

App PoE, Water Resources, Appendix A – Legislation & Regulation

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Technical Note

Project: Land North of Cambridge North Station, Cambridge

Subject: Legislation & Regulation

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I Context

1.1.1 In the UK, water resources are governed by regulatory, planning and legislative processes which are implemented by key parties with varying statutory duties and responsibilities. This Technical Note aims to summarise the key regulatory, planning and legislative processes and associated roles and statutory duties of key parties.

2 Regulatory, Planning and Legislative Processes

2.1 Water Resource Management Plan (WRMP)

2.1.1 Water companies in England are required by law to prepare, publish and maintain Water Resources Management Plans (WRMP) as 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 WRMP process is set out

within the Water Resources Planning Guideline¹ and is linear in nature, following a standard consultation and response approach.

- 2.1.2 Cambridge Water's (CW) existing WRMP was published in 2019 (WRMP19), with the draft version of its 2024 plan (dWRMP24) published for consultation on 24 February 2023. This consultation will close on 19 May 2023.
- 2.1.3 Following consultation, CW will produce and publish a statement of response, within 26 weeks from the commencement of consultation (24 February 2023), then CW will publish the final draft WRMP for review and approval by the Secretary of State, prior to publishing the final WRMP.
- 2.1.4 The Water Resources Planning Guideline sets out the requirements of a WRMP which should set out how the Water Company, in this instance CW, *'intend to achieve a secure supply of water for your customers and a protected and enhanced environment.'*
- 2.1.5 Each WRMP is supported by a Strategic Environmental Assessment (SEA). The SEA is a process that aims to integrate environment and sustainability considerations into strategic decision-making and the requirements for SEA are set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA regulations).
- 2.1.6 The SEA process includes the assessment of the likely significant effects of the WRMP and its reasonable alternatives. It assesses the likely significant environmental effects (including inter and intra cumulative effects) of the options in the dWRMP with other relevant programmes, plans and projects and identifies ways in which adverse effects can be avoided, minimised or mitigated and how any positive effects can be enhanced. It does so by including such

¹ [Water resources planning guideline - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/water-resources-planning-guideline)

information as may reasonably be required, taking into account current knowledge and methods of assessment, the contents and level of detail in the plan, its stage in the decision making process and the extent to which certain matters are more appropriately assessed at different levels in the process to avoid duplication. This is used to inform the development and selection of the demand management and supply side options proposed within the WRMP. A monitoring plan is outlined to allow for the identification of any unforeseen environmental effects and implementation of remedial action where necessary.

2.2 National Planning Policy Framework (NPPF) and Local Plan (LP)

2.2.1 Paragraph 20 (b) of the National Planning Policy Framework (NPPF) confirms that water supply is a strategic matter to be addressed through development plans and that strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for infrastructure for water supply.

2.2.2 Paragraph 174 (e) of the NPPF prevents new and existing development from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability. Development should where possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as RBMPs.

2.2.3 The South Cambridgeshire Local Plan (SCLP) was adopted in September 2018.

2.2.4 The development proposals are allocated in the SCLP within Policy SS/4 ‘Cambridge Northern Fringe East and Cambridge North railway station.’ The SCLP has been subject to an integrated Sustainability Appraisal and Strategic Environmental Assessment (SEA), which was informed by

evidence available at the time of scoping, appraisal of options and final publication, e.g., current Water Resources Management Plan 2019, Anglian RBMP 2015.

2.2.5 SCLP Local Policy CC/4 – Water Efficiency states:

- *‘All new residential developments must achieve as a minimum water efficiency equivalent to 110 litres per person per day.*
- *Proposals for non-residential development must be accompanied by a water conservation strategy, which demonstrates a minimum water efficiency standard equivalent to the BREEAM standard of 2 credits for water use levels unless demonstrated not practicable.’*

2.2.6 It should be noted that only 2 credits in the WAT01 (water efficiency) category need to be achieved to attain a BREEAM certification level of ‘Excellent’.

