



Ministry of Housing,
Communities &
Local Government

John Baird
Partner
Osborne Clark

Our ref: APP/W0530/W/23/3328390
Your ref: 22/02528/OUT

Sent by email only
john.baird@osborneclarke.com

25 September 2024

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY BARRATT DAVID WILSON HOMES AND THE NORTH WEST
CONSORTIUM OF LAND OWNERS IN RELATION TO LAND BETWEEN HUNTINGDON
ROAD AND HISTON ROAD, CAMBRIDGE, KNOWN AS DARWIN GREEN PHASES
TWO AND THREE
APPLICATION REF: 22/02528/OUT**

This decision was made by the Rushanara Ali MP, Parliamentary Under Secretary of State for Building Safety and Homelessness, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of R Barrett MRTPI IHBC, who held a public local inquiry on 16-18 and 23-25 January 2024 into your client's appeal against the failure of South Cambridgeshire District Council to determine your client's application for outline planning permission (all matters reserved except for means of access) for up to 1,000 residential dwellings, secondary school, primary school, community facilities, retail uses, open space and landscaped areas, associated engineering, demolition and infrastructure works, in accordance with application Ref. 22/02528/OUT, dated 20 May 2022.
2. On 12 January 2024, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed, and planning permission granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with her recommendation. She has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing Communities & Local Government
Emma Hopkins, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Email: PCC@communities.gov.uk

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR8-10, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for her to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. An application for a full award of costs was made by the appellant against the Environment Agency (EA) (IR15). This application is the subject of a separate decision letter.
7. On 30 July 2024, the Written Ministerial Statement (WMS) 'Building the Homes we Need' (UIN HCWS48) was published. On that same date, the government launched a consultation to reform the existing National Planning Policy Framework (the Framework). The Secretary of State does not consider that publication of the WMS and the consultation on the existing Framework raise any matters that would require her to refer back to the parties for further representations prior to reaching her decision on this appeal, and she is satisfied that no interests have thereby been prejudiced.

Policy and statutory considerations

8. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of South Cambridgeshire Local Plan (SCLP) 2018 and the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021. The Secretary of State considers that relevant development plan policies include those set out at IR29-34.
10. Other material considerations which the Secretary of State has taken into account include the Framework and associated planning guidance ('the Guidance'), as well as the December 2023 WMS addressing the Government's vision for Cambridge and the March 2024 Joint Statement on addressing water scarcity in Greater Cambridge, and the second draft revised Water Resource Management Plan (WRMP24).

Emerging plan

11. The emerging plan comprises the Greater Cambridge Joint Local Plan, which is being prepared jointly by Cambridge City Council and South Cambridgeshire District Council, and had reached Regulation 18 stage at the time of the inquiry.
12. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging Greater Cambridge Local Plan is at an early stage of preparation. In accordance with paragraph 48 of the Framework, the Secretary of State agrees with the main parties at IR52 that limited weight can be given to this plan.

Main issues

Water Supply

13. The Secretary of State has carefully considered the effects of the proposal upon water supply. For the reasons set out at IR279-283, the Secretary of State agrees with the Inspector that water supply is a material consideration in this appeal (IR283).
14. For the reasons given at IR284-337 the Secretary of State agrees with the Inspector's judgement at IR337 that while the weight of evidence before the Inquiry suggests that abstraction pressure is contributing to ecological deterioration, there is insufficient evidence to fully understand the potential impact of the appeal development. She also agrees with the Inspector's judgement that the proposal would add to pressure on existing waterbodies and cumulatively add to any existing pressure on the ecology of Surface Water Bodies (SWBs).
15. For the reasons set out at IR338-357, the Secretary of State agrees with the Inspector's judgement that a published Water Resource Management Plan (WRMP) agreed by Defra, with input from the Environment Agency (EA), is most likely to be in place prior to development commencing on site (IR340). She further agrees that the appeal development would not have an adverse impact on the demand for potable water use and associated abstraction and that it therefore would not result in risk of deterioration to waterbodies in the Greater Cambridge area and would accord with SCLP policy CC/7 (IR348). The Secretary of State agrees with the Inspector at IR349 that the appeal development would not result in an adverse impact on any protected habitats, including SSSIs and that it would therefore accord with SCLP policy NH/4, and paragraphs 174, 175, 179 and 180 of the Framework. She further agrees with the Inspector at IR350 that the appeal scheme would also support the achievement of the environmental objectives in the Water Framework Directive (WFD) and secure compliance with the requirements of the WFD Regulations. Further, it would not harm the conservation and enhancement of biodiversity in this regard, and the conservation and enhancement of features of SSSIs.
16. For the reasons given at IR351-357 the Secretary of State considers the suggested optional condition¹ that would delay the occupation of the development until the Grafham Transfer scheme is operational or prevent occupation of the appeal development until Cambridge Water has published a Defra agreed WRMP²⁴ is not necessary.

Other matters

17. The Secretary of State notes that the majority of the site is allocated for housing designated by the SCLP Policy SS/2, with the unallocated remainder within the Green Belt (IR29-30). She agrees with the Inspector at IR393 that the development would accord with the requirements of SCLP policy SS/2 which allocates the site. She also agrees with the main parties at IR52 that the development proposed in the Green Belt does not represent inappropriate development.
18. Like the Inspector, the Secretary of State has had regard to the recent Brookgate decision, and the conclusions in that case (IR358-359).
19. For reasons given at IR360-363, the Secretary of State agrees that the proposed access arrangements are acceptable (IR360), that the proposed development would link well to the surrounding areas and prioritise active forms of transport (IR362), and that the

¹ See condition 46 at Annex C of the Inspector's Report

proposal would result in a modal shift away from the private car resulting in an overall neutral impact on surrounding traffic flows (IR363).

20. The Secretary of State agrees with the Inspector's conclusions at IR364, IR365 and IR366.
21. The Secretary of State notes that the site is located within a landscape of high archaeological significance (IR367) but that no designated heritage assets are affected by the proposals (Cultural Heritage Statement, ES Appendix 8.4). For the reasons given at IR367-371, she agrees with the Inspector that while development of the appeal scheme has the potential to result in extensive impacts to surviving archaeological remains, a programme of archaeological recording, along with further work at the detailed design stage, including preservation in-situ and retention of some existing buildings would help mitigate the impact of the proposals (IR371-372). The Secretary of State considers that the harm to the non-designated heritage assets would be limited in scale, and assigns limited weight. Paragraph 209 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and the Secretary of State has done so. She agrees with the Inspector that the development would accord with SCLP policy NH/14 (IR373).
22. The Secretary of State agrees with the Inspector's statement at IR373 that the development would provide substantial public benefits, as set out in paragraph 8.45 of the Statement of Common Ground (general). She has had regard to that document and considers that the proposal would generate significant positive economic impacts during the construction and operational phases of the development and lead to job creation. She also considers the proposal would support the delivery of a significant number of new homes, including 40% affordable housing, a new primary and secondary school, community centre and retail facilities and provision for sports and open space and a Country Park. She further considers the proposal would make effective use of land, deliver a Biodiversity Net Gain, make provision for open space and support public transport use and active travel. Taken together, the Secretary of State gives substantial weight to these benefits.

Planning conditions

23. The Secretary of State has had regard to the Inspector's analysis at IR264-277 and IR351-353, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex A should form part of her decision. Her conclusion on optional Condition 46 is set out at paragraph 16 above. The Secretary of State notes that it is intentional that there is no (h) or (i) in Condition 17.

Planning obligations

24. The Secretary of State has had regard to the Inspector's analysis at IR374-391, the planning obligation dated 15 February 2024, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR391 she agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 57 of the Framework.

Planning balance and overall conclusion

25. For the reasons given above, the Secretary of State considers that the appeal scheme is not in conflict with any development plan policies, and is in accordance with the development plan overall. She has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.
26. Weighing in favour of the proposal are a positive economic impact, job creation, provision of housing (including 40% affordable), provision of community facilities, provision for sports and open space and a Country Park, effective use of land, BNG, provision of open space, and support for public transport use and active travel, which collectively carry substantial weight.
27. Weighing against the proposal is the harm to non-designated heritage assets, which carries limited weight.
28. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.
29. The Secretary of State therefore concludes that the appeal should be allowed, and planning permission granted.

Formal decision

30. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex A of this decision letter for outline planning permission (all matters reserved except for means of access) for up to 1,000 residential dwellings, secondary school, primary school, community facilities, retail uses, open space and landscaped areas, associated engineering, demolition and infrastructure works, in accordance with application Ref. 22/02528/OUT, dated 20 May 2022.
31. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

32. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.
33. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
34. A copy of this letter has been sent to South Cambridgeshire District Council and the EA, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Emma Hopkins

Decision officer

This decision was made by Rushanara Ali MP, Parliamentary Under Secretary of State for Building Safety and Homelessness, on behalf of the Secretary of State, and signed on her behalf

Annex A - List of conditions

1. Submission of reserved matters

No development on any individual Development Parcel or Strategic Engineering and Landscape Element shall commence until approval of the details of the appearance, landscaping, layout and scale (hereinafter called the Reserved Matters) within that Development Parcel or Strategic Engineering and Landscape Element has been obtained from the Local Planning Authority in writing.

The development shall be carried out as approved.

2. First submission of reserved matters application

The first application for approval of Reserved Matters shall be made to the Local Planning Authority no later than five years from the date of this permission.

3. Commencement of each reserved matters application

The commencement of each reserved matters site pursuant to this outline consent shall begin no later than the expiration of two years from the date of the last Reserved Matter of that reserved matters site to be approved.

4. Final deadline for submission of any reserved matters application

Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority no later than the expiration of 12 years from the date of this permission.

5. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan 18112_07_01_P1

Demolition Parameter Plan 18112_07_02_P2

Land Use Parameter Plan 18112_07_03_P2

Movement and Access Parameter Plan 18112_07_04_P2

Landscape Framework Parameter Plan 18112_07_05_P2

Building Heights Parameter Plan 18112_07_06_P2

Urban Design Parameter Plan 18112_07_07_P2

DG1/DG2 Access Junction (Western Access) 116292-TP-00013-P02

DG1/DG2 Access Junction (Eastern Access) 116292-TP-00007-Rev F

Masterplan DG1 Spine Road/Residential Access Junction 116292-TP-0012 P03

Masterplan DG1 Spine Road/Pedestrian Access Junction 116292-TP-0011 P03

Thornton Close Cycle & Pedestrian Link 116292-TP-0014 P02

Outline Waste Management Strategy received 07.06.2022

Materials Management Strategy received 23.05.2022
Drainage Strategy Revision R5(3) received 25.08.2022
Landscape, Open Space and Countryside Enhancement Strategy received 25.08.2022
Public Art Strategy received 23.05.2022

6. Quantum of Uses

The quantum of dwellings and land uses set out below shall not be exceeded pursuant to this planning permission:

- 1,000 dwellings within Use Class C3
- 200sqm of retail floorspace under Use Class E (a), (b), (c)
- 400sqm community building under flexible Use Classes F and E (e)
- 8.8ha education uses under Class F1(a)

7. Compliance with Environmental Statement

The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Table 19.1 of the Environmental Statement Vol 1, Main Report (as amended).

8. Phasing Strategy

Prior to, or concurrently with the submission of the first of the Reserved Matters application(s), a Site Wide Phasing Plan shall be submitted to the Local Planning Authority for approval. The Site Wide Phasing Plan shall consist of separate and severable phases or sub-phases of development, including residential, non-residential and on-site infrastructure and include the broad sequence of providing the following elements and a mechanism for the Plan's review and amendment:

- a) Development Parcels;
- b) Major infrastructure including all accesses, primary roads/routes within the site, primary footpaths and cycleways, including timing of provision and opening of access points into the site, and any associated off-site works;
- c) the community building and retail unit;
- d) Surface water drainage features, SuDS and foul water drainage network;
- e) Formal and informal public open space, provision for children and teenagers, playing fields and allotments;
- f) strategic electricity, telecommunications, potable water mains provisions;
- g) environmental mitigation measures, actions or activities (including phasing) intended to remedy, reduce or offset known negative adverse impacts as a result of existing pollution in the area and the development itself, as identified in the submitted Environmental Statement; and
- h) primary and secondary schools.

No development shall commence apart from Enabling works until such time as the Site Wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the phasing contained within the approved Site Wide Phasing Plan.

9. Site Wide Design Code

Prior to the submission of the first of the Reserved Matters applications, a Site Wide Design Code shall be submitted to and approved in writing by the local planning authority. The Site Wide Design Code shall be prepared in general accordance with the principles and parameters established by this outline planning permission and shall include both strategic and detailed elements. The Site Wide Design Code shall include:

- a) The character, mix of uses and heights established through the approved parameter plans and include the block principles and the structure of public spaces, making reference to the phasing of land parcels
- b) The street hierarchy, including the principles and extent of adopted highways and traffic calming measures
- c) Typical street cross-sections which will include details of tree planting, tree species, underground utility/service trenches, and on street parking, taking into account mobility and visually impaired users
- d) Block principles to establish use, density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and threshold definition shall be provided
- e) Design principles for the approach to vehicular parking (residents and visitors) for different building types including setting out principles to govern the location and layout of parking for people with disabilities and for each building type including parking spaces with electric vehicle charge point provision
- f) Clear design principles for the approach to cycle parking for all uses and for different building types, (residential and commercial) including resident visitor parking, type of rack, spacing and any secure or non-secure structures associated with the storage of cycles including non-standard bicycle and trailer storage
- g) The approach to the character and treatment of the structural planting and the approach to the treatment of any hedge or footpath corridors and retained trees and woodlands (including site wide tree strategy statements guiding the diversity of planting and planting resilience to climate change, and the approach to SuDS design integration)
- h) The conceptual design and approach to the public realm, including public art, materials, signage, lighting, utilities and any other street furniture)
- i) Details of waste and recycling provision for all building types and recycling points
- j) Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features
- k) Details of measures to minimise opportunities for crime
- l) Measures to show how the principles of good design (including acoustic design) will address and minimise the impact of existing traffic
- m) Details of good urban design principles and design of urban infrastructure to reduce air pollution – including street dimensions, use of Green Infrastructure (GI) such as trees, parks and green walls
- n) Details of the indicative locations for Sustainable Show Homes.
- o) Details of consideration of the noise environment within the Country Park, including any measures to mitigate noise from the A14
- p) Details of the design review procedure and of circumstances where a review shall be implemented.

The Site Wide Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code.

No development apart from Enabling Works shall commence until the Site Wide Design Code for the entire site has been submitted to and approved in writing by the local planning authority.

10. Youth & Play Strategy

Prior to, or concurrently with, the submission of the first of the reserved matters application(s), a site-wide Strategy for Youth Facilities and Children's Play Provision shall be submitted to the local planning authority for written approval. The Strategy shall be in general accordance with the principles set out in the approved Landscape, Open Space, and Countryside Enhancement Strategy (received 25.08.2022), and which also includes a strategy for inclusive play. The Strategy shall include, but not be limited to, the specification, location, and phasing of delivery of play provision/facilities.

No development apart from Enabling Works shall commence unless and until the Strategy for Youth Facilities and Children's Play Provision has been submitted to and approved in writing by the local planning authority.

11. Public Art Delivery Plan

Prior to, or concurrently with, the submission of the first of the reserved matters application(s) relating to any Residential Development Parcel, a site-wide Public Art Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery Plan shall be in general accordance with the approved Public Art Strategy (received 23.05.2022), and shall include:

- a) Details of the public art and artist commission
- b) Details of how the public art will be delivered, including a timetable for delivery
- c) Details of the location of the proposed public art on the application site
- d) The proposed consultation to be undertaken
- e) Details of how the public art will be maintained
- f) How the public art would be decommissioned if not permanent; and
- g) How repairs would be carried out.

The development shall be carried out in accordance with the approved Delivery Plan.

12. Site-Wide Construction Traffic Management Plan (CTMP)

No development, including demolition, shall take place until a CTMP has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways and the Local Highways Authority). The CTMP shall include, but not be limited to the following:

- a) Details of the hours of construction work and deliveries, the co-ordination of deliveries of plant and materials, and the disposing
- b) of waste resulting from demolition, engineering, and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods)
- c) Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway)

- d) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
- e) An estimate of the daily movement of the construction traffic
- f) Areas for the storage of plant and materials used in constructing the development
- g) Details and quantum of contractor parking and methods of preventing on street car parking
- h) Consideration of pollution and emissions to air, water and land, including noise and vibration, dust, general discharges and appropriate mitigation strategies
- i) Control of dust, mud and debris, in relationship to the operation of the adopted public highway
- j) Risk Assessments and Method Statements for the works; and contact details of personnel responsible for the construction works.

The development shall thereafter be carried out in accordance with the approved CTMP.

13. Demolition and Construction Environmental Management Plan (DCEMP)

No development, including demolition, shall commence until a site-wide DCEMP has been submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include, but not limited to, the following:

- a) Demolition, construction and phasing programme
- b) Construction/Demolition hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation
- c) Soil Management Strategy having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails, protection of ground to be reinstated to open space, sustainable drainage or general landscape, methodology of soil stripping, handling, haul routes, formation level decompaction measures, soil re-spreading and decompaction as well as soil disposal (if necessary)
- d) Noise and vibration (including piling) impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228 (2009) Code of Practice for noise and vibration control on construction and open sites – Part 1 and 2 (or as superseded)
- e) Use of concrete crushers
- f) Prohibition of burning waste on site during demolition/construction
- g) Temporary site lighting including hours of operation, position and impact on neighbouring properties
- h) Drainage control measures including the use of settling tanks, oil interceptors and bunds
- i) Screening and hoarding details
- j) Access and protection arrangements around the site for pedestrians, cyclists and other road users
- k) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures
- l) External safety and information signing and notices
- m) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures
- n) An Arboricultural Impact Plan in accordance with the Arboricultural Implications Assessment dated 14 March 2022, including details of the provision of compensatory planting for any trees or hedgerows proposed to be retained which die during construction

- o) Details of measures indicating how additional surface water run-off from the site will be avoided during the construction works, which may include collection, balancing and/or settlement systems for these flows.

The development shall be carried out in accordance with the approved DCEMP.

14. Construction Ecological Management Plan (CEcMP)

No development including demolition, ground works and/or vegetation clearance shall take place until a Construction Ecological Management Plan CEcMP has been submitted to and approved in writing by the Local Planning Authority. The CEcMP shall include the following:

- a) Risk assessment of potentially damaging construction/demolition activities
- b) Identification of biodiversity protection zones
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction/demolition (may be provided as a set of method statements)
- d) The location and timings of sensitive works to avoid harm to biodiversity features
- e) The times during construction/demolition when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEcMP shall be adhered to and implemented throughout the construction/demolition period.

15. Demolition and Retention Strategy

No demolition of any of the buildings indicated for demolition on the approved Demolition Parameter Plan (18112_07_02 Rev P2) shall take place until a Demolition and Retention Strategy has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Retention Strategy shall set out how the retention of existing buildings has been considered and, where retention is proposed, how those retained buildings shall be maintained and managed in the long-term.

The development shall be carried out in accordance with the approved Strategy.

16. Archaeology

No development, including demolition or removal of below ground structures, shall take place until a site-wide programme of archaeological work and historic building recording has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development including demolition or removal of below ground structures shall take place other than under the provisions of the agreed WSI, which shall include:

- a) The statement of significance and research objectives

- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The timetable for the field investigation as part of the development programme
- d) The programme and timetable for the analysis, publication and dissemination, and deposition of resulting material.

17. Ecological Design Strategy

No development shall take place until a site-wide Ecological Design Strategy, including Biodiversity Net Gain provision, has been submitted to and approved in writing by the Local Planning Authority.

The Ecological Design Strategy DS shall include the following where appropriate:

- a) Purpose and conservation objectives for the proposed works
- b) Review of site potential and constraints
- c) Detailed design(s) and/or working method(s) to achieve stated objectives
- d) Extent and location/area of proposed works on appropriate scale maps and plans
- e) Type and source of materials to be used where appropriate, e.g. low nutrient soils, native species of local provenance
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- g) Persons responsible for implementing the works
- j) Details for disposal of any waste arising from the works
- k) A scheme setting the principles for the provision of bird and bat boxes.

The EDS shall be implemented in accordance with the approved details and all features shall be maintained as such.

18. Landscape and Ecological Management Plan (LEMP)

No development within a Phase, including demolition, shall commence until a LEMP for that Phase has been submitted to and approved in writing by the local planning authority.

The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) a scheme detailing how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives and BNG percentage of the originally approved scheme.

Thereafter, the features identified to be managed within each Phase shall be managed in accordance with the approved LEMP for that Phase.

19. Pre-commencement remediation method statement

No development within a Phase, including demolition, shall take place until detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the Remediation Method Statement) within that Phase have been submitted to and approved in writing by the Local Planning Authority.

20. Remediation Verification Report

Prior to the first occupation of any dwellings within a Phase, the works specified in the Remediation Method Statement insofar as applicable to that Phase must be completed and a Verification Report submitted to and approved in writing by the Local Planning Authority.

21. Unexpected contamination

If, during remediation or construction works, any additional or unexpected contamination is identified within a Phase, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed in the said Phase and the agreed remediation proposals shall be fully implemented prior to first occupation of the dwellings within the said Phase.

22. Travel Plan

Prior to the commencement of the development, a Travel Plan shall be submitted and approved by the Local Planning Authority (in consultation with the County Council and National Highways). The Travel Plan shall be based upon the document Interim Residential Travel Plan Dated 8th April) but shall also include:

- i. A Travel Plan Coordinator and associated Monitoring and Governance by the TPC being in place for the entire development build period plus 2 years post development completion.
- ii. The offer of a Travel Pack containing Cycle vouchers and/or Bus Vouchers to each resident on an 'on-demand' basis to ensure that they are used for the purpose as intended.
- iii. Provision of a Travel Hub (or Hubs) which would contain E-bike or E- scooter drop off/pick up points and cycle maintenance facilities and an information point containing real time bus information.
- iv. The requirement for all bus stops to have shelters and real time information points.

The development shall be carried out in accordance with the approved Travel Plan.

23. Design Code Compliance Statement

Any application for approval of reserved matters shall be in general accordance with the Site Wide Design Code approved by the Local Planning Authority. A statement demonstrating compliance with the approved Site Wide Design Code shall be submitted as part of each and every application for reserved matters approval. The development

hereby permitted shall be completed in accordance with the approved Site Wide Design Code.

24. Housing Mix

Applications for reserved matters relating to layout for a Development Parcel which includes dwellings shall include the following details of housing mix:

- a) A plan showing the location and distribution of market and affordable units (including tenure type). The plan should also identify the proximity of the site with adjacent land parcels and the tenure types within both, in respect of any Development Parcel where reserved matters have already been approved
- b) Schedule of dwelling sizes (by number of bedrooms)
- c) A statement which demonstrates how the proposals for the relevant Development Parcel relate to the agreed indicative housing mix.

25. Internal Space Standards and Accessible Housing

Any reserved matters application relating to layout and/or scale for a Development Parcel which includes dwellings, shall demonstrate through the floor plans, elevations and sections, that:

- a) All residential dwellings, as a minimum, accord with the Technical Housing Standards – Nationally Described Space Standards (2015)
- b) All residential dwellings are designed to meet the accessible and adaptable dwellings M4 (2) standard of the Building Regulations 2010 (as amended)
- c) Not less than 5% of affordable dwellings within each Development Parcel containing dwellings are designed to meet the wheelchair user dwellings M4 (3) standard of the Building Regulations 2010 (as amended).

In the event that such standards are replaced by a comparable national measure applicable at the time of submission of such reserved matters, the equivalent measures shall be applicable to the relevant part of the development.

26. Car and Cycle Parking

Any reserved matters application relating to layout for a Development Parcel, shall include details of car parking and details of facilities for the covered, secure parking of cycles for use in connection with the approved development.

No residential unit or non-residential building shall be occupied, until the relevant car and cycle parking facilities serving that residential unit or non-residential building (as applicable) have been provided in accordance with the approved details. Thereafter the car and cycle parking facilities shall be retained and shall not be used for any other purpose.

27. Detailed Surface Water Drainage Strategy for each Reserved Matters Application

Each reserved matters application relating to layout and/or landscaping shall include a detailed surface water drainage strategy pursuant to the reserved matters site for which approval is sought.

The strategy shall:

- a) demonstrate how the management of water within the reserved matters site to which it relates accords with the approved Drainage Strategy Revision R5(3) (received 25.08.2022)
- b) maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body
- c) include details of all flow control systems and the design, location and capacity of all strategic SuDS features
- d) demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes
- e) include a management plan with details of the ownership, adoption, long-term management and maintenance of the surface water drainage system (including all SuDS features)
- f) clarify the access that is required to each surface water management component for maintenance purpose, and
- g) include a mechanism for resolving any failures in the surface water drainage system which are identified post-occupation.

The development shall be carried out in full accordance with the approved Strategy and no building pursuant to that particular reserved matters site for which approval is being sought shall be occupied or used until such time as the relevant approved detailed surface water measures have been fully completed in accordance with the approved details.

28. Ecological Compliance Statement

As part of any reserved matters application relating to layout and/or landscaping and/or appearance for a Development Parcel, Strategic Engineering Element, or Landscape Element, an ecological compliance statement shall be submitted demonstrating how the proposals are in compliance with the approved Ecological Design Strategy and Biodiversity Net Gain assessment. The Ecological Compliance Statement shall include details of bird and bat nest box numbers, specification, and their location.

The development shall be carried out in accordance with the approved details and no building within the reserved matters site shall be occupied until the nest boxes have been provided for that building in accordance with the approved Ecological Compliance Statement.

29. Sustainable Show Home

As part of any reserved matters application for a Development Parcel containing a sustainable show home a strategy for the delivery of the proposed sustainable show home(s) shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following:

- a) a plan showing the location of the sustainable show home(s)
- b) an indicative timetable for delivery of the sustainable show home(s)
- c) sustainability targets to be achieved in the construction/design of the show home(s)
- d) sustainability options available for purchase by prospective house buyers (to include measures such as energy efficiency, renewable technologies, water conservation, waste and recycling and overheating)
- e) a marketing scheme to demonstrate how the sustainable alternatives in (d) above can be purchased by prospective house buyers.

The strategy for the show home(s) shall be implemented in full accordance with the approved details.

30. Sustainability, Energy and Water Statement

Each reserved matters application for a Development Parcel relating to layout and/or appearance shall be accompanied by a Sustainability, Energy and Water Statement setting out how that Development Parcel shall meet the targets and commitments set out in the site wide statement (Environmental Economics, Version 3, 14 April 2022). This shall include, but not be limited to, the following details:

- a) Energy/carbon calculations showing how that Development Parcel shall meet the requirements of the Future Homes Standard
- b) Renewable energy technologies including air source heat pumps and photovoltaic panels
- c) A water efficiency specification for each house type showing how the proposals will meet the requirement for water use of no more than 95 litres/person/day, and
- d) Details of how the scheme will mitigate the risk of overheating.

In the event the Future Homes Standard is replaced by a relevant national or local standard or policy, the statement shall detail how the replacement standard or policy will be met.

The measures contained within the approved Sustainability, Energy and Water Statement shall be fully installed and operational prior to the occupation of the building to which they relate and thereafter maintained in accordance with the approved details.

31. BREEAM Pre-Assessment

Each reserved matters application other than that which relates only to landscaping, that includes non-residential uses, other than for the schools, shall be accompanied by a BREEAM pre-assessment prepared by an accredited BREEAM Assessor, indicating that the building is capable of achieving the applicable 'Excellent' rating as a minimum, with five credits for Wat 01 (water consumption).

Each reserved matters application, other than that which relates to landscaping, that includes schools, shall be accompanied by a BREEAM pre-assessment prepared by an accredited BREEAM Assessor, indicating that the building is capable of achieving the applicable 'Very Good' rating as a minimum, with at least 2 credits achieved for Wat 01,

and with an aim to achieve an 'Excellent' rating. In the event the higher 'Excellent' rating is not achievable, the BREEAM pre-assessment should be accompanied by a statement providing justification for the lower rating.

In the event BREEAM is replaced by a relevant national or local standard, a statement shall be submitted setting out how the development will meet the required standard.

32. BREEAM Interim Design Stage Certification

Within 6 months of commencement of development of non-residential uses hereby approved, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the required BREEAM excellent rating will be met for the non-residential uses within the given Phase. Where the Design Stage Certificate shows a shortfall in credits required, a statement shall also be submitted identifying how the shortfall will be addressed.

In the event BREEAM is replaced by a relevant national or local standard, a statement shall be submitted setting out how the development will meet the required standard.

33. BREEAM Post Construction Certification

Prior to the use or occupation of the non-residential uses hereby approved, or within six months of occupation (whichever is later), a BRE issued post Construction Certificate shall be submitted to, and approved in writing by the Local Planning Authority, indicating that the approved BREEAM rating has been met for the non-residential uses within the given Phase.

In the event BREEAM is replaced by a relevant national or local standard, a statement shall be submitted setting out how the development will meet the required standard.

34. Noise attenuation (dwellings)

Any reserved matters application for a Development Parcel containing residential development shall include a noise impact assessment and a noise attenuation / insulation scheme to protect occupants or other users internally and externally as appropriate from the A14, Cambridge Road and primary routes through the site traffic noise.

The noise insulation scheme shall demonstrate that the external and internal noise levels recommended in British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice" (or as superseded) shall be reasonably achieved and shall include a timescale for phased implementation, as necessary, and shall be to a methodology first agreed in writing by the Local Planning Authority.

The scheme as approved shall be implemented before the residential use hereby permitted is occupied, or in accordance with any agreed phased implementation, and shall be retained thereafter.

35. Noise attenuation (non-residential)

Any reserved matters application for a Development Parcel containing non-residential development shall include a noise assessment as necessary and a scheme for the insulation of the building(s) and/or associated plant / equipment or other attenuation measures, in order to minimise the level of noise emanating from the said building(s) and/or plant.

The scheme for each building as approved shall be fully implemented before the use hereby permitted is commenced and shall be maintained thereafter in accordance with the approved details.

Collection from and deliveries to any non-residential premises including any retail, food or commercial uses shall only take place between the hours of 07.00 to 23.00 Monday to Saturday and 0900 to 1700 on Sunday, Bank and other Public Holidays.

36. Youth and Play Space Details

Any reserved matters application for a Development Parcel, Strategic Engineering, or Landscape Element containing a Local Area of Play (LAPs), Local Equipped Area of Play (LEAP), Neighbourhood Equipped Area of Play (NEAP), or other youth or play facilities, shall include detailed design of those youth and play facilities, including a play statement to demonstrate compliance with the site-wide Youth and Play Strategy, including provision of inclusive play.

The open space within that reserved matters site shall be laid out in accordance with the details and timetable approved as part of the site-wide Strategy by the Local Planning Authority.

