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# DRAFT GREATER CAMBRIDGE REGULATION 18 LOCAL PLAN CONSULTATION

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Written Representation on behalf of Persimmon Homes Ltd  
January 2026

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Persimmon Homes East Midlands,

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# 1 Introduction

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- 1.1 These representations are made on behalf of Persimmon Homes Ltd (East Midlands) in response to the Draft Greater Cambridge Local Plan. We support the overall vision of creating well-designed, sustainable and resilient communities, and welcome the ambition shown in the draft policies. However, a number of the detailed requirements go beyond national standards or lack sufficient flexibility and therefore risk undermining deliverability or delaying the housing trajectory.
- 1.2 The comments below identify where policies could be refined to remain ambitious while ensuring they are justified, effective and proportionate, having regard to viability and cumulative policy burdens.

## 2 Soundness and Legal Compliance

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### Framework for the Tests of Soundness

- 2.1 The National Planning Policy Framework (NPPF) requires that Local Plans are positively prepared, justified, effective and consistent with national policy (the “tests of soundness”). Plans must be underpinned by proportionate evidence, consider reasonable alternatives and be deliverable over the plan period; policies must align with national policy unless there is a robust, locally evidenced justification for divergence. These principles are set out in Chapter 3 (Plan-making) and applied across the Framework.
- 2.2 Planning Practice Guidance (PPG) complements the NPPF by explaining how plans should be evidenced and viability-tested, and that cumulative policy requirements must not undermine deliverability. It also signposts topic guidance (climate change, BNG, healthy communities, water) that should be read together when drafting policies.

### Flexibility and Avoiding Over-Prescription

- 2.3 PPG emphasises outcome-focused policy drafting and warns against unnecessary prescription. Over-prescription can quickly date a plan and frustrate delivery, contrary to “effective”.

## 3 Response to the draft policies

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### Policy CC/SD: Sustainable Development and the Climate Emergency

- 3.1 We support the principle of embedding climate mitigation and adaptation across the plan. However, as drafted, Policy CC/SD lacks clarity, risks duplication of other policy

requirements, and has not been shown to be proportionate, effective or aligned with the national policy framework.

- 3.2 The Climate Change Topic Paper confirms that CC/SD was introduced following concerns that the First Proposals did not clearly explain how developers should demonstrate compliance with sustainability requirements, and that the new policy is intended to provide a “holistic” mechanism for information submission. While this intent is understood, the policy as drafted creates avoidable ambiguity, increases administrative burdens and amplifies cumulative policy impacts without adequate evidence.
- 3.3 The Topic Paper explains that Policy CC/SD requires applicants to submit a Sustainability Statement demonstrating how each development will mitigate and adapt to climate change, justify design choices, and show compliance with climate-related policies across the Local Plan. This expands on Cambridge Local Plan (2018) Policy 28 and South Cambridgeshire Local Plan (2018) Policy CC/1.
- 3.4 While a Sustainability Statement may be helpful, the draft policy does **not** specify:
  - the level of detail expected for different scales of development;
  - how evidence should be structured;
  - which matters require stand-alone assessments elsewhere in the plan;
  - and how duplication will be avoided.
- 3.5 This lack of clarity is inconsistent with the Topic Paper’s own acknowledgement that sustainable design involves “various aspects of the built and natural environment” and requires case-by-case design-led solutions.
- 3.6 Without thresholds or guidance, CC/SD risks becoming a catch-all requirement, creating unnecessary documentation and uncertainty for applicants, contrary to the NPPF’s requirement for proportionate evidence and effective policy implementation.
- 3.7 CC/SD requires demonstration of compliance with “various policies” related to climate mitigation/adaptation. However, the Local Plan already contains specialist and detailed policies, including:
  - CC/NZ (Energy & Carbon Standards)
  - CC/WE (Water Efficiency)
  - CC/IW (Integrated Water Management)
  - CC/FM (Flood Risk)
  - BG/BG (Biodiversity Net Gain)
  - CC/CE (Circular Economy)
- 3.8 Each of these contains its own evidence, technical studies, and in many cases reporting requirements. The Topic Paper itself notes that individual policies such as CC/WE and CC/NZ already introduce advanced technical justification, modelling or calculation

requirements. CC/SD risks duplicating these obligations by requiring applicants to repeat information narratively in a Sustainability Statement, increasing cost and administrative burden without adding planning value.

- 3.9 The Topic Paper acknowledges that many climate-related effects are site-specific and “*inherently uncertain*” at plan-making stage. Yet CC/SD requires applicants to demonstrate a wide range of sustainability outcomes upfront, even before site-specific detail may be available. Furthermore, CC/SD is introduced without supporting viability evidence, despite being the vehicle through which the cumulative demands of CC/NZ, CC/WE, BG/BG, BG/TC and WS/HD are operationalised. This compounds deliverability concerns already identified in our representations to other policies.
- 3.10 Policy CC/SD also references “carbon sequestration” as one of the matters applicants must address through their Sustainability Statements. This raises significant concerns about justification, scope and proportionality. The Climate Change Topic Paper confirms that carbon sequestration is covered separately under Policy CC/CS: Supporting land-based carbon sequestration and carbon sinks. That policy addresses:
- the protection of peat soils,
  - maximising sequestration benefits through green infrastructure, and
  - soil management to reduce construction impacts.
- 3.11 This demonstrates that sequestration is already the subject of its own specialist policy with its own evidence base. There is no explanation in the Topic Paper for why CC/SD should duplicate or expand this requirement.
- 3.12 The Topic Paper acknowledges that the ability to quantify or influence sequestration varies significantly by site and that sequestration-positive opportunities often depend on regional landscape strategies, soil types and land management practices rather than development form. It states that sequestration is addressed through wider green infrastructure and peatland mapping work. Expecting individual planning applications to demonstrate their contribution to sequestration is not proportionate and goes far beyond what national policy requires. Other draft policies already require 20% BNG, 30% tree canopy, integration of SUDS and multifunctional green infrastructure, soil protection measures, and landscape led mitigation. All of these inherently provide sequestration benefits. Requiring developers to separately account for “carbon sequestration” within CC/SD creates double counting of benefits already required under biodiversity/landscape policies, and further administrative burden without associated planning benefits.
- 3.13 The Topic Paper provides no viability testing, cost analysis, or feasibility assessment relating to sequestration-related measures under CC/SD. Given the cumulative burdens associated with net zero, water efficiency, BNG and tree canopy, adding further obligations with no evidence is not sound.

- 3.14 The NPPF (2024) requires local plans to be: positively prepared; justified using proportionate evidence; effective and deliverable; and consistent with national policy. Policy CC/SD, as drafted, fails these tests because:
- It imposes broad, undefined evidential expectations regardless of site scale or complexity.
  - It creates administrative burden rather than focusing on planning outcomes.
  - It risks duplication with Building Regulations for energy, water and materials, contrary to national emphasis on regulatory clarity.
  - It adds uncertainty to the validation process, with inevitable impacts on development management timescales.
- 3.15 To ensure soundness, we request that Policy CC/SD is revised to provide clarity, avoid duplication and ensure proportionality. We propose the following modifications: *“Sustainability Statements must be proportionate to the scale, nature and complexity of the development”*, and to delete “carbon sequestration” from the list of matters to be addressed in Sustainability Statements.

#### **Policy CC/DC: Designing for a Changing Climate**

- 3.16 While we support the principle of requiring development to incorporate climate-resilient design, the detailed requirements set out within Policy CC/DC particularly the cooling hierarchy raise significant concerns over deliverability, proportionality and soundness.
- 3.17 The Climate Change Topic Papers confirm that overheating is a material issue for the region, but they equally emphasise the variability in site context, building form and design solutions required to manage risk appropriately. The cooling hierarchy set out in CC/DC is rigid, prescriptive, and in places technically unrealistic, and it has not been demonstrated to be justified or viable.
- 3.18 Policy CC/DC requires that development:
- Demonstrates resilience to overheating through adherence to a cooling hierarchy;
  - Prioritises “passive design” and “*passive cooling measures*” before mechanical systems;
  - Applies the hierarchy to all major development, backed by detailed overheating analysis.
- 3.19 The supporting Topic Paper states that these measures are intended to respond to projected increases in extreme heat events. However, nowhere in the evidence base is there demonstration that the hierarchical ordering of measures is appropriate for all sites or building types, nor that the hierarchy is compatible with other policies such as CC/NZ

(especially where very high fabric performance can, counterintuitively, increase summer overheating risk).

- 3.20 The cooling hierarchy is overly prescriptive and inflexible, assuming that all sites can prioritise: site layout / orientation measures; passive shading; natural ventilation; and mechanical cooling as a last resort. This is conceptually neat but technically simplistic; however In practice constraints such as: urban density and neighbouring built form; noise constraints preventing openable windows; air quality management areas; dual-aspect ratio limits in higher-density schemes; heritage constraints on shading devices; and solar PV placement under Policy CC/NZ mean that developments often must combine passive and mechanical approaches in parallel not sequentially. Rigid hierarchical compliance is therefore not feasible in all cases and may conflict with, or undermine, other climate-focused design requirements.
- 3.21 No evidence is presented demonstrating that the hierarchy is effective or required. The Topic Paper acknowledges that overheating is “*context dependent*” and that mitigation strategies must be evaluated using dynamic thermal modelling. However, the policy requires adherence to a predetermined design sequence irrespective of modelling outputs. There is no evidence provided that:
- the hierarchy is superior to a performance-based overheating standard;
  - the hierarchy reflects CIBSE TM59 good practice;
  - the hierarchy is technically feasible in high-density residential development; or
  - the hierarchy delivers measurable benefits over alternative balanced design approaches.
- 3.22 Without evidence, the hierarchy becomes an unjustified design imposition, contrary to NPPF and plan-making tests of soundness.
- 3.23 To ensure soundness, the cooling hierarchy should be replaced or amended. We suggest replace the hierarchy with: “*Developments must demonstrate that they have appropriately assessed and mitigated the risk of overheating using a performance-based approach (e.g., CIBSE TM59), applying passive, active and hybrid cooling measures as appropriate to site context*”.

