

**Appendix 5 – Email from EA to GCP 6 January 2023 (Redacted to remove personal email addresses and the original enquiry)**

**From:** Murphy, Keira

**Sent on:** Friday, January 6, 2023 12:35:13 PM

**Subject:** RE: xxxxxxxx xxx xxxxxxxx - Local Plan Primacy.

Dear Stephen

Thank you for taking the time to expand upon the point you made in our recent meeting prior to Christmas. I have carefully considered the points you've made, and consulted with our national colleagues.

I should state first that it is not our intention to undermine the status of the development plan for the area. A new set of circumstances based on evidence of deterioration risk to Water Framework Directive waterbodies has arisen since the current 2018 Local Plan was adopted. This is namely our action to prevent the risk of deterioration via national guidance on licence capping which was relayed to water companies in November 2021, and it's subsequent implications, particularly for Cambridge Water who abstracts the vast majority of their water from groundwater abstractions. With Cambridge Water pursuing delays to the implementation of licence caps, this effectively means supply prior to new strategic sources of water coming online risks deterioration, and all new development (allocated or not) presents a deterioration risk which public bodies must have regard to. The current planning applications for XXXXX and XXXXXX were prepared before this evidence and circumstance came to light, and thus do not have regard to the risk.

Whilst the Planning and Compulsory Purchase Act 28(6) states applications must be made in accordance with the plan, it also clearly states 'unless material considerations indicate otherwise' and we believe this is a material consideration which we need to bring to your attention. We would be failing in our duties as a statutory consultee in the planning process and to ensure compliance with Water Framework Directive regulations if we did not do this. We did previously question with our legal team whether the primacy of these sites as being 'allocated' should be considered. Our legal team advised that although it's right to highlight the primacy of these sites, the facts in these cases do not stand still, that material considerations have changed and the planning authority may wish to review the change. Determining whether the status of these sites as allocated sites and the primacy of the current development plan should have more significance in the decision that is taken, is for the LPA as decision-maker to decide. The matters referred to in your email; e.g. the fact these sites are the two final outstanding components of an agreed spatial strategy, linked with a transport strategy and City Deal funding, drive investment for the City Deal programme and other infrastructure, will bring about significant on-site infrastructure via s106, help deliver strategic policy objectives such as biodiversity net gain and SUDs, and the overall prioritisation ahead of unplanned sites, are all issues that we can appreciate and emphasise with but are the principle remit of your planning authority to weigh up, not ourselves.

It is certainly positive that the early indications are that the new emerging Joint Local Plan to 2041, will perform strongly against climate change and biodiversity as well as equalities and place making

considerations. Yet, early evidence from the Integrated Water Management Strategy (Outline Water Cycle Study) by Stantec dated August 2021, which underpins the draft plan, has highlighted a risk of there being deterioration of WFD waterbodies due to the water demands from the proposed growth trajectory before the 2030s (sections 9.1.3 and 9.1.4). Further work on this important evidence base awaits the outcomes of the draft WRMP24, and our response to it, but it's clear water supply and its environmental impacts are a significant issue for the plan which your policy colleagues are aware of. This will require careful consideration including mitigation including potential phasing of growth and water efficiency standards, which sections 9.1.3 and 9.1.4 in the study allude to.

It is not our intention to favour "unplanned" or new growth although we appreciate the possibility of it being an unintended consequence of our advice now to these strategic sites which as you say are the last two strategic sites from the previous development plan. Our advice as a statutory consultee to highlight the risks development poses from water demand to WFD waterbodies that are already under significant pressures from water abstraction, can't discriminate based on the status of the development sites that come forward. Our advice would apply consistently to planned and unplanned sites alike. We would like to continue to work with you both in terms of sharing any decisions that come back from our area and national Directors on the threshold size of planning applications we will potentially focus objections on, and ensuring we can also provide effective advice on how to mitigate the risks for other developments also. We would also welcome discussing further mitigation measures and the potential to make use of planning obligations.

I hope this is helpful, and we look forward to continued discussions.

Kind regards  
Keira

**Keira Murphy MRTPI**

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