37. Allotment Details

Any reserved matters application which incorporates allotment or community orchard provision shall include the following details:

- a) A plan of the allotments/ orchards, including principles of plot layout and design providing for a range of plot sizes and accessible plots; areas for communal storage of materials, tools and supplies (e.g. lockers and bins); and communal areas
- b) Proposed management arrangements and draft allotment tenancy agreements/rules
- c) Access, vehicle, and cycle parking arrangements
- d) Details of any allotment clubhouse / store, including composting toilet
- e) Boundary treatment, including security arrangements for the allotments
- f) Water supply, including use of stored rainwater and SuDS for watering crops
- g) Provision of good quality soil to British Standards 3882:2015 or equivalent, with structure and texture to allow free drainage and cropping, and
- h) A timetable for delivery of the allotment or community orchard.

The allotment or community orchard shall be provided within said reserved matters site in accordance with the approved details, including in accordance with the approved timetable for delivery.

38. Hard and Soft Landscaping

As part of any reserved matters application, details of a hard and soft landscaping scheme for that parcel shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Hard Landscaping

- a) Full details, including cross-sections and materials, of any roads, paths, cycleways, bridges and culverts;
- b) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets and underground utility routes; and
- c) Full details of all proposed methods of boundary treatment.

Soft Landscaping

- d) Full details of planting plans and written specifications, including details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted
- e) Cultivation proposals for maintenance and management associated with plant and grass establishment
- f) Proposed time of planting
- g) Cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site
- h) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details
- i) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate
- j) Full details of any proposed alterations to existing watercourses/drainage channels
- k) Details and specification of proposed earth modelling, mounding, re- grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882: 2007 and the Defra Code of Practice for the sustainable use of soils on construction sites, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

All hard and soft landscape works within each reserved matters site shall be carried out and maintained in accordance with the approved landscaping details and programme for delivery for that reserved matters site. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable.

39. Foul Water Drainage

Prior to the commencement of development on a Development Parcel or Strategic Engineering and Landscape Element, apart from Enabling Works, a detailed Foul Water Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority for that Development Parcel or Strategic Engineering and Landscape Element.

The strategy shall include the phasing of such works and details of any necessary improvement of the existing sewerage system to ensure that sufficient capacity exists to cater for the needs of that Development Parcel or Strategic Engineering and Landscape Element. The works/scheme for a Development Parcel or Strategic Engineering and

Landscape Element shall be constructed and completed in accordance with the approved plans/specification and such phasing as may be specified in the approved scheme, and shall be retained as such thereafter.

40. Site-Specific Construction Management Scheme

Prior to commencement of development on any reserved matters Development Parcel, Strategic Engineering, or Landscape Element a Construction Management Scheme for that parcel/element shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Scheme shall provide detail, in relation to parts a-o of the approved site-wide DCEMP, together with relevant provisions of the CTMP and CEcMP.

Details shall also be provided of the temporary storage and management of surface water on that Development Parcel or Strategic Engineering or Landscape element during construction.

Development shall be carried out in accordance with the approved Construction Management Scheme.

41. Detailed Waste Management Plan

Prior to the commencement of development of any reserved matters Development Parcel, Strategic Engineering, or Landscape Element, a Detailed Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Waste Management Plan shall demonstrate how the construction of the reserved matters approval will accord with the principles of the Outline Waste Management Plan. The Detailed Waste Management Plan shall include details of:

- a) The anticipated nature and volumes of waste
- b) Measures to ensure maximisation of waste reuse
- c) Measures to ensure effective segregation of waste at source including waste sorting, storage, recovery, and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site
- d) Any other steps to ensure the minimisation of waste during construction
- e) The location and timing of provision of facilities pursuant to criteria b/c/d
- f) Proposed monitoring and timing of submission of monitoring reports
- g) Proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.

Thereafter the implementation, management and monitoring of construction waste of that parcel/element shall be undertaken in accordance with the agreed details and no individual building subject to a Detailed Waste Management Plan shall be occupied until the Waste Management Closure Report for that parcel/element has been submitted to and approved in writing by the Local Planning Authority.

42. Playing Fields – Ground Condition Details

No development apart from Enabling Works on the proposed secondary school playing fields shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- a) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- b) Where the results of the assessment to be carried out pursuant to (a) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation
- c) For any artificial pitches, a specification shall be provided in accordance with Sport England guidance.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the approved scheme and made available for playing field use in accordance with the approved scheme.

43. Odour Control

Any non-residential building shall not be occupied until a scheme detailing plant, equipment or machinery for the purposes of ventilation or the extraction and filtration of odours, dust or fumes has first been submitted to and approved in writing by the Local Planning Authority for that building.

The approved scheme shall be installed before the use of the building is commenced and shall be retained as such.

44. Fire Hydrants

No building within any Development Parcel or Phase shall be occupied until a scheme for the provision and location of fire hydrants to serve that Development Parcel or Phase has been implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority.

The scheme shall be carried out in accordance with the approved details and retained as such.

45. Broadband

No dwelling shall be occupied until the necessary infrastructure to enable that dwelling to directly connect to fibre optic broadband has been delivered and is capable of being fully operative.

Report to the Secretary of State for Housing, Communities and Local Government

by R Barrett MRTPI IHBC

Date 26 June 2024

TOWN AND COUNTRY PLANNING ACT 1990
SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
APPEAL MADE BY BARRATT DAVID WILSON HOMES AND THE NORTH WEST
CONSORTIUM OF LAND OWNERS.

Inquiry held on 16-18 and 23-25 January 2024

Outline planning permission (all matters reserved except for means of access) for up to 1,000 residential dwellings, secondary school, primary school, community facilities, retail uses, open space and landscaped areas, associated engineering, demolition and infrastructure works

File Ref: APP/W0530/W/23/3328390

Abbreviations used in this report

AMP	Asset Management Plan
Brookgate Decision	Land North of Cambridge North Station (APP/W0530/W/23/3315611)
CW	Cambridge Water
CIL	Community infrastructure levy
CLP	Construction and logistics plan
CEcMP	Construction Ecological Management Plan
Council	South Cambridgeshire District Council
County Council	Cambridge County Council
CTMP	Construction Traffic Management Plan
DCEMP	Demolition and Construction Environmental Management Plan
Defra	Department of Environment, Food and Rural Affairs
DLUHC	Department for Levelling Up Housing and Communities
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
HMWBs	Heavily Modified Waterbodies
LEMP	Landscape and Ecological Management Plan
L/P/D	Litres Per Person Per Day
LIFE	Lotic Invertebrate Index for Flow Evaluation
Local Plan	The South Cambridgeshire District Council Local Plan (2018)

March 2024 Publications	March 2024 Joint Statement-Addressing water scarcity in Greater Cambridge: update on government measures (Department for Levelling Up, Housing and Communities (DLUHC) and Department for Environment, Food and Rural Affairs (Defra)) and Joint Statement on addressing water scarcity in Greater Cambridge (DLUHC, Defra, EA, Greater Cambridge Shared Planning Service
Minerals and Waste Local Plan	Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
NE	Natural England
NDB	No Deterioration Baseline
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
OWCS	Outline Water Cycle Study
PPG	Planning Practice Guidance
RBMP	River Basin Management Plan
R6	Rule 6(6) Party
RTD	Round Table Discussion
SEA	Strategic Environmental Assessment
SoCG	Statement of Common Ground
SoS	Secretary of State
SSSI	Site of Special Scientific Interest
SUDS	sustainable urban drainage systems
SWBs	Surface Water Bodies
WFD	Water Framework Directive
WIA	Water Industry Act 1991

WMS	Written Ministerial Statement
WRMP	Water Resource Management Plan
dWRMP	Draft Water Resource Management Plan (February 2023)
rdWRMP	Revised draft Water Resource Management Plan (September 2023)
rdWRMP2	Second revised draft Water Resource Management Plan (February 2024)
WHPT ASPT	Whalley-Hawkes Paisley Trigg Average Score per Taxon
WRZ	Water Resources Zone

CONTENTS

	<i>Page number</i>
Preliminary Matters	4
The Site and Surroundings	8
Planning Policy	9
The Proposal	13
Matters Agreed	14
The case for the appellant – Barratt David Wilson Homes on behalf of itself and The North West Cambridge Consortium of Landowners	19
The case for the EA	27
The case for the Local Planning Authority – South Cambridgeshire District Council (the Council)	38
Written Representations	44
Conditions	45
Inspector’s Conclusions	47
Planning Obligation	59
Planning Balance	62
Recommendation	62

File Ref: APP/W0530/W/23/3328390

Land between Huntingdon Road and Histon Road, Cambridge, known as Darwin Green Phases Two and Three

- The appeal was recovered for decision by the Secretary of State by a direction, made under section 79 of the Town and Country Planning Act 1990, on 12 January 2024.
- The application is made by Barratt David Wilson Homes on behalf of itself and The North West Cambridge Consortium of Landowners to South Cambridgeshire District Council.
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The application Ref 22/02528/OUT is dated 20 May 2022.
- The development proposed is described as 'Outline planning permission (all matters reserved except for means of access) for up to 1,000 residential dwellings, secondary school, primary school, community facilities, retail uses, open space and landscaped areas, associated engineering, demolition and infrastructure works'.

Summary of Recommendation: That the appeal be allowed, and planning permission granted subject to conditions.

PRELIMINARY MATTERS

1. The address and description of development reflect those agreed by South Cambridgeshire District Council (the Council) and the appellants in the Statement of Common Ground (SoCG). As those accurately identify the appeal site and describe the development sought, I have used them in the banner heading and that forms the basis of my formal recommendation.
2. The Inquiry sat for six days between 16 and 25 January 2024. I carried out an accompanied visit following a route agreed by the main parties. Access to the appeal site was provided. My visits to various off-site locations referred to in the evidence were also carried out on an accompanied basis.
3. The appeal was recovered by the Secretary of State (DHLUC SoS) by letter dated 12 January 2024 for the following reason:
'... that the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.'
4. The Council provided one putative reason for refusal as below.

'The application has failed to demonstrate that the water to the development site can be supplied sustainably and would not cause harm to the environment by reason of impact on ground water bodies including chalk aquifers. In the absence of adequate mitigation measures and site wide water efficiency measures, the development is considered to be unacceptable. The proposals are therefore contrary to Policy CC/7 Water Quality of the South Cambridgeshire Local Plan 2018 (the Local Plan) which requires all development proposals to demonstrate that the quality of ground, surface or water bodies will not be harmed. It also conflicts with Paragraphs 174, 175, 179, and 180 of the NPPF which seek to ensure new development proposals help or improve local environmental conditions including in relation to water and should protect biodiversity and ecological networks.'

5. The appellants submitted a s106 Agreement at the Inquiry¹. A certified version was submitted in accordance with an agreed timetable after the Inquiry closed, the main provisions of which are summarised below:
 - The provision of on-site affordable housing
 - Self-build and custom-build housing
 - Open space and community use, including open space
 - Health provision
 - Education provision
 - Highway and transport provision
 - Public art
 - Provision for waste
 - Ecological mitigation
 - A whole range of financial contributions including for community facilities and community development work along with a monitoring fee for both the Council and Cambridgeshire County Council (the County Council).
6. The Inquiry was attended by a Rule 6(6) party (R6). This was the Environment Agency (EA).
7. The Council submitted a Community Infrastructure Levy (CIL) Regulations compliance statement² which set out its view that the obligations would accord with Regulation 122 of the CIL Regulations. There is dispute between the appellants and both Councils regarding the level of contribution for the proposed bus service. The s106 Agreement is discussed further within this report.
8. The proposed development falls under Schedule 2, 10(b) of the Environmental Impact Assessment (EIA) Regulations 2017. The application was accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning EIA Regulations 2017.³
9. An ES addendum (dated July 2023) was provided in relation to Water Resources. This supersedes the consideration of impacts of climate change on water resources provided at a commentary level within the ES Chapter 17. This addendum was provided in response to an objection by the EA relating to the impact of the proposed development on water resources within the Cambridge Water's Water Resources Zone (WRZ). The ES Addendum states that an adequate and sustainable water supply can be provided for the proposed development.
10. I am satisfied that the ES was produced in accordance with the 2017 EIA Regulations, and the information produced has been taken into account in preparing this report. All other environmental information submitted in

¹ IQ34

² IQ27

³ CD2.22

connection with the appeal, including that arising from evidence at the Inquiry has also been taken into account.

11. In pre-Inquiry engagement the main parties agreed a number of SoCG, in relation to general matters and water resources. My recommendation is made accordingly.
12. Due to unforeseen and exceptional circumstances the appellants' planning witness was not able to give evidence at the Inquiry. An alternative witness defended the appellants' position; a matter that was agreed with all main parties.
13. The appeal application is made in outline with all matters reserved save for access. A number of parameter plans form part of the appeal application as listed in suggested condition 5. Those include details of proposed demolition, land use, movement and access, landscape framework, building heights and urban design. Together, they form part of the appeal application. Suggested planning condition 5 indicates that development should be carried out in accordance with those plans.
14. In addition, the appeal application includes an illustrative masterplan (18112_07_08) and an illustrative landscape masterplan (169_100). Those are for illustrative purposes only. I am making my recommendation on this appeal accordingly.
15. An application for costs against the Council and the EA was made by the appellant. That against the Council was subsequently withdrawn. The application against the EA will be the subject of a separate report.
16. After the Inquiry CW published an updated draft revised WRMP (rdWRMP2) on 29 February 2024, which has been submitted to the Department for Environment Food and Rural Affairs (Defra) for consideration. The views of the three main parties were sought and been taken into account in my recommendation.
17. In addition, on 6 March 2024, post Inquiry, the government published a Joint statement on addressing water scarcity in Greater Cambridge alongside a Joint Statement addressing water scarcity in Greater Cambridge: update on government measures. The views of the three main parties were sought on those documents and been taken into account in my recommendation.
18. An appeal decision relating to Land North of Cambridge North Station (APP/W0530/W/23/3315611) (Brookgate Decision) was issued on 23 April 2024. That appeal was referred to at the Inquiry. The views of the three main parties were again sought and have informed my recommendation.

THE SITE AND SURROUNDINGS

Location and Description

19. The site and surroundings are described in the evidence in particular in the SoCG on general matters agreed between the Council and appellants.⁴
20. The site is located to the south of the A14. The Histon Road/Cambridge Road forms the eastern boundary. The southern boundary is formed by an existing

⁴ CD7.03

public right of way, beyond which lies the Darwin Green Phase 1 development site. To the west of the site lies existing residential properties in Thornton Close, Thornton Way and Wellbrook Way, the Abbeyfield Retirement home, and the Wellbrook Park Business Park.

21. The site currently primarily comprises agricultural land, predominantly large scale crop experiments operated by the National Institute of Agricultural Botany and contains a small number of existing buildings, structures and utilities. Two residential properties exist to the northern boundary of the site, Woodhouse Farm and Orchard Close.
22. Existing vehicular access is via Histon Road/Cambridge Road. The access currently takes the form of a priority T-junction and serves as the primary construction route for the Darwin Green Phase 1 development site. That is the first part of the urban extension to the city between Huntingdon Road and Cambridge Road.
23. The villages of Girton, Histon and Impington are nearby. There are occasional scattered properties and farmsteads within the wider landscape. Cambridge city centre lies approximately 2.8km to the south of the appeal site within a roughly 15-minute cycle journey.
24. The appeal site includes a number of trees covered by a Tree Preservation Order near to the junction of the A14 and Histon Road/Cambridge Road.
25. All these matters are uncontested.

Planning History

26. The planning history relevant to the appeal is summarised in section 3 of the SoCG (general matters). That confirms planning permission is in place for access and other infrastructure, including the attenuation pond, associated with development of Darwin Green Phase 1.
27. The relevant planning permissions are in place for the adjoining site, Darwin Green Phase 1, which includes a large scale mixed use development including homes, schools, community facilities and retail uses along with associated infrastructure. The development was underway at the time of my site visit.

PLANNING POLICY

28. The Development Plan includes the following:

- The South Cambridgeshire District Council Local Plan (2018) (Local Plan)⁵
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)⁶ (Minerals Waste and Plan)

South Cambridgeshire Local Plan (Local Plan)

29. Part of the appeal site falls within a major development site under Local Plan policy SS/2, with the unallocated far northern and western parts within the Green Belt.

⁵ CD4.01

⁶ CD4.11

30. Local Plan policy SS/2 allocates a strategic site on the edge of Cambridge at 'Land between Huntingdon Road and Histon Road' for a sustainable housing led urban extension of Cambridge, revising the Green Belt to the north to accommodate the allocation. It sets out a range of requirements for development including 1,000 homes, services and facilities, supported by a range of specific requirements to ensure a high quality design led development. Part 10 requires development to be highly accessible and permeable to all its residents on foot, by cycle and high quality public transport to support non car modes of travel, recreation and health.
31. Local Plan policy CC/4 sets out water efficiency requirements of 110 litres per person per day (l/p/d) for residential development. 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 for 2 credits for water use levels unless demonstrated not practicable.
32. Local Plan policy CC/7 deals with water quality. It requires development to demonstrate adequate water supply, sewerage and land drainage systems, that the quality of ground, surface or water bodies will not be harmed and opportunities explored and taken to make improvements in water quality. In addition, it requires appropriate consideration to sources of pollution and sustainable urban drainage systems (SUDS).
33. Local Plan policy NH/4 requires development to maintain, enhance, restore, or add to biodiversity.
34. Other relevant Development Plan policies include:

Local Plan

- Policy S/2 Objectives of the Local Plan
- Policy S/3: Presumption in Favour of Sustainable Development
- Policy S/4: Cambridge Green Belt
- Policy S/5: Provision of New Jobs and Homes
- Policy S/6: The Development Strategy to 2031
- Policy CC/1: Mitigation and Adaption to Climate Change
- Policy CC/3: Renewable and Low Carbon Energy in New Developments
- Policy CC/5: Sustainable Show Homes
- Policy CC/6: Construction Methods
- Policy CC/7: Water Quality
- Policy CC/8: Sustainable Urban Drainage Systems (SUDS)
- Policy CC/9: Managing Flood Risk
- Policy HQ/1: Design Principles
- Policy HQ/2: Public Art and New Development

- Policy NH/2: Protecting and enhancing Landscape Character
- Policy NH/3: Protecting Agricultural Land
- Policy NH/5: Sites of Biodiversity and Geological Importance
- Policy NH/6: Green Infrastructure
- Policy NH/8: Mitigating the Impact of Development in and Adjoining the Green Belt
- Policy NH/10: Facilities for Recreation in the Green Belt
- Policy NH/14: Heritage Assets
- Policy H/8: Housing Density
- Policy H/9: Housing Mix
- Policy H/10: Affordable Housing
- Policy H/12: Residential Space Standards
- Policy E/22: Applications for New Retail Development
- Policy SC/2: Health Impact Assessment
- Policy SC/4: Meeting Community Needs
- Policy SC/6: Indoor Community Facilities
- Policy SC/7: Outdoor Play Space, Informal Open Space and New Development
- Policy SC/9: Lighting Proposals
- Policy SC/10: Noise Pollution
- Policy SC/11: Contaminated Land
- Policy SC/12: Air Pollution
- Policy SC/14: Odour and Other Fugitive Emissions to Air
- Policy TI/2: Planning for Sustainable Travel
- Policy TI/3: Parking Provision
- Policy TI/8: Infrastructure and New Developments
- Policy TI/9: Education Facilities
- Policy TI/10: Broadband

Minerals and Waste Local Plan

- Policy 5: Minerals Safeguarding Areas

The Emerging Greater Cambridge Local Plan

35. Together with Cambridge City Council, the Council is preparing a joint Local Plan, known as the Greater Cambridge Joint Local Plan.⁷ As it is at an early stage of preparation (Regulation 18 stage) its draft emerging policies carry very limited weight in this appeal; a matter agreed between the main parties.
36. Emerging draft policy CC/WE sets out a requirement for residential development to achieve a standard of 80 l/p/d and non-residential development required to achieve full credits for category WAT01 for BREEAM unless demonstrated impractical.

Written Ministerial Statement (WMS) December 2023

37. The WMS specifically addresses the Government's vision for Cambridge. It includes plans for a new urban quarter adjacent to the existing City.
38. It announced a review of building regulations to allow local planning authorities to introduce tighter water efficiency standards in new homes. In states that:

"In the meantime, in areas of serious water stress, where water scarcity is inhibiting the adoption of Local Plans or the granting of planning permission for homes, I encourage local planning authorities to work with the EA and delivery partners to agree standards tighter than the 110 l/p/d that is set out in current guidance."

March 2024 Guidance-Addressing water scarcity in Greater Cambridge: update on government measures (Department for Levelling Up, Housing and Communities (DLUHC) and Department for Environment, Food and Rural Affairs (Defra)) and Guidance-Joint Statement on addressing water scarcity in Greater Cambridge (DLUHC, Defra, EA, Greater Cambridge Shared Planning Service) (The March 2024 Publications)

39. The first of these reinforces that the expansion of Cambridge as a nationally significant growth opportunity. It acknowledges the unique set of challenges that stand in the way of that opportunity and recounts the EA concern regarding the risk of deterioration to water bodies and that new development must not increase abstraction and risk deterioration to water bodies in Greater Cambridgeshire.
40. Recognising this context, it provides a commitment to work with local partners to address water supply, in both the long and short term. It advances the Fens Reservoir as a nationally significant infrastructure project, supports the Grafham Transfer project, promotes nature based solutions and pilots a water credits system and associated water saving measures (retrofitting, agricultural and nature based solutions) until the necessary major infrastructure is operational. This is underpinned by a major investment in measures to offset new demand for water in the area through retrofitting water efficient devices in existing buildings.
41. It is accompanied by a Joint statement from the relevant authorities (as above) emphasising their shared position on addressing water scarcity concerns.
42. The comprehensive approach aims to secure water resources for Greater Cambridge's sustainable growth.

⁷ CD6.02

Water Resources Planning

43. CW's Water Resource Management Plan (WRMP) was published in 2019 (WRMP19). It sets out CW's assessment of customer demands and available supplies over a 25 year period.
44. The production of a WRMP is done on a five yearly rolling programme. It follows a standard consultation and response approach as set out in the Water Resources Planning Guideline.⁸ The final document is produced in consultation with the EA with the oversight of Defra. The WRMP process is aligned with the production of an Asset Management Plan (AMP) with the same EA and Defra oversight. Together, the WRMP and AMP provide for long term provision of the sustainable supply of potable water needed to meet anticipated demand from development growth in an area, in a manner consistent with the protection of the environment.
45. The process of producing the CW WRMP24 is underway. A draft WRMP was published for consultation in February 2023 (dWRMP). Following receipt of consultation responses over the summer of 2023, a revised version was published in September 2023 (rdWRMP). In response to EA and Defra comments, CW published an updated draft WRMP on 29 February 2024, which is still with Defra for consideration (rdWRMP2).
46. The latest version of the WRMP aims to address the EA's previous concerns regarding, amongst other things, the efficacy of its demand management measures and supply options including the Grafham Transfer and after that the Fens Reservoir. The EA, supported by Defra seek effective measures to reduce risk to the environment whilst balancing demand and supply.

THE PROPOSAL

47. The appeal proposal is described in section 4 of the SoCG (general)⁹.
48. It is a residential led scheme for up to 1,000 homes, community building, retail uses, secondary and primary schools, and a country park of some 49 hectares in the part of the site nearest the A14.
49. Proposed vehicular access is from five principal points off the main Darwin Phase One spine road. Potential cycle and pedestrian links would be from Thornton Close, Thornton Way and Wellbrook Way in the west.
50. Although submitted in outline, the land use parameter plan shows the indicative broad location and alignment of the primary and secondary streets, which link Histon Road in the west to Huntingdon Road in the east, and the broad location of open space, landscaping and SUDS features.

⁸ CD5.16

⁹ CD7.05

MATTERS AGREED BETWEEN THE MAIN PARTIES

51. The matters agreed in the SoCGs are set out below:

General Matters

52. General matters agreed between the Council and the appellants are set out in the SoCG on general matters¹⁰. They include the following:

- It agrees the appeal submission, the development plan, relevant planning policy, planning history, details of the proposed development, appeal documents, drawings for approval, statutory consultee responses, the putative reason for refusal and outline heads of terms for the s106 Agreement.

In addition the following matters are agreed:

- The appeal site is allocated as a sustainable housing led urban extension of Cambridge under Local Plan policy SS/2. The appeal development largely accords with that policy, including the principle of development.
- The emerging Local Plan is at an early stage of preparation and limited weight should be accorded to those emerging policies.
- The parameter plans include key spatial fixes relating to land uses, movement and access, open space and building heights. Those demonstrate that the site can accommodate the quantum, mix and distribution of development proposed in accordance with Local Plan policy SS/2.
- The appeal development would result in no unacceptable landscape or visual impacts.
- Development proposed in the Green Belt does not represent inappropriate development.
- There are no designated heritage assets within the appeal site. However, the impacts on the significance of affected heritage assets have been fully assessed and less than substantial harm would result, which should be considered in the context of the public benefits that result from the appeal development.
- Housing provision would maintain the Greater Cambridge five year housing land supply and deliver 40% as affordable homes with agreed tenure. The housing type mix would deliver a wide range of housing types including self-build and custom-build housing.
- The appeal transport assessment is agreed as a basis to understand and assess the transport impacts of the appeal development. An interim transport plan has been agreed with a full travel plan to be secured by a s1016 Agreement. Mitigation measures promote sustainable forms of transport, secured in part through a s106 Agreement. Five access junctions to the appeal development site are proposed, which are acceptable in highway terms. Overall, the appeal development is acceptable in transport terms.
- Cycle and car parking can be secured through appropriate planning conditions.

¹⁰ CD7.05

- Appropriate open space, childrens' play space and sports provision are provided.
- Proposals have been designed to avoid or reduce the significance of ecological impacts. After mitigation and enhancement measures no adverse residual impacts on any important ecological features would result.
- No impact on trees of high quality or value.
- No unacceptable environmental impacts, subject to appropriate planning conditions.
- The ES accompanying the appeal application was prepared in accordance with the 2017 EIA Regulations and the conclusions agreed.
- The appeal scheme will deliver significant positive economic benefits during construction and operational phases of development.
- Social benefits will include new primary and secondary schools, community and retail facilities and provision for sports and open space, new homes and a new country park providing improvements to environmental quality and accessibility of the Green Belt.
- It will make effective use of land in a sustainable location, deliver an extensive increase in biodiversity and facilitate a modal shift to non-car modes of transport through support for public transport and active travel.

Matters in Dispute

- Whether the lack of cycle and pedestrian access links to be provided through Wellbrook Way and over the A14 bridge results in a limited conflict with Local Plan policy SS/2. (prior to the Inquiry, agreement was reached on this matter)
- Whether the appeal proposal conflicts with Local Plan policy CC/7 which deals with water quality.
- Whether it can be demonstrated that water can be sustainably supplied and would not cause harm to the environment by reason of impact on ground water bodies including chalk aquifers.
- Whether the mitigation measures and site wide water efficiency measures that are proposed are adequate to ensure new development proposals help improve local environmental conditions, including in relation to water, and protect biodiversity and ecological networks.

Water Resources

53. The matters agreed between the Council, the appellant and the EA are set out in the SoCG on Water¹¹. They include the following:

- No European designated sites, Sites of Special Scientific Interest (SSSIs), County and City Wildlife Sites, Local Nature Reserves or Ancient Woodlands lie within the appeal site.

¹¹ CD7.04

- The appeal site includes three water courses, granted award drain status, steep sided and relatively linear ordinary water courses and four culverts beneath the A14 where channels eventually converge to form the public drain.
- The stakeholders and legislative processes involved in the availability of sustainable water resources include those set out in paragraphs 43-45 of this report.
- CW supplies the CW WRZ.
- Ofwat regulates the water industry and grants operating licences to water companies.
- The EA has a statutory duty to secure the proper use of water resources in England, grants abstraction licences and regulates water abstraction and impoundment.
- The EA must exercise its functions so as to secure compliance with the requirements of the Water Framework Directive (WFD) including taking action to prevent deterioration of status of water bodies having regard to River Basin Management Plans (RBMPs). It is listed as a consultation body for development requiring EIA, advises on Local Plans and specific planning applications.
- Defra is responsible for water policy and provides the statutory framework and policy guidance for WRMPs.
- CW is responsible for developing and maintaining an efficient and economic system for providing secure and sustainable water supplies to consumers and the environment and to produce a WRMP looking ahead for a 25 year period setting out how it will balance supply and demand, to be updated every 5 years
- The Strategic Environmental Assessment (SEA) process accompanies a WRMP. An SEA assesses the likely significant environmental effects (including inter and intra cumulative effects) of the options in a draft WRMP, together with other relevant programmes, plans and projects. It identifies ways in which adverse effects can be avoided, minimised or mitigated and how any positive effects can be enhanced.
- The ES that accompanied the appeal proposals includes a description of the likely significant effects of the development on the environment resulting from the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources.
- The WRMP process is a linear process following a standard consultation and response procedure as set out in the Water Resources Planning Guideline. It must have regard to the RBMP and WFD Regulations.
- The evidence base for the emerging Local Plan policy requiring water efficiency at 80 l/p/d and full credits for category WAT01 for BREEAM is a material consideration in the determination of this appeal.
- The Anglian RBMP 2022, supported by a Habitats Regulation Assessment sets a framework for protecting and enhancing the benefits provided by the water

environment. It confirms the baseline classification and statutory objectives for the water bodies, which include preventing deterioration of the status of surface water bodies and groundwater and aiming to achieve good status for all water bodies.

- CW operates a complex network which balances abstraction from all abstraction points within the network itself therefore it is not possible to determine the exact location of abstraction for a specific development.
- The appeal development proposes water efficient fixings, fittings and appliances in all buildings, water efficiency specification for 95 l/p/d, non-residential uses to achieve BREEAM excellent rating (excluding schools), schools to achieve BREEAM 'very good' rating, all non-residential buildings to achieve 5 BREEAM WAT01 credits for water efficiency.
- The Greater Cambridge area is seriously water stressed for metering purposes (July 2021)¹². CW extracts most of its water from chalk aquifers.
- The Council and EA concerns regarding water scarcity arose since adoption of the Local Plan, based on WRMP19. The EA require sustainability reductions to the deployable output of water in the CW WRZ in order to meet no deterioration under the WFD and for future environmental improvements. The reductions will be applied through caps to abstraction licences. These are being considered through the emerging WRMP24.
- CW has a statutory duty to provide a supply of wholesome water in its distribution system to meet domestic demand, now and in the future. Its WRMP plays a role in determining the adequacy of the strategic mitigation measures proposed to address the risk of deterioration.
- EA has raised concerns about CW's ability to acceptably supply water for existing development and planned growth in Greater Cambridge. The appeal development would be part of that planned growth.
- The WRMP24 sets out the combined level of customer demand and the level of abstraction that CW forecasts it will need to abstract to meet those demands.
- The Grafham Water project is currently anticipated to be completed in 2032, but the EA has concerns about delivery.
- The EA has requested that CW submit a revised WRMP24 by the end of February 2024. That has now been done.
- Although the objection from the EA relates to surface waterbodies covered by the WFD Regulations, there are no waterbodies of concern covered by the Conservation of Habitats and Species Regulations 2017 (as amended) in accordance with the Habitats Directive 94/43/EEC.
- The Inspector cannot determine or put her own view on the adequacy of the rdWRMP24, which is a matter for the Defra Secretary of State (SoS).
- The appeal development accords with Local Plan policy CC/4 dealing with water efficiency.