### **Policy CC/NZ: New Zero carbon new dwellings**

- 3.24 We support the ambition for low carbon development. However, Policy CC/NZ sets prescriptive energy targets (space-heating demand; total energy use) and a fossil-fuel-free requirement that go beyond the Government’s Future Homes Standard (FHS) signalled in

the 2023 Written Ministerial Statement (WMS). The 2024 NPPF elevates climate mitigation/adaptation (para 161) and expects planning to support the net-zero transition, but it does not itself mandate local standards beyond national regulation; PPG Climate Change guidance emphasises tools and approaches rather than prescribing specific methodologies.

- 3.25 The Future Homes Standard (FHS), as consulted upon in 2023-24 and confirmed through Government announcements, is the Government’s preferred and nationally consistent approach. It will:
- prohibit gas boilers through updated Building Regulations;
  - require low-carbon heating;
  - be universally applied across England;
  - introduce a nationally consistent compliance methodology.
- 3.26 This is expressly referenced in the Net Zero Carbon Budget Assessment, which states that the FHS is intended to represent the Government’s compliance route and will define the updated national regulatory baseline. Introducing a stricter and immediate fossil-fuel prohibition in CC/NZ therefore jumps ahead of the national transition, risking misalignment and unnecessary burdens. A transitional period is both reasonable and necessary to avoid undermining deliverability, particularly on large multi-phase sites where design, procurement and energy strategies have long lead-in periods.
- 3.27 National Policy is clear that the primary mechanism for securing energy and carbon performance standards in new homes is the Building Regulations. Local policies should be consistent with national standards and avoid market fragmentation or additional burdens which could undermine viability or delivery. In spite of this, the Council’s own carbon-budget paper states the draft policy “*diverges from the 2023 WMS*”<sup>1</sup> and presents CC/NZ as a “*true net-zero*” approach rather than a Building Regulations uplift.
- 3.28 The Council has referenced the UK Net Zero Carbon Building Standard (UKNZCBS) in its evidence base, used to support absolute energy limits, yet the Councils own UKNZCBS summary acknowledges the standard is voluntary, pilot, verified post-occupation, provides no cost evidence, and is “*not recommended*”<sup>2</sup> to be set as a Local Plan policy requirement.

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<sup>1</sup> Great Cambridge Local Plan Net Zero Carbon Policy Support: Carbon Budget Assessment, Pages 4 & 17

<sup>2</sup> Greater Cambridge Local Plan, UK Net Zero Carbon Building Standard Summary (June 25), Page 9 (UK Net Zero Carbon Buildings Standard “not recommended”)

- 3.29 The carbon-budget paper treats Policy CC/NZ as zero operational emissions by requiring on-site solar generation to match a home's total annual energy use and then counting the annual balance as zero as stated in the scenario table<sup>3</sup> ("*match total energy consumption on an annual basis*"), implemented in the "*EUI balance after PV*" [on page 4] = 0 result, and reflected in carbon totals of 0 for CC/NZ. That approach does not test whether midday summer solar meets evening/winter demand, nor grid export limits or shared roof-space constraints for flats. The paper also imports energy-use figures from South Oxfordshire & Vale [Appendix 1, Page 20] (not Greater Cambridge), and models both scenarios using the Passivhaus Planning Package (PHPP) [page 6] rather than the Government's Home Energy Model/Standard Assessment Procedure for FHS compliance.
- 3.30 The Council has presented an emissions-only comparison, Policy CC/NZ versus a Future Homes Standard (FHS) Option 1 scenario, in its Carbon budget assessment (policy scenario table; per-home results; cumulative emissions tables) but this is not a local, costed or cumulative viability comparison<sup>4</sup>. The Council's cost update (Currie & Brown, 20 Aug 2025) does not compare CC/NZ to the FHS baseline; instead it benchmarks against Building Regulations Part L 2021, and the report itself notes the 2022 regulatory change raised the Part L baseline by ~£5,000 per home—so no CC/NZ-vs-FHS cost/viability test is provided. It is therefore unclear what additional benefit is created by mandating a more stringent local standard at this stage; particularly as the policy relies on a non-statutory industry standard, the UK Net Zero Carbon Buildings Standard, which the Council's own paper says is voluntary, still in pilot, verified only after occupation, lacks cost evidence, and is not recommended to be used as a Local Plan requirement and is expected to evolve further.
- 3.31 The assessment of Whole Life Carbon is not part of the Government's Building Regulations or the Future Homes Standard compliance route, and the Council's own UK Net Zero Carbon Buildings Standard paper confirms that UKNZCBS is voluntary, still in pilot, verifies after occupation, does not provide cost evidence, and is "not recommended" to be set as a Local Plan policy requirement—so relying on such methods in Policy CC/NZ risks exceeding national mechanisms and introducing regulatory uncertainty. The carbon-budget paper relies on non-local modelling and policy-choice budgeting, not local cumulative viability. Hence, CC/NZ (as drafted) is not shown to be justified, effective, or deliverable against the FHS route.

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<sup>3</sup> Greater Cambridge Local Plan Net Zero Carbon Policy Support - Carbon Budget Assessment, Scenario Table, page 5 (Match total energy consumption on annual basis).

<sup>4</sup> Greater Cambridge Local Plan Net Zero Carbon Policy Support: Carbon Budget Assessment. Section 1 Scenario's tested

- 3.32 The Council’s net-zero cost update already shows material capital uplifts to meet CC/NZ (about £111-£135/m<sup>2</sup> for houses/flats, compared against Part L 2021), and expressly notes that the 2022 regulatory change raised the baseline by ~£5,000 per home—underscoring that there is limited headroom before any additional burdens are layered on. In that context, mandating extra modelling/reporting exercises (e.g., whole-life assessments aligned to non-statutory standards) is likely to divert effort and cost away from fabric-first delivery, rather than demonstrate proportionate benefit in Greater Cambridge. There is also no cumulative modelling with other policy burdens (water, canopy, BNG, affordable housing), and no testing of grid/roof space constraints in multi-storey blocks (PV sizing, overshadowing, export curtailment/connection upgrades), all of which materially affect feasibility.
- 3.33 Limb 6 of the Policy states that where a proposal cannot comply with on-site energy and carbon requirements, a financial contribution will be required. However, no contribution formula, metric or calculation method is provided. The UKNZCBS Summary makes clear that offset mechanisms must be: clearly defined, based on specific carbon outcomes, and directly related to the development. CC/NZ provides none of this. There is: no £/tCO<sub>2</sub> rate; no definition of the carbon shortfall; no clarity whether contributions relate to regulated, unregulated, or total energy; no clarity on the allowable uses of the fund; no mechanism describing how the Council will deliver the equivalent mitigation. This makes the policy unenforceable as drafted.
- 3.34 In addition to the above, contributions must also meet CIL/S106 legal tests. The UKNZCBS assessment explicitly notes that offset mechanisms in planning must be directly related, fairly and reasonably related in scale and kind, and necessary to make development acceptable. Without a clear methodology, Limb 6 exposes the policy to legal challenge and creates unacceptable uncertainty for applicants. No viability testing has been presented for the contribution mechanism. Given large uncertainties, Limb 6 cannot be said to be “effective” or “deliverable”.
- 3.35 To ensure the Plan remains sound, we recommend that Policy CC/NZ is amended to ensure it:
- Does not exceed the Future Homes Standard or pre-empt future changes to building Regulations; and
  - Includes flexibility for equivalent or successor standards, such that the policy does not commit development to non-statutory benchmarks which may change during the Plan period.

3.36 It would be unreasonable and unsound to apply Policy CC/NZ to any sites that already benefit from outline planning permission or have an existing allocation in the adopted development plan. Outline consent establishes the principle of development and fixes key parameters under the policy framework in place at the time of approval. Developers therefore have a legitimate expectation that subsequent reserved matters will proceed under those parameters, not under materially different standards introduced later. Imposing a new net-zero carbon requirement at this stage would amount to retroactive policy application, undermining certainty and fairness in the planning system. It would also conflict with the NPPF's emphasis on plan-led delivery and proportionate evidence (paragraph 36), and risk legal challenge on grounds of irrationality or breach of legitimate expectations. Furthermore, viability testing undertaken at outline stage assumed compliance with national standards (Future Homes Standard), not untested local uplifts. Applying CC/NZ to consented or allocated sites could therefore jeopardise deliverability and housing trajectory. The policy should be modified to clarify that it applies only to new allocations or applications submitted after adoption, with flexibility for voluntary enhancements where agreed.

3.37 Applying new carbon standards to sites with outline consent or existing allocations introduces significant legal and policy risk. The principle of development and viability assumptions for these sites were established under the policy framework in place at the time of consent or allocation. Imposing materially different requirements now would conflict with the NPPF's tests of soundness, particularly Justified and Effective:

- **Justified:** The policy must be based on proportionate evidence and reasonable alternatives. Retroactive application ignores the evidence and viability work underpinning the original consent.
- **Effective:** Delivery of strategic sites is critical to the housing trajectory. Adding untested burdens could delay or undermine delivery. It also risks challenge on grounds of irrationality and breach of legitimate expectations, as developers reasonably expect reserved matters to proceed under the standards assumed at outline stage. The Courts have consistently held that retrospective policy imposition is unlawful where it frustrates established permissions. For these reasons, the plan should clarify that CC/NZ applies only to new allocations or applications submitted after adoption, not to consented or allocated sites.

