

FD.EVR1

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 1: Sustainable Development and Climate Change (formerly 'Policy 1: Sustainable Development' at the Preliminary Draft stage)

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1. Introduction and National Policy Context

Introduction

- 1.1. Cambridgeshire County Council and Peterborough City Council are reviewing their joint adopted Minerals and Waste Development Plan and supporting documents. These comprise the following documents (with adoption date):
 - Core Strategy Development Plan Document (DPD) (July 2011)
 - Site Allocations DPD (February 2012)
 - Block Fen and Langwood SPD (July 2011)
 - Location and Design of Waste Management Facilities SPD (July 2011)
 - RECAP Waste Management Design Guide SPD (February 2012)
- 1.2. The above Local Development Documents are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2036. The new Local Plan will set the overall spatial framework and development management policies for sustainable mineral and waste management development across the plan area.
- 1.3. This Evidence Report provides a narrative on the development of and justification for Policy 1: Sustainable Development and Climate Change in the emerging new Local Plan.

National policy

- 1.4. The National Planning Policy Framework (NPPF 2019) and National Planning Practice Guidance (NPPG) provide the basis of national planning policy.
- 1.5. Sustainable development is at the heart of the NPPF. Of specific relevance to Policy 1 are the following areas of the NPPF:
 - Paragraph 7 explains that ‘The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.’
 - Paragraph 9 explains that ‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area
 - Paragraph 10 states ‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.’
 - Paragraph 20 explains that policies should include ‘planning measures to address climate change mitigation and adaptation’.
 - Paragraphs 149-150 are particularly relevant to this policy:

“149. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as

providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

150. New development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."

- 1.6. The Climate Change Act 2008 sets up a framework for the UK to achieve its long-term goals of reducing greenhouse gas emissions and to ensure steps are taken towards adapting to the impact of climate change.
- 1.7. In addition to the NPPF and NPPG, and of particular relevance to this policy, the Local Plan must be consistent with section 19 (1A) of the Planning and Compulsory Purchase Act 2004, which requires local planning authorities to address climate change in preparing Development Plan Documents:

"Development Plan Documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation, and adaptation to, climate change".

source: <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

2. Local Context in Relation to Policy Policy 1: Sustainable Development and Climate Change

- 2.1. Peterborough City Council is committed to creating the UK's Environment Capital. In May 2017, an Environment Action Plan was adopted by the council. That Action Plan comprises of ten themes, which have been taken into account when developing the Local Plan and which are reflected in the Plan's objectives, vision and policies.
- 2.2. Cambridgeshire County Council similarly has a corporate aim of meeting the challenges of climate change and other environmental pressures, which are outlined in its Climate Change and Environment Strategy: Meeting the Challenge in Cambridgeshire, adopted in 2008. The Strategy sets out a number of targets and an Action Plan aimed at meeting a long term vision and making climate change a central theme to the Council's work.
- 2.3. In terms of vulnerability to climate change, the plan area includes large areas of low lying land which is potentially highly vulnerable to the effects of climate change, such as flood risk and sea level rises. The high volume of protected habitats are also potentially vulnerable to the effect of climate change, as most of such protected habitats are low lying, and very sensitive to the water environment.

3. Minerals & Waste Local Plan Policy

- 3.1. The Preliminary Draft Plan was published on 16 May 2018 and consulted on over a six week period to 26 June 2018. It included a policy entitled Policy 1: Sustainable Development and Climate Change.
- 3.2. The basis of including Policy 1 in the new Local Plan is the NPPF and legislation as referred in section 1 above.
- 3.3. The Preliminary Draft Plan Policy 1 in essence was in two parts: the first part, largely reflecting the sentiments of the former NPPF (2012), and using standard text as often found in Local Plans (and previously required to be included in Local Plans, by the former Minister, Nick Boles). The second part was primarily relating to climate change, and predominantly a carry over of the adopted Policy CS22: Climate Change.
- 3.4. During the Preliminary Draft Consultation, there were several representations made on this policy, with a mix of support and objection to it. In summary, the main issues raised were:
 - Support, in principle, for the policy.
 - Add a further sub-paragraph or a supplementary comment to paragraph A in that “back-loading” (as referred to in Policy 25) is eminently sustainable in that it reduces greenhouse gases.
 - Mineral operations are geological and geographically restricted which influences the design and implementation of mining operations and the ability to quantify carbon dioxide reduction and greenhouse gas emissions. It is considered Policy 1 Sustainable Development is too prescriptive and could detrimentally impact upon future mineral extraction
 - Suggest that the policy goes further to confirm that; where the development plan is silent (on any particular matter) planning permission would still be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF; or specific policies in the NPPF indicate that development should be restricted.
 - Policy does not describe how minerals and waste development must take account of the natural environment.
 - Climate Change should continue (as per CS22) to be a policy on its own.
 - A number of detailed suggested word changes
 - Policy should set quantitative targets laid down for recycling, the reduction of greenhouse gas emissions and the generation of energy from waste over the plan period.
 - The plan should have regard to UK Climate Impacts Programme 2018 (UKCP18) alongside the current and future projected standards of flood defence assets in and around the plan area. A highly relevant part of this is the current viability and funding outlook for flood management of the fens and fen edge. In short, there is a large gap between the spending requirement (to fulfil current flood defence ambition/assumptions) versus available funding from Grant in Aid (GIA) and local funding sources.
 - Paras (a) & (b) broadly agreed with, but in (c) more detailed information is required to enable a considered decision to be made. Para (d) should take into consideration the local lie of the land, seeking to minimize the flood risk by reducing, rather than just maintaining run-off rates.