¹² Water Stressed Area-Final Classification EA 2021

- The standard of mitigation is a matter for the decision maker.

Matters in Dispute (selective)

- Whether the programme of WFD investigations undertaken by the EA identifies that the ecology in a number of water bodies within CW's WRZ (including the River Granta and River Cam) is being affected detrimentally by local abstraction rates.
- Whether the hydroecological modelling undertaken by the EA identifies surface water bodies where increased abstraction (at fully licenced rates) is predicted to cause ecological impact and risk of deterioration.
- Whether CW's scenario modelling presented within its rdWRMP24 indicates that there is 'medium' or 'high' risk of deterioration for surface water bodies associated with the level of abstraction it is required to make to meet the demands of existing customers and projected growth.
- Whether the WRMP continues to present an unacceptable risk of abstraction causing deterioration to the status of WFD waterbodies and does not provide a secure supply of water.
- Whether there is a very high risk that abstraction from unsustainable sources will continue to rise and cause deterioration to the status of WFD waterbodies.
- Whether there is insufficient sustainable licenced abstraction to supply existing customers and future growth until the proposed Grafham Water transfer project is complete and online.
- Whether the rdWRMP24 demonstrates that sufficient sustainable water will be available for local growth, including the appeal site, without causing potential risk of deterioration of WFD surface water bodies, as defined by the WFD Regulations.
- Whether there are sufficient regulatory measures outside of the planning system that will ensure that the development can be delivered without unreasonable risks and impacts on local waterbodies.
- Whether water supply is a relevant consideration for planning applications

Legal Agreement and Planning Conditions

54. Areas of disagreement between the main parties relating to the legal agreement provisions and planning conditions were set out in the evidence of all parties. Those matters are covered in the relevant section of my report.

THE CASE FOR THE APPELLANTS

Introduction

55. The Council supports the appeal scheme, representing a long-term, plan-led allocation for the delivery of the uses and scale of development proposed. The only unresolved matter, is the outstanding objection by the EA on the basis of potable water supply. The Council does not lead any technical objection or evidence on the adequacy of potable water supply; it reserves its position on the use of conditions to overcome the objection, and relies for technical evidence on water supply entirely upon that led by the EA.

The Site and its Development Plan Status

56. The appeal site is part of land allocated for development straddling the local authority boundary of South Cambridgeshire and Cambridge City. Darwin Green Phase 1, within the Cambridge City jurisdiction, has been approved and is being delivered by the appellants. Phases 2 & 3 would be delivered by the current appeal.

57. This site has been a part of successive development plans' since 2003. The appeal proposals are consistent with Local Plan policy SS/2. This is 'planned development' for which the statutory process for water supply must make provision.

58. It dovetails with existing and approved residential development and completes Darwin Green as a sustainable urban extension. It is accounted for in South Cambridgeshire's plan-led housing provision.

59. The expected cumulative occupation of housing is as follows:

- 2027: start on site
- 2028: 120 dwellings
- 2029: 240 dwellings
- 2030: 360 dwellings
- 2031: 480 dwellings
- 2032: 600 dwellings
- 2033: 720 dwellings
- 2034: 840 dwellings
- 2035: 960 dwellings
- 2036: 1,000 dwellings

60. With the Grafham Transfer scheme (which delivers around 26MI/d), the EA is satisfied that CW would be able to sustainably supply the appeal site (and all other projected development). This is planned for 2031, with full capacity by 2032. Therefore, it is only supply to the first 480 dwellings to which the EA and therefore the Council, raise as an issue.

Development Plan Compliance:

61. The site is allocated by Local Plan Policy SS/2. Although the Council raised initial concern on pedestrian and cycle connections to the west, it now confirms no planning negative in respect of this point, which is adequately covered by the s.106 obligation. Consequently, other than any link with the issue of water supply, compliance with the site allocation Local Plan policy SS/2 is agreed.
62. Other (strategic and detailed) development plan policies are set out at paragraph 8.5 of the SoCG (general), confirming compliance in each case. An assessment of the appeal proposals across a range of material planning considerations is set out in summary at paragraphs 8.12-8.43 of the SoCG (general).
63. Local Plan policy CC/4 requires that residential proposals should be limited to 110 l/p/d water consumption. The appeal development offers 95 l/p/d for the residential development as well as stringent BREEAM measures for the retail and commercial uses. It therefore would exceed Local Plan policy CC/4 requirements. Although the 110 l/p/d was derived from an evidence-base which is out of date, it aligns with current Building Regulations, and it is agreed that any emerging requirement in the replacement local plan can only be given limited weight at this stage.
64. That means that it is only compliance with Local Plan policy CC/7, which deals with potable water supply and consequences for water bodies, that is outstanding. It is only an issue as a result of the EA's outstanding objection founded on its criticism of the draft WRMP24; it is not one deriving from any independent assessment by the Council itself.

WRMP Process and the Supply of Potable Water

65. The WRMP process should ensure the supply of potable water in a quantity which does not constrain planned growth, and the sourcing of that supply in a manner which does not breach the statutory obligations to protect the environment. To comply with the statutory duties, both aims must be achieved in a timely fashion. The ultimate arbiter is the Defra SoS.
66. In this case the WRMP process is part way through. Neither CW who will supply the water to the development nor Defra, the final determining authority, are objecting to the appeal development.
67. The Water Industry Act 1991 (WIA) WRMP process is one which follows the Council's growth ambitions; it does not seek to lead them. The Water Resource Planning Guidance, states that it cannot seek to constrain them.
68. Through the WRMP process, the EA has informed CW that it considers that supplies by abstraction will have to be reduced ('capped') below full licenced levels in order to avoid a risk of 'deterioration' of certain identified surface water bodies (SWBs) within the meaning of the WFD Regulations.
69. Deterioration within the WFD has a specified method of assessing risk. The Habitats Regulations are not relevant to this appeal.
70. The EA's proposed capping would be to a historical level, derived from average abstraction 2010-2015. The AMP8, which starts in 2025 and runs to 2030, is

- expected to have that done by 2030, with earlier-dated licences being progressively reduced as they fall due.
71. The rdWRMP24 has taken this future reduction in abstraction levels on board. The rdWRMP24 sets out the progressively reducing deployable output to 2031 to a level of 76.0MI/d. To balance this reduced abstraction supply with anticipated growth in demand, it proposes, from 2031/2032 to rely initially on supply from out of the WRZ known as the Grafham Transfer, which will then be superseded by supply from the Fens Reservoir from 2036/2037.
72. Up to 2031 the rdWRMP24 includes a series of demand management measures aimed to deliver water savings that exceed the increase in demand proposed from the forecasted growth. This means there is no baseline increase in demand and therefore no increase in abstraction due to growth. As a result, there is no additional risk of deterioration.
73. Through the rdWRMP24, CW considers that it has plans in place to maintain a sustainable water supply to all growth of demand, including schemes as yet without permission. This is relevant for WRMP purposes, but it far exceeds the consideration which is required for a planning application. Under the EIA regime, a planning application/appeal such as the appeal scheme needs to consider cumulative effects only for existing and consented schemes. It does not have to make the case for the entirety of all contemplated growth for the next 25 years.
74. The appellants have committed to a development with reduced per capita usage of 95 l/p/d for the residential elements and BREEAM Excellent with 5 Wat01 credits for the community and retail uses. This meets Local Plan policy CC/4 and is also lower than the per capita daily usage assumed in the rdWRMP24 demand modelling. Therefore, the water demand situation at build-out will be even more favourable than assumed in the rdWRMP24.
75. The EA has asserted that the rdWRMP24 does not demonstrate a sustainable supply for all projected demand up to the Grafham Transfer (2031/2032). It argues that to permit this development would be to breach Local Plan policy CC/7.
76. The EA case against the rdWRMP24 appears unsupported by the EA evidence. Even if it were well-founded, that would not amount to an objection to this appeal scheme, which is agreed to be planned development.

The EA's Objection to the rdWRMP24

77. The EA is not currently satisfied that CW can achieve what the rdWRMP24 sets out. It has expressed those concerns to Defra to inform the WRMP24 process.
78. The EA asserts that SWBs are already suffering harm as a result of current abstraction, CW is planning to, or forecasting increased abstraction and that increased abstraction imposes a risk of exacerbating existing deterioration in WFD terms. Limited evidence is advanced to support those claims.

SWBs

79. The EA cited some 27 SWBs currently affected by CW abstraction. The hydroecological report in the EA's statement of case adds a further two SWBs as being in issue at fully licenced abstraction.

80. Of the 29 SWBs cited, 28 are heavily modified waterbodies (HMWBs), such that the WFD only seeks a good ecological potential.
81. As against the relevant 2015 baseline, not one of the 29 SWBs has demonstrated a WFD deterioration in their overall WFD status class, only 4 SWBs show a deterioration by one quality element or more. Not one of the reasons for deterioration identifies water abstraction as being the reason for deterioration in quality element status. The scientific results of the data do not support the EA's allegation of harm.

CW Increased Abstraction

82. CW are not planning or forecasting increased abstraction above historical levels. The EA, the Council, and even Defra, seem to consider it does. On the documents before this Inquiry, it is not the case.
83. The final dry year annual average supply demand balance in the rdWRMP¹³ shows a surplus over demand until Grafham arises, with a declining reliance on abstraction until then. Repeatedly, in the rdWRMP24, CW states, it does not intend to increase abstraction, and hence there cannot be increased risk of WFD deterioration as a result of supplying growth. rdWRMP24 progressively assumes a reduction in abstraction from 2024 onwards.
84. The EA's point, is not that that CW are 'intending'/'planning'/'forecasting' an increase in abstraction, it is that the EA is not satisfied that the rdWRMP24 gives them confidence that a favourable supply/demand balance (with headroom, resilience etc) can be achieved without increased abstraction.
85. The EA's concern is the deliverability of the demand measures that CW is proposing in the rdWRMP. That is a matter agreed by all parties to be beyond the purview of this Inspector and the DLUHC SoS. Moreover, the EA sets out the measures that need to be incorporated in a rdWRMP24. Neither the EA nor Defra suggest that the provision of potable water through the WRMP24 without harm to the environment is an insuperable problem.
86. A WRMP that delivers water in a manner which the EA considers to be putting the environment at risk is inconceivable. The WRMP process is working its way through the exercise of delivering planned growth without breaching the duties in respect of the environment in WFD.

Impacts of Increased Abstraction

87. The EA evidence points attention to 29 SWBs. Using the 'modelling scenario' S27 from the CW commissioned Stantec report¹⁴, it identifies 6 SWBs of concern.
- Bottisham Lode - Quy Water: 'medium risk'
 - Swaffham – Bulbeck Lode: 'medium risk'
 - Granta: 'medium risk'
 - Cam (Stapleford-Hauxton): 'high risk'

¹³ Blue line of figs 11 and 40

¹⁴ Using Table 22 of the rdWRMP24 (derived from the CW commissioned Stantec report found at Mr Page's appendices46)

- Cam (Audley End – Stapleford): ‘high risk’
 - Little Ouse (Hopton Common): ‘medium risk’
88. That list of SWBs in deterioration risk is in relation to the whole WRMP projected growth. It does not relate to the appeal site, even cumulatively with existing and currently committed growth, which has not been modelled.
89. Scenario S27 is a modelling exercise, not a prediction or a forecast. The modelling scenario closer to the rdWRMP intentions is scenario S30, which is current abstraction (the average of the historical abstraction 2016-2021). Scenario S30 identifies 3 SWBs at medium risk: the Granta, the Stour and Sapiston River. The Stour is agreed to be a reporting error, and impact on Sapiston River is nowhere pursued. The only SWB in common between the two lists is the Granta.
90. Given the EA’s position that scenario S27 is the appropriate one, the appellants examined the 6 SWBs identified in that scenario.

Little Ouse (Hopton Common to Sapiston Confluence)

91. For scenario S30 this is low risk, for scenario S27 it is high risk. However, this SWB is in the NEAC model¹⁵ where the CW abstraction for scenario S27 is below scenario S30. The EA accepted that any increased modelled risk at the Little Ouse is not therefore as a result of CW abstraction.

Bottisham Lode-Quy Water and Swaffham-Bulbeck Lode

92. Both SWBs are not assessed from 2015. As regards ecological WFD quality elements Bottisham Lode is consistently good for the only recorded element (invertebrates), while Swaffham (for the same) is High. These are not failing or deteriorating SWBs, despite on-going abstraction.
93. Even on the EA’s case that leaves the Granta, the Cam (Audley End to Stapleford) and the Cam (Stapleford-Hauxton).

Hydroecological Modelling

94. The EA’s hydroecological modelling seeks to plot an estimate of taxonomic richness, in relation to invertebrates by reference to given flow rates. Those include the known historical flows, the naturalised flows (without abstraction or support) and flows if abstraction had occurred at full licence capacity.
95. Neither the appeal scheme nor WRMP process suggests abstraction at Full Licence levels. The naturalised flows do not represent the position the EA wishes to achieve. Therefore, historic flows which represent what the EA calls the No Deterioration Baseline (NDB) are the most relevant.
96. It is relevant to note neither dWRMP24 nor rdWRMP24 abstraction has been modelled nor the anticipated abstraction of the appeal cumulatively with existing and committed development.
97. The EA’s case is that conflating factors, including the signal crayfish, contribute to the rise in taxonomic scores from 2000-2020. This accords with the appellants’

¹⁵ Stantec report table 2-3 (EA2.6)

observation that multiple non-anthropogenic factors are at play, making a simple link between flow and taxonomic richness difficult to establish (let alone abstraction and taxonomic richness). But the influence of the signal crayfish is expressly allowed for in the methodology.

98. In any event, the appellants do not point to the rise in results either side of 2010. There is a steady rise (or at least level-pegging) of the results 2010-2015 and 2015-2020. 2010-2015 is important, as that is the period from which is derived the NDB, to which the EA's caps will return the abstraction levels. 2015-2020 is important, as that is the most recent period of data, essentially equivalent to 2016-202. That is the period from which the scenario S30 current abstraction is derived.
99. For the three SWBs still in question, the EA assessments for predicted WHPT ASPT (Whalley-Hawkes Paisley Trigg Average Score per Taxon) and LIFE (Lotic Invertebrate Index for Flow Evaluation) do not show a decline 2010-2015 to 2015-2020. If anything, the general trend is upwards. Moreover, the invertebrate scores remain either in the good or high WFD brackets. In short, no deterioration in WFD ecological quality elements has been demonstrated.
100. In the light of the above, the EA evidence does not support the EA's objection to the rdWRMP. In any event, that is not material to the determination of this appeal.

Relevance of the EA Objections to the rdWRMP24 to this Appeal

101. The appellants are not here to defend the rdWRMP against the EA's objection, or indeed any other version that may emerge in the interim.
102. As of 22nd December 2023, Defra issued a letter to CW directing it to take steps to address the EA's outstanding concerns on its rdWRMP24, and submit a second revised draft WRMP24 by 29th February 2024. The EA has, indeed, set out what it considers the CW WRMP24 should contain in order to satisfy the Water Resource Planning Guideline. It does not say that there is no WRMP which can sustainably meet anticipated demands; it simply says CW's September 2023 version does not.
103. Ultimately the Defra SoS will make a decision on the WRMP24 such that an acceptable version is published. That is the statutory process followed by Defra under the WIA.
104. The Inspector cannot determine or put her own view on the adequacy of the rdWRMP24. A planning decision-maker should assume that regulatory regimes operate effectively. The supply of potable water under the WIA is just one such regulatory regime ¹⁶.
105. No construction at the appeal site is anticipated before 2027, with occupation of 120 units by 2028. This current dispute between CW and the EA will have been resolved by Defra long before then.

¹⁶ *R (An Taisce) v SSECC [2014] EWCA Civ 1111*; Together Against Sizewell C case and the principles set out in *Gateshead MBC v Secretary of State for the Environment [1995] Env LR 37, [1994] 1 PLR 8515*.

106. Although fundamentally founded in its objection to the rdWRMP24, the EA's evidence sought to link its concerns to the appeal scheme. This evidence is not robust.
107. The EA presented a 'theoretical' or 'illustrative' impact assessment. That derives a flow impact figure on the basis of assuming all the Darwin Green demand was abstracted from one site, and that that one site was limited to one of those affecting a catchment where scenario S27 had identified a medium or high risk.
108. That is a totally unrealistic scenario because the nature of the network in this area is such that no one development can be identified as drawing its water from a given borehole. In addition, CW has stated that it operates so as to minimise its environmental impacts. It identifies (with the EA) those licences with most risk, and progressively lessens (not increases) use of them. Moreover, the Darwin Green development demand (at 110l/p/d) is already factored into the rdWRMP24 modelling. It is not right, therefore, to treat it as additional demand.
109. That scenario could have an effect on flow in certain SWBs although the EA indicated just the Granta. Although the EA models invertebrate richness by flow, it does not seek to model the flow impact of that scenario for the Granta. Thus, the Inquiry is left without any evidence as to what any flow reductions as a result of the appeal proposal (on the basis of this scenario) and their impact on the predicted invertebrate scores on the Granta. As already noted, the Granta is actually showing high invertebrates at 2019, up from good at the 2015 baseline.
110. The EA cites Wendon Brook and Hoffer Brook as SWBs suffering from flow pressure. Neither is at risk from the full rdWRMP; neither can be said to be at risk from this s.78 appeal, and so both may be set to one side. Wendon Brook scores consistently high on biological matters and Hoffer Brook has improved from good to high; these are not deteriorating SWBs.
111. On the basis of its hydroecological modelling, the EA identifies risks to the Cam (Audley End–Stapleford), the Cam (Stapleford-Hauxton) and the Granta. It introduces a scenario of 11.4% or 7.4% of Q95 flows being reduced from the Granta. The taxonomic consequence of this 'theoretical' impact are not modelled. The scenario would be inconsistent with the stated intention of CW, working with the EA, to minimise environmental impact.

Grampian Condition

112. The PPG (Planning Practice Guidance) on costs indicates one of the grounds upon which unreasonable conduct may be found is where permission is refused by reference for a reason that could be overcome by a suitable condition.
113. The appellants have proposed a Grampian condition preventing occupation before the WRMP24 has been published. While not strictly necessary given the anticipated build-out programme, it would definitively break the pathway of causation such that there would be certainty that supply would be through an up-to-date, Defra-approved WRMP.
114. It may be observed, in truth, that, given that the DLUHC SoS has now recovered jurisdiction, it can reasonably be anticipated that the WRMP24 matter will be resolved well in advance of the planning appeal being determined, or even by the time of the Inspector's report.

115. In that case, there would be no need for such a condition. However, a Grampian condition as proposed by the appellants avoids the possibility of the EA's concerns coming to pass.

Conclusion

116. The Council has no planning objection to this scheme which will deliver a long-time allocated plan-led sustainable development other than that of the EA. The EA objection is founded on the adequacy of a given version of the WRMP24. The WRMP is subject to Defra's active resolution in a timeframe of months not years.
117. If the WRMP24 has been resolved before planning permission is issued, that is an end of the EA's objection and an end to the impediment on granting of permission. If it has not, a Grampian condition can be imposed preventing occupation prior to the resolution of the WRMP24.
118. Accordingly, the Inspector is respectfully requested to recommend to the DLUHC SoS, that he grants the planning permission.

Post Inquiry Comments

The March 2024 Publications

119. These are material considerations in the determination of this appeal. They reaffirm the appellants' position that the appeal should be allowed and planning permission granted.
120. Paragraph 5 of the Joint Statement states that, long term and in line with statutory requirements, the water needs of the Greater Cambridge area will need to be met by CW. It is expected that CW will publish and deliver a WRMP to provide a sustainable, safe, sufficient supply of water to meet all of the planned development in the future across the Cambridge area.
121. On 29 February 2024 CW submitted an updated draft WRMP to Defra. That seeks to respond to EA concerns. Therefore, CW through the WRMP process, is continuing to fulfil its statutory duty. Furthermore, the appellants remain firmly of the view that any dispute between CW and the EA will have been resolved by Defra long before occupation of the appeal scheme. The EA's concerns about the contents of a particular version of a statutory document going through its own separate approval procedures are not a reason for withholding planning permission for the delivery of this plan-led site.
122. At paragraph 10 of the Joint Statement, the government says it is confident, based on the scheme it is putting in place, that the availability of sustainable water resources need not be an impediment to the consideration of planning permissions for developments envisaged within adopted local plans. The appeal scheme is a long-standing Local Plan allocation for a sustainable housing-led urban extension to Cambridge.

Brookgate Decision

123. The DLUHC SoS and Inspector conclude that "the evidence specifically submitted for consideration to the inquiry does not demonstrate that abstraction is contributing to ecological deterioration" [of the relevant surface water bodies].

124. The Inspector identifies that there is an outstanding concern in relation to the adequacy of potable water supply for the cumulative impacts of the development, together with other committed/anticipated development. However, she recognises that the supply of potable water is subject to its own statutory processes and by reference to An Taisce, the SoS is entitled to have regard to the statutory regimes.
125. The Inspector left for the DLUHC SoS to determine whether the statutory process is sufficiently robust to ensure water supply without ecological harm (para 14.173). She notes a condition could, theoretically, be imposed to delay occupations until after the Grafham Transfer is operational but expressed her own findings that such a condition was unnecessary on the evidence (para 14.174 and 14.176). All of these findings are applicable to the current appeal.
126. The DLUHC SoS agrees with the Inspector's findings, and in addition refers to the March 2024 Publications.

THE CASE FOR THE ENVIRONMENT AGENCY (R6)

Introduction

127. The question for the Inspector (and DLUHC SoS) is whether it has been demonstrated that a sustainable provision of potable water will be available to service the additional demand arising from the appeal scheme. That falls to be assessed having regard to the potential impact on WFD water bodies, and other sites. It is also, essentially the question raised under Local Plan policy CC/7(1)(b). It is common ground that the burden of satisfying that policy criterion lies with the appellants.
128. The EA's objection in simple terms is that it has not been demonstrated that the supply of potable water for the appeal scheme can be delivered sustainably, without risking harm to ecology (including SSSIs) and the deterioration of water bodies under the WFD Regulations.
129. The issue may be divided into two: the validity of the objection and its consequences. The appellants do not present their own assessment of the sustainability of water supply. They provide a commentary on the objection and rely on material provided by CW and the WRMP process to argue that the issues underlying the objection either do not arise and/or will be satisfactorily resolved outside of the Inquiry process.
130. The EA maintains that the issue of over-abstraction to supply future growth in the Greater Cambridge area (including the appeal scheme) is both present and serious. There is limited confidence that a further revised WRMP will resolve the matter until the provision of the Grafham Transfer scheme in around 2032. While this is to some extent a moving picture, the appellants chose to pursue this appeal at this time. The issue is one that needs to be dealt with on the basis of the evidence currently available.

Legal Context

131. By s.4 of the Environment Act 1995, the EA's principal aim is to discharge its functions to protect or enhance the environment to achieve sustainable development. By Reg.3 of the WFD Regulations the EA and the SoS must exercise their functions so as to secure compliance with the requirements of the

- WFD (Reg.3(1)), including determining authorisations to prevent deterioration of SWBs and to support the achievement of environmental objectives (Reg.3(2)).
132. The WFD exists, among other things, to protect water bodies from abstraction pressures. The key requirement is to prevent deterioration of water bodies from one status class to another, which includes deterioration of any element (such as fish, invertebrates etc.), deterioration of the hydrology element from Supports Good to Does Not support Good and any deterioration where an element is already in its lowest class.¹⁷ Action should also be taken to limit within class deterioration as far as practicable.
133. The EA considers reductions in flow from abstraction could cause a deterioration in status of the biological elements. It must therefore take action to prevent the hydrology element from deteriorating below (or further below if already below) the environmental flow indicator unless available evidence suggests that the deterioration in flow will not have an adverse effect on the biology¹⁸.
134. In contrast, the principal relevant duty on water companies, such as CW, is to provide and maintain a supply of water to domestic premises.
135. Further, by WIA s.37(1) there is a duty on CW to develop and maintain an efficient and economical system of water supply within its area and ensure that arrangements are made to provide supplies of water to premises and to persons who demand them.
136. WIA s.37A-D provide a supplementary duty on water companies to prepare, publish and maintain a WRMP. The water company must carry out an annual review of its WRMP (s.37A(5)), but there is no obligation on a water company to comply with a WRMP. Nor does a water company have a legal duty to avoid environmental harm. It must in exercising its functions have regard to a RBMP (Reg.33 of the WFD Regulations), but that is a relatively limited duty.
137. CW, despite successive WRMPs (WRMP14 and the current WRMP19) has failed to prevent environmental impacts from over-abstraction. This is CW's regulatory failure, not the EA's. That is the context of the EA's objection, of direct relevance to the appeal development.

Validity of the EA's Objection

Wider Context

138. Concerns about over-abstraction in the Cambridge region are not new. Greater Cambridge is an area under acute stress from water abstraction, where almost 100% of the water is taken from the chalk aquifer. This has impacts on chalk streams, SSSIs and other water bodies. Providing water supply for the appeal development will necessarily add to those pressures as it will be drawn from the chalk aquifer. Moreover, due to the integrated nature of the CW's supply system the impact will be felt cumulatively. None of this is disputed.

¹⁷ See on these points, the CJEU decision in Case C-461/13 Bund für Umwelt, a summary of which is provided at CD5.26, esp. point 3.

¹⁸ Managing deterioration risks from existing abstractions EA 2021

139. EA and Natural England (NE) concerns about over-abstraction have been raised in relation to the emerging Local Plan. To support that plan, independent consultants, Stantec, provided an updated position on water supply in the Cambridge area¹⁹. Those note concerns about the impact of abstraction and draw attention to surface water catchments where the hydrological regime status has been assessed to not support good status for reasons that include groundwater abstraction (such as the River Cam and the River Granta).
140. The chalk aquifer that supplies the majority of potable water within the Cambridge WRZ is already under abstraction pressure, which is having a detrimental impact on chalk stream baseflows and causing environmental damage, particularly during dry years. That may be further exacerbated in the future by the potential impacts of climate change²⁰.
141. It notes that if development should occur without measures to provide more water to Cambridge then further water environment deterioration is inevitable. It states to demonstrate sustainability, a commitment will be needed from CW that new development will be supplied with water without increasing abstraction or reducing the current available headroom, which could result in further detrimental environmental impacts including designated sites and priority habitats. It flags the potential need to phase development so that its delivery is tied to the provision of sustainable water supply, which are both relevant considerations on this appeal.

CW's Performance

142. The EA's concern relates to its poor delivery in the past and the failure of rdWRMP24 to demonstrate that it can address those failures.
143. CW has consistently underestimated increasing demand and rises in population in its WRMPs since 2014. Its water efficiency and leakage programmes have been insufficient to stop reported rises in abstraction. CW has had to rebase its forecasts upwards on multiple occasions. The most recent evidence shows a significant supply-demand deficit and over-abstraction. On 20 October 2023 the EA, Ofwat and Defra sent CW a joint regulators' letter setting out that impacts of high demand and failure to meet leakage reductions targets are resulting in more water having to be abstracted and this increases the risk of causing deterioration in the status of water bodies.
144. CW's rdWRMP24 data shows that the deficit will continue to increase and abstraction is forecast to continue to rise. Even with leakage and demand management measures in place, it forecasts that demand will be 90.15 MI/d in 2025 and 90.33 MI/d in 2032 under the dry year annual average scenario, well above the capped level of abstraction.
145. The rdWRMP24 recognises the challenge but does not provide any confidence that the risk of deterioration to water bodies will be avoided. Instead, it relies upon deferral of licence caps to meet the increased demand. The licence caps, reducing total abstraction to 79.2 MI/d, are imposed to avoid the risk of deterioration to water bodies. Caps at maximum peak abstraction are intended to

¹⁹ Integrated Water Management Study (CD5.40) and Outline Water Cycle Study 2021 (CD5.27)

²⁰ Outline Water Cycle Study 2021 (CD5.27)

give some flexibility to meet short-term peaks in demand. However, guidance is clear that water companies must not plan to service future growth in demand through unsustainable increases in abstraction under licences that fall into this category.

146. Deferring caps and relying upon Reg.19 of the WFD Regulations in this way is inherently unsustainable. The EA is considering bringing forward the application of the caps from the end of AMP8 (2030) to the start of the period (2025). CW is already abstracting above the NDB at 12 of its licences. Increased abstraction to support future growth only increases the risk of deterioration.

CW's Modelling

147. This clearly shows that surface water bodies are at High/Medium risk of deterioration from CW's abstraction up until 2032, even assuming that 100% of the demand management options in the rdWRMP will be delivered. There is little confidence of delivery given the company's poor track record. The position may therefore be worse than presented.
148. The modelling was done on a number of different bases all showing high/medium risks of deterioration, apart from scenario S30 that showed a medium risk of deterioration on the River Granta alone.
149. Scenario S27 is the future predicted scenario. It reflects the measures in the rdWRMP and the growth from, among other things, the appeal scheme. It is in accordance with guidance and the EA's preferred approach.
150. Scenario S30 is based upon CW's current abstraction (the average rate of abstraction from 2016 to March 2021) and therefore reflects historic abstraction, not forecast demand.
151. Planned abstraction under scenario S27 is materially higher than current abstraction under scenario S30, something that underscores the EA's objection. That is CW's failure to avoid increased abstraction from growth under WRMP14 and WRMP19.
152. The appellants' preference for scenario S30 is based on abstraction post-2021 being similar to abstraction from 2016-2021. However, that misses planned growth from 2021 to 2025 (the start of rdWRMP24). The appellants assumed that scenario S27 did not include demand management measures. That assumption is counter-intuitive, especially given scenario S28 includes WRMP demand management measures working at 50% effectiveness.
153. Scenario S27 uses max peak rates for some of the other water companies and 3rd parties (it is a fully licensed scenario, with other abstractors considered at full licenced amounts). However, guidance suggests that is appropriate for forecasting purposes where other evidence is not available. That does increase the likelihood of showing deterioration, but it does not lessen the EA's concern about CW's projected contribution to that deterioration, which will depend upon locational factors. A valid comparison requires consideration of individual licence levels.
154. The contribution of CW's abstraction to the deterioration risk can be gauged by comparing scenarios S27 and S29. Scenario S29 is the post-Grafham Transfer scenario, with CW's abstraction reduced to below current rates, but with similar

other inputs to scenario S27. The results show the significant difference that reducing CW abstraction will make. Two medium risk impacts become no risk (Bottisham Lode – Quay Water, Swaffham – Bulbeck Lode), one medium risk becomes low risk (The Granta) and one high risk becomes medium risk (Cam (Stapleford to Hauxton Junction)).

155. The modelling evidence may be refined in a number of respects, with updated figures and if available future predicted rates from other water companies. However, there is no basis at present for considering that the essential conclusions regarding the risk to water bodies from abstraction will change. The current evidence shows significant and unacceptable risk.
156. Overall, the modelling evidence presents concerns about deterioration risk from CW's abstraction to provide for the appeal development. The evidence suggests abstraction significantly above what is required to avoid deterioration (i.e. the licence caps imposed for that purpose). In turn, that comprises High or Medium risks of deterioration for six water bodies.