3.38 To make the policy sound, we request the following amendments:

- Modification 1 - Introduce Transitional Arrangements for Fossil-Fuel Phase-Out  
*“The prohibition on new gas connections shall take effect no earlier than the commencement of the Future Homes Standard (or equivalent national regulations), except where site-specific low-carbon alternatives are demonstrably feasible and viable”.*
- Modification 2 - Clarify and Limit the Scope of Limb 6
- Modification 3 - Align Policy with Government’s Future Homes Standard  
Add: *“Compliance with the Future Homes Standard will normally be accepted as satisfying the baseline requirements for operational carbon performance, unless specific local evidence demonstrates a unique and proportionate need to exceed national requirements”.*
- Modification 4 - Allow Flexibility for Large Multi-Phase Developments  
*“Where development comes forward over multiple phases or extended timeframes, compliance pathways may align with the prevailing national regulations at the point of detailed design, supported by an energy strategy demonstrating progression toward net zero”.*

### Policy CC/WE: Water efficiency in new developments

- 3.39 Policy CC/WE requires developers to demonstrate no more than: 80 litres of water usage per person per day on developments 100 dwellings or more; and water usage of between 90 to 100 litres/person/day on developments of less than 100 dwellings.
- 3.40 It is recognised that Part G of the Building Regulations (2010), which relate to water efficiency, currently apply a technical standard of 125 litres per person per day; with an optional tighter target of 110 l/p/d; and that the Government has consulted on revising that requirement to 100 litres per person per day. Local plans may pursue tighter standards but only where justified by local evidence and feasibility. A blanket 80 l/p/d risks being unjustified and disproportionate particularly for early-plan delivery. Whilst the Government’s 2023 Written Ministerial Statement on reducing demand for water encourages Local Planning Authorities in areas of water stress to set tighter water efficiency standards for new homes and developments, it does not however mandate a specific standard. The WMS supports higher standards, but only where it is shown to be justified. A design standard of 80 l/p/d exceeds even what the Government itself is proposing at national level and goes well beyond the *“tightening”* envisioned in the WMS.
- 3.41 We welcome the publication of the Cambridge Area Water Supply Evidence (2025) that informs the draft policy and acknowledge the need for demand-side management in view

of long-term water scarcity. However, the mandatory 80 l/p/d standard for all new residential development is not justified across the broad range of sites, tenures and occupancy types proposed in the emerging Plan, especially when supply depends on major infrastructure projects not due until the 2030s.

- 3.42 The “*Shared Standards in Water Efficiency for Local Plans (2025)*” guidance acknowledges that a fitting-based approach can achieve 85-95 litres per person per day. However, it is explicit that some of the fittings necessary to achieve these lower consumption levels will not be available at scale until 2030<sup>5</sup>.
- 3.43 This aligns with the wider water scarcity water supply evidence for Greater Cambridge, which confirms that new strategic infrastructure including reservoir and transfer capacity will not come online until the early 2030s.
- 3.44 Given the above it would be unreasonable and unsound to mandate an 80 l/p/d standard for dwellings delivered prior to 2030, when neither the necessary fittings nor the supporting water supply infrastructure will be available at scale. This is a formal soundness issue.
- 3.45 A blanket requirement for 80 l/p/d from the outset has not been viability tested across the full range of typologies and tenures. The capital and maintenance costs of retrofitting grey-water systems, rainwater harvesting and ultra efficient fittings are unlikely to be significant and cumulative with other Local Plan burdens (BNG, net zero, affordable housing).
- 3.46 Persimmon Homes recognise there is a need for all new development to seek to reduce the amount of water used however, this is most effectively achieved through the application of Building Regulations and the optional technical standards which are clear as to the level of reduction Government considers necessary in a water stressed area. As there is an existing national standard for such areas then the only sound approach is to apply that standard, which remains 110 litres per person per day.
- 3.47 While the draft Local Plan rightly seeks to improve water efficiency in new homes, it is important to recognise the scale of systemic losses elsewhere in the supply chain. According to the Environment Agency, around 19% of all water entering the public supply in England is lost through leakage before it reaches consumers<sup>6</sup>. Nationally, this equates to billions of litres lost every day, and for context it is comparable to nearly half the

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<sup>5</sup> Shared Standards in Water Efficiency for Local Plans - June 2025, page 19 (lack of fittings available)

<sup>6</sup> <https://www.gov.uk/government/news/more-action-needed-to-protect-future-water-resources>

per-person consumption target proposed for new dwellings in Greater Cambridgeshire. Leakage occurs before water reaches properties, reducing effective supply and undermining conservation efforts. This matters because an 80 L/p/d standard for new builds only addresses in-home efficiency. Given that new builds represent less than 1% of the national housing stock annually, focusing solely on tightening standards for these homes without addressing leakage and retrofitting existing properties risks delivering only marginal gains. A balanced approach that tackles leakage alongside demand-side measures will be essential to achieving meaningful water resilience across Greater Cambridge and beyond.

3.48 Limb 5 of Policy CC/WE also requires developments to “*provide rainwater harvesting or other non-potable supplies for outdoor irrigation, including for shared or communal landscaped areas*”. While we support the intent to reduce potable water consumption, the requirement as drafted is technically unclear, operationally problematic and introduces significant long-term management liabilities, particularly for multi-phase or multi-ownership residential developments.

3.49 Limb 5 fails to acknowledge the fundamental difference between:

- (a) private garden irrigation, and
- (b) shared/communal amenity spaces, which typically fall under a Management Company (MANCO) or Residents’ Management Company (RMC).

3.50 The policy applies the same standard to both contexts, despite the much greater operational, maintenance and liability implications associated with communal systems. Rainwater irrigation systems for shared spaces create significant long-term management burdens. Communal rainwater harvesting systems require complex infrastructure, including:

- Underground or above-ground storage tanks
- Filtration systems
- Pumping, distribution pipework and controls
- Overflow and soakaway provision
- Regular water-quality monitoring and cleaning

3.51 These are non-trivial, technical systems that require regular, competent maintenance and compliance with health and safety obligations. MANCO’s would also inherit liabilities they are not equipped to manage. Experience across large residential developments is clear: MANCOs are not set up to operate semi-engineered water systems. They typically oversee:

Soft landscaping maintenance, Play area inspections, and Basic private estate infrastructure. They are not typically responsible for managing engineered water supply systems. This creates:

- Risk of system failure
- Health and safety risks (stagnation, contamination, Legionella)
- Unpredictable resident service charges
- Disputes and reputational risk for developers and Councils.

3.52 Neither the Topic Paper nor the wider evidence base provides:

- feasibility analysis of communal rainwater systems at scale;
- cost estimates or whole-life costing;
- assessment of storage requirements for large shared spaces;
- analysis of yield versus irrigation need in Cambridgeshire's climate;
- acknowledgment of adoption / management constraints.

3.53 Given that CC/WE is being applied plan-wide, this absence of evidence means the policy is not justified or deliverable. The policy does not consider interactions with: SuDS maintenance (subject to SABS/LLFA adoption decisions), Public open space adoption (where Councils may not adopt engineered water systems), Foul + surface water drainage strategies, Viability and cumulative burdens across CC/NZ, CC/DC, CC/SD, BG/BG and the water neutrality expectation. Development requiring untested, unadoptable infrastructure contradicts the NPPF requirement that policies must be both justified and deliverable.

3.54 To make Limb 5 sound, we propose the following amendments:

- Modification 1 - Allow Alternative Water-Efficient Landscaping Strategies  
*“Developers may instead demonstrate compliance through low-water-demand planting, drought-resistant species, soil enhancement and minimisation of irrigation need”.*
- Modification 2 - Clarify that domestic water butts suffice for private plots  
*“For private gardens, individual water butts shall be considered sufficient to meet policy requirements”.*

### **Policy CC/FM: Managing Flood Risk**

3.55 Limb 1h of Policy CC/FM states that surface water discharge rates must be limited to 2 litres per second for all rainfall events up to the 100-year return period event. While we support the principle of minimising flood risk and ensuring robust SuDS design, this

requirement is overly prescriptive, technically unjustified, and undeliverable in many site contexts. It contradicts national and industry SuDS design practice and fails to reflect constraints acknowledged by Lead Local Flood Authorities (LLFAs) and the CIRIA SuDS Manual.

- 3.56 Limb 1h imposes a blanket standard that is not technically justifiable. Requiring 2 l/s for all events is not consistent with:
- CIRIA SuDS Manual C753, which emphasises that flow restriction must be determined through hydrological analysis, site infiltration capacity, soil conditions, catchment characteristics, exceedance routing and safety considerations—not fixed values.
  - LLFA guidance, which typically applies minimum flow controls (e.g., 2 l/s or even 5 l/s) only where feasible, recognising that in some contexts a higher minimum flow is required to avoid blockage and ensure system performance.
  - National guidance on non-surfing low flows, which warns that excessively small orifice sizes lead to blockage and system failure.
- 3.57 A universal requirement for all sites to discharge at or below 2 l/s, regardless of the scale or characteristics of the catchment, fails to reflect these technical realities.
- 3.58 To ensure the policy is sound and effective, Limb 1h should be amended to introduce site-specific flexibility, as follows:
- Modification 1 - Replace the blanket requirement  
*“Surface water discharge rates must be determined through site-specific hydrological assessment, having regard to local catchment characteristics, LLFA guidance, SuDS Manual C753, and the drainage hierarchy. Where feasible, discharge should be restricted to greenfield rates, with a minimum practicable discharge agreed with the LLFA”.*
  - Modification 2 - Recognise practical constraints on flow control  
*“Minimum allowable discharge rates and orifice sizes shall reflect maintenance, blockage risk and operational considerations, as agreed with the LLFA”.*
  - Modification 3 - Allow flexibility for brownfield or constrained sites  
*“Where physical, hydrological or viability constraints prevent discharge at greenfield-equivalent rates, applicants may propose alternative controlled discharge rates based on robust evidence”.*

## Policy CC/CE: Supporting a circular economy and sustainable resource use

- 3.59 Policy CC/CE which covers a circular economy and sustainable resource use is not sound. As drafted, it is insufficiently precise, not effectively enforceable, and risks duplication with existing regimes (Building Regulations, construction waste legislation, Minerals & Waste Plan, and other policies in this Plan). It also introduces unquantified burdens (e.g., demolition justification and circular economy statements) without a clear compliance metric, monitoring mechanism, or viability testing.
- 3.60 The policy's core objectives and triggers are set out at CC/CE paragraphs 4.60-4.68, including: a presumption for repair/refurbishment over demolition; requirements to justify demolition through lifecycle carbon tests; operational waste storage/collection; and Circular Economy Statements for defined thresholds and demolition proposals. Yet no objective standard, benchmark, or pass/fail threshold is specified to determine compliance or to enable consistent development management decisions.
- 3.61 The policy is vague in its duties, lacking clear enforceable requirements. The policy requires schemes to "take opportunities" to reduce embodied carbon and to justify demolition through lifecycle tests that reference RICS modules (A1-A5; B1-B5; C1-C4). However, no numerical targets, decision thresholds, or accepted modelling parameters are provided (e.g., baseline definitions, grid factors, building life assumptions, scope boundaries, reuse rate targets, or 'material passports' requirements). Planning officers cannot rationally determine pass/fail where only narrative justification is provided.
- 3.62 The policy mandates a Circular Economy Statement for large schemes or "any major development proposal that involves demolition" but does not prescribe a standard structure, templates, evidence thresholds (e.g., % recycled content, diversion rates, on-site reuse quotas), nor monitoring and enforcement mechanics after permission. This renders the "requirement" non-operational at decision stage and unenforceable post-occupation.
- 3.63 The policy also duplicates with existing controls. Operational waste provisions are already dealt with through the RECAP Waste Management Design Guide and the Minerals & Waste Local Plan; CC/CE simultaneously requires compliance with RECAP and "innovative" approaches, but does not explain what extra is required compared to RECAP (risking double-regulation and inconsistent determinations). Construction waste, duty of care, and site waste management are controlled by environmental legislation. CC/CE adds narrative requirements without adding measurable planning outcomes, creating administrative burden and uncertainty without planning gain.
- 3.64 The policy cross-refers to RICS lifecycle modules but does not state what level of upfront or lifecycle carbon performance is acceptable or how to validate inputs (e.g., EPD hierarchy, default factors, end-of-life scenarios). Without a quantified target, baseline and tolerance, decisions will be subjective and open to challenge.