2.2.7 SCLP Local Policy CC/7 – Water Quality sets out the following requirements for all development proposals:

- *‘There is adequate water supply, sewerage and land drainage systems (including water sources, water and waste water infrastructure) to serve the whole development, or an agreement with the relevant service provider to ensure the provision of the necessary infrastructure prior to the occupation of the development. Where development is being phased, each phase must demonstrate sufficient water supply and waste water conveyance, treatment and discharge capacity;*
- *The quality of ground, surface or water bodies will not be harmed, and opportunities have been explored and taken for improvements to water quality, including renaturalisation of river morphology, and ecology;*

- *Appropriate consideration is given to sources of pollution, and appropriate Sustainable Drainage Systems (SuDS) measures incorporated to protect water quality from polluted surface water runoff.'*

2.3 Greater Cambridge Local Plan – First Proposals (draft consultation version 2021)

2.3.1 The draft policy CC/WE 'Water efficiency in new developments' sets out a policy direction for residential developments to achieve a standard of 80 litres per head per day unless demonstrated impracticable and non-residential development required to achieve full credits for category WAT01 for BREEAM unless demonstrated impracticable.

2.4 River Basin Management Plan (RBMP)

2.4.1 A River Basin Management Plan (RBMP) provides a framework for protecting and enhancing the benefits provided by the water environment, setting out the baseline classification and statutory objectives for water bodies.

2.4.2 The Anglian RBMP was updated in 2022, with a supporting Habitats Regulations Assessment.

2.4.3 The environmental objectives set out in the plans are used by government, the Agency and other public bodies to make planning decisions, amongst other actions. The environmental objectives include preventing deterioration of the status of surface waters and groundwater and aiming to achieve good status for all water bodies.

2.4.4 In preparation of the current Anglian RBMP (2022), the EA concluded that the requirement for a strategic environmental assessment (SEA) was to be screened out, under the justification of

minor modifications to existing plans (which in this instance comprises Anglian River Basin District RBMP Updated December 2015).

3 Key Parties

3.1.1 The regulatory, planning and legislative processes are implemented by the following key parties:

- The Water Services Authority (Ofwat)
- Environment Agency (the Agency)
- Cambridge Water (CW)
- Local Planning Authority (LPA)

3.1.2 The Water Services Authority (Ofwat) regulates the water industry on behalf of the Secretary of State and grants licences for water supply to water companies, including CW.

3.1.3 The EA regulates the abstraction and impoundment of water, working with water companies, farmers, industry, businesses, and others to secure the proper use of water resources including protecting access to water and ensure that the water in England is abstracted sustainably

3.1.4 The EA must exercise its functions so as to secure compliance with the requirements of the Water Framework Directive including taking action to prevent deterioration of status of water bodies under Regulation 3 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

3.1.5 The EA must have regard to River Basin Management Plans (RBMP) in exercising their functions so far as affecting a River Basin District under Regulation 33 of the Water Environment (Water Framework Directive) Regulations 2017.

- 3.1.6 CW is responsible for developing and maintaining an efficient and economic system for providing secure and sustainable water supplies to consumers. They are required by statute to set out how they intend to balance supply and demand over a 25 year planning period through a water resource management plan (WRMP), updated every 5 years.
- 3.1.7 The LPA in exercising their plan-making functions have a legal requirement to prepare plans with the objective of contributing to the objective of achieving sustainable development (Section 39 (2) of the Planning and Compulsory Purchase Act 2004) as referenced paragraph 16 part (a) of National Planning Policy Framework.
- 3.1.8 The LPA should ensure planning policies and associated decisions should contribute to and enhance the natural and local environment by *'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.'*²
- 3.1.9 The LPA must have regard to RBMPs in exercising their functions so far as affecting a River Basin District under Regulation 33 of the Water Environment (Water Framework Directive) Regulations 2017.

² National Planning Policy Framework (NPPF) Paragraph 174 (e)