Hydroecological Validation

157. This identifies a clear relationship between flow pressure and abstraction on two specific water bodies: Wendon Brook and Hoffer Brook, using the LIFE, widely used to assess the impacts of abstraction. This enables a distinction between taxa sensitive to low flows and those sensitive to other pressures, such as water quality. The invertebrate declines recorded support the EA's case on the potential impact of CW abstraction among other things to supply the appeal development.
158. Wendon Brook and Hoffer Brook may now be in relatively good condition, but for Wendon Brook there is evidence of acute flow sensitivity that suggests an increase in abstraction pressure would have a negative impact at this site, including potential loss of taxa that could cause a risk of deterioration in WFD status. Hoffer Brook relies upon a river support scheme.

Hydroecological Modelling

159. This modelling, which is scientifically based and robust, provides further supportive evidence of the potential impacts of increased abstraction, as well as existing impacts.
160. A model was developed for each macroinvertebrate metric using suitable and available historic flow data. It demonstrates adverse impacts from recent CW abstraction on three water bodies²¹ and impacts from increased CW abstraction to a fully licenced rate on seven waterbodies²². This evidence directly links CW abstraction to adverse impacts on water bodies. It indicates that recent declines in macroinvertebrates and LIFE scores for waterbodies can be associated with CW abstraction and that increasing abstraction (towards fully licenced levels) will lead to further ecological impairment and the risk of WFD deterioration. It shows trends of concern against which action needs to be taken. It also corroborates

²¹ Cam (Audley End to Stapleford), Cam (Stapleford to Hauxton Junction) and Granta.

²² Cam (Audley End to Stapleford), Cam (Stapleford to Hauxton Junction), Rhee (downstream of Wendy), Granta, Sapiston, Little Ouse (downstream of Sapiston confluence) and Little Ouse (downstream of Swanagey Fen).

the evidence of abstraction pressures elsewhere. It forms part of the weight of evidence on which the EA relies.

161. The appellants criticise this evidence as the analysis relies (in part) upon a fully licenced scenario and considers that the modelling results do not necessarily show a decline in class status. A fully licenced scenario was used as that was the data available. It does indicate abstraction risk to status.
162. The results clearly show periods when abstraction pressure is predicted to lower the indicative WFD class as regards the Granta. Moreover, the assessment is conservative to the extent that it is based upon sampling points that may not represent the most sensitive reaches and is also based on moderate-low flow conditions.

Condition Assessments

163. The EA presents condition assessments and other observations of the water bodies themselves and associated sites, or groundwater dependent terrestrial ecosystems.
164. This background assessment is of considerable significance. It notes that both of the underlying chalk groundwater bodies from which CW abstracts have a WFD status of poor. That indicates that the groundwater is not providing enough water to the surface water bodies and features that depend on them for baseflow, even at historical levels of abstraction. It also sets out that of the 27 surface waterbodies identified as being affected by CW abstraction, the hydrological regime in 12 of these water bodies does not support good ecological status.
165. It also raises concerns about the risk of increased abstraction (above historic rates) for a number of SSSIs, including Alder Carr.
166. The recent 2022 WFD classifications show 10 water bodies influenced by CW abstractions have recorded deterioration of biological elements. The reasons for the apparent deterioration have yet to be investigated, due to the cyclical process of WFD monitoring. However, there is no reason to think that the apparent deterioration will not be confirmed. There is at least a reasonable possibility that the deterioration will be materially due to abstraction pressures.

Impact of the Appeal Development

167. The appeal development, representing additional demand for a total of 1,000 dwellings (or 480/600 in 2031/2032) will materially add to the pressure on existing waterbodies and cumulatively the risk of negative consequences for waterbodies and associated ecology. That will risk deterioration in waterbody status under the WFD Regulations and ecological harm.
168. It is common ground that the impact will be felt cumulatively with abstraction to serve other planned growth, and that because of the integrated nature of CW's supply, it is not possible to determine the exact location of abstraction required to serve the appeal development. The risks are therefore both cumulative and diffuse, which means that they could be even more serious than our evidence indicates. The contribution of additional abstraction could tip the balance towards deterioration.

169. To provide some illustration of the impact of the appeal development *alone*, the EA has considered the impact of abstracting all the water required for the development from a single licence, where the licenced quantity is available and there is available data for the assessment. This illustrates a significant²³ potential impact on flow pressure for the River Granta by 2032 (with 480/600 homes occupied). The EA provides a narrative description of potential impacts on invertebrate taxa and brown trout. This is an illustrative assessment and it is not intended to be realistic. However, it is possible given CW's licences. It demonstrates the materiality of the impact of water supply from the development and gives an indication of the kind of impacts that would be expected. In reality the impact will likely be more dispersed and would be felt cumulatively, potentially impacting different flow-stressed watercourses.
170. The further mitigation proposed would not avoid the harm and the appellants have not proposed any mitigation relevant to the impacts on water bodies. The EA has assessed the scheme on the basis of per capita consumption of 95 l/p/d for all residential dwellings.

The Appellants' Case

171. The appellants criticise this evidence, but do not provide any alternative assessment. The Water Resources Addendum is not relied upon. Instead, the appellants comment on the evidence of others.
172. The appellants rely on statements in CW's rdWRMP24 that say that offsetting means there is no baseline increase in demand, therefore no increase in abstraction due to growth and no additional risk of deterioration. However, CW's modelling shows an increase in demand up to 2025 and beyond even taking account of demand management measures. Moreover, it indicates there is a risk of deterioration in the scenarios modelled. The assertion that the rdWRMP24, does not envisage increased abstraction from the 2016-2021 baseline to service future growth is unsustainable. The assertion that the abstraction relied upon will not risk deterioration is equally unsustainable. It flies in the face of the evidence and ignores the fact that the rdWRMP24 relies upon deferring the implementation of caps necessary to ensure no deterioration.
173. The appellants argue that there has not been evidence of *actual* WFD deterioration to water bodies that has been attributed to CW abstractions. There is evidence of abstraction already having a detrimental impact on water bodies and sites. There is a high/medium risk of deterioration if abstraction increases in line with the rdWRMP24, which includes abstraction to supply the appeal scheme.
174. Whilst some water bodies are classified as HMWBs, that is not a reason for preventing deterioration. Ultimately, good ecological potential for HMWBs is assessed in exactly the same way as good ecological status for other water bodies. Similarly, the 6-year cycle of WFD reporting (2015, 2022 and then 2027) are not a reason to ignore intermediate assessments, or even in-class deterioration.
175. Climate change is liable to make impacts from reductions in flow pressure caused by abstraction worse. The appellants argue that climate change may

²³ 7.4% or 11.4%.

make it difficult to discern or to separate impacts from abstraction and other anthropogenic impacts. The appellants do not present any clear evidence that climate change presents a reason to reduce or extend objectives for any of the CW bodies potentially affected. Climate change makes the need to act on the pressures from water abstraction to safeguard ecology more urgent, not less.

176. It is difficult to identify exactly what water body or sites may be affected by increased abstraction from the appeal site, or to predict the exact nature of the impacts, which will be felt cumulatively. However, the evidence points overwhelmingly to there being environmental detriment and significant (high/medium) risks of water bodies deteriorating in formal WFD terms as a result of abstraction associated with the appeal development, at least if it comes forward before non-chalk aquifer supply is secured. Similarly, there is strong evidence of impacts on groundwater-dependent SSSIs. The appellants have not carried out their own assessment.
177. The EA presents its evidence as expert adviser first to the Council, and now the SoS and its views should be given significant weight in this regard. The EA's underlying concerns about the impact of abstraction in this case are also supported by Defra and NE and are consistent with the findings of Stantec.

The Consequences of the EA's Objection

Basic Position

178. The appellants suggest that the issue of whether the appeal development can be sustainably supplied with potable water without undue risks to water bodies and ecology is not a matter that the Council should have considered when refusing permission. It also considers it is not a matter that it is open to the Inspector, or the DLUHC SoS to consider.
179. That would mean that an environmental consequence of development was precluded from consideration under the Town and Country Planning process. In many cases, water supply does not need to be addressed in any detail in planning decisions as set out in PPG. But there are some possible exceptions such as where large development is proposed and there is positive evidence suggesting that it cannot sustainably be supplied with potable water.
180. The Appellant argued that the WRMP process and the Town and County Planning process are entirely separate. It further suggests that a WRMP must respond to the Town and Country Planning process, not vice versa. However, the two processes are necessarily interlinked. Ideally, the supply to be delivered in a WRMP would be established and uncontroversial in advance of planning proposals coming forward, but that is not true for this case.

SoCG

181. This states that the Inspector cannot determine or put her own view on the adequacy of the rdWRMP24. Neither the Inspector nor the DLUHC SoS can resolve the WRMP process, but the Inspector can and should consider the issues raised concerning water supply that are connected to the rdWRMP24, and the very considerable uncertainty as to when, how and whether they will be resolved.

NPPF194

182. The appellants argue that it should be assumed that the WRMP process will operate effectively to provide a sustainable water supply to the development. However, the WRMP is not a pollution control regime to which NPPF194 directly applies. Any assumption that the WRMP process will operate effectively to provide a sustainable supply of water for the appeal development is capable of rebuttal.

Case Law

183. The appellants say that the Inspector and SoS should not consider the water supply issues in this case. It refers to *An Taisce*²⁴ where the SoS relied upon the Office for Nuclear Regulation's grant of a site licence which included considering the risk of severe accidents in determining that the risk of such accidents was acceptable in the context of the Planning Act 2008 process. This is not directly relevant to the appeal case as the WRMP process does not guarantee a sustainable supply of potable water, but the WIA does require that supply to be provided.
184. The *Sizewell C* case²⁵ if anything demonstrates that it is proper to consider the implications of water supply for development, notwithstanding that it falls under the responsibility of a separately regulated water company.
185. No particular concerns about the environmental impacts of supply were raised in the *Sizewell C* case. The issue was simply uncertainty over specific options. Nonetheless, it was appropriate for the SoS as decision-maker under the Planning Act 2008 process to review the viability of the options put forward, which he did.
186. In the context of EU protected habitats, the existence of the WRMP process does not prevent decision-makers from looking at the implications of water supply for development and requiring water neutrality assessments. That approach is based upon the cumulative impact from increased abstraction with other development.

Implications of the WRMP Process

187. The critical question is whether on the evidence it has been demonstrated that a sustainable supply of potable water will be provided through the WRMP process for the appeal development.
188. For the reasons set out, including the history of CW's poor performance, there is very considerable uncertainty that it will be able to produce a revised rdWRMP24 that demonstrates sustainable abstraction prior to the delivery of the Grafham Transfer. The EA and Defra advice in November 2023 in its response to the WRMP include options that require the support of third parties, and could include enhanced water efficiency standards meeting 80 l/p/d. Ultimately, the EA has limited confidence that CW will deliver its forecast demand savings and meet its rdWRMP24 forecasts.

²⁴ R (*An Taisce (National Trust For Ireland) v SSECC* [2014] EWCA Civ 1111; [2015] PTSR 189.

²⁵ R (*Together Against Sizewell C v SSESNZ* [2023] EWHC 1526 (Admin)).

189. There is no provision in the statutory regime to require CW to provide sustainable abstraction without compromising its domestic supply duty that will be engaged once the appeal development is occupied. It will be obliged to supply water to new residential customers whether it is sustainable or not.
190. The likelihood, based upon the rdWRMP24, is that CW will need to rely upon the deferral of licence caps necessary to avoid deterioration under Reg.19 of the WFD Regulations. The possibility of future change is not ruled out. The EA's objection is founded upon fundamental issues with the sustainability of continued abstraction of potable water from the chalk aquifer in Cambridge. It is therefore not inevitable that there will be a WRMP with a sustainable supply of water. There is at the very least considerable uncertainty over that premise.
191. The situation regarding Greater Cambridge is the only example in which the EA has objected to development on the basis of the unsustainability of water supply on WFD grounds.

Phased Delivery

192. The rdWRMP24 contains a supply option involving the transfer of released supply from Affinity Water's Grafham water treatment works. While the Grafham Transfer is dependent on the delivery of other schemes, it is reasonable to conclude that this option will be delivered. It will provide 26ml/d of supply from 2032, a matter that is common ground. The rdWRMP therefore provides a reasonable basis for addressing supply after 2032.
193. A condition linking occupation of the development to delivery of the Grafham Transfer would overcome the EA objection. Such a condition would be acceptable were the SoS to consider it necessary. That would avoid adverse impacts from the unsustainable supply of water, would be consistent with the Stantec report and represent sound planning.
194. The appellant's proposed condition would provide no occupation until after WRMP24 is published. However, there is uncertainty as to the timing, content and deliverability of any final WRMP24. A WRMP24 will be published, however it is impossible to know at this stage what measures it might contain and whether it would in fact ensure a sustainable supply of potable water for the appeal development. It is at least possible that the WRMP24 will have implications for the necessary water efficiency of the appeal scheme. So, the appellants' condition would not be effective or reasonable.

Planning Policy and the Planning Balance

195. The development would be contrary to Local Plan policy CC/7 as it fails to demonstrate that the quality of ground and surface water bodies will not be harmed. There would be some conflict with Local Plan policy NH/4 on biodiversity given the high/medium risk of deterioration to water bodies and the risk of impact to SSSIs. It would also be contrary to NPPF180(e) and 186(b).
196. In addition, because abstracting water for the development would cumulatively contribute to a high/medium risk of WFD deterioration and in any event would not support the achievement of the environmental objectives in the WFD Regulations, it fails to secure compliance with the requirements of the WFD, contrary to Reg.3(1) of the WFD Regulations. It would not further the conservation and enhancement of biodiversity in this regard, or the conservation

and enhancement of features of SSSIs contrary to s.40 of the Natural Environment and Rural Communities Act 2006 and the s.28G of the Wildlife and Countryside Act 1981 respectively.

197. The EA's proposed phasing condition would not mean that the benefits of the development are not realised, simply that they are delayed. That reduces their weight in the planning balance. The delay would be to the occupation of up to 480/600 units from 2028-2031/2032. However, the appellants' optimistic build out and occupation programme could align with the longer timescales set out in the design and access statement, a matter accepted by the appellants.

Conclusion

198. For all the above reasons, the EA invites the Inspector to recommend that its objection be upheld giving the EA objection considerable weight in the planning balance.

Post Inquiry Comments

The March 2024 Publications

199. The EA position has not changed. We welcome government plans and proposed measures to increase long term water supply in the Greater Cambridge area along with plans to address water scarcity issues in the short-term. However they must be delivered in order to allow a full assessment of their impact on the proposed development at Darwin Green 2/3. We require further evidence before reconsidering our objection to the development proposed at Darwin Green 2/3 based on the water credits system.

200. We require evidence of a fully functioning water credit market that has effectively offset demand from the appeal development. It is understood that the evidence linked to the setting up of the water credits system will be provided over coming months. The EA needs to assess the plans and evidence fully in order to provide evidence-based advice. However, this is unlikely to include evidence of the effectiveness of the scheme in reducing demands post implementation of retrofitting within this timeframe.

Brookgate Decision

201. The EA was not a main party. Its case on the impacts of water abstraction was not presented to the level of detail that it was in this appeal.

202. In this Decision both Inspector and DLUHC SoS recognised that water supply and quality was an issue and that the cumulative effect of abstraction risked harm to ecology. The Inspector left to the DLUHC SoS's judgement as to whether statutory processes and other measures are sufficiently robust to ensure the proposal did not place unacceptable demands on water resources and potentially harming ecological interests.

203. The SoS relied on the March 2024 Joint Statement and the announcements of the water credits scheme to operate alongside the WRMP process (DL para.36). In that context, the SoS found the proposal in isolation to comply with Policy CC/7 and not to have unacceptable consequences on water supply or quality.

204. The EA supports the formation of a water credits scheme, but it is at a very early stage and there is uncertainty about how it will operate. The supporting

measures are not yet in place. If the water credits scheme does not become established or deliver as modelled, potentially damaging abstraction by CW will not be avoided. The EA's position therefore remains that it cannot be concluded at this stage that there is sufficient certainty in the success of a future water credits scheme to overcome the issue as regards water supply.

205. The EA's position on this appeal is unchanged. It does not presently have confidence that CW can service the water supply requirements of combined growth along with its existing customers, without posing an unacceptable risk of ecological deterioration. We continue to work with partners to develop a working water credits scheme in Greater Cambridge and when this is done, it may demonstrate that the issue of increased abstraction can be avoided.

rdWRMP2

206. Whilst CW has improved its plan in some respects, there remain significant areas of work that need to be completed before the plan can be published and the fundamental concerns raised at the Inquiry remain. This revision has still not demonstrated it can meet forecast demand without risking deterioration to the environment. There remains an unacceptable risk that CW will be dependent on unsustainable abstraction and deferring licence caps to meet current and future demand until at least 2032.

207. Until such time as a working water credit scheme is in place, the EA maintains its objection to this appeal.

THE CASE FOR THE COUNCIL

Introduction

208. Aside from the issue of water supply, there is no dispute that the development of this allocated site accords, in principle, with the Council's development plan and would deliver up to 1000 new homes, social infrastructure as well as other benefits.

209. Once it has been satisfactorily demonstrated that the demand for potable water to which the development will give rise can be supplied without causing harm to ground water bodies, the Council considers that permission should be granted without delay so that district needs can be delivered sustainably.

210. The EA, whose technical expertise in water resources the Council has relied on, advises that it has not been demonstrated that the proposed development will not have unacceptable impacts on the environment or on water resilience, at least until the Grafham Water transfer project is completed and available.

The Supply of Potable Water

211. Compliance with the water efficiency requirements in the Local Plan does not demonstrate that the development has a sustainable supply of water and one cannot rely on the WRMP approval process to demonstrate that the appeal scheme is acceptable in water supply terms.

Local Plan Policy CC/4

212. Local Plan policy CC/4 sets minimum water efficiency standards for new development equivalent to 110 l/p/d. The appeal development would achieve that.
213. The normal position, as in the PPG, whereby compliance with development plan policies would be sufficient to demonstrate a sustainable supply of water is not applicable here. That is because Local Plan policy CC/4 is based on out-of-date evidence in CW's draft 2014 WRMP and the 2010 WRMP, a matter agreed by the appellants.
214. The recent WMS says that tighter water efficiency standards than the current 110/p/d requirement should be considered in Cambridge in view of the water stress issue, which would often require departing from the 'normal' position described in the PPG. The appellants agreed.
215. The examples given in the PPG are not exhaustive as to the circumstances in which water supply might be a relevant consideration in the determination of a planning application. However, it includes where a WRMP requires enhanced water efficiency in new developments as part of a strategy to manage water demand locally and help deliver new development. CW's WRMP24 may include provision for even tighter water efficiency standards.
216. The DLUHC SoS must consider whether, by reference to the evidence before the Inquiry, there will be a sustainable supply of water to meet its demand.

The WRMP Approval Process

217. An approved WRMP must make provision for all planned development including the appeal scheme. Therefore, the appellants consider that the DLUHC SoS should simply defer any consideration of the water supply issue to the WRMP process. It further suggests that permission could be granted subject to a condition preventing occupation of the development until such time as CW's WRMP24 has been approved and published.
218. However, the timing and substance of the WRMP process is unknown. The adopted WRMP may include water efficiency standards which go beyond the appellants' current proposals. The adequacy of the water efficiency measures proposed as part of this development would need to be considered in the context of the measures which are eventually included in the WRMP.
219. In this regard, the appellants rely on the Together Against Sizewell C case and the principles set out in *Gateshead MBC v Secretary of State for the Environment* [1995] Env LR 37, [1994] 1 PLR 8515. However, the issue in Together Against Sizewell C was whether the permanent water supply was a fundamental part of the project such that it should have been assessed as part of the project for the purpose of the Infrastructure Planning EIA Regulations. The factual position is quite different to this appeal.
220. First, there remain significant outstanding concerns that the WRMP24 continues to present an unacceptable risk to the environment, does not meet the requirements of the WFD Regulations to prevent deterioration in water body status and does not provide a secure supply of water.

221. CW acknowledges it will not be able to supply water sustainably in the short/medium term because it will need to apply for a Regulation 19 exemption from the licence caps necessary to avoid deterioration in water bodies. A Regulation 19 exemption only arises where there has been "a failure ... to prevent deterioration in the status of a body of surface water or groundwater."
222. If permission for this development were granted, CW would be under a duty to supply water to it and therefore could refer to the development benefits to justify deferring the licence caps. The Defra SoS determining the Regulation 19 application would be presented with a fait accompli as planning permission would have been granted. It would no longer be possible to take a holistic view as to whether a development that would not have a sustainable supply of water should be permitted.
223. In *Together Against Sizewell C*, it is of significance that the DLUHC SoS determining the development consent order application did have regard to likelihood of the water supply issue being resolved through the WRMP process and was satisfied that it was likely that an acceptable solution would be found. The assumption that a parallel regulatory regime will operate effectively may ordinarily be sound, but it is not sound where the output of that regulatory regime demonstrates that there is not a sustainable supply of water.
224. The possibility of further water efficiency measures making a contribution to sustainable water supply is raised further in both the EA and Defra advice to CW. Measures referred to include rainwater harvesting, greywater recycling and retrofit programmes and higher water efficiency standards for new build properties. Those would result in significant additional water efficiency and would depend on new residential development being restricted to 80 l/p/d.
225. The WRMP cannot create planning policy nor impose any legal or policy requirement that new development such as this implement any particular water efficiency measures. It is only in this decision-making context that there is any control over the adequacy of the water efficiency measures required to be included in new development. Thus, if the WRMP requires or encourages those measures to secure a sustainable supply of water, it will be too late to demand them of the appeal development if planning permission has already been granted.
226. It is therefore not simply a matter, of waiting until the final version of the WRMP is published. The content of the WRMP once published may well dictate the water efficiency measures required to ensure that the development can be sustainably delivered. At this stage, we simply do not know what the published WRMP will say in that regard.
227. The adequacy of the water efficiency measures proposed as part of this development needs to be considered once it is clear what the WRMP will require or encourage in the way of water efficiency standards.
228. Water re-use and recycling are a viable option for improving the demand/supply balance as set out in the rdWRMP24. While there may well be technical challenges, there is nothing to suggest that those challenges cannot be overcome. Equivalent measures have already been successfully demonstrated at the Eddington scheme, subject to a restriction on their full implementation by

legislative requirements in terms of water quality standards, which is currently being considered by Defra.

229. There is no evidence to suggest that tighter water efficiency measures could not be viably delivered. The reference to the delivery of these types of measures in large scale development in the rdWRMP is not a reference to a single development of 10,000 homes. There is no evidence to suggest that the achievement of an 80 l/p/d water efficiency standard would 'constrain' planned development in such a way that the rdWRMP24 would conflict with the water planning guideline. It is not a question of whether 'planned' development is delivered at all but rather a question of how it is delivered.
230. To put the issue in the context of the Gateshead/Together Against Sizewell C, the Council considers matters cannot simply be deferred to another regulatory regime because the output of that may have implications for the acceptability of the development itself.
231. A condition linking occupation of the development to the approval of the WRMP is not appropriate. The appeal development cannot incorporate measures to deliver an 80 l/p/d. Thus, if permission is granted now and the published WRMP24 makes clear that an 80 l/p/d standard is required to ensure the sustainability of the water supply, the development would not accord with that expectation.
232. The Council's position will at worst delay delivery of the benefits associated with the appeal scheme, although the extent of any such delay is very much in question.

Policy CC/7 and NH/4

233. Local Plan policy CC/7 requires all development proposals to demonstrate that, inter alia, the quality of ground, surface or water bodies will not be harmed. Policy NH/4 requires development to maintain, enhance, restore, or add to biodiversity.
234. The appellants have proposed enhanced water efficiency measures which go beyond the requirements of Policy CC/4. Those are likely to represent the optimal efficiency specification which can be delivered through the appeal scheme. Those do not alleviate the EA concerns.
235. Unless occupation is delayed until the Grafham Transfer option is operational, the proposed development would conflict with Local Plan policy CC/7 and NPPF paragraph 180.

The Planning Balance

236. The EA concerns are not insuperable. It advises that permission could be granted subject to a condition prohibiting occupation of the proposed development until such time as the Grafham Water transfer is secured in 2031-32.
237. In the absence of a condition linking occupation of the development to the delivery of the Grafham Transfer, the conflict with Local Plan policy CC/7 means that the development is contrary to the Development Plan overall.

238. The agreed benefits of the appeal development will still accrue if permission is granted subject a condition linking occupation of the development to the Grafham Water Transfer Option, their delivery will just be delayed.
239. That is because commencement of the appeal development would begin in 2027 with the first dwellings being occupied in 2028 and 600 dwellings being occupied by 2032. At most, there would be a four-year delay in the delivery of occupied dwellings if occupation were delayed until after the delivery of the Grafham Transfer.
240. The Council has agreed to revised conditions which would require the first reserved matters application to be made no later than five years after the permission is granted. If permission is granted at some point in 2024, that means that the first reserved matters application may not be made until 2029. Assuming the application could be approved within six months and that occupation of the dwellings would commence within a year of construction, the first occupation of dwellings would not be until the middle of 2030. That is just 18 months before the Grafham Transfer is envisaged to be fully operational.
241. If the first dwellings were not completed and occupied within a year of construction commencing, then it is entirely feasible that there would be no occupation of dwellings before the delivery of the Grafham Transfer. Therefore, a condition linking occupation of the development until the delivery of the Grafham Transfer may not delay the occupation of dwellings.
242. A delay in the order of four years in the occupation of dwellings would not justify the risk of harm to waterbodies identified by the EA. Bringing forward the benefits to a date prior to the delivery of the Grafham Transfer does not justify the risk of harm identified. As such the EA's proposed condition is necessary to make the development acceptable in planning terms.
243. If the SoS does not consider the imposition of such a condition to be appropriate, the appeal should be dismissed.

Post Inquiry Comments

The March 2024 Publications

244. The Council has been part of engagement with DLUHC, Defra and the EA to reach a shared position on addressing water scarcity in Greater Cambridge. The two part plan proposed could ensure long-term water supply so that Cambridge could grow in a sustainable way. It would also ensure growth in the short term, so that development currently stalled in allocated sites, could proceed. Both documents are material considerations in the determination of this appeal.
245. The documents together provide greater clarity on the approach to dealing with planning applications on Local Plan allocated sites in Greater Cambridge. Strategic interventions, backed by government funding, could have an effect on the balance of demand and supply of water within the CW supply area prior to 2032.`
246. The Publications set out that development on allocated sites can be supplied without causing harm to ground water bodies. They refer to a water credits scheme and a water efficiency scheme in combination with the delivery of water

management measures promoted through the updated WRMP February 2024. It is confirmed that the measures have been demonstrated, through modelling undertaken by DLUHC, to deliver water savings sufficient to address concerns raised around sustainable water supply, prior to the delivery of additional strategic supply options from 2032.

247. The Publications offer increased certainty around the deliverability of mitigation measures to reduce the risk of harm to waterbodies. That includes groundwater bodies, arising from development and delivery on allocated sites. This assurance was not available at the time of the appeal Inquiry.
248. The emerging WRMP in combination with tighter water efficiency standards and measures for new development (as validated by the December 2023 WMS) and the other water efficiency schemes, lend support to ensuring that sustainable water resources could be secured for this allocated appeal site.
249. Whilst the WRMP is yet to be formally approved, and the EA has yet to assess the impacts of the proposed measures set out in the March 2024 Publications, together they offer greater certainty that water could be sustainably supplied to the appeal site to 2032, thereby reducing the risk of harm to waterbodies from over abstraction. This new information, supported by proposed agreed planning conditions 30 (sustainability, energy and water statement) and 31 (BREEAM pre-assessment), could potentially reduce the conflict with Local Plan policy CC/7.
250. The Inspector now has the scope to apply the appropriate weight to the March 2024 Publications in her decision making, a consideration which was unavailable to the Council during the appeal process.

The Brookgate Decision

251. The EA submitted objection to this appeal but was not a R6 party.
252. The Inspector notes that the issue of water supply and quality is a material consideration for the appeal. She concludes that in the absence of substantive evidence of ecological harm due to increased abstraction, the proposal, taken by itself, would not harm water supply or quality.
253. She acknowledges that the scheme would cumulatively, together with other committed or anticipated development add to the demand of water and that a sustainable supply of water may not be available until after the Grafham Transfer is operational. She concludes that it was a matter for the SoS to determine whether water supply and quality issues within Cambridge cannot be managed by the usual statutory processes.
254. The SoS states that the March 2024 March 2024 Publications should deliver water savings to meet future water needs, including through a water credits scheme and wider communications to reduce water use. As such matters relating to water supply and quality are neutral in the planning balance. Notwithstanding the EA objection, the Council accepts this view.
255. The Inspector concluded that delaying development until Grafham Transfer is operational was not necessary. The Council accepts this position. The revised draft WRMP 2024 was published prior to the March 2024 Joint Statement and associated strategic measures to manage demand for water. Whilst the EA and other relevant bodies have not yet responded to the revised draft, the measures

announced in the March 2024 Publications should support the sustainable supply of water until new sources of supply are available, and there can now be greater confidence in the adequacy of the WRMP process.

WRITTEN REPRESENTATIONS

256. No other parties spoke at the Inquiry.
257. The Council officer's report lists the responses from statutory consultees, other relevant bodies, Local Members and members of the public²⁶.
258. In terms of the public responses, the report notes that there were 6 objections from third parties. The objectors' concerns, including those from Cambridge Past, Present and Future and Camcycle, include highway impacts, impacts on active travel, the lack of cycling and pedestrian links, including lack of a link over the A14 and segregated cycle provision generally. Concerns were also raised about the lack of greywater harvesting and a commitment to BREEAM excellence for public buildings and schools, lack of access to facilities and services in surrounding areas, the location of the country park adjacent to the A14, traffic noise impacts along with the need for natural surveillance and tree planting to soften the proposed built form.
259. Local Members' concerns included health care and sports provision, use of appropriate mechanisms to generate income from community and sports facilities and maintain the country park, planting to mitigate air quality concerns and noise impacts of nearby traffic.
260. No letters of support were received.
261. Representations were received in relation to the appeal, the vast majority of which objected. Some have been summarised by the appellant²⁷. At appeal National Highways comment with no objection, subject to conditions.
262. NE commented that it supports the EA's position welcoming the additional evidence the EA provides to support its shared concerns. It considers that evidence clearly indicates that the existing level of abstraction, to meet current needs across Greater Cambridge, is not sustainable and appears to be adversely impacting water dependent designated sites and other important habitat. Additional abstraction to meet growth needs will cause further harm. Alternative sustainable supply options and/or other measures need to be identified and implemented to serve new major development without harm to designated sites. However, at present, there are significant concerns regarding the timing and deliverability of the alternative supply options.
263. Further to the above, the current application has not assessed and mitigated potential impacts on water resources and water dependent statutorily designated sites. Evidence has not been provided to demonstrate that sustainable water supplies can be delivered to serve the proposed development, without harm to designated sites.

²⁶ CD3.01

²⁷ APP1 appendix 3

PLANNING CONDITIONS

The numbers in square brackets [n] refer to earlier paragraphs in this report.