- 3.65 The policy triggers Circular Economy Statements for  $\geq 150$  dwellings,  $\geq 15,000$  m<sup>2</sup> non-residential, or any major demolition. Yet there is no clarity on:
- (i) the minimum contents,
  - (ii) the assessment method (e.g., London-style CE Statement template; materials passports; disassembly indices),
  - (iii) how performance will be conditioned (KPIs, stage gates), and
  - (iv) how compliance will be monitored or enforced post-completion.
- 3.66 As written, the Statement risks becoming a narrative document rather than a decision tool, which is neither proportionate nor effective for development management.
- 3.67 The Plan cites broad aims and cross-references to RICS/RECAP but presents no viability testing for the incremental costs of CC/CE (e.g., expanded surveys, pre-deconstruction audits, disassembly design, selective demolition, store/reuse logistics, or monitoring). Nor does it present a monitoring framework to show how benefits will be tracked and reported. In the absence of quantified evidence, the policy is not justified or effective (NPPF tests).

#### **Policy CC/CS: Supporting land-based carbon sequestration and carbon sinks**

- 3.68 Policy CC/CS seeks to protect peat soils and promote land-based carbon sequestration. While the intent is understood, the policy is not sound as drafted. It fails the NPPF tests of clarity, proportionality, justification, and effectiveness. Peat is extremely limited in the Greater Cambridge plan area—indeed, the supporting text explicitly recognises that peat “covers a relatively small area of Greater Cambridge” and is generally located in already-wet, highly constrained areas.
- 3.69 Despite this, the policy introduces undefined obligations, including:
- An undefined “significant net gain” in carbon sequestration (Policy CC/CS(6));
  - A presumption against peat disturbance without defining what constitutes ‘significant harm’;
  - Requirements for “meaningful” or “proportionate” evaluations without specifying methodology or thresholds.
- 3.70 The result is a policy that is overly vague, lacks objective compliance tests, and is potentially unenforceable in development management.
- 3.71 The policy’s supporting text acknowledges that peat soils in Greater Cambridge are: limited in spatial extent; and located predominantly in the very north of the plan area (fen-edge landscapes). These areas are typically already wet or waterlogged, meaning: most high-growth areas and strategic allocations contain no peat at all; where peat exists, it is almost always in low-lying, hydrologically constrained land unlikely to be appropriate

for major development. The policy applies a district-wide requirement without recognising that peat is not a development-side constraint for the overwhelming majority of sites. A policy of this breadth is therefore disproportionate, given the rarity and location of peat.

3.72 There is no definition of ‘significant harm’ to peat. The policy uses the term “unavoidable harm” and implies that only exceptional development can proceed where peat is affected. However, it must be recognised that:

- There is no definition of what volume, depth, or extent of peat loss constitutes “harm”.
- No thresholds, metrics or decision-criteria are provided in the supporting text.
- There is no indication whether “significant” refers to carbon content, ecological value, soil depth, hydrology, or landscape context.

3.73 Without this, the policy is not implementable because planning officers cannot consistently determine acceptability.

3.74 Policy CC/CS(6) states that major developments should seek to demonstrate “meaningful carbon sequestration” through green infrastructure. However,

- “Meaningful” is entirely subjective.
- No performance metrics (e.g., tCO<sub>2</sub>e/ha/yr), habitat types, or quantification tools are identified.
- Natural England or DEFRA sequestration rates are not referenced.
- No monitoring or verification mechanism is proposed.

3.75 This turns CC/CS(6) into a non-enforceable aspiration, not a policy requirement.

3.76 The policy also requires peat-related soil management plans but does not specify required survey techniques; minimum sampling density; depth criteria; carbon reporting methodology; or validation standards. Without this detail, developers cannot know what is expected, and planning officers cannot apply the requirement consistently.

3.77 The policy provides no evidence on the cost of peat surveys; the cost of soil carbon analysis; the feasibility of peat preservation in construction; the carbon impact of design changes required to avoid localised peat pockets; the cost of enhanced GI for sequestration. No work has been presented to demonstrate that the policy is deliverable and viable, particularly for small or medium-sized sites (contrary to NPPF tests of soundness).

### **Policy BG/BG: Biodiversity and Geodiversity**

3.78 The draft Plan’s blanket requirement for 20% BNG on major development is not justified, not shown to be effective, and risks being inconsistent with national policy (NPPF tests of soundness). National Planning Practice Guidance confirms the statutory framework

requires a minimum 10% BNG, and that plan-makers should not seek a higher percentage unless justified by local need/opportunities and viability evidence<sup>7</sup>.

- 3.79 The Habitats Regulations Assessment for the Greater Cambridge Local Plan identifies mitigation to achieve no adverse effect on integrity (e.g., SANGS within defined zones, bat survey/lighting safeguards, and tight water/wastewater conditions) but does not demonstrate that a blanket 20% BNG is necessary for Habitats Site integrity or viable across site typologies. The HRA simply notes Policy BG/BG's BNG uplift and treats it as general mitigation; it contains no local need analysis or viability testing for a >10% requirement.
- 3.80 The Council's own Sustainability Appraisal recognises a viability risk around any demand to provide 20% BNG, and states 10% would be sufficient to protect designated sites, which indicates the 20% figure is an aspiration rather than a necessity to meet environmental compliance<sup>8</sup>.
- 3.81 The Council's viability evidence<sup>9</sup> rests on non-local and historic sources and applies flat per-dwelling allowances of £1,741 (greenfield) and £385 (brownfield) derived from DEFRA (2019) for 10% and an Essex SQW study (2024) for the 20% uplift, with no Greater Cambridge market calibration or reconciliation to local delivery conditions.
- 3.82 There are material contradictions between the Council's Topic Paper and its Viability Report that fatally undermine the case for 20%: the Topic Paper acknowledges that off-site delivery is often required on smaller or constrained sites and highlights market prices for biodiversity units (e.g., "other neutral grassland") averaging c. £27,000 per biodiversity unit plus VAT and legal; yet the Viability Report's per-dwelling figures neither engage with local unit pricing nor model the scale of off-site reliance, despite the Topic Paper's own worked example indicating that even achieving 10% can necessitate off-site purchases on small schemes<sup>10</sup>. The Viability Report also concedes that BNG costs are "constantly evolving"<sup>11</sup> and records no direct stakeholder feedback to validate its assumptions<sup>12</sup>, further eroding confidence in the robustness of its inputs.
- 3.83 Any assertion that cumulative policy is viable is not evidenced. In the base appraisals, S106 and CIL are set to £0<sup>13</sup>, artificially inflating apparent headroom; BNG is treated as a generic external works cost<sup>14</sup> with no transparent allowance for the statutory 30-year management, monitoring and HMMP obligations<sup>15</sup>; and there is no quantified land take/density penalty for set-aside or habitat creation reducing net developable area and

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<sup>7</sup> PPG, Paragraph: 006 Reference ID: 74-006-20240214

<sup>8</sup> Sustainability Appraisal (October 2025), Paragraphs 5.343, 5.345, and 5.348.

<sup>9</sup> Greater Cambridge Local Plan Viability, Main Viability Report (Oct 2025), Para 4.5, page 18 (policy matrix entry for Policy BG/BG: Biodiversity and geodiversity).

<sup>10</sup> Biodiversity and Green Spaces Topic Paper, Paras 3.29-3.31 (worked example; credit pricing at Para 3.30)

<sup>11</sup> Local Plan Viability Report, Para 4.5 (BNG costs "constantly evolving")

<sup>12</sup> Local Plan Viability Report, Para 1.7 (no feedback)

<sup>13</sup> Local Plan Viability Report, Table 5.16, Page 64

<sup>14</sup> Local Plan Viability Report, Para 4.5 (BNG "included within external works")

<sup>15</sup> Biodiversity and Green Spaces Topic Paper, Para 3.40 (30-year HMMP requirement)

sales revenue. These omissions mean the plan has not tested 20% BNG in combination with other demands (e.g., affordable housing, water efficiency, tree canopy, green infrastructure) in a way that demonstrates deliverability.