- 3.5. All representations were carefully considered.
- 3.6. As a consequence of the representations, as well considering any new evidence which may have emerged, the policy has been amended for the Further Draft Local Plan as follows:
- 3.7. The first half of the policy has been replaced. It is no longer national policy to include such 'standard policy' as found in the Preliminary Draft plan, and the NPPF (to which it was originally linked - i.e. the 2012 version) has been replaced by a new 2018 version. Local Plans nationally either no longer include such text, or are being asked by examining Inspectors to remove such text from submitted plans, because it is not effective.
- 3.8. Instead, the text has been replaced with an overarching 'sustainable development' requirement, consistent with NPPF para 9.
- 3.9. The second half of the policy has been adjusted in a number of ways, as follows:
- 3.10. First, a new overarching introductory paragraph has been introduced, consistent with NPPF para 149.
- 3.11. Second, the phrase 'lifetime of the development' has been expanded to make it clear this also refers to any mitigation scheme.
- 3.12. Third, criterion (a) (was (b)) has included text referring to emission reduction measures, replacing similar text that previously followed the criteria. The criterion has also been adjusted slightly to refer to 'help to reduce greenhouse gas emissions', consistent with NPPF para 150(b).
- 3.13. Fourth, criterion (c) has been added, to make reference to peat soils (which act as a carbon sink, and loss of such soils in an unsustainable way can release greenhouse gases).
- 3.14. Fifth, criterion (d) (was (a)) has been adjusted to make it clear it only applies to waste management proposals. Quantifying carbon dioxide emissions for minerals extraction proposals was not a reasonable request, but it is for waste management proposals.
- 3.15. Sixth, the final paragraph has included reference to 'latest available evidence'. This addresses, in part, the request to consider UKCP18 in the plan, but also ensures any other relevant evidence is considered.
- 3.16. Seventh, reference to avoiding increased vulnerability has been added as a new criterion, consistent with NPPF para 150(a).
- 3.17. Eighth, reference to habitats and species has been added as a new criterion, in response to a number of representors highlighting such an omission was not appropriate;
- 3.18. Finally, the title of the policy has been changed to 'sustainable development and climate change', to better reflect the policy content (as amended).
- 3.19. The Councils have decided not to take forward the suggestion to include 'backloading' in this policy. It is not appropriate to set out examples of what development would, or would not, be in accordance with the policy, which is more of a strategic policy in nature.

- 3.20. The Councils have not included within this policy the suggestion to include quantified targets, because the policy is more strategic in nature, and it would not be effective for a policy to set high level targets for which planning proposals were subsequently expected to be tested against.

4. Alternative Reasonable Options

- 4.1. The following alternative options have been considered (including in the Sustainability Appraisal Report):
- Option 1 - preferred policy. This has been taken forward, partly because it is consistent with national policy and legislation to do so, but also so that the plan sets a clear framework for applicants and decision makers on climate change matters, without being too prescriptive or a burden on development schemes.
 - Option 2 - no policy; rely on national policy. Whilst national policy and legislation covers many aspects of this policy, by having a policy it clearly draws the relevant requirements together in one place, and makes them specific to minerals and waste management development. Having no policy might arguably be unsound, on the basis that it was not consistent with national legislation (2004 and 2008 Acts) or national policy (NPPF para 149, for example).
 - Option 3 - more generalised policy than the preferred policy. Such a policy, for example, could set out broad statements of intent, such as the opening paragraph, but not set out any details on implementation of such policy. This has been rejected, as the policy would not be effective and not set a clear framework for applicants and decision makers.

5. Conclusion

- 5.1. This evidence report demonstrates the rationale for the inclusion of this policy in the Further Draft Plan, and also demonstrates a summary of the issues raised at the earlier Preliminary Draft stage, and how the Councils have considered those issues raised.
- 5.2. Any representations received at the Further Draft consultation stage will be carefully considered, and this Evidence Report will be updated prior to the third and final consultation stage due in late 2019.