264. A list of suggested planning conditions was discussed at the Inquiry and a final version produced. Not all, but most conditions were agreed. Where that is the case I have addressed the matters in my report.
265. I accept the need for imposition of most of the suggested conditions, subject to refinement and simplification to improve clarity and ensure consistency with national policy and guidance.²⁸ A list of planning conditions to be imposed is set out in Annex C.
266. Conditions to secure submission and timing of reserved matters along with commencement of development for each reserved matters site are necessary to ensure certainty, prevent the accumulation of unimplemented planning permissions and ensure a consistent approach to the development of the appeal site alongside adjoining developments.
267. A plans condition along with a condition to control the quantum of development are necessary to ensure certainty in the development process. A condition to ensure the timely submission of a site wide phasing plan, its review and amendment, is necessary to clarify how the site will be phased, and to ensure provision of necessary infrastructure and mitigation. A site wide design code, youth and play strategy, and public art delivery plan will help deliver a high quality development that provides for all sections of the community. [258]
268. A number of pre commencement conditions will control matters needing to be defined prior to work commencing to ensure a high quality development that protects the environment, mitigates against flooding, highway safety, and the living conditions of neighbouring residents. Those include the submission of a construction traffic management plan, a demolition and construction environmental management plan and a construction ecological management plan. A demolition and retention strategy is required to ensure demolition is minimised and appropriate recreation and community facilities are provided. [258]
269. Appropriate archaeological investigation and safeguarding is necessary to protect the locality's heritage. Biodiversity Net Gain will be ensured through the submission of an ecological design strategy and its maintenance through the submission of a landscape and ecological management plan.
270. Confirmation of the way in which any contamination will be dealt with will be submitted in a remediation method statement before development commences and a verification report prior to occupation, to minimise any adverse impacts. Unexpected contamination will be dealt with in the same manner. A travel plan is required to promote non-car based forms of transport, before development commences as those measures could influence design development. [258]
271. A range of matters need to be confirmed at reserved matters stage. Those include compliance with the site wide design code to ensure a high quality development, details of housing mix, space standards and accessible housing, to

²⁸ Paragraph 56 of the NPPF and PPG including paragraph 21a-003-20190723

- ensure a mixed and balanced community, car and cycle parking to ensure the proposed development promotes active forms of transport, a surface water drainage strategy to reduce the of flooding and adverse impacts on water quality, and assurance that development accords with the scheme's Ecological Design Strategy to ensure it delivers Biodiversity Net Gain. [258]
272. To promote sustainable construction principles details of sustainable show homes are required. Details of sustainable energy and water use, including energy and carbon calculations, renewable energy technologies, and water efficiency measures will ensure that the development promotes sustainable design and construction. A water efficiency standard of 95 l/p/d exceeds the requirements of Local Plan policy CC/4, even though it does not include greywater harvesting. [63,74,258]
273. To minimise carbon emissions, and to ensure efficient use of water a BREEAM pre assessment, interim design stage certificate and post construction stage certificate is required. The appeal development would accord with requirements of Local Plan policy CC/4 in this respect. Noise attenuation measures for both residential, and non-residential buildings will help to safeguard the living conditions of future residents. To ensure appropriate youth and play space is provided, compliance with the proposed development's youth and play strategy is necessary. Details of allotments, community orchards, and hard and soft landscaping is necessary to ensure biodiversity enhancement and that development blends into its locality. [258]
274. A range of pre-commencement conditions are required to control necessary details at reserved matters stage. Those include details of foul water drainage, to prevent adverse environmental impacts, site specific construction management to prevent adverse impacts at the construction phase, a waste management plan to ensure the sustainable management of construction waste and ground condition details in relation to the school playing fields to ensure they are prepared to an adequate standard. All those are required prior to commencement of development as they could influence design development. [258]
275. To protect the living conditions of nearby residents, the means of ventilation and odour control, as appropriate needs to be controlled. A scheme for the provision and location of fire hydrants will ensure a safe living and working environment. Provision of broadband infrastructure will help to ensure a high quality sustainable development. [258]
276. The R6 Party has suggested a condition to control the occupation of development until the Grafham Transfer is delivered and operational. I deal with this in my conclusions on the appeal. [193-194, 226-232]
277. In turn the appellants have suggested a condition to control occupation until publication of CW's WRMP24. Again, I deal with this later in my report. [112-115,117]

INSPECTOR'S CONCLUSIONS

278. Taking account of the oral and written evidence, the SoS's reasons for recovering the appeal and my observations on-site, the main consideration is:

- The effect of the appeal proposal on the demand for potable water use, associated abstraction and the associated risk of deterioration to waterbodies in the Greater Cambridge area.

Water Supply as a Relevant Consideration [65-76,127-131,179-183,214-217]

279. NPPF paragraph 20 indicates that strategic development plan policies should, amongst other things, make sufficient provision for water supply. In addition, the PPG²⁹ advises that water supply is unlikely to be a consideration for most planning applications. That is because planning for the necessary water supply would normally be addressed through strategic development plan policies.

280. The EA alleges non-compliance with Local Plan policy CC/7, dealing with potable water and consequences for water bodies. It is common ground that the appeal proposal would accord with Local Plan policy CC/4. Local Plan policy CC/4 requires developments to achieve a minimum water efficiency standard of 110 l/p/d. The appeal development would go beyond Local Plan policy CC/4 for residential and non-residential development.

281. However, the Local Plan, adopted in 2018, is based on outdated evidence. Since then CW's supply and demand figures have been updated and the EA has confirmed the need for the imposition of licence caps to reduce abstraction levels. Those are material considerations that indicate a change in circumstances since adoption of the Local Plan. They reduce the weight I give to compliance with Local Plan policy CC/4. Compliance with Local Plan policy CC/4, therefore, does not in itself indicate a sustainable supply of water to the appeal development.

282. In addition, given the above matters, CW WRMP19 cannot be relied upon. The WRMP24 is underway but has not been approved. Therefore, the usual position as set out in the PPG does not relate to this appeal.

283. For the above reasons, despite compliance with Local Plan policy CC/4, water supply is a material consideration in this appeal.

Background

284. Water supply in Greater Cambridge is sourced almost entirely from chalk aquifers. The EA has raised concern regarding water supply issues. That appears to have been recognised at all levels of government, articulated most recently in the WMS December 2023 and March 2024 Publications and the Stantec report referred to by the EA. [138-141]

285. In respect of the rdWRMP, the EA's position is that even with successful delivery of its demand management options there is significant risk of deterioration of WFD waterbodies up until the Grafham Transfer option is delivered. This is due, they argue, to the planned level of growth, the increased requirements for abstraction and because the EA has limited confidence that the

²⁹ PPG - Water supply, wastewater and water quality, Paragraph: 016 Reference ID: 34-016-20140306

- demand management measures included in that draft would be effective based on CW's past performance. [138-141,142-146,187-191]
286. The EA considers that levels of abstraction in the Greater Cambridge area is adversely affecting water bodies. In addition, any increased abstraction would risk further deterioration, including to SSSIs. It considers that abstraction will have to be significantly reduced from the current licenced levels to safeguard flow and therefore the ecology of SWBs. To this end, licence caps to reduce deployable output are to be introduced in 2030. The EA has suggested that given the severity of the situation it is considering bringing those licence caps forward to 2025. [138-141]
287. To balance the reduced, capped water supply with anticipated growth in demand, in 2031/2032 a new supply through a transfer from Grafham water treatment works will be operational. However, until 2032, CW is reliant on demand management measures to reduce deployable output to capped levels. In addition, the rdWRMP relies on deferring some of the licence caps to meet demand up to the Grafham Transfer in 2032 [142-146,187-191]
288. The appellants plan that 480-600 homes would be occupied between 2028 to 2032. The EA submits that when the licence caps are operational (2030) until Grafham Transfer comes online (2032) the appeal development would add to any current adverse ecological impacts, which given the nature of the water supply in the region would be felt cumulatively and diversely. It submits a planning condition delaying occupation of the appeal development until Grafham Transfer is operational would allay its concerns. [59, 112-115,192-194]
289. Moreover, the EA considers that there is limited confidence that a further version of a CW WRMP can be relied upon to resolve the matter. That is due to its fundamental concerns regarding a sustainable water supply. In addition, it refers to CW's past performance in underestimating demand and that there has been insufficient delivery of demand management measures in previous WRMPs. [187-191]
290. The appellants take an alternative view on these matters. They consider that the EA does not present evidence to demonstrate that SWBs are currently suffering harm as a result of abstraction. [87-100] They submit that CW in the rdWRMP does not intend or plan for increased abstraction and that evidence does not substantiate the claim that increased abstraction imposes a risk of exacerbating existing deterioration in WFD terms. [82-86]
291. The appellants' position is that ultimately the WRMP process, subject to the approval of the Defra SoS will ensure that a WRMP will be in place that will provide for planned growth. [65-70] Given the need to have a WRMP in place in 2024, that will not delay development and therefore planning permission should be granted in the absence of any controls to ensure occupation is delayed either until Grafham is operational or a Defra approved WRMP is published. It does however agree to the imposition of a planning condition restricting occupation of the appeal development until publication of CW's WRMP24. [112-115]
292. The Council at Inquiry supported the EA objection, relying on that evidence. However, on publication of the March 2024 Publications, it accepted that the impacts of the proposed measures set out offer greater certainty that water could be sustainably supplied to the appeal site to 2032, reducing the risk of harm to

waterbodies from over abstraction. Supported by proposed planning conditions this could potentially reduce the conflict with Local Plan policy CC/7. [244-250]

293. In addition, in response to the Brookgate Decision, the Council accepted the DLUHC SoS's view that the March 2024 Publications should deliver water savings to meet future water needs, and as such matters relating to water supply and quality are neutral in the planning balance, notwithstanding the EA objection. It further accepted that delaying development until the Grafham Transfer is operational was not necessary. It also submitted that there can now be greater confidence in the adequacy of the WRMP process. [251-255]

294. The EA provides a number of different sources of evidence to substantiate its objection. The appellants comment on them. I deal with each of these below.

CW's Scenario Modelling [82-86,147]

295. The CW WRMP24 will forecast the combined level of customer demand and therefore the level of abstraction CW considers it will need to abstract to meet those demands.

296. Many of CW's abstraction licences presently allow a greater level of abstraction than is now deemed sustainable. The EA has identified that caps are required to the licensed quantities to remove the potential for abstraction leading to adverse environmental effects. (i.e. the historical level derived from the actual average abstraction 2010-2015 which is the NDB).

297. CW carried out a modelling exercise to underpin its WRMP. It modelled a number of scenarios to assess the level of abstraction required to meet planned growth. The change in flows in affected SWBs was then compared to the level of flow that sets the NDB to provide an assessment of the risk of deterioration.

298. The EA consider that this modelling indicates a high/medium risk of deterioration from CW abstraction pressure for six waterbodies until 2032, when Grafham Transfer will come online (was originally seven). The appellants consider it indicates a medium risk of deterioration to the Granta only.

Scenario Assessment

299. The EA considers that scenario S27, which is the future predicted scenario, best represents the abstraction anticipated in the rdWRMP. The appellants consider scenario S30 best represents anticipated abstraction as that reflects current rates based on abstraction from 2016 to 2021. Abstraction under scenario S27 is materially greater than under scenario S30 and therefore deterioration risk is greater. [81,149-155]

300. Whilst scenario S30 does appear to fit the rdWRMP stated intentions, not to increase abstraction to balance the supply/demand equation up to the Grafham Transfer, it is based on the assumption that abstraction post 2021 would be similar to abstraction 2016-21. It therefore does not take account of increases in abstraction due to planned growth from 2021 to 2025. CW actual abstraction was greater than that forecast in its WRMP14 and WRMP19. That has meant that CW has had to rebase its forecasts upwards. For these reasons I am unconvinced that scenario S30, which effectively models historic abstraction, best reflects anticipated abstraction under the rdWRMP. [89,149-155]

301. Scenario S27 takes account of growth post 2021-2025 (the start of the WRMP24). Given that scenario S28 is identical to scenario S27 but takes account of 50% effectiveness of WRMP measures, it seems reasonable to conclude that scenario S27 also takes full account of CW's rdWRMP demand management measures. [89,149-155]
302. I acknowledge that scenario S27 includes max peak rates for most other water companies and third parties. However, the use of max peak rates where other evidence is not available accords with EA guidance³⁰, although I accept that it does increase the likelihood of deterioration risk. [149-155]
303. CW considers, through its rdWRMP, that it has plans in place to maintain a sustainable water supply to meet all growth in demand, including schemes without permission. It aims to deliver water savings that exceed the increase in demand proposed from the forecasted growth, which would mean no baseline increase in demand and no increase in abstraction due to growth. In this way it aims to ensure no additional risk of deterioration. However, at this point, I am considering the modelling that underpins that document taking all planned growth into account. [82-86]
304. The limitations of the CW's modelling exercise are acknowledged. Neither scenario perfectly represents what is anticipated in the rdWRMP. However, for the reasons above, scenario S27 appears to be the most representative. [156-157]

CW Modelling Results [87-93,147-156]

305. Taking scenario S27, CW abstraction up to the Grafham Transfer would be above that required to avoid deterioration in WFD terms. The expected changes in flows indicate a medium/ high risk of deterioration to six water bodies. The list was originally seven, but it was agreed that Cat Ditch should be discounted³¹. Under scenario S30 the risk of deterioration is confined to a medium risk to the Granta (the appellants' case).
306. Another scenario, scenario S29 models the situation post Grafham Transfer. With identical inputs to scenario S27, abstraction under scenario S29 would be reduced to below current rates. It indicates a reduction in deterioration risk. That provides some indication of the contribution of CW abstraction to the deterioration risk identified.
307. Taking the six remaining SWBs of concern, in relation to the Little Ouse (Hopton to Sapiston Common), given that the outputs of scenario S27 are less than scenario S30 at Brettenham and Euston, it is likely that the risk modelled is not due to CW abstraction.
308. In relation to Bottisham Lode-Quy Water and Swaffham-Bulbeck Lode, the most recent WFD assessment indicates that the hydrological regime for neither has been assessed since 2015. That precludes meaningful comparisons with the regime in 2022. In addition, the EA agrees that the ecological quality elements (invertebrates) for Bottisham Lode is consistently good (2015-2022) and that for Swaffham high for the same period.

³⁰ Guidance on water resources investigations into the risk of WFD water body deterioration January 2018

³¹ Cat Ditch, Little Ouse (Hopton Common to Sapiston Confluence), Bottisham Lode-Quy Water, Swaffham-Bulbeck Lode, Granta, River Cam (Audley End to Stapleford) and Cam (Stapleford to Hauxton Junction)

309. Three SWBs remain where the EA believes that abstraction is currently a contributing factor to ecological pressure. Those are the Granta, River Cam (Audley End to Stapleford) and Cam (Stapleford to Hauxton Junction).
310. This evidence is in relation to the whole WRMP projected growth, not the appeal site or the appeal site cumulatively with existing and committed growth. However, taken on that basis it does demonstrate some deterioration risk as a result of WRMP anticipated abstraction, which includes the demand associated with the appeal site.

Hydroecological Modelling [94-100,159-162]

311. The EA presented a model, based on spatially paired hydrological and ecological data. It used macroinvertebrate samples collected between 1995 and 2020 for ten waterbodies (and fifteen sites) influenced by CW abstractions. For each macroinvertebrate site, river flow time series were derived from EA's groundwater models for historic, naturalised and fully licenced scenarios.
312. The macro invertebrate metrics LIFE and WHPT-ASPT were used to assess the effect of abstraction on ecology. Both metrics are widely used in the water resources community, including by the EA, to assess and report the ecological impacts of flow and abstraction.
313. The differences in scores between the flow scenarios aim to predict the degree of abstraction impacts. Those between naturalised and historic scenarios aim to show how the macroinvertebrate community would alter without artificial influences of abstractions and discharges. Those of the fully licenced scenario aim to show how metric scores would alter from increased abstraction if all licences were to operate at their fully licenced limit.
314. I am aware that CW is not anticipating abstracting all licences to fully licenced levels. However, the purpose of that scenario is to assess the potential impact of increased abstraction. In addition, the EA explained that a fully licenced scenario was used as that data was available, and whilst the naturalised scenario does not indicate a position the EA wishes to achieve, its purpose is to indicate the no abstraction/discharge scenario.
315. The three SWBs where the EA believes that abstraction is currently a contributing factor to ecological pressure generally showed lower LIFE and WHPT-ASPT metric scores under the historic flow scenario compared to the naturalised scenario. From 2015 there are occasions where the WFD metric WHPT-ASPT shows a decrease from high to good status indicating recent adverse macroinvertebrate impacts.
316. These results generally accord with the most recent WFD hydrological regime assessment results which indicate that the Cam and Granta did not support good ecological status or potential in 2015, 2016 and 2019.
317. At fully licenced levels, the modelling indicates adverse impacts to the fully licenced rates on seven SWBs³².

³² Cam (Audley End to Stapleford) and Cam (Stapleford to Hauxton Junction), Rhee (downstream of Wendy) Granta, Sapiston, Little Ouse (downstream of Sapiston confluence), Little Ouse (downstream of Swangey Fen)

318. The Cam (Audley End to Stapleford) and the Granta show instances of two class indicative macroinvertebrate WFD deterioration (high to moderate status) and LIFE score declines which indicate deterioration risk in those waterbodies. The remainder indicate instances of indicative suppression of LIFE scores, again indicating some deterioration risk.
319. The fully licenced scenario results accord with the results of the 2022 WFD hydrological regime assessment, which shows four water bodies reported as Band 3 hydrological regime failures and two waterbodies (both Cam) as Band 2 under the fully licenced abstraction scenario. That indicates that flow regimes would be insufficient to support WFD good ecological status or potential.
320. The EA suggests that this evidence directly links CW abstraction to adverse impacts on water bodies. However, that conclusion is somewhat confused by the taxonomic richness increase through the time series 2000 through to 2020. In particular, the data represents a general increase in taxa 2010-2015 (the NDB) and 2015-2020.
321. However, I am aware that the methodology has been used previously to assess ecological impact caused by flow alteration and has been the subject of numerous scientific publications³³. I am also aware that the sampling points may not represent the most sensitive areas within any watercourse, not all watercourses are included due to unavailability of data, and it is based on moderate flow conditions; all matters that indicate it is conservative in its results.
322. Notwithstanding this, I accept that other influences could impact the general increase in taxonomic scores observed, but critically those influences could also impact the trends observed between the various scenarios modelled. Whilst the impact of signal crayfish is accounted for in the methodology, that does indicate that other influences cannot be discounted. Moreover, the fully licenced scenario does not isolate CW abstractions or indeed the appeal development impacts. These matters diminish this evidence's ability to demonstrate a simple link between flow, taxonomic richness and CWs abstraction. For these reasons, I do not find it totally compelling.
323. All in all, notwithstanding my concerns, I note that the results generally accord with other evidence referred to by the EA. On that basis, I consider this evidence indicates 'trends of concern' and adds to the weight of other evidence presented by the EA.

Hydroecological Validation [107-110,157-158]

324. The EA presents evidence to demonstrate the relationship between flow pressure and abstraction using the LIFE macro invertebrate metric. It enables analysis of taxa sensitive to flows and those that are sensitive to other pressures such as water quality.
325. This evidence suggests that flow pressure is contributing to ecological impacts at two specific water bodies, Wendon Brook and Hoffer Brook. Both SWBs are in relatively good condition at present. Hoffer Brook has improved from good to high for biological quality elements 2014-2022 and Wendon Brook scores high for

³³ E.g. Bradley et al 2017 Lathouri et al 2021

the same period. Neither are shown to be at risk from the full WRMP24 abstraction in CW's modelling (scenario S27).

326. However, flow sensitivity is indicated. This suggests that flow pressure is contributing to ecological impacts and that an increase in abstraction pressure would have a negative ecological impact, including the potential loss of taxa which could result in a risk of deterioration in WFD status. Hoffer Brook relies on a water support scheme which is critical to maintaining the macroinvertebrate community.

2022 WFD Monitoring and Other Observations [79-81,163-166]

327. The EA points to the WFD Groundwater Quantitative Assessments which indicate that both of the underlying chalk groundwater bodies from which CW abstracts have a WFD status of poor. That indicates that the groundwater is not providing enough water to the SWBs and features that depend on them for baseflow at historical levels of abstraction.
328. In addition, it evidences that the hydrological regime in twelve of the SWBs it considers are influenced by CW abstraction, does not support good ecological status and raises concerns about the risk of increased abstraction at historic levels for a number of SSSIs, including Alder Carr.
329. In addition, it points to the 2022 WFD classifications that indicate 10 waterbodies influenced by CW abstraction have recorded deterioration of biological quality elements (2019-2022 change). All are chalk streams. Reasons for the apparent deterioration have not yet been investigated, due to the cyclical nature of WFD monitoring. Further investigations will take place in 2024/25. The EA advises that mitigation measures may be proposed.
330. Referring to the EA's Catchment Data Explorer summarising the EA's WFD compliance monitoring, of the SWBs identified by the EA as being affected by CW abstraction, most are HMWBs, in which case good ecological potential is sought, rather than good ecological status. However, I am satisfied that this should not excuse measures to prevent deterioration, which should be assessed in exactly the same way as for other water bodies.
331. All are currently either at moderate or good ecological potential/status, except for the Cam (Audley End to Stapleford), which is currently at poor ecological potential. In addition, the Catchment Data Explorer indicates that all but one has met their 2015 target or are yet to meet their 2027 deferred target.
332. Against the relevant 2015 baseline, whilst none of the SWBs of concern demonstrate a WFD deterioration in their overall class status, four SWBs have confirmed deterioration in one quality element or more. However, none of the reasons for deterioration are recorded as relating to water industry abstraction. Reasons listed include temperature changes and phosphates, with anthropogenic influences often of unknown sources. In addition, the impacts of climate change is not substantively accounted for, although any impacts are likely to exacerbate any identified trends.
333. Whilst WFD assessments indicate some in class deterioration, deterioration in WFD class status is not yet demonstrated. WFD reasons for deterioration have yet to be investigated. Until the outcome of those investigations, a clear link between the apparent deterioration and water abstraction pressure cannot be

confirmed. Whilst I do not have substantive evidence to conclude that through those further investigations deterioration due to abstraction will be confirmed, these are trends of concern in interim observations that indicate that action may be necessary.

Impact of Appeal Development [111,167-170]

334. To illustrate the impact of the appeal development alone, the EA assessed a scenario abstracting all the water required by the appeal development from a single licence, with the relevant licenced quantity available. Abstracting all of the water from the Fulbourn/Colville licences illustrated an 11.4% flow reduction for 600 homes and a 7.4% reduction for 480 homes at Q95 on the Granta.
335. Whilst the taxonomic consequences are not modelled, the EA indicated potential impacts on flow sensitive taxa at four monitoring stations on the Granta. That suggests potential impacts in several flow sensitive families with further reductions resulting in greater ecological impairment and the potential loss of some species for prolonged periods. That suggests a risk of WFD deterioration including to Brown Trout, which are a Natural Environment and Rural Communities Act 2006 Species of Principal Importance.
336. This is a theoretical assessment intended to give some demonstration of the appeal development's possible impacts and risk of WFD deterioration. However, it is based on a scenario of increased abstraction which does not accord with the strategic picture presented by CW in its rdWRMP. It assumes abstraction from one licence, which does not accord with the highly integrated nature of supply in the region. Further, it assumes abstraction from an already flow stressed watercourse, which seems unrealistic given CW's commitment to requirements under the WFD. Moreover, the appeal scheme is already taken account of in the WRMP modelling. All in all, it is a theoretical and highly precautionary exercise. The above matters limit the weight I accord it.

Conclusion on the Impact of the Proposed Development

337. Taking all matters into account, whilst I do not find all of the EA's evidence compelling, I am satisfied, overall, that the weight of evidence before the Inquiry suggests that abstraction pressure is contributing to ecological deterioration. However, there is insufficient evidence to fully understand the potential impact of the appeal development. It is common ground that the impact in terms of water demand will be felt cumulatively with abstraction also needed to serve other planned growth and it is not possible to isolate the exact location of abstraction serving the appeal proposal. However, the proposal would add to pressure on existing waterbodies and cumulatively add to any existing pressure on the ecology of SWBs.

The WRMP

338. Ultimately Defra is the determining authority in the WRMP regime, a separate legal process requiring that SoS's approval. It is common ground that in determining this appeal, I cannot determine or put my own view on the adequacy of the rdWRMP. [53, 101-104,121, 135-137,178-181, 217-221]
339. The WRMP approval process under the WIA is most likely to result in a Defra approved CW WRMP24, given CW's statutory duties. That would be the case even given the EA's fundamental concerns regarding its ability to currently

- demonstrate a sustainable water supply. However, the EA has expressed further concern regarding the uncertainty around its timing and content, including reliance on enhanced water efficiency measures. [103,179-181,220]
340. Given that CW published its current WRMP in 2019, the WIA dictates that CW must have a published WRMP in place in 2024. The appeal development is proposed to start build out in 2027. Given the scale of development proposed, the significant amount of pre-development planning and other work yet to be undertaken, I consider that timeline to be the very earliest development would be likely to commence. That means the earliest occupation would be in 2028. Whatever the build start date after 2027, a published WRMP agreed by Defra, with input from the EA, is most likely to be in place prior to development commencing on site. [59, 112-115, 117, 197]
341. I acknowledge the EA's concerns regarding the total abstraction anticipated by the CW scenario modelling and its concerns regarding CW's past performance. However, since the conclusion of this Inquiry, there have been significant changes to the CW WRMP landscape. [39-42]
342. The March 2024 Publications, together, acknowledge that CW's rdWRMP was not able to satisfactorily demonstrate that there was enough water to supply growth contained in the new emerging joint Local Plan without risk of deterioration of the local water environment, including chalk streams. [39-42,119-122,126,119-200,244-250]
343. The March 2024 Publications announced significant investment in the development of a water credits market to supplement and potentially accelerate delivery of the water management measures to meet all of the area's future water needs being promoted by CW in its WRMP. It confirms that modelling undertaken by DLUHC demonstrates that the measures announced should deliver water savings that are sufficient to address concerns raised around sustainable water supply to the Cambridge area. It confirms also that ongoing monitoring will aim to ensure that the savings are realised to an agreed timescale, which addresses EA concerns regarding the efficacy of measures in a CW WRMP. [205]
344. Those measures sit alongside wider communications to reduce water use in the area, the establishment of a Water Scarcity Working Group to tackle water resource stress, significant government funding and measures in the previous WMS (December 2023) encouraging LPAs to work with the EA and delivery partners to agree tighter water efficiency standards for new development. [39-42, 119-122,199-200,244-250]
345. Together, those measures provide assurance that mechanisms at all levels are being put in place to ensure that the necessary supply and demand management measures in a future WRMP will ensure a positive water supply/ demand balance and avoid adverse impacts on water bodies.
346. I acknowledge the possible deficiencies in the version of the rdWRMP24 which was before the Inquiry. However, another revised version is now with Defra for consideration. Whilst the proposals in that revised version are still to be tested, the government confirms, in the March 2024 Publications that it is confident that the availability of a sustainable water resource need not be an impediment to the consideration of planning permissions for development envisaged in Local Plans. [77-78,142-157]

347. The appeal site is an allocated site in the Local Plan. I have concluded that a Defra agreed and published WRMP is most likely to be in place before development commences in 2027. [59-60] I acknowledge the DLUHC SoS conclusions on the Brookgate Decision, that the WRMP process together with the supporting measures announced in the December 2023 WMS and the March 2024 Publications indicate that the WRMP process will be sufficiently robust to ensure a sustainable supply of water to the appeal development, particularly until the Grafham Transfer is operational in 2032. Therefore, there is a strong expectation that CW will be able (through its WRMP) to deliver a supply of water sufficient to meet the needs of the appeal development without placing a requirement to increase abstraction and so lead to risks to the environmental quality of waterbodies. [39-42,119-122]
348. On that basis, together with proposed mitigation secured through suggested planning conditions, I conclude that the appeal development would not have an adverse impact on the demand for potable water use and associated abstraction. It therefore would not result in risk of deterioration to waterbodies in the Greater Cambridge area and would accord with Local Plan policy CC/7. That policy states that the quality of ground, or surface water bodies will not be harmed. [75,233-235]
349. In addition, on the basis of the above conclusion, the appeal development would not result in an adverse impact on any protected habitats, including SSSIs. It would therefore accord with Local Plan policy NH4, which requires development to maintain, enhance, restore, or add to biodiversity. It would also accord with NPPF paragraphs 174, 175, 179, and 180, which seek to ensure new development proposals help or improve local environmental conditions including in relation to water and should protect biodiversity and ecological networks. [61-64,195-196,233-245].
350. It would also support the achievement of the environmental objectives in the WFD and secure compliance with the requirements of the WFD Regulations. Further, it would not harm the conservation and enhancement of biodiversity in this regard, and the conservation and enhancement of features of SSSIs. [196]
351. If on review of the WRMP process, the DHLUC SoS concludes that water demand would have unacceptable consequences for water supply and quality, he may wish to consider imposing an additional planning condition that would delay the occupation of the development until the Grafham Transfer is operational. The suggested wording for that condition is included at the end of Annex C. [192-194,197,237-243]
352. The appellants' have suggested an alternative planning condition to prevent occupation of the appeal development until CW has published a Defra agreed WRMP24. Given my conclusions on the CW WRMP24 process underway and the measures set out in the December 2023 WMS and March 2024 Publications, that condition is unnecessary. However, should the DLUHC SoS take an alternative view suggested wording is again included at the end of Annex C. [112-115, 194,231]
353. The imposition of either condition could cause delay in the delivery of the benefits of the appeal, particularly the delivery of new homes, schools, open space and related infrastructure, which would need to be assessed in applying any such condition. In addition, the appellants' condition would need to be

- assessed against any concerns regarding the timing, content or deliverability of measures within a CW WRMP [112-115,117,192-194]
354. In coming to my conclusion on this matter, I have had regard to authorities drawn to my attention and have come to my conclusions accordingly.
355. The appellants refer to *the An Taisce case*³⁴ where it was concluded that a planning decision maker should assume that regulatory regimes operate effectively. [104,183,219-223]
356. They also refer to *Together against Sizewell C and Gateshead*³⁵. That demonstrates that it is appropriate for a planning decision maker to consider water supply as a material consideration and in so doing it is appropriate to assess potentially viable solutions in a draft WRMP. [104,184-186,219,223]
357. In this respect in coming to my conclusions, I have had regard to the rdWRMP24, together with the measures in the December 2023 WMS and March 2024 Publications. I have assessed their potential to offer a viable solution to the issues of water supply to the appeal development.