- 3.84 Deliverability of a blanket 20% also depends on off-site capacity and price, yet the Topic Paper merely lists a handful of BNG provider sites<sup>16</sup> and a web map, providing no capacity analysis (quantum of habitat units now and over time, price ranges by habitat, pipeline) to show that the market can supply off-site units at viable prices for an area-wide 20% standard.
- 3.85 The Council's reliance on a small set of atypical examples<sup>17</sup> (new town/strategic and large institutional projects) to imply that 20% is routinely deliverable is not representative of mainstream housing typologies; by contrast, its own Topic Paper accepts that minor development commonly cannot deliver even 10% on-site and must buy off-site units—units which it indicates are high-cost<sup>18</sup>. In short, the evidence does not demonstrate that a universal 20% is justified or effective under NPPF/PPG, which the Council's own Biodiversity Topic Paper itself accepts is required<sup>19</sup>; rather it shows substantial evidential gaps (local pricing, capacity, 30-year costs, land-take, real infrastructure layering). The policy should therefore be found unsound on the grounds of lack of justification and ineffectiveness as currently drafted.
- 3.86 Furthermore, the council will be aware that the government released its draft NPPF for consultation in December 2025. Although this document currently forms a consultation rather than an adopted national policy approach, the draft document clearly establishes the direction of travel for national policy on a number of areas. In regard to BNG the draft NPPF sets out at N1: identifying environmental opportunities and safeguards at part 2: *'Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations, and is fully justified and deliverable'*. Therefore, the current proposed blanket 20% BNG requirement for all major applications would be contrary to the emerging direction for securing biodiversity net gain in new development. In addition, the majority of the allocated areas of growth within the emerging local plan already benefit from outline permission, secured ahead of the statutory requirement for 10% biodiversity net gain. Therefore, this emerging policy requirement will not secure new gains across the majority of the planned areas of growth over the emerging plan period. In contrast, the local plan evidence base sets out that achieving BNG gains on site within smaller sites can be more challenging. It has not been adequately tested how this policy will disproportionately impact smaller sites. We therefore recommend that the policy is modified to reflect the

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<sup>16</sup> Biodiversity and Green Spaces Topic Paper, Paras 3.36 to 3.38 (Provider sites and map)

<sup>17</sup> Biodiversity and Green Spaces Topic Paper, Paras 3.27 to 3.29 (Examples/limits)

<sup>18</sup> Biodiversity and Green Spaces Topic Paper, Para 3.29 to 3.31 (Minor development; off-site reliance and unit price)

<sup>19</sup> Biodiversity and Green Spaces Topic Paper, Para 3.7 (PPG, higher % only supported by local need/opportunity and viability)

existing national legislation by requiring a 10% biodiversity net gain within new development.

### Policy BG/BI: Green and Blue Infrastructure

- 3.87 Policy BG/GI requires development to incorporate green infrastructure using externally - derived design standards, including the Natural England Urban Greening Standard and the Building with Nature Framework. The supporting Topic Paper confirms that the Councils are still developing the detailed standards and have not yet finalised the GI quantity, accessibility or urban greening requirements<sup>20</sup>. Despite this, the policy effectively locks in an Urban Greening Factor-type requirement without any viable evidence base or defined methodology.
- 3.88 This approach is not sound:
- Not justified - no local viability testing for UGF/urban greening;
  - Not effective - no clear metrics, no certainty on how applications will be assessed;
  - Not consistent with national policy - contrary to NPPF tests of proportionality and clarity;
  - Not deliverable - especially for higher-density sites, small sites, and development with significant competing constraints.
- 3.89 The Topic Paper explicitly confirms that the Councils:
- Are “still working to confirm a locally justified approach that is clear and proportionate” to different scales of development<sup>21</sup>.
  - Have not completed the evidence required to develop GI standards for quantity, quality and accessibility<sup>22</sup>.
  - Have not finalised or tested the local Urban Greening Quantity Standard, which remains only an “*emerging approach*”<sup>23</sup>.
  - State that further work will be completed ahead of the Proposed Submission plan<sup>24</sup>.
- 3.90 Despite this uncertainty, Policy BG/GI adopts the standards in principle, meaning applicants cannot quantify: the level of urban greening required; its spatial implications on layout/density; or the cost of compliance. This fails NPPF requirements for clarity and enforceability.
- 3.91 Although the draft plan’s Viability Assessment claims to test Biodiversity Net Gain (BNG), it does not test:
- Urban Greening Factor scores;

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<sup>20</sup> Biodiversity and Green Spaces Topic Paper, Paras 4.16 - 4.17)

<sup>21</sup> Biodiversity and Green Infrastructure Topic Paper, Paragraph 4.16

<sup>22</sup> Biodiversity and Green Infrastructure Topic Paper, Paragraph 6.56

<sup>23</sup> Green Infrastructure Strategy Vol 1, Emerging Strategy and Standards, Paragraphs 3.3.17 - 3.3.21

<sup>24</sup> Biodiversity and Green Infrastructure Topic Paper, Paragraph 4.27

- Building with Nature accreditation costs;
- 40% green cover target in new neighbourhoods<sup>25</sup>;
- Cumulative impacts with other green infrastructure obligations.

3.92 This is a major evidence gap, particularly because urban greening factor significantly impacts developable area and costs. Urban greening obligations affect: net developable area; building footprints; roofscape engineering for green roofs; tree planting and soil volumes; and long-term maintenance costs, yet none of these have been addressed in whole-plan viability testing.

3.93 The Topic Paper itself acknowledges that: “*Setting standards for accessible greenspace in high-density residential development... presents specific challenges... where there is limited space available*”<sup>26</sup>. The same challenge applies to urban greening, but no allowances, exemptions or viability-based flexibility are provided. This omission renders the policy undeliverable, contrary to the NPPF.

3.94 Under the draft plan new development is simultaneously required to deliver:

- Urban Greening Factor (emerging);
- 20% net gain for major development (BG/BG);
- Minimum 30% tree canopy cover for major development (BG/TC);
- Accessible greenspace quantity and accessibility standards (BG/EO & GI Strategy Vol.1);
- SuDS and water management infrastructure (CC/IW).

3.95 These obligations are overlapping and mutually competing, particularly regarding space, cost, site layout capacity, and long-term maintenance liabilities. No evidence is provided to show these requirements are compatible or viable when applied together. This cumulative policy burden fails the NPPF requirement that policies be “*realistic and deliverable*”.

3.96 Policy BG/GI proposes using Building with Nature standards as a mandatory benchmark for major development<sup>27</sup>. This is problematic because:

- Third party accreditation introduces cost and delay;
- Building with Nature is not a government-endorsed standard
- No viability or feasibility testing has been undertaken
- It duplicates existing requirements under BNG, tree strategy and GI standards;
- It is externally controlled and subject to future change outside the Local Plan.

<sup>25</sup> Green Infrastructure Strategy Vol 1, Emerging Strategy and Standards, Para 3.3.18

<sup>26</sup> Green Infrastructure Strategy Vol 1, Emerging Strategy and Standards, Para 3.3.8

<sup>27</sup> Biodiversity Topic Paper, Paragraph 4.17

- 3.97 A Local Plan cannot lawfully require compliance with, or assessment by, non-statutory external bodies whose standards may change without democratic control.
- 3.98 The supporting text for policy BG/GI sets out in regard to urban greening factors that the target scores are taken from Natural England's infrastructure framework and that '*urban greening means the incorporation of plants, trees and other natural elements into urban environments to create more sustainable, liveable and resilient places.*' This is underpinned by guidance in Natural England's infrastructure framework which outlines at section 2.3 of the 'Urban Greening Factor for England User Guide - green infrastructure framework - principles and standards for England' that urban greening factors '*provide a mechanism to support planning, design and decision making to improve the quantity, quality and functionality of green infrastructure in urban districts.*' This implies that in contrast to biodiversity net gain, which can be secured off-site, the role of urban greening factors is to ensure there is a suitable amount of green infrastructure on site, which is determined through the comparison between target and achieved scores. In contrast policy BG/GI sets out that 'where the greening factor cannot be met on site, then the local planning authority will work with applicants to identify off-site opportunities to enhance local green infrastructure, secured by planning conditions and or obligations. This would appear to undermine Natural England's guidance on incorporating natural elements into urban environments by allowing scores to be satisfied off-site instead. There is no further information given on how scores would be satisfied off-site or if the off-site greening factor would have to be the same green infrastructure type as the on-site need. Further evidence needs to be provided on how the scoring will be determined and how off-site opportunities will be secured through this method. For example, would this also require a cost for continued monitoring and maintenance of off-site scores? This requirement could bring forward significant costs which have not been considered within the viability report. Policy BG/GI embeds an undeveloped, untested Urban Greening Factor-style requirement that is not justified, not viable, not clear, and not deliverable. The Councils' own Topic Paper acknowledges that the evidence base is still incomplete, making the inclusion of these standards premature and unsound at this stage. Substantial amendments are required to ensure the policy meets national tests of soundness and does not prevent the delivery of sustainable development.

### **Policy BG/TC: Improving tree canopy and the tree population**

- 3.99 We support the delivery of a greener urban environment. However, Policy BG/TC's requirement for 30% tree canopy presents concerns in terms of justification and deliverability. A 30% cover figure is at the upper end of national benchmarks (e.g.: National Design Guide 20% urban minimum) and will only be achievable if it is clear that the policy counts both existing canopy and new planting toward the target, and that canopy is measured at maturity rather than at completion of development.
- 3.100 Without these clarifications the policy risks conflict with land take for drainage, play, utilities and road infrastructure, which may reduce developable area and undermine

housing delivery. The Viability Assessment does not appear to model the costs of achieving and maintaining 30% canopy cover, particularly when combined with other policy burdens. We therefore recommend amendments to allow existing canopy to count toward the requirement, and to assess canopy at a defined future year (e.g. year 30), with flexibility where site characteristics constrain planting. We consider a 20% tree canopy figure as a more appropriate target in line with the National Design Guide.

#### **Policy WS/HD: Creating Healthy New Developments**

- 3.101 Policy WS/HD requires a Health Impact Assessment (HIA) for developments of 20 dwellings or more. We support the principle of addressing health impacts through development. However, a threshold of 20 dwellings is unusually low and risks being disproportionate, particularly on small or medium sized sites where impacts can be addressed through standard planning tools and contributions.
- 3.102 HIAs are resource intensive, requiring specialist input, data gathering and consultation with health providers. We have not identified evidence demonstrating that schemes of such scale create material health impacts which cannot be effectively mitigated through existing mechanisms such as design, open space and infrastructure contributions. Without such evidence the threshold risks being unjustified and may reduce the deliverability of smaller sites.
- 3.103 We recommend raising the threshold to align with national practice (for example 200 units) or alternatively apply HIAs only where a screening assessment identifies specific health impacts that require further work. A higher site threshold of circa 200 units is much more likely to make the policy sound.
- 3.104 In addition, where sites allocated for development are consistent with the policies in the local plan the council should be clear that an HIA is not required.

