by proposing water efficiency measures in line with current planning policies and will have been based on WRMP19. For example, the Sustainability Strategy dated June 2022 by Hoare Lea, proposes 110 litres per head per day for the residential dwellings, a BREEAM standard for the non-residential development and rainwater recycling will be considered for irrigation purposes. However, concerns remain regarding the availability of sustainable water supplies with the transition from WRMP19 to WRMP24 represent a material change in circumstances which must be considered in planning application assessments and mitigation proposals. The Agency considers that the planning application is currently deficient in the following ways:

- The planning application assumes that sustainable water supplies are available, based on the appellant's discussions with CWC and with reference to the WRMP19. The current WRMP19 no longer provides a robust basis to demonstrate there is a sustainable water supply following evidence of deterioration risk and the need for licence capping, and evidence indicates the dWRMP24 will rely on abstraction at levels that will result in deterioration risk. The Agency considers that further demonstration is required from CWC in its dWRMP24, that it can meet the combined demands of existing and future customers without needing to increase abstraction from groundwater sources. It is the Agency's position that it is this additional groundwater abstraction which poses a risk of deterioration.

- The planning application does not include an assessment of whether there are sustainable water supplies to service the demands of the proposed development when considered in accordance with other existing and planned demands on CWC. Paragraph 5 of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require assessment of the cumulative impacts of proposed development. In the context of water resources this means the assessment should consider the impact of the proposed development on water resources in combination with other planned developments. The appellant's current Environmental Statement has not considered the cumulative impacts on available water supplies and risks to water bodies in this regard.

- To meet water demands CWC has not been able to identify alternative sustainable sources of water that are available immediately. The feasibility of the proposed new supply option; a transfer from Anglian Water in 2030, is still to be proven and if it is not feasible, the next sustainable supply option of the Fens reservoir is not proposed to come online until 2035-37 at best case, but similarly, has yet to be proven feasible. Any delay in these strategic solutions results in a prolonged period of inaccessibility to

new sustainable sources of water. The indicative phasing plan for the planning application has all development completed by 2028, therefore the proposed development will be reliant on water prior to planned new supply options for water becoming available.

- The planning application proposes some water efficiency measures on the site that have the potential to reduce the demand on water. However, there is no assessment of how these measures will manage the risk in the context of evidence of deterioration risk and consequent implications for water supply, and even with these measures there will be net increase in demand for water.

Decision makers must have regard to River Basin Management Plans when exercising their statutory functions under Regulation 33 of the Water Environment (Water Framework Directive) Regulations 2017. This includes the advice the Agency gives as a planning consultee and the local planning authority determining planning applications. To comply with Regulation 33, it is reasonable to expect the local planning authority to be confident it has exercised its planning powers to ensure that any approved developments have taken reasonable steps to assess and mitigate any deterioration risk. The current planning application does not provide evidence to demonstrate this.

Final comments

The Agency's position is that the planning application is unacceptable until such time as the following is demonstrated:

- A sustainable water supply exists, and,
- Said supply is currently available and can meet the planned phasing of growth of this development in combination with wider planned growth in the Cambridge Water supply zone, and / or,
- Once assessed, the risks of deterioration can be prevented or effectively managed through site-specific mitigation measures.

It is the Agency's view that the proposed development, through additional demand for potable water use, may increase abstraction and risk deterioration to water bodies in the Greater Cambridgeshire area. The planning application fails to demonstrate that the potential impact on water resources has been assessed and appropriate mitigation considered accounting for the impact of the licence capping on water supply. Accordingly, the proposal is contrary to South Cambridgeshire Local Plan policy CC/7.

The Agency trusts that our further representation has helped in understanding these issues and they will continue to engage in the appeal process as an interested party. If in the meantime they can be of any further assistance, please contact them at the email address below.

Yours sincerely

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