Other Matters

358. In coming to my conclusions on this appeal, I have had regard to the recent Brookgate Decision. Whilst relating to a different site and proposals, in the context of the March 2024 Publications, the DLUHC SoS considered that proposal would accord with Local Plan policies CC/4 and CC/7, and with national policy on water use and supply. On that basis he concluded that the appeal development would not have an unacceptable consequence on water supply and quality. My conclusions, generally accord with that Decision. [123-126,201-205,251-255]
359. In coming to some different conclusions on the EA's position in relation to this appeal, I am aware that the EA was not a Rule 6 party to the Brookgate appeal, and I have different evidence to that which was before the Brookgate Inspector, particularly in relation to the CW modelling. [123-126,201-205,251-255]
360. The appeal development is proposed to be accessed via the spine road approved as part of Darwin Green 1, connecting to the B1049 Cambridge Road in the east, and connecting to Huntingdon Road via the street network within Darwin Green 1. The Huntingdon Road and Cambridge Road junctions have been designed to accommodate traffic from the whole of the Darwin Green development. On the basis of the proposed access arrangements and the junction designs, I have no reason to take an alternative view to the Council, that proposed access arrangements are acceptable. [258]
361. The layout and hierarchy of streets indicated on the movement and access parameter plan include a logical hierarchy of streets, the details of which will be defined through the design code. It includes shared spaces, pedestrian routes and cycle ways. [258]
362. Planning obligations would secure cycle and pedestrian improvements to the A14/ Cambridge Road, which could include a link over the A14, a pedestrian/

³⁴ *R (An Taisce) v SSECC [2014] EWCA Civ 1111*

³⁵ *Together Against Sizewell C case and the principles set out in Gateshead MBC v Secretary of State for the Environment [1995] Env LR 37, [1994] 1 PLR 8515.*

- cycle link to meet the Thornton Close footpath and a financial contribution to deliver cycle/pedestrian improvements which could be used to connect to Thornton Way and Wellbrook Way. Together with the funding for a regular bus route, and provision of a travel plan based on the submitted interim travel plan, I am content that the proposed development would link well to the surrounding areas, including Girton, and prioritise active forms of transport. [258]
363. Based on the traffic modelling and transport assessment, and proposed measures outlined above, I have no reason to take an alternative view to the Council that the proposed development would result in a modal shift away from the private car resulting in an overall neutral impact on surrounding traffic flows and would accord with Local Plan policy SS/2. [258]
364. Whilst the appeal proposal does not include greywater harvesting, it does include a commitment to BREEAM excellent for all public buildings and very good for schools. The measures proposed would exceed the standards set out in Local Plan policy CC/4. Given my findings on the main issues in this case, this matter does not weigh against the appeal development. [258]
365. Detailed design and tree planting, controlled by the submission of a design code, would help to mitigate harmful impacts of traffic noise and air quality due to the busy roads near the proposed country park. No substantive evidence is before me to indicate that traffic noise or air quality in the proposed country park would be unacceptable with those measures in place. [258]
366. NE rely on the EA's evidence. Given my findings on the main issues in this appeal, risk of adverse impacts on water dependent designated sites and other important habitats would not be a consequence of the appeal development. [264]
367. The site is located within a landscape of high archaeological significance. The appellants' archaeological assessment identifies non-designated heritage assets of archaeological interest, including four concentrations of Middle to Late Iron Age activity, a late Iron Age enclosure, an area of dispersed Iron Age and Roman activity and field systems and associated agricultural features of Roman date. Built heritage assets include an area of Medieval ridge and furrow and post Medieval Impington and Woodhouse Farms.
368. There is a high potential for remains dating from the Iron Age, Roman and Medieval periods. The significance of any remains found would be reliant on their archaeological interest and evidential value to potentially contribute to local and regional research agendas. The Medieval ridge and furrow earthworks in the Northeast of the site also have the potential to have aesthetic value, as a rare survival of a once common landscape feature in this part of Cambridgeshire.
369. The appeal site forms part of the wider Prehistoric and Roman landscape which contains major routeways, cemeteries, farmsteads and higher status settlements. Some of these settlements are likely to have their origins within the Iron Age. Remains would increase understanding of this part of the landscape to the north-west of Cambridge and add to existing knowledge.
370. Whilst the potential for Anglo-Saxon remains is low, should they be encountered their significance could be of greater than local importance due to their potential relationship with the nearby cemetery at Girton College.

371. Development impacts from groundworks and excavation and the formation of associated infrastructure have the potential to result in extensive impacts to surviving archaeological remains. A programme of archaeological recording secured by suggested planning conditions could help mitigate impacts where preservation in situ could not be achieved.
372. The archaeological and built heritage impact of the development represents less than substantial harm. Further work at the detailed design stage, including preservation in-situ and retention of some existing buildings would help mitigate the impact of the proposals.
373. The appeal development would provide substantial public benefits, including the provision of housing, education facilities, and other uses and facilities. Those benefits, as set out in paragraph 8.45 of the SoCG (general), when taken together, would comfortably outweigh any likely impact on non-designated heritage assets applying NPPF paragraph 209. In that respect it would accord with Local Plan policy NH/14 which seeks to sustain and enhance the significance of heritage assets as appropriate to their significance and in accordance with the NPPF.

Planning Obligation

374. An executed unilateral undertaking is before me. The Council and County Council have confirmed that they are satisfied with many of its provisions. Where there is dispute between the parties, I have come to my own conclusions based on the evidence.
375. I am required to assess whether they are necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind.³⁶
376. Provisions provide for 40% on site affordable housing with a tenure split of 70% affordable rented or social rented and 30% shared ownership, in accordance with Local Plan policy H/10. Self and custom build units are to be provided in accordance with Local Plan policy H/9, necessary to ensure the proposed development contributes to meeting local housing needs and contributes to the creation of a mixed and balanced community. The provisions meet the necessary tests. [258]
377. Similarly, on site open space, including informal open space, outdoor sports provision, play space and allotments, as well as their ongoing management and maintenance are provided. Community use of the school sports facilities is also included. Those provisions accord with the requirements of Local Plan policies SC/7, which deals with open space provision, Local Plan policy SS/2, which sets out requirements for development of the site allocation, and the Council's Open Space and New Dwellings Supplementary Planning Document. The requirements are necessary to ensure a high quality development that meets the needs of future residents and meet the necessary tests. [258]
378. The provision of an on-site community facility, including a temporary facility to meet the needs of early residents, of appropriate sizes to meet the need generated by the proposed development would accord with Local Plan policy

³⁶ Regulation 122 Community Infrastructure Regulations 2010 (as amended) (CIL Regulations)

- SC/6. That sets out requirements for indoor community facilities. Justification for the size of both facilities, plus a financial contribution towards the cost of fit out draws on the Council's recent experience providing similar facilities. Overall, those provisions meet the tests set out above.
379. A financial contribution towards expansion of health care provision at Darwin 1 or within the Primary Care Network accords with Local Plan policy SC/4, which deals with meeting community needs. The Agreement also allows for use of part of the community facility for health care use. The provisions, including contributions, have been justified on the basis of calculations provided by NHS England. The provisions meet the necessary tests. [258]
380. In terms of education, provisions include serviced sites for a two form entry primary school and six form entry secondary school within the development, together with proportionate financial contribution towards startup costs. Provisions, including financial contributions are justified by the application of the County Council's standard methodology and accord with Local Plan policy SC/4, which deals with meeting community needs. As a shortage of early years education and childcare places in this locality is identified, the Agreement requires submission of a nursery strategy to provide for early years should the strategy identify an additional on-site capacity requirement, all in accordance with Local Plan policy SC/4. The provisions meet the necessary tests. [258]
381. Turning to highway matters, a bus service contribution is required to ensure the development promotes non-car forms of transport. A service every 30 minutes from the proposed development into the city centre is required to include a route along the spine road of the proposed development. It was proposed to extend the bus route from Darwin 1 into the proposed development and therefore contributions to subsidise and establish it were requested from the proposed development for a two year period. [258]
382. However, it has come to light that to ensure a 30 minute city centre service, from the appeal development an additional bus will be required. That is most likely to be a standalone service rather than an extension to the Darwin 1 bus route. As the phasing of the proposed development has not been defined and I have no assurance on the build out rate of either Darwin 1 or the appeal development, it is possible that the bus funding contributions from Darwin 1 and the proposed development will apply at different times. [258]
383. Overall, therefore, even though some of the proposed development will be within a 5 minute walk of an existing bus stop, which is likely to include those in the early phases, a separate contribution for a five year subsidy for a bus service would be justified to ensure its sustainability. Details of the funding and establishment of bus services in developments elsewhere, whilst they provide useful context, are not determinative in this matter. Whilst it is unfortunate that this request came late in consideration of the appeal application, given that the transport modelling underpinning this appeal relies heavily on bus travel reducing car trips, such measures are necessary to avoid unacceptable impacts on the road network, including two site accesses and to ensure accordance with Local Plan policy TI/2. The provisions meet the necessary tests. [258]
384. An obligation to deliver and fund a scheme of off-site improvements to pedestrian and cycle links in the vicinity of the appeal site, could include links from Wellbrook Way and Thornton Close. That would help to promote active

- forms of transport from Girton and address concerns of interested parties in this regard. That is in addition to a pedestrian and cycle link to connect with that existing at Thornton Way, all of which are necessary to accord with Local Plan policies TI/2 and SS/2. The calculation of the financial contribution has been explained and overall the obligations pass the relevant tests. [258]
385. A public art strategy and funding is required to ensure the integration of public art into a high quality development, in accordance with Local Plan policy HQ/2, which deals with public art in new development. The calculation of the financial contribution is based on the Council's recent experience of similar developments and is fairly and reasonably related in scale and kind. Overall, the requirement passes the above tests.
386. Provision of a hard standing for waste recycling banks in an accessible location within the proposed development is required. A financial contribution to ensure cardboard skips are provided to enable disposal of cardboard when initial residents move in is necessary to meet the requirements of Local Plan policy SS/4. I am satisfied that the justification for the financial contribution based on the costs of skips is reasonably related to the development and overall these obligations pass the above tests. [258]
387. The provision, maintenance and monitoring of an off-site skylark compensation strategy is necessary to ensure that the proposed development maintains, enhances and restores the biodiversity of the appeal site, in accordance with Local Plan policy NH/4 and in all other respects passes the necessary tests. [258]
388. A whole range of other financial contributions are required to ensure that the development is acceptable in planning terms. Those include contributions towards the provision of burial space in the Parish of Girton, equipment and initial staff costs for a childrens' centre to be accommodated in the community facility, funds to ensure a multi-agency community development approach, including to kick start community groups, activities, projects and events, including sport and youth work. To support a healthy community, contributions towards health visitors, family workers, mental health counselling services, and to deliver elements of the NHS Healthy New Town initiative are necessary. [258]
389. A contribution towards the cost of household waste bins, their collection and improvements to facilities at Milton Household Recycling Centre are necessary to meet the needs of the development. Funding towards library facilities will ensure their availability to residents of the development. Upgrading the drainage of the secondary school sports facilities to enable a more intensive use by both the community and the schools is required to meet the needs of the community. A contribution towards the provision of a swimming pool facility in the locality will again provide for the needs of the new community. [258]
390. Monitoring of the travel plan is required to ensure that it is effective. A one-off sum, based on both the Council's and County Council's previous experience, is included. Given the number and complexity of the obligations such financial contributions should rightfully be secured by a planning obligation and would therefore pass the relevant tests. [258]
391. For each contribution a policy requirement is provided. There is transparency as to how each has been calculated, whether the application of a standard methodology, bespoke cost or previous experience of similar development, along

with confirmation of where the monies would be spent. In each case therefore the proposed contributions sought are justified and meet the CIL tests set out above.

Planning Balance

392. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out, that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise. In this case, I have no reason to determine that regard should not be had to the Development Plan.

393. I have concluded that the appeal development would accord with the requirements of Local Plan policy SS/2 which allocates the site, it would exceed the water efficiency requirements set out in Local Plan policy CC/4 and would meet the requirements in Local Plan policy CC/7 and policy NH/4. In addition, it would also accord with NPPF174, 175, 179, and 180. It would also accord with Local Plan policy NH/14, relating to heritage assets. On this basis, I conclude that the appeal development accords with the Development Plan when read as a whole.

394. Overall, I consider that the other material considerations, indicate that this appeal should not be determined other than in accordance with the Development Plan. I therefore recommend that the appeal succeeds.

RECOMMENDATION

395. I recommend that the appeal be allowed and planning permission granted subject to conditions set out in annex C to this report.

R Barrett

INSPECTOR

ANNEX A APPEARANCES**FOR THE COUNCIL:**

Mr Jack Parker instructed by Keith Barber Legal Services 3C Shared Services	
He Presented:	
Mr Guy Wilson MRTPI (planning)	Principal Planner

FOR THE APPELLANT:

Mr Christopher Boyle KC instructed by Osborne Clarke LLB	
He presented:	
Dr Paul Bond PhD MSc BSc (Hons) CSci MEnvSc MCIEEM (water resources)	Associate Sustainability Consultant in the Infrastructure & Environment Group at Hilson Moran Partnership Ltd
Mr Michael Derbyshire BA (Hons) MRTPI (planning)	Head of Planning Bidwells LLP

THE R6

Mr Ned Westaway instructed by the EA Legal Services	
He presented:	
Mr Tom Nichols MSc BSc (water resource planning)	Senior Officer in the National Operations Catchment Services Water Resources Team
Mr Iain Page MSc BSc (Hons) MCIWEM C.WEM (sustainable abstraction)	Water Resources Specialist in the Integrated Environmental Planning Team East Anglia Area
Ms Nina Birkby MSc, BSc (Hons) CBiol MRSB MCIEEM (ecological Impacts)	Senior Environmental Monitoring Officer (Senior Freshwater Ecologist)

	in the Analysis and Reporting Team for East Anglia Area
Mr Drew Constable MSc BA (Hons), MCIEEM (hydro ecological modelling)	Senior Environmental Monitoring Officer (Senior Freshwater Ecologist) in the Analysis and Reporting Team for East Anglia Area
Mr Liam Robson BSc (Hons) (planning)	Planning Specialist EA

RTD S.106

Council	
Mr Guy Wilson	Principal Planner
Ms Vanessa Blane	Senior Planning Solicitor
County Council	
Ms Carolyn Beckwith	Principal Solicitor Pathfinder Legal
Mr Tam Parry	Transport Officer
Mr Stuart Clarke	Transport Officer
Mr Jez Tuttle	Transport Assessment Manager
Appellant	
Mr John Baird	Senior Associate Osborne Clarke
Mr Ben Naish	Senior Associate Osborne Clarke
Mr Edward Long	Senior Associate Birketts (Landowners)

ANNEX B DOCUMENT LISTS***Documents submitted during the Inquiry***

IQ 1	Appeal drawings
IQ2	Schedule of suggested planning conditions (v2)
IQ3	Hard copy of EA graphs (submitted in email dated 15 January 2024)
IQ4	Catchment Data Explorer extracts
IQ5	Local Plan reference document
IQ6	Appellant's opening submissions
IQ7	EA's opening submissions
IQ8	Council's opening submissions
IQ9	Glossary of terms used by EA witnesses
IQ10	Updated CD list
IQ11	Table of waterbodies with deterioration indicating changes 2019-2022 (summary of evidence in EA10.2c)
IQ12	Guidance Document No.24 River Basin Management in a Changing Climate
IQ13	Schedule of suggested planning conditions (v3), tracked changes version and appellants' written agreement to pre-commencement conditions
IQ14	Extract from WMS 19 December 2023 The Next Stage in Our Long Term Plan for Housing Update
IQ15	Extract from PPG regarding water supply, wastewater and water quality considerations for planning applications
IQ16	s.28G Statutory undertakers, etc general duty Wildlife and Countryside Act 1981 c.69
IQ17	s.40 Duty to conserve and enhance biodiversity Natural Environment and Rural Communities Act 2006
IQ18	EA suggested phasing planning condition
IQ19	Revised CIL compliance statement dated 24 January 2024 plus County Council Cost Calculations

IQ20	Schedule of suggested planning conditions (v4) tracked changes and clean version
IQ21	Letter from Community Fire Safety Group to Greater Cambridge Shared Planning regarding provision of water supplies for firefighting
IQ22	List of s106 RTD participants
IQ23	Statement regarding storage of Inquiry recording agreed between Council and appellant
IQ24	Appellant statement regarding bus service contributions
IQ25	County Council statement regarding bus service contributions
IQ26	Final wording of s106 Agreement
IQ27	Final CIL compliance statement (V4)
IQ28	Appellants' costs application against EA and Council
IQ29	EA's Closing Submissions
IQ30	Council's closing submissions
IQ31	Appellants' closing submissions
IQ32	EA's response to appellants' costs application
IQ33	Council's response to appellants' costs application
IQ34	Certified copy of s106 Agreement (received after close of Inquiry)

Other key documents

KD1	Signed SoCG (general matters) between Council and appellants
KD2	Signed SoCG (Water Resources) between Council, appellants and R6
KD3	Schedule of suggested planning conditions (setting out areas of disagreement)
KD4	CIL compliance statement
KD5	Certified s106 Agreement

Proofs of Evidence

Appellant	
APP1	Summary, proof, appendices of Ms Wright (adopted by Mr Derbyshire) (planning)
APP2	Statement of Mr Derbyshire (planning)
APP3	Summary, proof, appendices and rebuttal of Mr Bond (water resources)
APP4	Appellant's costs application

District Council	
LPA1	Summary and proof Mr Wilson
LPA2	Council's response to costs application

EA	
EA1	Summary, proof and appendices Mr Nicholls (water resource planning)
EA2	Summary, proof and appendices Mr Page (sustainable abstraction)
EA3	Summary, proof and appendices Ms Birkby (ecological Impacts)
EA4	Summary, proof and appendices Mr Constable (hydroecological modelling)
EA5	Summary, proof and appendices (Mr Robson) (planning)
EA6	EA response to appellants' costs application

Core Documents (as agreed between the parties)

CORE DOC REF	TITLE	DRAWING/ DOCUMENT REF	DATAROOM FOLDER NUMBER
1. APPLICATION DOCUMENTS AND PLANS			
CD1.01	Full Application Form	20 May 2022	1. Application Documents and Plans
CD1.02	Outline Application Form	20 May 2022	1. Application Documents and Plans
CD1.03	Planning Application Cover Letter	5 May 2022	1. Application Documents and Plans
CD1.04	Planning Statement	25 April 2022	1. Application Documents and Plans
CD1.05	Location Plan Rev P1 A3 size	18112_07_01 P1 4 May 2022	1. Application Documents and Plans
CD1.06a	Design and Access Statement Part 1 of 10	9 May 2022	1. Application Documents and Plans
CD1.06b	Design and Access Statement Part 2 of 10	9 May 2022	1. Application Documents and Plans
CD1.06c	Design and Access Statement Part 3 of 10	9 May 2022	1. Application Documents and Plans
CD1.06d	Design and Access Statement Part 4 of 10	9 May 2022	1. Application Documents and Plans
CD1.06e	Design and Access Statement Part 5 of 10	9 May 2022	1. Application Documents and Plans
CD1.06f	Design and Access Statement Part 6 of 10	9 May 2022	1. Application Documents and Plans
CD1.06g	Design and Access Statement Part 7 of 10	9 May 2022	1. Application Documents and Plans
CD1.06h	Design and Access Statement Part 8 of 10	9 May 2022	1. Application Documents and Plans
CD1.06i	Design and Access Statement Part 9 of 10	9 May 2022	1. Application Documents and Plans
CD1.06j	Design and Access Statement Part 10 of 10	9 May 2022	1. Application Documents and Plans
CD1.07a	Environmental Statement Volume 1 – Main Report	May 2022	1. Application Documents and Plans

CD1.07b	Environmental Statement Volume 3 – Non-technical Summary	May 2022	1. Application Documents and Plans
CD1.08a	Environmental Statement Appendix 2.1 Scoping Request Part 1 of 2	August 2019	1. Application Documents and Plans
CD1.08b	Environmental Statement Appendix 2.1 Scoping Request Part 2 of 2	August 2019	1. Application Documents and Plans
CD1.09	Environmental Statement Appendix 2.2 Scoping Opinion	September 2019	
CD1.10a	Environmental Statement Appendix 5.1 Plans and Drawings A1 size Part 1 of 9 Illustrative Landscape Masterplan	4 May 2022	1. Application Documents and Plans
CD1.10b	Environmental Statement Appendix 5.1 Plans and Drawings Part 2 of 9 Location Plan A1 size	4 May 2022	1. Application Documents and Plans
CD1.10c	Environmental Statement Appendix 5.1 Plans and Drawings Part 3 of 9 Demolition Plan	4 May 2022	1. Application Documents and Plans
CD1.10d	Environmental Statement Appendix 5.1 Plans and Drawings Part 4 of 9 Land Use A1 size	4 May 2022	1. Application Documents and Plans
CD1.10e	Environmental Statement Appendix 5.1 Plans and Drawings Part 5 of 9 Movement and Access A1 size	4 May 2022	1. Application Documents and Plans
CD1.10f	Environmental Statement Appendix 5.1 Plans and Drawings Part 6 of 9 Landscape Framework A1 size	4 May 2022	1. Application Documents and Plans

CD1.10g	Environmental Statement Appendix 5.1 Plans and Drawings Part 7 of 9 Building Heights A1 size	4 May 2022	1. Application Documents and Plans
CD1.10h	Environmental Statement Appendix 5.1 Plans and Drawings Part 8 of 9 Urban Design A1 size	4 May 2022	1. Application Documents and Plans
CD1.10i	Environmental Statement Appendix 5.1 Plans and Drawings Part 9 of 9 Illustrative Masterplan A1 size	4 May 2022	1. Application Documents and Plans
CD1.11a	Environmental Statement Appendix 5.2 Outline CEMP Part 1 of 2	April 2022	1. Application Documents and Plans
CD1.11b	Environmental Statement Appendix 5.2 Outline CEMP Part 2 of 2	April 2022	1. Application Documents and Plans
CD1.12	Environmental Statement Appendix 7.1 Definition of Air Quality in Terms of Units		1. Application Documents and Plans
CD1.13	Environmental Statement Appendix 7.2 Low Emission Strategy		1. Application Documents and Plans
CD1.14	Environmental Statement Appendix 7.3 Scoping Correspondence Email Redacted	17 November 2021	1. Application Documents and Plans
CD1.15	Environmental Statement Appendix 7.4 Dust Risk Assessment Procedures		1. Application Documents and Plans
CD1.16	Environmental Statement Appendix 7.5 Receptor Location Plan		1. Application Documents and Plans
CD1.17	Environmental Statement Appendix 7.6 Traffic Data		1. Application Documents and Plans

CD1.18	Environmental Statement Appendix 7.7 Verification of Air Quality Model		1. Application Documents and Plans
CD1.19	Environmental Statement Appendix 7.8 Location of AQMAs		1. Application Documents and Plans
CD1.20	Environmental Statement Appendix 7.9 On Site Monitoring Report Nitrogen Dioxide Survey	May 2019	1. Application Documents and Plans
CD1.21	Environmental Statement Appendix 7.10 Results of Air Quality Modelling		1. Application Documents and Plans
CD1.22	Environmental Statement Appendix 7.11 Air Quality Control Measures for Low, Medium and High Risk Sites		1. Application Documents and Plans
CD1.23	Environmental Statement Appendix 8.1 Geographical Survey Report	October 2013	1. Application Documents and Plans
CD1.24a	Environmental Statement Appendix 8.2 Archaeological Evaluation Report Part 1 of 2	July 2019	1. Application Documents and Plans
CD1.24b	Environmental Statement Appendix 8.2 Archaeological Evaluation Report Part 2 of 2	July 2019	1. Application Documents and Plans
CD1.25	Environmental Statement Appendix 8.3 Archaeological Desk-based Assessment	February 2022	1. Application Documents and Plans
CD1.26	Environmental Statement Appendix 8.4	April 2022	1. Application Documents and Plans

	Cultural Heritage Statement		
CD1.27	Environmental Statement Appendix 9.1 Ecology Baseline Report	March 2022	1. Application Documents and Plans
CD1.28	Environmental Statement Appendix 9.2 Biodiversity Net Gain Report	April 2022	1. Application Documents and Plans
CD1.29	Environmental Statement Appendix 9.3 Skylark Mitigation Report	February 2022	1. Application Documents and Plans
CD1.30a	Environmental Statement Appendix 10.1 Flood Risk Assessment Part 1 of 3	April 2022	1. Application Documents and Plans
CD1.30b	Environmental Statement Appendix 10.1 Flood Risk Assessment Part 2 of 3	April 2022	1. Application Documents and Plans
CD1.30c	Environmental Statement Appendix 10.1 Flood Risk Assessment Part 3 of 3	April 2022	1. Application Documents and Plans
CD1.31	Environmental Statement Appendix 10.2 Drainage Strategy Report	April 2022	1. Application Documents and Plans
CD1.32	Environmental Statement Appendix 11.1 Health and Wellbeing Policy		1. Application Documents and Plans
CD1.33	Environmental Statement Appendix 11.2 Health Impact Assessment Scoping Report	June 2020	1. Application Documents and Plans
CD1.34	Environmental Statement Appendix 11.3 Public Health Profiles		1. Application Documents and Plans

CD1.35	Environmental Statement Appendix 12.1 Phase 1 Environmental Risk Assessment	March 2006	1. Application Documents and Plans
CD1.36a	Environmental Statement Appendix 12.2 Geo-environmental Site Assessment Part 1 of 9	February 2022	1. Application Documents and Plans
CD1.36b	Environmental Statement Appendix 12.2 Geo-environmental Site Assessment Part 2 of 9	February 2022	1. Application Documents and Plans
CD1.36c	Environmental Statement Appendix 12.2 Geo-environmental Site Assessment Part 3 of 9	February 2022	1. Application Documents and Plans
CD1.36d	Environmental Statement Appendix 12.2 Geo-environmental Site Assessment Part 4 of 9	February 2022	1. Application Documents and Plans
CD1.36e	Environmental Statement Appendix 12.2 Geo-environmental Site Assessment Part 5 of 9	February 2022	1. Application Documents and Plans
CD1.37a	Environmental Statement Appendix 12.2 Geo-environmental Site Assessment Part 6 of 9	February 2022	1. Application Documents and Plans
CD1.37b	Environmental Statement Appendix 12.2 Geo-environmental Site Assessment Part 7 of 9	February 2022	1. Application Documents and Plans
CD1.37c	Environmental Statement Appendix 12.2 Geo-environmental	February 2022	1. Application Documents and Plans

	Site Assessment Part 8 of 9		
CD1.37d	Environmental Statement Appendix 12.2 Geo-environmental Site Assessment Part 9 of 9	February 2022	1. Application Documents and Plans
CD1.37e	Environmental Statement Appendix 12.2 Supplementary Site Assessment Part 1 of 4	February 2022	1. Application Documents and Plans
CD1.37f	Environmental Statement Appendix 12.2 Supplementary Site Assessment Part 2 of 4	February 2022	1. Application Documents and Plans
CD1.37g	Environmental Statement Appendix 12.2 Supplementary Site Assessment Part 3 of 4	February 2022	1. Application Documents and Plans
CD1.37h	Environmental Statement Appendix 12.2 Supplementary Site Assessment Part 4 of 4	February 2022	1. Application Documents and Plans
CD1.38	Environmental Statement Appendix 13.1 Baseline Mapping	27 July 2022	1. Application Documents and Plans
CD1.39	Environmental Statement Appendix 13.2 ZTV Mapping	16 February 2022	1. Application Documents and Plans
CD1.40	Environmental Statement Appendix 13.3 Existing Views		1. Application Documents and Plans
CD1.41	Environmental Statement Appendix 13.4 Parameter Plan Visualisations		1. Application Documents and Plans
CD1.42	Environmental Statement Appendix 13.5 Technical	February 2022	1. Application Documents and Plans

	Methodology, Photography, 3D Modelling and Visualisations		
CD1.43	Environmental Statement Appendix 13.6 Email Correspondence with SCDC regarding Viewpoint Assessment	February 2020	1. Application Documents and Plans
CD1.44	Environmental Statement Appendix 13.7 Townscape Study Plan Cambridge Green Belt Study		1. Application Documents and Plans
CD1.45	Environmental Statement Appendix 13.8 Lighting Impact Assessment	April 2022	1. Application Documents and Plans
CD1.46	Environmental Statement Appendix 14.1 Noise Definitions		1. Application Documents and Plans
CD1.47	Environmental Statement Appendix 14.2 Scoping Correspondence	November 2021	1. Application Documents and Plans
CD1.48	Environmental Statement Appendix 14.3 Noise Measurement Data		1. Application Documents and Plans
CD1.49	Environmental Statement Appendix 14.4 Noise Receptor Location Plan		1. Application Documents and Plans
CD1.50	Environmental Statement Appendix 14.5 Noise Contours		1. Application Documents and Plans
CD1.51	Environmental Statement Appendix 14.6 Road Links and Traffic Noise Change Calculations		1. Application Documents and Plans

CD1.52	Environmental Statement Appendix 15.1 Relevant Local Plan Policies		1. Application Documents and Plans
CD1.53	Environmental Statement Appendix 15.2 LSOAS within the Local Study Area	April 2022	1. Application Documents and Plans
CD1.54	Environmental Statement Appendix 15.3 Community Facilities Workshop Outcomes CB Note		1. Application Documents and Plans
CD1.55	Environmental Statement Appendix 15.4 Education Facilities		1. Application Documents and Plans
CD1.56	Environmental Statement Appendix 15.5 Building Audit		1. Application Documents and Plans
CD1.57a	Environmental Statement Appendix 16.1 Transport Assessment Part 1 of 3	April 2022	1. Application Documents and Plans
CD1.57b	Environmental Statement Appendix 16.1 Transport Assessment Part 2 of 3	April 2022	1. Application Documents and Plans
CD1.57c	Environmental Statement Appendix 16.1 Transport Assessment Part 3 of 3	April 2022	1. Application Documents and Plans
CD1.58	Environmental Statement Appendix 16.2 Travel Plan	April 2022	1. Application Documents and Plans
CD1.59	Environmental Statement Appendix 17.1 Agricultural Land Quality Report	April 2022	1. Application Documents and Plans
CD1.60	Environmental Statement Appendix 17.2 Soil Resources Report	April 2022	1. Application Documents and Plans

CD1.61	Environmental Statement Appendix 17.3 Sustainability Energy and Water Statement	April 2022	1. Application Documents and Plans
CD1.62	Arboricultural Implications Assessment Report	22 March 2022	1. Application Documents and Plans
CD1.63	BNG Assessment Note		1. Application Documents and Plans
CD1.64	DG23 Biodiversity Metric	May 2022	1. Application Documents and Plans
CD1.65	DG1 Relocated Pond Arboricultural Implications Assessment Report	14 March 2022	1. Application Documents and Plans
CD1.66a	DG1 Relocated Pond Archaeology Part 1 of 3		1. Application Documents and Plans
CD1.66b	DG1 Relocated Pond Archaeology Part 2 of 3		1. Application Documents and Plans
CD1.66c	DG1 Relocated Pond Archaeology Part 3 of 3		1. Application Documents and Plans
CD1.67	DG1 Relocated Pond Ecology Assessment		1. Application Documents and Plans
CD1.68	DG1 Relocated Pond Ecology Report		1. Application Documents and Plans
CD1.69	DG1 Relocated Pond Flood Risk Assessment		1. Application Documents and Plans
CD1.70	DG1 Relocated Pond General Arrangement DG1 Amended Rev C	628.19-101 C 23 March 2017	1. Application Documents and Plans
CD1.71	DG1 Relocated Pond General Arrangement DG23 Amended Rev E	628.19-100 E 25 July 2016	1. Application Documents and Plans
CD1.72	DG1 Relocated Pond General Arrangement Plan DG1 Context Rev P0 A1 size	3284-100 P0 15 March 2022	1. Application Documents and Plans
CD1.73	DG1 Relocated Pond General Arrangement Plan DG23 Context Rev P0 A1 size	3284-101 P0 15 March 2022	1. Application Documents and Plans