#### **Policy WS/NC: Meeting the Needs of New and Growing Communities**

- 3.105 We support the principle of ensuring that larger developments respond to community needs, with respect to limb 4 of Policy WS/NC relaying that sites of 200 or more dwellings must be informed by detailed assessments of community need and include strategies that address identified needs. However, the wording in limb 4, could be construed to place the onus on the applicant to assess community needs and produce a strategy to meet them.
- 3.106 Identification of needs is a plan-making function and should be established through the evidence base and the Infrastructure Delivery Plan. Developers can assist in engagement and delivery, but the Local Planning Authority should set out what needs are and what contributions are required, in line with NPPF paragraphs on infrastructure planning and pre-application engagement.
- 3.107 The policy would be more effective and proportionate if it required that major applications demonstrate how they have engaged with the LPA and relevant providers to meet identified needs, rather than placing the responsibility on applicants to determine

those needs. This maintains collaborative working, encourages pre-application engagement, and avoids shifting the burden of needs assessment onto individual applicants.

3.108 We suggest the following revised wording:

*“For developments of 200 dwellings or more, applicants should engage with the Council and relevant service providers at pre-application stage to ensure that proposals address identified community needs and contribute to any site-wide strategy”.*

### **Policy H/CB: Self and Custom Build Homes**

3.109 Policy H/CB covers self and custom build homes. We support the use of design codes and, where appropriate, plot passports for custom and self-build homes. However, limb 3b of the policy currently requires both plot passports and design codes to be attached to outline planning permissions. This is inflexible and may not be necessary in many custom build models, where external design and massing are fixed and customisation is confined to the interior of a standard house type. In such cases, a design code alone is sufficient, and the preparation of individual plot passports adds cost and delay without additional design benefit.

3.110 We recommend that the policy is amended to confirm that either a design code or plot passports may be required, with details to be submitted prior to reserved matters by planning condition. This provides flexibility and aligns with common practice, ensuring the policy is effective and does not constrain delivery. The policy should be reworded as an “either/or” as plot passports are not necessary where custom build development restricts optimisation choices internally (no external changes).

3.111 Limb 3e states that *“custom finish proposals will only be acceptable as flats”*. This wording is unclear and appears to prohibit custom finish or custom build housing, which is contrary to national policy support for self-build and custom build housing (NPPF paragraph 62). The Intention is likely to distinguish internal customisation from external form and massing. Custom finish proposals can apply to both houses and flats where external design is fixed, whereas external customisation is generally not appropriate for flatted schemes. We recommend amendments to ensure that the policy does not inadvertently restrict custom/self-build housing delivery.

### **Policy H/BR: Build to Rent Homes**

3.112 The policy requirements in H/BR for a 15-year covenant and the availability of tenancies of up to three years are consistent with national guidance and industry practice for Build to Rent. However, to ensure the policy is effective and does not inadvertently constrain delivery we recommend minor amendments to clarify that the three year tenancy is an option available to residents rather than a minimum term that must be taken, and that the covenant period can be reviewed where the scheme is demonstrated to be unviable or no longer capable of delivering Build to Rent use.

## Policy H/GT: Gypsy and Traveller Pitches and Travelling Show People Plots

- 3.113 Limb 3 of Policy H/GT states that “*Any unallocated strategic site of up to 5,000 dwellings will provide one area of serviced land that is 1 hectare to accommodate approximately 12 Gypsy and Traveller pitches, and any unallocated strategic site of over 5,000 dwellings will provide two areas of serviced land that are each 1 hectare to each accommodate approximately 12 Gypsy and Traveller pitches*”.
- 3.114 In respect of the above, it is recognised that the Homes Topic Paper evidence (Accommodation Needs Assessment 2024 + Addendum 2025) identifies:
- 157 new permanent Gypsy & Traveller pitches needed in South Cambridgeshire (2023/24 - 2444/45).
  - Only 2 potential pitches in Cambridge City and this is recorded as “no-specific need”
- 3.115 The identified need is overwhelmingly rural and not generated by strategic new settlements. The Accommodation Needs Assessment explicitly recommends a criteria-based policy and does not recommend a strategic-site land-set-aside model. It frames strategic-site G&T land as an option, not an evidence-led necessity; the justification is loosely that strategic sites support “integrated” and “sustainable” provision.
- 3.116 No part of the Local Plan evidence demonstrates:
- that need arises *from* strategic sites, or
  - that strategic sites are the best or only mechanism for meeting the need.
- 3.117 Limb 3 clearly goes beyond the evidence base. The ANA shows the vast majority of need falls in South Cambridgeshire, not evenly across the plan area, and not specifically associated with strategic growth locations. Yet limb 3 imposes a blanket, uniform requirement on all unallocated strategic sites regardless of: geography; scale; local need; community patterns; and deliverability. This fails proportionality, a key test for soundness.
- 3.118 The requirement is also not justified spatially. The evidence emphasises: (1) that historic G&T sites and community networks are rural and dispersed; and (2) that need relates to the existing community, not new incoming populations. Strategic sites (often large, masterplanned new settlements with high land values and controlled housing delivery) do not reflect the spatial patterns of need. There is no evidence that placing G&T pitches inside major urbanising locations improves outcomes.
- 3.119 Practical delivery problems include:
- Finding 1-2 hectares within tight masterplans already under pressure from schools, open space, mobility hubs, biodiversity net gain etc.
  - Integrating standalone, serviced 1-hectare parcels in a way that works operationally (site boundaries, management, security, engagement with the G&T community).

- Willingness of G&T households to relocate to new, dense, masterplanned communities (not proven in evidence).

3.120 A policy that will not work in practice is unsound. The Whole Plan Viability Assessment does not test the land-take or infrastructure cost of dedicating 1-2 hectares to serviced G&T plots within strategic sites. Without viability evidence, the requirement cannot be considered justified or effective under PPG and NPPF.

3.121 The Council must meet needs, but not necessarily on strategic sites. A criteria-based policy plus targeted allocations (both already recommended by ANA) fully satisfies Equality Act and Human Rights Act duties. Imposing a spatial requirement unsupported by evidence could actually worsen outcomes by placing G&T families in unsuitable environments. National Policy does not require strategic site provision. We suggest limb 3 is deleted entirely.

#### Policy I/EV: Parking and Electric Vehicles

3.122 Policy I/EV 2(h) stipulates that cycle parking for residential developments must be located in a purpose-built area at the front of the house or within a garage. This is unduly prescriptive and risks excluding secure and convenient solutions that are widely used and accepted elsewhere, including secure sheds or dedicated storage areas located in rear gardens with appropriate access. National and local guidance focus on outcomes (security, weather protection, accessibility) rather than dictating on a specific location, and a purpose-built structure in a rear garden can meet these criteria without detracting from streetscape or compromising other front of plot requirements such as drainage, landscaping or bin storage.

3.123 We recommend amending the policy to allow secure cycle storage in a range of suitable locations, subject to accessibility and design considerations, rather than restricting solutions to the front of a house or garage. Suggested wording is “*Cycle parking should be secure, covered and convenient, and may be provided in a purpose-built area at the front or rear of the house, within a garage, or in other suitable locations subject to design and access considerations*”.

3.124 *Limb 4 of the policy refers to “developments likely to be used by people with mobility scooters”.* Without definition, this wording could be interpreted to include all residential schemes, as any housing development is likely to be occupied by at least some residents who use mobility scooters. This creates uncertainty and disproportionate burden, particularly in conjunction with the minimum standard of 1 space per bedroom.

3.125 We recommend that the policy is refined to apply specifically to specialist forms of accommodation, such as extra care, sheltered housing or other developments designed for older or disabled people, where mobility scooters is clearly required. For general residential development, provision should be determined on a case-by-case basis through design and accessibility standards or apply specifically to the provision of Category M4(3) housing.

### Policy CC/IW: Integrated Water Management, Sustainable Drainage and Water Quality

- 3.126 We object to criterion 6(a) of Policy CC/IW requiring applicants to demonstrate “*there is capacity for wastewater treatment and adequate wastewater conveyancing infrastructure to serve the whole development, or an agreement is in place... prior to occupation of the development*”.
- 3.127 Criterion 6(a) imposes a requirement that all development must demonstrate the existence of wastewater treatment capacity, or secure agreements before occupation. This is not required under the NPPF, nor is it appropriate for a Local Plan to duplicate or reinterpret the statutory responsibilities of the water undertaker and Ofwat-regulated processes under the Water Industry Act 1991.
- 3.128 As was confirmed in the legal opinion relied on in representations to the Peterborough Draft Plan (“Howes Percival legal opinion on foul water issues”, **Appendix 1**), such policy wording is unlawful and unsound because:
- Drinking water and wastewater capacity are matters regulated through the separate, statutory Water Industry Act process, not planning policy.
  - Developers have statutory rights to connect to sewers (s.106 WIA) and water supply (s.41 WIA), irrespective of pre-existing capacity.
  - Requiring developers to demonstrate or secure upgrades pre-permission or pre-occupation unlawfully shifts water undertaker responsibilities onto applicants.
- 3.129 These same concerns apply directly to Policy CC/IW.
- 3.130 Policy CC/IW assumes that adequate wastewater capacity must be shown to “exist” at the planning application stage or that infrastructure must be committed before occupation. This is not how wastewater infrastructure delivery operates. Wastewater treatment upgrades are:
- Delivered through the water company’s Asset Management Plan (AMP) cycles,
  - Funded through Ofwat-approved investment programmes, not through individual planning permissions,
  - Triggered by growth forecasts, including the Local Plan itself.
- 3.131 Water companies repeatedly confirm (including in the Greater Cambridge Integrated Water Management Study 2025, cited in policy supporting text) that infrastructure is planned and provided to meet planned growth. The planning system should **not** require applicants to prove capacity exists up-front because:
- Developers cannot control or guarantee off-site treatment works upgrades.
  - Water companies do not provide capacity confirmations in the manner implied by the policy.
  - Capacity is assessed strategically, not site-by-site.