CD1.74a	DG1 Relocated Pond Illustrative Sections Amended Part 1 of 2 Rev A	628.19-300 31 July 2017	1. Application Documents and Plans
CD1.74b	DG1 Relocated Pond Illustrative Sections Amended Part 2 of 2 Rev A	628.19-301 31 July 2017	1. Application Documents and Plans
CD1.75	DG1 Relocated Pond Landscape Context Plan DG1 Context Rev P0 A1 size	3284-102 P0 15 March 2022	1. Application Documents and Plans
CD1.76	DG1 Relocated Pond Revised Drainage Statement		1. Application Documents and Plans
CD1.77	DG1 Relocated Pond Revised Location Plan Rev E A2 size	16483-1043 E 28 July 2021	1. Application Documents and Plans
CD1.78	DG1 Relocated Pond Revised Maintenance Plan Rev D A1 size	16483/1030 D 28 July 2021	1. Application Documents and Plans
CD1.79	DG1 Relocated Pond Revised Site Plan Rev F A1 size	16483-1042 F 28 July 2021	1. Application Documents and Plans
CD1.80	DG1 Relocated Pond Sections DG23 Context A2 size	RUR003284-301 March 2022	1. Application Documents and Plans
CD1.81	DG1 Relocated Pond Full Application Arboricultural Implications Plan Rev - Size A0	3457.DG1.Pond.Barratt.AIP Rev - 11 March 2022	1. Application Documents and Plans
CD1.82	DG1 Relocated Pond Full Application Sections DG1 Context A2 size	RUR003284-300 March 2022	1. Application Documents and Plans
CD1.83	DG1 Relocated Pond Full Application Tree Protection Plan Rev - A0 size	3457.DG1.Pond.Barratt.TPP 11 March 2022	1. Application Documents and Plans
CD1.84	DG1 Relocated Pond Full Application Concept Sketch A3 size	RUR003284-001	1. Application Documents and Plans

		March 2022	
CD1.85	DG1 Relocated Pond Landscape Context Plan DG23 Context Rev P0 A1 size	3284-103 P0 15 March 2022	1. Application Documents and Plans
CD1.86	DG1 Relocated Pond Planting Plan DG1 Amended Rev A A0 size	628.19-200 A 31 July 2017	1. Application Documents and Plans
CD1.87	DG1 Relocated Pond Planting Plan DG23 Amended Rev A A1 size	628.19-201 A 2 August 2017	1. Application Documents and Plans
CD1.88	DG1 Relocated Pond Planting Plan DG1 Context Rev P0 A1 size	3284-200 P0 15 March 2022	1. Application Documents and Plans
CD1.89	DG1 Relocated Pond Planting Plan DG23 Context Rev P0 A1 size	3284-201 P0 15 March 2022	1. Application Documents and Plans
CD1.90	Illustrative Landscape Masterplan A1 size	169-100 23 March 2022	1. Application Documents and Plans
CD1.91	Illustrative Masterplan Rev P1 A1 size	18112_07_08 P1 4 May 2022	1. Application Documents and Plans
CD1.92	Landscape, Open Space and Countryside Enhancement Strategy	26 April 2022	1. Application Documents and Plans
CD1.93	Masterplan DG1 DG2 Eastern Access Rev C A3 size	116292-TP-0007 C 28 April 2022	1. Application Documents and Plans
CD1.94	Masterplan DG2 DG3 Western Access Rev P01 A3 size	116292-TP-00013 P01 29 April 2022	1. Application Documents and Plans
CD1.95	Materials Management Strategy	12 May 2022	1. Application Documents and Plans
CD1.96	Outline Waste Management Strategy	21 March 2022	1. Application Documents and Plans
CD1.97	Parameter Plan Building Heights Rev P1 A1 size	18112_07_06 P1 4 May 2022	1. Application Documents and Plans

CD1.98	Parameter Plan Demolition Rev P1 A1 size	18112_07_02 P1 4 May 2022	1. Application Documents and Plans
CD1.99	Parameter Plan Movement and Access Rev P1 A1 size	18112_07_04 P1 4 May 2022	1. Application Documents and Plans
CD1.100	Parameter Plan Urban Design Rev P1 A1 size	18112_07_07 P1 4 May 2022	1. Application Documents and Plans
CD1.101	Parameter Plan Land Use Rev P1 A1 size	18112_07_03 P1 4 May 2022	1. Application Documents and Plans
CD1.102	Parameter Plan Landscape Framework Rev P1 A1 size	18112_07_05 P1 4 May 2022	1. Application Documents and Plans
CD1.103	Public Art Strategy	April 2022	1. Application Documents and Plans
CD1.104	Site Wide Landscape Management Strategy	28 April 2022	1. Application Documents and Plans
CD1.105	Statement of Community Involvement	April 2022	1. Application Documents and Plans
CD1.106	Utilities Report	30 March 2022	1. Application Documents and Plans
CD1.107	Waste Management Plan	13 May 2022	1. Application Documents and Plans
2. ADDITIONAL/ AMENDED REPORTS AND/OR PLANS SUBMITTED AFTER VALIDATION			
CD2.01	Resubmission Covering Letter	23 August 2022	2. Additional or Amended Reports and Plans
CD2.02	Environmental Statement - Statement of Conformity	August 2022	2. Additional or Amended Reports and Plans
CD2.03a	Environmental Statement Appendix 10.1 Flood Risk Assessment Part 1 of 3	July 2022	2. Additional or Amended Reports and Plans
CD2.03b	Environmental Statement Appendix 10.1 Flood Risk Assessment Part 2 of 3	July 2022	2. Additional or Amended Reports and Plans

CD2.03c	Environmental Statement Appendix 10.1 Flood Risk Assessment Part 3 of 3	July 2022	2. Additional or Amended Reports and Plans
CD2.04a	Environmental Statement Appendix 10.2 Drainage Strategy Part 1 of 6	July 2022	2. Additional or Amended Reports and Plans
CD2.04b	Environmental Statement Appendix 10.2 Drainage Strategy Part 2 of 6	July 2022	2. Additional or Amended Reports and Plans
CD2.04c	Environmental Statement Appendix 10.2 Drainage Strategy Part 3 of 6	July 2022	2. Additional or Amended Reports and Plans
CD2.04d	Environmental Statement Appendix 10.2 Drainage Strategy Part 4 of 6	July 2022	2. Additional or Amended Reports and Plans
CD2.04e	Environmental Statement Appendix 10.2 Drainage Strategy Part 5 of 6	July 2022	2. Additional or Amended Reports and Plans
CD2.04f	Environmental Statement Appendix 10.2 Drainage Strategy Part 6 of 6	July 2022	2. Additional or Amended Reports and Plans
CD2.05a	Environmental Statement Appendix 10.2 Drainage Strategy Part 1 of 6	August 2022	2. Additional or Amended Reports and Plans
CD2.05b	Environmental Statement Appendix 10.2 Drainage Strategy Part 2 of 6	August 2022	2. Additional or Amended Reports and Plans
CD2.05c	Environmental Statement Appendix 10.2 Drainage Strategy Part 3 of 6	August 2022	2. Additional or Amended Reports and Plans
CD2.05d	Environmental Statement Appendix	August 2022	2. Additional or Amended Reports and Plans

	10.2 Drainage Strategy Part 4 of 6		
CD2.05e	Environmental Statement Appendix 10.2 Drainage Strategy Part 5 of 6	August 2022	2. Additional or Amended Reports and Plans
CD2.05f	Environmental Statement Appendix 10.2 Drainage Strategy Part 6 of 6	August 2022	2. Additional or Amended Reports and Plans
CD2.06	Landscape, Open Space and Countryside Enhancement Strategy Version 01	Version 01 19 August 2022	2. Additional or Amended Reports and Plans
CD2.07	Open Space Management Framework Note	June 2023	2. Additional or Amended Reports and Plans
CD2.08a	DG1 DG2 Access Junction Eastern Access Rev D A3 size	116292-TPP- 0007 D 16 August 2022	2. Additional or Amended Reports and Plans
CD2.08b	DG1 DG2 Access Junction Eastern Access Rev E A3 size	116292-TPP- 0007 E 3 October 2022	2. Additional or Amended Reports and Plans
CD2.08c	DG1 DG2 Access Junction Eastern Access Rev F A3 size	116292-TPP- 0007 F 10 February 2023	2. Additional or Amended Reports and Plans
CD2.08d	DG2 DG1 Access Junction Western Access Rev P02 A3 size	116292-TPP- 00013 P02 16 August 2022	2. Additional or Amended Reports and Plans
CD2.09a	DG1 Spine Road Residential Access Junction Rev P02 A3 size	116292-TPP- 0012 P02 9 August 2022	2. Additional or Amended Reports and Plans
CD2.09b	Masterplan DG1 Spine Road Residential Access Junction Rev P03 A3 size	116292-TPP- 0012 P03 15 September 2022	2. Additional or Amended Reports and Plans

CD2.10a	DG1 Spine Road Service Access Junction Rev P01 A3 size	116292-TP-0011 P01 15 August 2022	2. Additional or Amended Reports and Plans
CD2.10b	Masterplan DG1 Spine Road Service Access Junction Rev P03 A3 size	116292-TP-0011 P03 15 September 2022	2. Additional or Amended Reports and Plans
CD2.11	Parameter Plan Building Heights Rev P2 A1 size	18112_07_06 P2 19 August 2022	2. Additional or Amended Reports and Plans
CD2.12	Parameter Plan Demolition Rev P2 A1 size	18112_07_02 P2 19 August 2022	2. Additional or Amended Reports and Plans
CD2.13	Parameter Plan Movement and Access Rev P2 A1 size	18112_07_04 P2 19 August 2022	2. Additional or Amended Reports and Plans
CD2.14	Parameter Plan Urban Design Rev P2 A1 size	18112_07_07 P2 19 August 2022	2. Additional or Amended Reports and Plans
CD2.15	Parameter Plan Land Use Rev P2 A1 size	18112_07_03 P2 19 August 2022	2. Additional or Amended Reports and Plans
CD2.16	Parameter Plan Landscape Framework Rev P2 A1 size	18112_07_05 P2 19 August 2022	2. Additional or Amended Reports and Plans
CD2.17	Cut and Fill Calcs and Isopachyche Contouring Rev P2 A0 size	RSK-C-ALL-03-04 P2 April 2022	2. Additional or Amended Reports and Plans
CD2.18	Cut and Fill Volumetric Calculations Rev P4 A0 size	RSK-C-ALL-03-01 P4 August 2021	2. Additional or Amended Reports and Plans
CD2.19a	Transport Technical Note	August 2022	2. Additional or Amended Reports and Plans

CD2.19b	Transport Technical Note	September 2022	2. Additional or Amended Reports and Plans
CD2.20a	Thornton Close Cycle and Pedestrian Link Rev P01 A3 size	116292-TP-0014 P01 13 August 2022	2. Additional or Amended Reports and Plans
CD2.20b	Thornton Close Cycle and Pedestrian Link Rev P02 A3 size	116292-TP-0014 P02 15 September 2022	2. Additional or Amended Reports and Plans
CD2.21	Note on Potential Future Pedestrian and Cycle Connectivity	May 2023	2. Additional or Amended Reports and Plans
CD2.22	Water Resources ES Addendum	July 2023	2. Additional or Amended Reports and Plans
3. COMMITTEE REPORT AND DECISION NOTICE			
CD3.01	JDCC Committee Report	30 October 2023	3. Committee Report and Decision Notice
CD3.02	JDCC Committee Appendices	30 October 2023	3. Committee Report and Decision Notice
CD3.03	JDCC Committee Amendment Sheet	30 October 2023	3. Committee Report and Decision Notice
CD3.04	JDCC Committee Decision Sheet	30 October 2023	3. Committee Report and Decision Notice
CD3.05	JDCC Committee Minutes	30 October 2023	3. Committee Report and Decision Notice
4. THE DEVELOPMENT PLAN AND POLICY			
CD4.01	South Cambridgeshire District Council Local Plan 2018	2018	4. The Development Plan
CD4.02	South Cambridgeshire District Council Local Plan Policies Map 2018 Inset G	2018	4. The Development Plan
CD4.03	South Cambridgeshire District Council Cambridge Green Belt Study	September 2002	4. The Development Plan

CD4.04	LDA Design Cambridge Inner Green Bet Boundary Study	November 2015	4. The Development Plan
CD4.05	Sustainable Design and Construction SPD	2020	4. The Development Plan
CD4.06	Open Space SPD	2009	4. The Development Plan
CD4.07	Biodiversity SPD	2022	4. The Development Plan
CD4.08	Greater Cambridge Housing Strategy 2019-2023		4. The Development Plan
CD4.09	CCC Cambridge Landscape Character Assessment	April 2003	4. The Development Plan
CD4.10	Cambridgeshire Flood and Water SPD	2016	4. The Development Plan
CD4.11	Cambridgeshire and Peterborough Minerals and Waste Local Plan	July 2021	4. The Development Plan
5. WATER RESOURCES			
CD5.01	CW - Water Resources Management Plan (WRMP) 2019	December 2019	5. Water Resources
CD5.01a	CW WRMP 2019 Appendix B	December 2019	5. Water Resources
CD5.01b	CW WRMP 2019 Appendix C	December 2019	5. Water Resources
CD5.01c	CW WRMP 2019 Appendix D	December 2019	5. Water Resources
CD5.01d	CW WRMP 2019 Appendix E	December 2019	5. Water Resources
CD5.01e	CW WRMP 2019 Appendix F	December 2019	5. Water Resources
CD5.01f	CW WRMP 2019 Appendix G	December 2019	5. Water Resources
CD5.01g	CW WRMP 2019 Appendix H	December 2019	5. Water Resources
CD5.01h	CW WRMP 2019 Appendix I	December 2019	5. Water Resources

CD5.01i	CW WRMP 2019 Appendix K	December 2019	5. Water Resources
CD5.01j	CW WRMP 2019 Appendix L	December 2019	5. Water Resources
CD5.01k	CW WRMP 2019 Appendix M	December 2019	5. Water Resources
CD5.01l	CW WRMP 2019 Appendix N	December 2019	5. Water Resources
CD5.01m	CW WRMP 2019 Appendix O	December 2019	5. Water Resources
CD5.01n	CW WRMP 2019 Appendix P	December 2019	5. Water Resources
CD5.01o	CW WRMP 2019 Appendix P Annex 1	December 2019	5. Water Resources
CD5.01p	CW WRMP 2019 Appendix S	December 2019	5. Water Resources
CD5.01q	CW WRMP 2019 Appendix T	December 2019	5. Water Resources
CD5.01r	CW WRMP 2019 Appendix U	December 2019	5. Water Resources
CD5.02	CW Drought Plan with Appendices	April 2022	5. Water Resources
CD5.03	UK Water Industry Research WRMP Methods 19 – Population, Household Property and Occupancy Forecasting Report	ref no.15/WR/02/8	5. Water Resources
CD5.04	EA Part 1 Anglian River Basin District River Basin Management Plan	December 2015	5. Water Resources
CD5.05	EA River Basin Management Plan - Anglian River Basin District. Annex I: Designating artificial and heavily modified water bodies	December 2015	5. Water Resources
CD5.06	EA River Basin Management Plan for the Anglian River Basin District HRA Updated	December 2009	5. Water Resources

CD5.07	EA River Basin Management Plan for the Anglian River Basin District SEA Statement of Particulars	December 2015	5. Water Resources
CD5.08	River basin management plans, updated 2022	22 December 2022	5. Water Resources
CD5.09	EA Rules for Assessing Surface Water Body Ecological Status and Potential	2022	5. Water Resources
CD5.10	EA Groundwater Chemical Status Assessment (classification) and Trend Assessment	2022	5. Water Resources
CD5.11	CW Draft Water Resources Management Plan (dWRMP) 2024	2023	5. Water Resources
CD5.11a	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix A	2023	5. Water Resources
CD5.11b	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix A Annex 1	2023	5. Water Resources
CD5.11ci	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B1	2023	5. Water Resources
CD5.11cii	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B2	2023	5. Water Resources
CD5.11ciii	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B3	2023	5. Water Resources
CD5.11civ	CW Draft Water Resources Management	2023	5. Water Resources

	Plan (dWRMP) 2024 Appendix B4		
CD5.11cv	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendices B5- B7	2023	5. Water Resources
CD5.11cvi	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B8	2023	5. Water Resources
CD5.11cvii	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B9 -B10	2023	5. Water Resources
CD5.11cviii	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B11	2023	5. Water Resources
CD5.11cix	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B12	2023	5. Water Resources
CD5.11cx	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B13	2023	5. Water Resources
CD5.11cxi	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix B15	2023	5. Water Resources
CD5.11d	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix C1	2023	5. Water Resources
CD5.11e	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix C2	2023	5. Water Resources
CD5.11f	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix E	2023	5. Water Resources

CD5.11g	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix G1 – G2	2023	5. Water Resources
CD5.11h	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix H1 – H4	2023	5. Water Resources
CD5.11i	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix I	2023	5. Water Resources
CD5.11j	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix J	2023	5. Water Resources
CD5.11k	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix K	2023	5. Water Resources
CD5.11l	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix M	2023	5. Water Resources
CD5.11m	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendices N1-N2	2023	5. Water Resources
CD5.11n	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix P1 – P5	2023	5. Water Resources
CD5.11o	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix Q	2023	5. Water Resources
CD5.11p	CW Draft Water Resources Management Plan (dWRMP) 2024 Appendix X	2023	5. Water Resources
CD5.12	CW Draft Water Resources Management	2023	5. Water Resources

	Plan 2024 Statement of Response		
CD5.13	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024	2023	5. Water Resources
CD5.13a	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix A	2023	5. Water Resources
CD5.13bi	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B1	2023	5. Water Resources
CD5.13bii	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B2	2023	5. Water Resources
CD5.13biii	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B3	2023	5. Water Resources
CD5.13biv	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B4	2023	5. Water Resources
CD5.13bv	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendices B5- B7	2023	5. Water Resources
CD5.13bvi	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B8	2023	5. Water Resources
CD5.13bvii	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B9- B10	2023	5. Water Resources
CD5.13bviii	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B11	2023	5. Water Resources
CD5.13bix	CW Revised Draft Water Resources Management	2023	5. Water Resources

	Plan (rdWRMP) 2024 Appendix B12		
CD5.13bx	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B13	2023	5. Water Resources
CD5.13bxi	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix B15	2023	5. Water Resources
CD5.13c	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix C1	2023	5. Water Resources
CD5.13d	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix C2	2023	5. Water Resources
CD5.13e	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix E	2023	5. Water Resources
CD5.13f	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix G	2023	5. Water Resources
CD5.13g	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix H1 – H4	2023	5. Water Resources
CD5.13h	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix I	2023	5. Water Resources
CD5.13i	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix J	2023	5. Water Resources
CD5.13j	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix K – K1	2023	5. Water Resources

CD5.13k	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix M	2023	5. Water Resources
CD5.13l	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix N1 – N2	2023	5. Water Resources
CD5.13mi	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix P1a -P5 (Minus P1b)	2023	5. Water Resources
CD5.13mii	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix P1b	2023	5. Water Resources
CD5.13n	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix R	2023	5. Water Resources
CD5.13o	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix S	2023	5. Water Resources
CD5.13p	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix T	2023	5. Water Resources
CD5.13q	CW Revised Draft Water Resources Management Plan (rdWRMP) 2024 Appendix U	2023	5. Water Resources
CD5.14	The Emerging Water Resources Regional Plan for Eastern England	January 2022	5. Water Resources
CD5.15	Environment Agency Representation on CW's dWRMP v2.0	17 May 2023	5. Water Resources
CD5.16	GOV.UK Water Resources Planning Guidance	14 April 2023	5. Water Resources

CD5.17	River Basin Planning Process Overview	30 March 2023	5. Water Resources
CD5.18	EA Advice Report on CW's WRMP Statement of Response	November 2023	5. Water Resources
CD5.19	Research Report – Ecological Indicators of the Abstraction and Optimisation of Flow Regulation	July 2012	5. Water Resources
CD5.20	Research Paper - The Impact of Climate Change on Groundwater Recharge: National-scale Assessment for the British Mainland	April 2021	5. Water Resources
CD5.21	Climate Variability and Implications for Keeping Rivers Cool in England	July 2020	5. Water Resources
CD5.22	EA Science Report – Potential Impacts of Climate Change on River Water Quality	May 2008	5. Water Resources
CD5.23	Research Paper - Exemptions of the EU Water Framework Directive Deterioration Ban: Comparing Implementation Approaches in Lower Saxony and The Netherlands	January 2021	5. Water Resources
CD5.24	Environment Agency Greater Cambridge external guidance note for planning applications	March 2023	5. Water Resources
CD5.25	Environment Agency When to consult the Environment Agency - Advice for Local Planning Authorities	August 2017	5. Water Resources
CD5.26	Bundesrepublik Deutschland - ECJ	July 2015	5. Water Resources

	Ruling on WFD Deterioration		
CD5.27	Stantec Greater Cambridge Integrated Water, Outline Water Cycle Study Management Study	August 2021	5. Water Resources
CD5.28	Communities & Local Government Code for Sustainable Homes Technical Guide	November 2010	5. Water Resources
CD5.29	Northwest Cambridge Area Action Plan – Local Development Framework	October 2009	5. Water Resources
CD5.30	Environment Agency Letter to Greater Cambridge Shared Planning	February 2023	5. Water Resources
CD5.31	Environment Agency Using science to create a better place - Uncertainty in WFD assessments for rivers based on macroinvertebrates and RIVPACS	May 2009	5. Water Resources
CD5.32	UK Technical Advisory Group on the Water Framework Directive River Basin Management (2015-21) – Final Report	January 2014	5. Water Resources
CD5.33	UK Technical Advisory Group on the Water Framework Directive Prevent Deterioration Of Status	May 2009	5. Water Resources
CD5.34	CEH Dorset Investigation of the	June 2003	5. Water Resources

	relationship between the LIFE index and RIVPACS Putting LIFE into RIVPACS - R&D Technical Report W6-044/TR1		
CD5.35	Environment Agency Walley Hawkes Paisley Trigg (WHPT) index of river invertebrate quality and its use in assessing ecological status	May 2019	5. Water Resources
CD5.36	WFD UKTAG River Assessment Method Benthic Invertebrate Fauna	May 2021	5. Water Resources
CD5.37	UK Centre for Ecology & Hydrology, Wallingford Simulation of river flow in Britain under climate change Baseline performance and future seasonal changes	March 2021	5. Water Resources
CD5.38	Natural Conditions in relation to WFD Exemptions Common Implementation Strategy for The WFD and The Flood Directive	December 2017	5. Water Resources
CD5.39	UK Technical Advisory Group on the Water Framework Directive Criteria and Guidance Principles for the designation of heavily modified water bodies	November 2006	5. Water Resources
CD5.40	Stantec UK Ltd Greater Cambridge Local Plan Strategic Spatial Options Assessment Integrated Water Management Study	November 2020	5. Water Resources

CD5.41	EA WFD Method Statement for the Classification of Surface Water Bodies	April 2011	5. Water Resources
CD5.42a	Natural England Statement	7 December 2023	5. Water Resources
CD5.42b	Natural England Statement Appendices		5. Water Resources
CD5.43	Water Industry Act (relevant provisions)	1991	5. Water Resources
CD5.44	Water Resources Act (relevant provisions)	1991	5. Water Resources
CD5.45	Water Resources Management Plan Regulations	2007	5. Water Resources
CD5.46	Water Environment (WFD England and Wales) Regulations	2007	5. Water Resources
CD5.47	Environment Act (relevant provisions)	1995	5. Water Resources
CD5.48	Building Act (Section 25)	1984	5. Water Resources
6. EMERGING DEVELOPMENT PLAN			
CD6.01	Policy Review of the Adopted Local Plans for Greater Cambridge	June 2023	6. Emerging Development Plan
CD6.02	Greater Cambridge Local Plan First Proposals (Regulation 18)	2021	6. Emerging Development Plan
7. ADDITIONAL MATERIAL SUBMITTED AFTER DETERMINATION OF THE APPLICATION			
CD7.01	Appeal Form	24 August 2023	7. Additional Material Submitted After Determination
CD7.02	Draft Statement of Common Ground between Appellant and LPA	July 2023	7. Additional Material Submitted After Determination
CD7.03	Statement of Common Ground between Appellant and LPA	November 2023	7. Additional Material Submitted After Determination

CD7.04	Statement of Common Ground between Appellant, LPA and Environment Agency - Water Resources	November 2023	7. Additional Material Submitted After Determination
CD7.05	Updated Statement of Common Ground between Appellant and LPA with Appendices	18 December 2023	7. Additional Material Submitted After Determination
CD7.06	Draft Planning Conditions Schedule	19 December 2023s	7. Additional Material Submitted After Determination
CD7.07	Draft S106 Agreement	19 December 2023	7. Additional Material Submitted After Determination
CD7.08	Updated Draft S106 Agreement	9 January 2024	7. Additional Material Submitted After Determination
CD7.09	Updated Draft Planning Conditions Schedule (Appellant TC)	10 January 2024	7. Additional Material Submitted After Determination
CD7.10	Draft Condition		7. Additional Material Submitted After Determination
CD7.11	Updated Draft Planning Conditions Schedule	15 January 2024	7. Additional Material Submitted After Determination
CD7.12	Tracked changes version of planning conditions	15 January 2024	7. Additional Material Submitted After Determination
8. APPELLANTS' DOCUMENTS			
CD8.01	Appellants' Statement of Case	August 2023	8. Appellant's Documents
CD8.02	Appellants' Proof of Evidence of Alison Wright - Planning	19 December 2023	8. Appellant's Documents
CD8.03	Appellants' Proof of Evidence of Alison Wright - Planning Appendices	19 December 2023	8. Appellant's Documents
CD8.04	Appellants' Proof of Evidence of Alison	19 December 2023	8. Appellant's Documents

	Wright- Planning Summary		
CD8.05	Appellants' Proof of Evidence of Paul Bond - Water	19 December 2023	8. Appellant's Documents
CD8.06	Appellants' Proof of Evidence of Paul Bond - Water Summary	19 December 2023	8. Appellant's Documents
CD8.07	Rebuttals of Water Resources related Proof of Evidence of South Cambridgeshire District Council and EA - Paul Bond	10 January 2024	8. Appellant's Documents
CD8.08	Statement from Michael Derbyshire Planning		8. Appellant's Documents
9. COUNCIL DOCUMENTS			
CD9.01a	LPA Statement of Case	November 2023	9. Council Documents
CD9.01b	LPA Statement of Case Appendices		9. Council Documents
CD9.02	LPA Proof of Evidence of Guy Wilson - Planning	19 December 2023	9. Council Documents
10. RULE 6 PARTY DOCUMENTS			
EA10.01	EA Statement of Case	3 November 2023	10. Rule 6 Party Documents
EA10.02a	Consultation Response 1	16 February 2023	10. Rule 6 Party Documents
EA10.02b	Consultation Response 2	9 August 2023	10. Rule 6 Party Documents
EA10.02c	Baseline data of risk of deterioration to water bodies	November 2023	10. Rule 6 Party Documents
EA10.02d	Technical Report		10. Rule 6 Party Documents
EA10.02e	North East West Anglia Water Dependent SSSIs Summary		10. Rule 6 Party Documents
EA10.02f	EA Review of CWC growth scenario modelling	6 October 2023	10. Rule 6 Party Documents

EA10.02g	2018 Deterioration Guidance Environment Agency	January 2018	10. Rule 6 Party Documents
EA10.02h	Environment Agency letter on deterioration	15 November 2021	10. Rule 6 Party Documents
EA10.02i	Water resources planning guideline supplementary guidance Environment Agency	April 4 2022	10. Rule 6 Party Documents
EA10.02j	EA representation on CWC dWRMP	27 March 2023	10. Rule 6 Party Documents
EA10.02k	CW WRMP24 evidence report		10. Rule 6 Party Documents
EA10.02l	EA revised representation on CWC dWRMP	17 May 2023	10. Rule 6 Party Documents
EA10.02m	Environment Agency response	June 2022	10. Rule 6 Party Documents
EA1.0	EA Proof of Evidence of Tom Nichols – Water Resources Management Planning	19 December 2023	10. Rule 6 Party Documents
EA1.1	Appendix 1 – Water Company Water Resources Management plan and the Role of the Environment Agency (EA)		10. Rule 6 Party Documents
EA1.2	Appendix 2 – The Environment Agency’s Response to Earlier versions of the dWRMP24		10. Rule 6 Party Documents
EA1.3	Appendix 3 – Water Resources East Regional Water Resources Final Plan		10. Rule 6 Party Documents
EA1.4	Appendix 4 – WRMP Annual Review Key Metric Data		10. Rule 6 Party Documents
EA1.5	Appendix 5 – Annual report 2022/2023		10. Rule 6 Party Documents

EA1.6	Appendix 6 – Draft Business Plan		10. Rule 6 Party Documents
EA1.7	Appendix 7 – Joint Regulators Letter		10. Rule 6 Party Documents
EA1.8	Appendix 8 – rdWRMP Data Tables		10. Rule 6 Party Documents
EA1.9	Appendix 9 – Appendix 2 Regional Planning (Appendix 2 to Water Resources National Framework 16 March 2020)		10. Rule 6 Party Documents
EA1.10	Summary Proof of Evidence of Tom Nichols		10. Rule 6 Party Documents
EA2.0	Proof of Evidence Ian Page – Water Resources	19 December 2023	10. Rule 6 Party Documents
EA2.0a	Proof of Evidence Ian Page – List of Appendices		10. Rule 6 Party Documents
EA2.1	Groundwater Quantitative Assessment Methodology 3 rd Cycle		10. Rule 6 Party Documents
EA2.2	Guidance for Managing Deterioration Risk from Existing Abstractions		10. Rule 6 Party Documents
EA2.3	Types of licence cap used in East Anglia		10. Rule 6 Party Documents
EA2.4	Licence cap type and abstraction quantities under different scenarios taken from CW's growth scenario modelling work		10. Rule 6 Party Documents
EA2.5	CW Growth Scenario Modelling Risk Matrix Results		10. Rule 6 Party Documents
EA2.5a	EA Individual Impact Assessment		10. Rule 6 Party Documents
EA2.6	CW Growth Scenario Modelling Report		10. Rule 6 Party Documents
EA2.7	PR24 Profiling of WINEP Actions		10. Rule 6 Party Documents
EA2.8	Summary Proof of Evidence Ian Page		10. Rule 6 Party Documents

EA3.0	Proof of Evidence of Nina Birkby	19 December 2023	10. Rule 6 Party Documents
EA3.1	UKTAG Guide to Invertebrates in Rivers		10. Rule 6 Party Documents
EA3.2	Extence et al, 1999 (LIFE metric)		10. Rule 6 Party Documents
EA3.3	UK TAG guidance on Good Ecological Potential		10. Rule 6 Party Documents
EA3.4	Link to Catchment Data Explorer for Cam and Ely Ouse		Access through weblink only
EA3.4a	Extracts from catchment data explorer – Birkby Appendix 3.4		10. Rule 6 Party Documents
EA3.5	CaBA Chalk Stream Restoration strategy – 2 web links		Access through weblink only
EA3.6a	Technical note: Point X Chalk Stream Modelling part 1 of 4		10. Rule 6 Party Documents
EA3.6b	Technical note: Point X Chalk Stream Modelling part 2 of 4		10. Rule 6 Party Documents
EA3.6c	Technical note: Point X Chalk Stream Modelling part 3 of 4		10. Rule 6 Party Documents
EA3.6d	Technical note: Point X Chalk Stream Modelling part 4 of 4		10. Rule 6 Party Documents
EA3.7	Link to Natural England website re Alder Carr SSSI		10. Rule 6 Party Documents
EA3.8	Wendon Brook HEV plot		10. Rule 6 Party Documents
EA3.9	Summary of Proof of Evidence of Nina Birkby		10. Rule 6 Party Documents
EA4.0	Proof of Evidence of Drew Constable – Hydroecological Modelling	19 December 2023	10. Rule 6 Party Documents

EA4.1	Bradley et al		10. Rule 6 Party Documents
EA4.2	Lathouri et al		10. Rule 6 Party Documents
EA4.3	Summary of Proof of Evidence Drew Constable		10. Rule 6 Party Documents
EA5.0	Proof of Evidence of Liam Robson - Planning	19 December 2023	10. Rule 6 Party Documents
EA5.1	Legally Binding Environmental Targets		Access through weblink only
EA5.2	Environmental Improvement Plan		Access through weblink only
EA5.3	Environment Agency Consultation Response December 2021	13 December 2021	10. Rule 6 Party Documents
EA5.4	Appeal Decision APP/Z3825/W/21/3281411		10. Rule 6 Party Documents
EA5.5	Appeal Decision APP/Z3825/W/23/3315111		10. Rule 6 Party Documents
EA5.6	Summary Proof of Evidence Liam Robson		10. Rule 6 Party Documents
EA6.0	Letter from Defra	December 2023	10. Rule 6 Party Documents
11. OTHER			
CD11.01	Greater Cambridge Housing Trajectory and Five Year Housing Land Supply Report	April 2023	11. Other
CD11.02	GOV.UK Long-term plan for housing	24 July 2023	11. Other
CD11.03	Court of Appeal Judgement R (An Taisce) v SSECC - [2014] EWCA Civ 1111	1 August 2014	11. Other
CD11.04	Anglian Water Consultation Response	23 September 2022	11. Other
CD11.05	High Court of Justice Judgement R (WildFish Conservation) v SSEFRA [2023] EWHC 2285	15 September 2023	11. Other
CD11.06	High Court of Justice Judgement R (Pickering)	15 November 2023	11. Other

	Fishery Association) v Environment Agency [2023] EWHC 2918		
CD11.07	High Court of Justice Judgement R (Substation Action Save East Suffolk) v SSBEIS [2022] EWHC 3177	13 December 2022	11. Other
CD11.08	High Court of Justice Judgement R (Together Against Sizewell C) v SoS for Energy Security and Net Zero [2023] EWHC 1526	22 June 2023	11. Other
CD11.09	PPG – Making Costs at Appeal		11.Other
CD11.10	Glossary of terms used by Environment Agency Witnesses		11.Other

ANNEX C CONDITIONS

1. Submission of reserved matters

No development on any individual Development Parcel or Strategic Engineering and Landscape Element shall commence until approval of the details of the appearance, landscaping, layout and scale (hereinafter called the Reserved Matters) within that Development Parcel or Strategic Engineering and Landscape Element has been obtained from the Local Planning Authority in writing.