- 3.132 Therefore the requirement is not effective, as developers cannot comply with it.
- 3.133 The NPPF (2024) requires planning policies to avoid “unnecessary duplication” of other regimes. The requirement in CC/IW duplicates:
- The statutory duty on Anglian Water to provide wastewater connections,
  - The statutory duty to maintain sewerage systems to accommodate growth,
  - The Environmental Permitting Regulations controlling the environmental performance of wastewater treatment works.
- 3.134 The policy therefore fails the legal compliance test by attempting to regulate matters outside the planning system.
- 3.135 The phrase “or an agreement is in place... to ensure the necessary infrastructure prior to the occupation of the development” creates a de facto Grampian-style embargo on development occupation. This is:
- Not justified by any evidence,
  - Not viable/deliverable (since water companies have no obligation to commit upgrades on any specific timescale),
  - In conflict with NPPF para 58, which requires planning obligations to be necessary, directly related and fairly and reasonably related in scale and kind.
- 3.136 The policy imposes obligations that cannot lawfully be required through planning conditions or obligations because they relate to off-site infrastructure outside the control of developers.
- 3.137 The supporting text to CC/IW notes water stress and environmental pressures, but does not provide evidence that site-specific demonstration of wastewater capacity at application stage is necessary, feasible or effective. The Greater Cambridge Integrated Water Management Study (2025) focuses on: Sustainable drainage; Water efficiency; Water reuse; and Water quality design measures. It does not propose that developers should demonstrate treatment capacity or commit water companies to specific upgrades. Without evidence, the requirement fails the NPPF soundness test (justified).
- 3.138 To ensure soundness, criterion 6(a) should be amended to remove requirements that duplicate statutory duties or are outside developer control.
- 3.139 Policy CC/IW is unsound because:
- It duplicates and conflicts with statutory water industry legislation;
  - It imposes requirements that developers cannot comply with;
  - It is not justified by the evidence base;
  - It is not effective or deliverable;
  - It inappropriately imposes wastewater capacity obligations on planning applicants.

3.140 Therefore, criterion 6(a) must be deleted or significantly modified for the plan to be found sound at Examination.

#### Summary

3.141 On the evidence available, several draft policies risk unsoundness because they (i) exceed national standards without proportionate local evidence (lack of justification), (ii) impose significant costs without demonstrated cumulative viability (lack of effectiveness), or (iii) do not align with national frameworks (lack of consistency with national policy). Targeted modifications to calibrate ambition, embed flexibility, and evidence cumulative deliverability will ensure the plan meets NPPF soundness tests at examination.

3.142 Our submission in respect of the Regulation 18 Local Plan makes suggested modifications that would maintain the ambition of the plan, whilst ensuring that the policies are justified, proportionate and deliverable, and that they do not inadvertently constrain housing delivery. We would welcome continued engagement with the Council on these matters as the Plan progresses.

APPENDIX 1: HOWES PERCIVAL LEGAL OPINION ON FOUL WATER ISSUES

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# LEGAL OPINION

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on behalf of Persimmon Homes Limited – East Midlands  
relating to the Peterborough Draft Local Plan 2024 to 2044



Ref: JZM/230874.16

## Introduction

- 1 We have been asked to advise Persimmon Homes Limited (East Midlands) in respect of proposed Policy LP31 of Peterborough Draft Local Plan 2024 to 2044 (April 2025) (“**Emerging Local Plan**”).
- 2 The discrete issue upon which we have been asked to advise concerns whether, as currently drafted, Policy LP31 is sound. In particular, our advice concerns limbs (i) and (iii) of Part B “Protecting the Water Environment” to this policy. These broadly relate to what we describe as: a) water availability (i.e. potable water); and b) demonstration of adequate foul water treatment at the relevant sewerage facility, i.e. off-site capacity.
- 3 For the reasons set out below, we do not consider that – as drafted – Policy LP31 is currently sound or is otherwise reasonable nor justified.
- 4 Quite simply, limbs (i) and (iii) of Part B of Policy LP31 seek to impose unreasonable requirements at decision-making stage of a planning application, that are best – and most appropriately – reserved to the relevant statutory regimes and strategic plan making level only.
- 5 A full copy of Policy LP31 and the accompanying explanatory text appears at **Appendix 1**. Pertinent sections are quoted where referred to below as appropriate.

## Legal and Policy Provisions

### Water Availability and Potable Water

- 6 Section 37 of the Water Industry Act 1991 (“**WIA**”) contains the general duty upon Anglian Water to maintain an adequate water supply system. It provides:

*“(1) It shall be the duty of every water undertaker to develop and maintain an efficient and economical system of water supply within its area and to ensure that all such arrangements have been made—*

*(a) for providing supplies of water to premises in that area and for making such supplies available to persons who demand them; and*

*(b) for maintaining, improving and extending the water undertaker’s water mains and other pipes,*

*as are necessary for securing that the undertaker is and continues to be able to meet its obligations under this Part.”*

- 7 This duty is bolstered through the requirement to prepare and review water resources management plans (“WRMPs”). Section 37A of the WIA provides (sections 1 – 3 are most pertinent to this advice):

*“(1) It shall be the duty of each water undertaker to prepare, publish and maintain a water resources management plan.*

*(2) A water resources management plan is a plan for how the water undertaker will manage and develop water resources so as to be able, and continue to be able, to meet its obligations under this Part.*

*(3) A water resources management plan shall address in particular–*

*(a) the water undertaker's estimate of the quantities of water required to meet those obligations;*

*(b) the measures which the water undertaker intends to take or continue for the purpose set out in subsection (2) above (also taking into account for that purpose the introduction of water into the undertaker's supply system by or on behalf of water supply licensees);*

*(c) the likely sequence and timing for implementing those measures; and*

*(d) such other matters as the Secretary of State may specify in directions (and see also section 37AA.”*

- 8 In the context of preparing WRMPs, future growth and population forecasts are front and centre to the preparation of those plans to ensure the future water supply demands are met, accounting for planned growth through local development plans. Paragraph 6.3 of the Water Resources Planning Guidelines<sup>1</sup> provides:

*“Your planned property and population forecasts, and resulting supply, must not constrain planned growth. For companies supplying customers in England you should base your forecast population and property figures on local plans published by the local council or unitary authority. Local authorities will be at*

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<sup>1</sup> [Water resources planning guideline - GOV.UK](#)

*different stages of publication of their local plans. You can find the latest list of local plans on GOV.UK*

*Local plans are likely to cover the first 10 to 15 years of the planning period. You will need to check the duration of, and timescale for, producing plans with your local council and use the latest information up to 3 months before the publication of the plan. In some cases you may need to use your own property forecasts.”*

- 9 Section 94 of the provides a general duty upon sewerage undertakers – in this instance Anglian Water - to provide sewerage systems as follows:

*“94.— General duty to provide sewerage system.*

*(1) It shall be the duty of every sewerage undertaker—*

*(a) to provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers and any lateral drains which belong to or vest in the undertaker as to ensure that that area is and continues to be effectually drained; and*

*(b) to make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.”*

- 10 Section 94A of the WIA contains similar duties to that for WRMPs in the context of sewerage disposal.

- 11 It requires the sewerage undertaker (again Anglian Water in this case) to prepare, publish and maintain sewerage management plans that *“is a plan for how the sewerage undertaker will manage and develop its drainage system and sewerage system so as to be able, and continue to be able, to meet its obligations under this Part”<sup>2</sup>.*

- 12 Such a plan must *“address in particular... a) the capacity of the undertaker's drainage system and sewerage system, (b) an assessment of the current and future demands on the undertaker's drainage system and sewerage system, (c) the resilience of the*

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<sup>2</sup> Section 94A (2), WIA

*undertaker's drainage system and sewerage system, (d) the measures the undertaker intends to take or continue for the purpose in subsection (2), (e) the likely sequence and timing for implementing those measures, (f) relevant environmental risks and how those risks are to be mitigated, and (g) any other matters specified by the Minister in direction<sup>3</sup>.*

13 Any breaches of these general duties is enforceable either by the Secretary of State, or under general authorisation, the Water Services Regulation Authority, i.e. Ofwat. We may therefore have sufficient confidence as to the operation of these statutory regimes.

14 Pursuant to section 106 of the WIA, there is a duty to connect to public sewers. Section 106(1) provides for this duty as follows:

*“(1) Subject to the provisions of this section—*

*(a) the owner or occupier of any premises, or*

*(b) the owner of any private sewer which drains premises, shall be entitled to have his drains or sewer communicate with the public sewer of any sewerage undertaker and thereby to discharge foul water and surface water from those premises or that private sewer.”*

15 The Supreme Court case of ***Barratt Homes Limited v Dwr Cymru Cyfyngedig (Welsh Water)*** [2009] UKSC 13 considered the duty to provide sewerage systems and the right to connect with public sewers under the WIA. That duty is confirmed to be an absolute right:

*“The right to connect to a public sewer afforded by section 106 of the 1991 Act and its predecessors has been described as an “absolute right”. The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker...”*<sup>4</sup>

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<sup>3</sup> Section 94(3), WIA

<sup>4</sup> Paragraph 23 of the Judgment

### Strategic Level Considerations

- 16 The above demonstrates that there are sufficiently robust statutory requirements for to ensure that water availability and indeed sufficient drainage infrastructure is provided for on a strategic level and to meet appropriate growth.
- 17 These statutory processes are in place and will continue to be in place over the relevant plan period following adoption of the Emerging Local Plan, and these are directly relevant to the matters that are suitable for consideration at plan making stage.
- 18 This principle is supported through ***An Taisce (National Trust For Ireland) v Secretary of State for Energy and Climate Change*** [2014] EWCA Civ 1111 that concerned a challenge for the DCO relating to Hinkley Point C nuclear power station. One ground of challenge concerned the criticism that the Secretary of State, when discharging its duties under the Planning Act 2008, should not have considered the operation of the nuclear safety regime in the context of environmental effects.
- 19 Dismissing this criticism, the Court of Appeal held that the Secretary of State was entitled to have regard to the separate statutory regime which dealt with design and safety issues and have confidence that those regimes would operate as they intend.
- 20 It is clear that at all levels, consideration of water availability and foul drainage capacity are strategic matters for consideration – and should not be reserved for the determination of individual planning applications.
- 21 National policy also makes this clear both in the National Planning Policy Framework (“NPPF”), and also the Planning Practice Guidance (“PPG”). In particular paragraph 20 of the NPPF provides:

*“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:*

*... b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);” (our emphasis)*

22 The PPG also provides:

***“Water supply, wastewater and water quality – considerations for planning applications:***

***Water supply***

*Early engagement with the local planning authority, the Environment Agency and relevant water and sewerage companies as appropriate can help establish whether particular water and wastewater issues need to be considered.*

*Planning for the necessary water supply would normally be addressed through authorities’ strategic policies, which can be reflected in water companies’ water resources management plans[.] Water supply is therefore unlikely to be a consideration for most planning applications. Exceptions might include:*

- *large developments not identified in plans that are likely to require a large amount of water; and/or*
- *significant works required to connect the water supply; and/ or*
- *where a plan requires enhanced water efficiency in new developments as part of a strategy to manage water demand locally and help deliver new development.”<sup>5</sup> (our emphasis)*

23 The above principles in terms of accepting that water supply (and in turn the same applies to water capacity issues) are strategic matters and should not be reserved for planning application stage, have been accepted in a number of appeals recently<sup>6</sup>. The principle is therefore very well established.