The development shall be carried out as approved.

2. First submission of reserved matters application

The first application for approval of Reserved Matters shall be made to the Local Planning Authority no later than five years from the date of this permission.

3. Commencement of each reserved matters application

The commencement of each reserved matters site pursuant to this outline consent shall begin no later than the expiration of two years from the date of the last Reserved Matter of that reserved matters site to be approved.

4. Final deadline for submission of any reserved matters application

Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority no later than the expiration of 12 years from the date of this permission.

5. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan 18112_07_01_P1

Demolition Parameter Plan 18112_07_02_P2

Land Use Parameter Plan 18112_07_03_P2

Movement and Access Parameter Plan 18112_07_04_P2

Landscape Framework Parameter Plan 18112_07_05_P2

Building Heights Parameter Plan 18112_07_06_P2

Urban Design Parameter Plan 18112_07_07_P2

DG1/DG2 Access Junction (Western Access) 116292-TP-00013-P02
DG1/DG2 Access Junction (Eastern Access) 116292-TP-00007-Rev F
Masterplan DG1 Spine Road/Residential Access Junction 116292-TP-0012
P03
Masterplan DG1 Spine Road/Pedestrian Access Junction 116292-TP-0011
P03
Thornton Close Cycle & Pedestrian Link 116292-TP-0014 P02
Outline Waste Management Strategy received 07.06.2022
Materials Management Strategy received 23.05.2022
Drainage Strategy Revision R5(3) received 25.08.2022
Landscape, Open Space and Countryside Enhancement Strategy received
25.08.2022
Public Art Strategy received 23.05.2022

6. Quantum of Uses

The quantum of dwellings and land uses set out below shall not be exceeded pursuant to this planning permission:

- 1,000 dwellings within Use Class C3
- 200sqm of retail floorspace under Use Class E (a), (b), (c)
- 400sqm community building under flexible Use Classes F and E (e)
- 8.8ha education uses under Class F1(a)

7. Compliance with Environmental Statement

The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Table 19.1 of the Environmental Statement Vol 1, Main Report (as amended).

8. Phasing Strategy

Prior to, or concurrently with the submission of the first of the Reserved Matters application(s), a Site Wide Phasing Plan shall be submitted to the Local Planning Authority for approval. The Site Wide Phasing Plan shall consist of separate and severable phases or sub-phases of development, including residential, non-residential and on-site infrastructure and include the broad sequence of providing the following elements and a mechanism for the Plan's review and amendment:

- a) Development Parcels
- b) Major infrastructure including all accesses, primary roads/routes within the site, primary footpaths and cycleways, including timing of provision and opening of access points into the site, and any associated off-site works
- c) the community building and retail unit
- d) Surface water drainage features, SuDS and foul water drainage network
- e) Formal and informal public open space, provision for children and teenagers, playing fields and allotments
- f) strategic electricity, telecommunications, potable water mains provisions
- g) environmental mitigation measures, actions or activities (including phasing) intended to remedy, reduce or offset known negative adverse impacts as a result of existing pollution in the area and the development itself, as identified in the submitted Environmental Statement; and
- h) primary and secondary schools

No development shall commence apart from Enabling works until such time as the Site Wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the phasing contained within the approved Site Wide Phasing Plan.

9. Site Wide Design Code

Prior to the submission of the first of the Reserved Matters applications, a Site Wide Design Code shall be submitted to and approved in writing by the local planning authority. The Site Wide Design Code shall be prepared in general accordance with the principles and parameters established by this outline planning permission and shall include both strategic and detailed elements.

The Site Wide Design Code shall include:

- a) The character, mix of uses and heights established through the approved parameter plans and include the block principles and the structure of public spaces, making reference to the phasing of land parcels
- b) The street hierarchy, including the principles and extent of adopted highways and traffic calming measures
- c) Typical street cross-sections which will include details of tree

- planting, tree species, underground utility/service trenches, and on street parking, taking into account mobility and visually impaired users
- d) Block principles to establish use, density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and threshold definition shall be provided
 - e) Design principles for the approach to vehicular parking (residents and visitors) for different building types including setting out principles to govern the location and layout of parking for people with disabilities and for each building type including parking spaces with electric vehicle charge point provision
 - f) Clear design principles for the approach to cycle parking for all uses and for different building types, (residential and commercial) including resident visitor parking, type of rack, spacing and any secure or non- secure structures associated with the storage of cycles including non- standard bicycle and trailer storage
 - g) The approach to the character and treatment of the structural planting and the approach to the treatment of any hedge or footpath corridors and retained trees and woodlands (including site wide tree strategy statements guiding the diversity of planting and planting resilience to climate change, and the approach to SuDS design integration)
 - h) The conceptual design and approach to the public realm, including public art, materials, signage, lighting, utilities and any other street furniture)
 - i) Details of waste and recycling provision for all building types and recycling points
 - j) Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features
 - k) Details of measures to minimise opportunities for crime
 - l) Measures to show how the principles of good design (including acoustic design) will address and minimise the impact of existing

traffic

- m) Details of good urban design principles and design of urban infrastructure to reduce air pollution – including street dimensions, use of Green Infrastructure (GI) such as trees, parks and green walls
- n) Details of the indicative locations for Sustainable Show Homes.
- o) Details of consideration of the noise environment within the Country Park, including any measures to mitigate noise from the A14
- p) Details of the design review procedure and of circumstances where a review shall be implemented.

The Site Wide Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code.

No development apart from Enabling Works shall commence until the Site Wide Design Code for the entire site has been submitted to and approved in writing by the local planning authority.

10. Youth & Play Strategy

Prior to, or concurrently with, the submission of the first of the reserved matters application(s), a site-wide Strategy for Youth Facilities and Children's Play Provision shall be submitted to the local planning authority for written approval. The Strategy shall be in general accordance with the principles set out in the approved Landscape, Open Space, and Countryside Enhancement Strategy (received 25.08.2022), and which also includes a strategy for inclusive play. The Strategy shall include, but not be limited to, the specification, location, and phasing of delivery of play provision/facilities.

No development apart from Enabling Works shall commence unless and until the Strategy for Youth Facilities and Children's Play Provision has been submitted to and approved in writing by the local planning authority.

11. Public Art Delivery Plan

Prior to, or concurrently with, the submission of the first of the reserved matters application(s) relating to any Residential Development Parcel, a

site-wide Public Art Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery Plan shall be in general accordance with the approved Public Art Strategy (received 23.05.2022), and shall include:

- a) Details of the public art and artist commission
- b) Details of how the public art will be delivered, including a timetable for delivery
- c) Details of the location of the proposed public art on the application site
- d) The proposed consultation to be undertaken
- e) Details of how the public art will be maintained
- f) How the public art would be decommissioned if not permanent; and
- g) How repairs would be carried out.

The development shall be carried out in accordance with the approved Delivery Plan.

12. Site-Wide Construction Traffic Management Plan (CTMP)

No development, including demolition, shall take place until a CTMP has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways and the Local Highways Authority).

The CTMP shall include, but not be limited to the following:

- a) Details of the hours of construction work and deliveries, the co-ordination of deliveries of plant and materials, and the disposing of waste resulting from demolition, engineering, and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods)
- b) Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway)
- c) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
- d) An estimate of the daily movement of the construction traffic
- e) Areas for the storage of plant and materials used in constructing the development

- f) Details and quantum of contractor parking and methods of preventing on street car parking
- g) Consideration of pollution and emissions to air, water and land, including noise and vibration, dust, general discharges and appropriate mitigation strategies
- h) Control of dust, mud and debris, in relationship to the operation of the adopted public highway
- i) Risk Assessments and Method Statements for the works; and contact details of personnel responsible for the construction works.

The development shall thereafter be carried out in accordance with the approved CTMP.

13. Demolition and Construction Environmental Management Plan (DCEMP)

No development, including demolition, shall commence until a site-wide DCEMP has been submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include, but not limited to, the following:

- a) Demolition, construction and phasing programme
- b) Construction/Demolition hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation
- c) Soil Management Strategy having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails, protection of ground to be reinstated to open space, sustainable drainage or general landscape, methodology of soil stripping, handling, haul routes, formation level decompaction measures, soil re-spreading and decompaction as well as soil disposal (if necessary)
- d) Noise and vibration (including piling) impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228 (2009) Code of Practice for noise and vibration control on construction and open

- sites – Part 1 and 2 (or as superseded)
- e) Use of concrete crushers
 - f) Prohibition of burning waste on site during demolition/construction
 - g) Temporary site lighting including hours of operation, position and impact on neighbouring properties
 - h) Drainage control measures including the use of settling tanks, oil interceptors and bunds
 - i) Screening and hoarding details
 - j) Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - k) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures
 - l) External safety and information signing and notices
 - m) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures
 - n) An Arboricultural Impact Plan in accordance with the Arboricultural Implications Assessment dated 14 March 2022, including details of the provision of compensatory planting for any trees or hedgerows proposed to be retained which die during construction
 - o) Details of measures indicating how additional surface water run-off from the site will be avoided during the construction works, which may include collection, balancing and/or settlement systems for these flows.

The development shall be carried out in accordance with the approved DCEMP.

14. Construction Ecological Management Plan (CEcMP)

No development including demolition, ground works and/or vegetation clearance shall take place until a Construction Ecological Management Plan CEcMP has been submitted to and approved in writing by the Local Planning Authority. The CEcMP shall include the following:

- a) Risk assessment of potentially damaging

construction/demolition activities

b) Identification of biodiversity protection zones

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction/demolition (may be provided as a set of method statements)

d) The location and timings of sensitive works to avoid harm to biodiversity features

e) The times during construction/demolition when specialist ecologists need to be present on site to oversee works

f) Responsible persons and lines of communication

g) The role and responsibilities on site of an ecological clerk of works or similarly competent person

h) Use of protective fences, exclusion barriers and warning signs if applicable

The approved CEcMP shall be adhered to and implemented throughout the construction/demolition period.

15. Demolition and Retention Strategy

No demolition of any of the buildings indicated for demolition on the approved Demolition Parameter Plan (18112_07_02 Rev P2) shall take place until a Demolition and Retention Strategy has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Retention Strategy shall set out how the retention of existing buildings has been considered and, where retention is proposed, how those retained buildings shall be maintained and managed in the long-term.

The development shall be carried out in accordance with the approved Strategy.

16. Archaeology

No development, including demolition or removal of below ground structures, shall take place until a site-wide programme of archaeological work and historic building recording has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. For land that is included

within the WSI, no development including demolition or removal of below ground structures shall take place other than under the provisions of the agreed WSI, which shall include:

- a) The statement of significance and research objectives
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The timetable for the field investigation as part of the development programme
- d) The programme and timetable for the analysis, publication and dissemination, and deposition of resulting material.

17. Ecological Design Strategy

No development shall take place until a site-wide Ecological Design Strategy, including Biodiversity Net Gain provision, has been submitted to and approved in writing by the Local Planning Authority.

The Ecological Design Strategy DS shall include the following where appropriate:

- a) Purpose and conservation objectives for the proposed works
- b) Review of site potential and constraints
- c) Detailed design(s) and/or working method(s) to achieve stated objectives
- d) Extent and location/area of proposed works on appropriate scale maps and plans
- e) Type and source of materials to be used where appropriate, e.g. low nutrient soils, native species of local provenance
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- g) Persons responsible for implementing the works
- j) Details for disposal of any waste arising from the works
- k) A scheme setting the principles for the provision of bird and bat boxes.

The EDS shall be implemented in accordance with the approved details and all features shall be maintained as such.

18. Landscape and Ecological Management Plan (LEMP)

No development within a Phase, including demolition, shall commence until a LEMP for that Phase has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) a scheme detailing how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives and BNG percentage of the originally approved scheme. Thereafter, the features identified to be managed within each Phase shall be managed in accordance with the approved LEMP for that Phase.

19. Pre-commencement remediation method statement

No development within a Phase, including demolition, shall take place until detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the Remediation Method Statement) within that Phase have been submitted to and approved in writing by the Local Planning Authority.

20. Remediation Verification Report

Prior to the first occupation of any dwellings within a Phase, the works specified in the Remediation Method Statement insofar as applicable to that Phase must be completed and a Verification Report submitted to and

approved in writing by the Local Planning Authority.

21. Unexpected contamination

If, during remediation or construction works, any additional or unexpected contamination is identified within a Phase, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed in the said Phase and the agreed remediation proposals shall be fully implemented prior to first occupation of the dwellings within the said Phase.

22. Travel Plan

Prior to the commencement of the development, a Travel Plan shall be submitted and approved by the Local Planning Authority (in consultation with the County Council and National Highways). The Travel Plan shall be based upon the document Interim Residential Travel Plan Dated 8th April) but shall also include:

- i. A Travel Plan Coordinator and associated Monitoring and Governance by the TPC being in place for the entire development build period plus 2 years post development completion.
- ii. The offer of a Travel Pack containing Cycle vouchers and/or Bus Vouchers to each resident on an 'on-demand' basis to ensure that they are used for the purpose as intended.
- iii. Provision of a Travel Hub (or Hubs) which would contain E-bike or E-scooter drop off/pick up points and cycle maintenance facilities and an information point containing real time bus information.
- iv. The requirement for all bus stops to have shelters and real time information points.

The development shall be carried out in accordance with the approved Travel Plan.

23. Design Code Compliance Statement

Any application for approval of reserved matters shall be in general accordance with the Site Wide Design Code approved by the Local Planning Authority. A statement demonstrating compliance with the approved Site

Wide Design Code shall be submitted as part of each and every application for reserved matters approval. The development hereby permitted shall be completed in accordance with the approved Site Wide Design Code.

24. Housing Mix

Applications for reserved matters relating to layout for a Development Parcel which includes dwellings shall include the following details of housing mix:

- a) A plan showing the location and distribution of market and affordable units (including tenure type). The plan should also identify the proximity of the site with adjacent land parcels and the tenure types within both, in respect of any Development Parcel where reserved matters have already been approved
- b) Schedule of dwelling sizes (by number of bedrooms)
- c) A statement which demonstrates how the proposals for the relevant Development Parcel relate to the agreed indicative housing mix.

25. Internal Space Standards and Accessible Housing

Any reserved matters application relating to layout and/or scale for a Development Parcel which includes dwellings, shall demonstrate through the floor plans, elevations and sections, that:

- a) All residential dwellings, as a minimum, accord with the Technical Housing Standards – Nationally Described Space Standards (2015)
- b) All residential dwellings are designed to meet the accessible and adaptable dwellings M4 (2) standard of the Building Regulations 2010 (as amended)
- c) Not less than 5% of affordable dwellings within each Development Parcel containing dwellings are designed to meet the wheelchair user dwellings M4 (3) standard of the Building Regulations 2010 (as amended).

In the event that such standards are replaced by a comparable national measure applicable at the time of submission of such reserved matters, the equivalent measures shall be applicable to the relevant part of the

development.

26. Car and Cycle Parking

Any reserved matters application relating to layout for a Development Parcel, shall include details of car parking and details of facilities for the covered, secure parking of cycles for use in connection with the approved development.

No residential unit or non-residential building shall be occupied, until the relevant car and cycle parking facilities serving that residential unit or non-residential building (as applicable) have been provided in accordance with the approved details. Thereafter the car and cycle parking facilities shall be retained and shall not be used for any other purpose.

27. Detailed Surface Water Drainage Strategy for each Reserved Matters Application

Each reserved matters application relating to layout and/or landscaping shall include a detailed surface water drainage strategy pursuant to the reserved matters site for which approval is sought.

The strategy shall:

- a) demonstrate how the management of water within the reserved matters site to which it relates accords with the approved Drainage Strategy Revision R5(3) (received 25.08.2022)
- b) maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body
- c) include details of all flow control systems and the design, location and capacity of all strategic SuDS features
- d) demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes
- e) include a management plan with details of the ownership, adoption, long-term management and maintenance of the surface water drainage system (including all SuDS features)
- f) clarify the access that is required to each surface water management component for maintenance purpose, and

- g) include a mechanism for resolving any failures in the surface water drainage system which are identified post-occupation.

The development shall be carried out in full accordance with the approved Strategy and no building pursuant to that particular reserved matters site for which approval is being sought shall be occupied or used until such time as the relevant approved detailed surface water measures have been fully completed in accordance with the approved details.

28. Ecological Compliance Statement

As part of any reserved matters application relating to layout and/or landscaping and/or appearance for a Development Parcel, Strategic Engineering Element, or Landscape Element, an ecological compliance statement shall be submitted demonstrating how the proposals are in compliance with the approved Ecological Design Strategy and Biodiversity Net Gain assessment. The Ecological Compliance Statement shall include details of bird and bat nest box numbers, specification, and their location.

The development shall be carried out in accordance with the approved details and no building within the reserved matters site shall be occupied until the nest boxes have been provided for that building in accordance with the approved Ecological Compliance Statement.

29. Sustainable Show Home

As part of any reserved matters application for a Development Parcel containing a sustainable show home a strategy for the delivery of the proposed sustainable show home(s) shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following:

- a) a plan showing the location of the sustainable show home(s)
- b) an indicative timetable for delivery of the sustainable show home(s)
- c) sustainability targets to be achieved in the construction/design of the show home(s)
- d) sustainability options available for purchase by prospective house buyers (to include measures such as energy efficiency, renewable

technologies, water conservation, waste and recycling and overheating)

e) a marketing scheme to demonstrate how the sustainable alternatives in (d) above can be purchased by prospective house buyers.

The strategy for the show home(s) shall be implemented in full accordance with the approved details.

30. Sustainability, Energy and Water Statement

Each reserved matters application for a Development Parcel relating to layout and/or appearance shall be accompanied by a Sustainability, Energy and Water Statement setting out how that Development Parcel shall meet the targets and commitments set out in the site wide statement (Environmental Economics, Version 3, 14 April 2022). This shall include, but not be limited to, the following details:

- a) Energy/carbon calculations showing how that Development Parcel shall meet the requirements of the Future Homes Standard
- b) Renewable energy technologies including air source heat pumps and photovoltaic panels
- c) A water efficiency specification for each house type showing how the proposals will meet the requirement for water use of no more than 95 litres/person/day, and
- d) Details of how the scheme will mitigate the risk of overheating.

In the event the Future Homes Standard is replaced by a relevant national or local standard or policy, the statement shall detail how the replacement standard or policy will be met.

The measures contained within the approved Sustainability, Energy and Water Statement shall be fully installed and operational prior to the occupation of the building to which they relate and thereafter maintained in accordance with the approved details.

31. BREEAM Pre-Assessment

Each reserved matters application other than that which relates only to

landscaping, that includes non-residential uses, other than for the schools, shall be accompanied by a BREEAM pre-assessment prepared by an accredited BREEAM Assessor, indicating that the building is capable of achieving the applicable 'Excellent' rating as a minimum, with five credits for Wat 01 (water consumption).

Each reserved matters application, other than that which relates to landscaping, that includes schools, shall be accompanied by a BREEAM pre-assessment prepared by an accredited BREEAM Assessor, indicating that the building is capable of achieving the applicable 'Very Good' rating as a minimum, with at least 2 credits achieved for Wat 01, and with an aim to achieve an 'Excellent' rating. In the event the higher 'Excellent' rating is not achievable, the BREEAM pre-assessment should be accompanied by a statement providing justification for the lower rating.

In the event BREEAM is replaced by a relevant national or local standard, a statement shall be submitted setting out how the development will meet the required standard.

32. BREEAM Interim Design Stage Certification

Within 6 months of commencement of development of non-residential uses hereby approved, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the required BREEAM excellent rating will be met for the non-residential uses within the given Phase. Where the Design Stage Certificate shows a shortfall in credits required, a statement shall also be submitted identifying how the shortfall will be addressed.

In the event BREEAM is replaced by a relevant national or local standard, a statement shall be submitted setting out how the development will meet the required standard.

33. BREEAM Post Construction Certification

Prior to the use or occupation of the non-residential uses hereby approved, or within six months of occupation (whichever is later), a BRE issued post Construction Certificate shall be submitted to, and approved in writing by the

Local Planning Authority, indicating that the approved BREEAM rating has been met for the non-residential uses within the given Phase.

In the event BREEAM is replaced by a relevant national or local standard, a statement shall be submitted setting out how the development will meet the required standard.

34. Noise attenuation (dwellings)

Any reserved matters application for a Development Parcel containing residential development shall include a noise impact assessment and a noise attenuation / insulation scheme to protect occupants or other users internally and externally as appropriate from the A14, Cambridge Road and primary routes through the site traffic noise.

The noise insulation scheme shall demonstrate that the external and internal noise levels recommended in British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice" (or as superseded) shall be reasonably achieved and shall include a timescale for phased implementation, as necessary, and shall be to a methodology first agreed in writing by the Local Planning Authority.

The scheme as approved shall be implemented before the residential use hereby permitted is occupied, or in accordance with any agreed phased implementation, and shall be retained thereafter.

35. Noise attenuation (non-residential)

Any reserved matters application for a Development Parcel containing non-residential development shall include a noise assessment as necessary and a scheme for the insulation of the building(s) and/or associated plant / equipment or other attenuation measures, in order to minimise the level of noise emanating from the said building(s) and/or plant.

The scheme for each building as approved shall be fully implemented before the use hereby permitted is commenced and shall be maintained thereafter in accordance with the approved details.

Collection from and deliveries to any non-residential premises including any retail, food or commercial uses shall only take place between the hours of 07.00 to 23.00 Monday to Saturday and 0900 to 1700 on Sunday, Bank and other Public Holidays.

36. Youth and Play Space Details

Any reserved matters application for a Development Parcel, Strategic Engineering, or Landscape Element containing a Local Area of Play (LAPs), Local Equipped Area of Play (LEAP), Neighbourhood Equipped Area of Play (NEAP), or other youth or play facilities, shall include detailed design of those youth and play facilities, including a play statement to demonstrate compliance with the site-wide Youth and Play Strategy, including provision of inclusive play.

The open space within that reserved matters site shall be laid out in accordance with the details and timetable approved as part of the site-wide Strategy by the Local Planning Authority.

37. Allotment Details

Any reserved matters application which incorporates allotment or community orchard provision shall include the following details:

- a) A plan of the allotments/ orchards, including principles of plot layout and design providing for a range of plot sizes and accessible plots; areas for communal storage of materials, tools and supplies (e.g. lockers and bins); and communal areas
- b) Proposed management arrangements and draft allotment tenancy agreements/rules
- c) Access, vehicle, and cycle parking arrangements
- d) Details of any allotment clubhouse / store, including composting toilet
- e) Boundary treatment, including security arrangements for the allotments
- f) Water supply, including use of stored rainwater and SuDS for watering crops
- g) Provision of good quality soil to British Standards 3882:2015 or equivalent, with structure and texture to allow free drainage and cropping, and

h) A timetable for delivery of the allotment or community orchard.

The allotment or community orchard shall be provided within said reserved matters site in accordance with the approved details, including in accordance with the approved timetable for delivery.

38. Hard and Soft Landscaping

As part of any reserved matters application, details of a hard and soft landscaping scheme for that parcel shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Hard Landscaping

- a) Full details, including cross-sections and materials, of any roads, paths, cycleways, bridges and culverts;
- b) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets and underground utility routes; and
- c) Full details of all proposed methods of boundary treatment.

Soft Landscaping

- d) Full details of planting plans and written specifications, including details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted
- e) Cultivation proposals for maintenance and management associated with plant and grass establishment
- f) Proposed time of planting
- g) Cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site
- h) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details
- i) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate
- j) Full details of any proposed alterations to existing watercourses/drainage channels

k) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882: 2007 and the Defra Code of Practice for the sustainable use of soils on construction sites, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

All hard and soft landscape works within each reserved matters site shall be carried out and maintained in accordance with the approved landscaping details and programme for delivery for that reserved matters site. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable.

39. Foul Water Drainage

Prior to the commencement of development on a Development Parcel or Strategic Engineering and Landscape Element, apart from Enabling Works, a detailed Foul Water Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority for that Development Parcel or Strategic Engineering and Landscape Element.

The strategy shall include the phasing of such works and details of any necessary improvement of the existing sewerage system to ensure that sufficient capacity exists to cater for the needs of that Development Parcel or Strategic Engineering and Landscape Element. The works/scheme for a Development Parcel or Strategic Engineering and Landscape Element shall be constructed and completed in accordance with the approved plans/specification and such phasing as may be specified in the approved scheme, and shall be retained as such thereafter.

40. Site-Specific Construction Management Scheme

Prior to commencement of development on any reserved matters Development Parcel, Strategic Engineering, or Landscape Element a

Construction Management Scheme for that parcel/element shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Scheme shall provide detail, in relation to parts a-o of the approved site-wide DCEMP, together with relevant provisions of the CTMP and CEcMP.

Details shall also be provided of the temporary storage and management of surface water on that Development Parcel or Strategic Engineering or Landscape element during construction.

Development shall be carried out in accordance with the approved Construction Management Scheme.

41. Detailed Waste Management Plan

Prior to the commencement of development of any reserved matters Development Parcel, Strategic Engineering, or Landscape Element, a Detailed Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Waste Management Plan shall demonstrate how the construction of the reserved matters approval will accord with the principles of the Outline Waste Management Plan. The Detailed Waste Management Plan shall include details of:

- a) The anticipated nature and volumes of waste
- b) Measures to ensure maximisation of waste reuse
- c) Measures to ensure effective segregation of waste at source including waste sorting, storage, recovery, and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site
- d) Any other steps to ensure the minimisation of waste during construction
- e) The location and timing of provision of facilities pursuant to criteria b/c/d
- f) Proposed monitoring and timing of submission of monitoring reports
- g) Proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime

of the development.

Thereafter the implementation, management and monitoring of construction waste of that parcel/element shall be undertaken in accordance with the agreed details and no individual building subject to a Detailed Waste Management Plan shall be occupied until the Waste Management Closure Report for that parcel/element has been submitted to and approved in writing by the Local Planning Authority.

42. Playing Fields – Ground Condition Details

No development apart from Enabling Works on the proposed secondary school playing fields shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- a) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- b) Where the results of the assessment to be carried out pursuant to (a) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation
- c) For any artificial pitches, a specification shall be provided in accordance with Sport England guidance.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the approved scheme and made available for playing field use in accordance with the approved scheme.

43. Odour Control

Any non-residential building shall not be occupied until a scheme detailing plant, equipment or machinery for the purposes of ventilation or the

extraction and filtration of odours, dust or fumes has first been submitted to and approved in writing by the Local Planning Authority for that building.

The approved scheme shall be installed before the use of the building is commenced and shall be retained as such.

44. Fire Hydrants

No building within any Development Parcel or Phase shall be occupied until a scheme for the provision and location of fire hydrants to serve that Development Parcel or Phase has been implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority.

The scheme shall be carried out in accordance with the approved details and retained as such.

45. Broadband

No dwelling shall be occupied until the necessary infrastructure to enable that dwelling to directly connect to fibre optic broadband has been delivered and is capable of being fully operative.

Phasing Conditions

- 46.** The development shall not be occupied until the Grafham Transfer water supply option set out in CW's rdWRMP is delivered and is providing water supply capable of being used by the development. or

The development shall not be occupied until a CW WRMP is published following its approval by the Defra SoS.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.