Soundness

24 Local plans must be prepared considering the relevant statutory regimes – including the operation of those regimes and requirements under the WIA.

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<sup>5</sup> Paragraph: 016 Reference ID: 34-016-20140306

<sup>6</sup>APP/W0530/W/23/3315611 – Land to the North of Cambridge North Station – 23 April 2024: [https://assets.publishing.service.gov.uk/media/66277263d29479e036a7e52e/Recovered\\_appeal\\_land\\_to\\_the\\_north\\_of\\_Cambridge\\_North\\_Station.pdf](https://assets.publishing.service.gov.uk/media/66277263d29479e036a7e52e/Recovered_appeal_land_to_the_north_of_Cambridge_North_Station.pdf);

APP/W0530/W/23/3328390 – Land known as Darwin Green Phases 2 and 3, Cambridge – 25 September 2024: [https://assets.publishing.service.gov.uk/media/66f3eba33b919067bb4826a6/Land\\_between\\_Huntingdon\\_Rd\\_and\\_Histon\\_Rd\\_3328390.pdf](https://assets.publishing.service.gov.uk/media/66f3eba33b919067bb4826a6/Land_between_Huntingdon_Rd_and_Histon_Rd_3328390.pdf)

25 A development plan document, including local development plan, must be found to be “sound”. This is the fundamental test an examining inspector will apply when determining the Emerging Local Plan.

26 Paragraph 36 of the NPPF confirms that plans are “sound” if they are<sup>7</sup>:

*“a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

*d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”*

27 Limb (d) is most pertinent to this advice.

### **Our Advice**

28 In light of all the above, it is evident that Policy LP31 as drafted is unsound. In particular, it is clear that Policy LP31 is not “consistent with national policy” and does not meet this test for soundness.

29 Those matters covered in limbs (i) and (iii) of Part B to Policy LP31 concern water supply (potable water) and also foul drainage infrastructure, and in particular consideration of off-site capacity relevant to a particular development project for which the grant of planning permission is considered.

30 Such matters are clearly strategic matters adequately and robustly addressed through the WIA, both in terms of the preparation, publication and review of WRMPs (in the

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<sup>7</sup> Note the transitional provisions in paragraph 234 of the NPPF do not apply to the Emerging Local Plan.

context of water availability), but also the duties to provide adequate foul water services under section 94.

- 31 The requirements to produce WRMPs and also ensure adequate drainage infrastructure includes not only current requirements, but the requirement to plan and upgrade for the future.
- 32 It is for this reason that water authorities, through national guidance, are required to base their growth plans and projections in consideration of planned growth through the local plan and are directed, under paragraph 6.3 of the Water Resources Planning Guidelines, that they “*must not constrain planned growth*” when preparing those plans.
- 33 Such principles have been endorsed through the Courts in **An Taisce** and a number of Secretary of State appeal decisions as noted above. Indeed, both the NPPF and the PPG make clear that consideration of water supply and wastewater are strategic matters. The PPG could not be more forceful, in directing that “[w]ater supply is therefore unlikely to be a consideration for most planning applications”.
- 34 The inclusion of limbs (i) and (iii) therefore fundamentally cuts across not only national policy, but all the principles outlined above.
- 35 These all make clear that that strategic matters concerning water availability and wastewater should be matters either left for the statutory processes and relevant regimes, or strategic matters for local plan stage. Such matters should not be reserved for decision-making stage in the context of individual planning applications.
- 36 We also observe that the justification for Policy LP31 as drafted seems to entirely hang (aside from flood risk) upon water consumption only – see **Appendix 1**. No justification for water capacity or indeed potable water has been provided.
- 37 Of course, water consumption matters are sufficiently addressed through Part C of the policy concerning water efficiency that limits the water usage of developments to meet the Optional Technical Housing Standard of 110 litres per person per day.
- 38 Limbs (i) and (iii) of Part B appear entirely superfluous therefore, and do not appear justified based on the current policy wording.

**Conclusion**

39 For all the above reasons, we do not consider Policy LP31 to be sound without deletion of limbs (i) and (iii), which should not apply to decision making stage.

**HOWES PERCIVAL**

**19 May 2025**

## Appendix 1

### The Policies

- 1139 In accordance with the NPPF, the supporting technical guidance and the council's Flood and Water Management SPD, Policy LP31 seeks to ensure that development does not place itself or others at increased risk of flooding. All development will be required to demonstrate that regard has been given to existing and future flood patterns from all flooding sources and to how climate change may effect the extent of flood risk. All development will be required to demonstrate that the need for effective protection and flood risk management measures, where appropriate, have been considered as early in the development process as possible.
- 1140 The Flood and Water Management SPD provides further guidance and advice to developers to help reduce flood risk through the location of development or through on-site drainage and management.
- 1141 Peterborough City Council is the Lead Local Flood Authority (LLFA) and is responsible for co-ordinating local flood risk issues. The council has worked with the Environment Agency, Anglian Water, a number of Internal Drainage Boards (IDBs) and local community groups to prepare a [Local Flood Risk Management Strategy](#) including an action plan for managing flood risk.
- 1142 Management of water is important not only from a flood risk point of view but because of the need to protect and improve Peterborough's water bodies with regards to water quality, quantity, water habitats and biodiversity under the requirements of the Water Framework Directive (WFD). Where new activities or schemes have the potential to cause deterioration and lead to failures in achieving WFD objectives, sites will require a WFD assessment. The SPD provides further detail on the local impacts of the WFD, the assessment and reasons for which it might be required.
- 1143 A Strategic Flood Risk Assessment (SFRA) Level 1 and a Draft Water Cycle Study (WCS) (April 2025) have been prepared to support the Local Plan. A separate Sequential Test (April 2025) has been carried out for all sites suggested to the council.



### Water Efficiency

- 1144 Where justified through evidence, the council has the option to set, through the Local Plan, additional technical requirements exceeding the minimum 'Building Regulation' standards in respect of access, water usage and space standard of dwellings.
- 1145 In terms of water usage, existing sources of evidence, most notably, Anglian Water's [Water Resource Management Plan](#) (2019), demonstrate that in Peterborough water resources are under stress. Increasing demands from growth, along with reductions in abstraction to improve the quality of the water environment, could result in an imbalance between supply and demand. Minimising the demand for water in buildings is therefore crucial to protecting the water environment.
- 1146 To reduce impact on the water environment, the following policy requires new development to achieve the nationally set technical housing standard for water efficiency. This standard is intended to reduce water consumption in new dwellings to a level equivalent to 110 litres per person per day (rather than the standard 125 litres per person per day) and is described in Building Regulation G2.

**C** The Policies



## Policy LP31: Flood and Water Management

### Part A: Flood Risk

Development proposals should adopt a sequential approach to flood risk management, taking into account the requirements of the NPPF and guidance set out in the Peterborough Flood and Water SPD.

Through appropriate consultation and option appraisal, development proposals located in areas known to be at risk from any form of flooding will only be permitted following demonstration of the following:

- i. The successful completion of a sequential test (if necessary) and an exception test if required.
- ii. The submission of a site-specific flood risk assessment, setting out appropriate flood risk management and demonstrating no increased risk of flooding to the development site or to existing properties, and where possible seeking to reduce flood risk.
- iii. The consideration of any necessary ongoing maintenance, management of mitigation measures and adoption, and that any relevant agreements are in place.
- iv. The incorporation of Sustainable Drainage Systems (SuDS) into the proposals.

A site-specific Flood Risk Assessment appropriate to the scale and nature of the development and risks involved, taking into account future climate change, will be required for development proposals:

- In Flood Zones 2 and 3
- In Flood Zone 1 where there are critical drainage problems
- On sites of 1 hectare or greater in Flood Zone 1
- On sites where development or change of use to a more vulnerable use may be subject to other sources of flooding
- On sites of less than 1 hectare in Flood Zone 1 where they could be affected by sources of flooding other than from rivers and the sea.

### Part B: Protecting Water Environment

Development proposals should also protect the water environment and must demonstrate:

- i. That water is available to support the development proposed.
- ii. That development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water.
- iii. That adequate foul water treatment and disposal already exists or can be provided in time to serve the development. Non-mains foul sewage disposal solutions should only be considered where it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible.
- iv. In areas served by combined sewers, surface and foul flows should be separated and no new combined sewers created. Connections to the existing combined sewer should only be made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives, such as (and in this priority order): into the ground (infiltration); to a surface water body; or to a surface water sewer, highway drain, or another drainage system (this applies to new

**C** The Policies

developments and redevelopments). Where an existing combined or surface water sewer is utilised, there must be no detriment to existing users of such a sewer.

- v. That suitable access is safeguarded for the maintenance of water supply and drainage infrastructure.
- vi. That they have followed the surface water hierarchy for all proposals:
  - a. surface water runoff is collected for use
  - b. discharge into the ground via infiltration
  - c. discharge to a watercourse or other surface water body
  - d. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body
  - e. discharge to a combined sewer.
- vii. That no surface water connections are made to the foul system.
- viii. How Sustainable Drainage Systems (SuDS)/ Integrated Water Management (to deliver improvements to water quality, the water environment and to improve amenity and biodiversity net gain wherever possible) have been incorporated into the proposal unless they can be shown to be impractical.

**Part C: Water Efficiency**

To minimise impact on the water environment all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per person per day for water efficiency as described by Building Regulation G2. Proposals which go further than this (to, for example, 80 litres per day per person) would be particularly supported.