

FD.EVR18

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 18: Amenity Considerations

(was Policy 19 at the Preliminary Draft stage)

March 2019

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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 18: Amenity Considerations** 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. Of specific relevance to Policy 18 are the following areas of the NPPF and NPPG:
 - Section 12 of the NPPF relates to ‘well-designed places’, and good design is clearly linked to Amenity issues - see EVR.FD report for the Design Policy for further details on design
 - Paragraph 127 includes: the need for policies to “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”
- 1.5. In addition to the NPPF, other national legislation or policy relevant to Policy 19 is the National Planning Policy for Waste (NPPW).
- 1.6. Paragraph 7 states “When determining waste planning applications, waste planning authorities should...consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies.”
- 1.7. The NPPW Appendix B ‘Locational Criteria’ goes on to advise LPAs, when testing the suitability of sites to consider:
 - a. *protection of water quality and resources and flood risk management*
 - b. *land instability*
 - c. *landscape and visual impacts*

- d. nature conservation*
- e. conserving the historic environment*
- f. traffic and access*
- g. air emissions, including dust*
- h. odours*
- i. vermin and birds*
- j. noise, light and vibration*
- k. litter*
- l. potential land use conflict*

1.8. There is no known additional fundamental national legislation or policy relevant to Policy 19.

2. Local Context

2.1. Amenity considerations are an important consideration for determining minerals and waste applications. However, there is no specific additional or unusual local context or evidence which directly relates to the formulation of this policy.

3. Minerals & Waste Local Plan Policy 18: Amenity Considerations

3.1. The Preliminary Draft Plan was published on 16 May 2018 and consulted on over a six week period to 26 June 2018.

3.2. The basis of including Policy 18 (was 19) in the new Local Plan is a reflection of the high degree of scrutiny which decision takers undertake in relation to amenity matters, when determining minerals and waste planning applications.

3.3. During the Preliminary Draft Consultation, there were 5 representations made on this Policy, which were a mix of support, comment and objection. In summary, the main issues raised were:

- Reflecting its importance, the Policy should be given more prominence in the Plan by moving it earlier in the document.
- Opening line of Policy should say “must not” rather than “should not”
- The policy should include an ability to balance the impacts referred to against the other policies of the plan. It fails to contain the costs / benefits approach advocated by the NPPF (and established in case law), such as appears for example in Draft Policy on Biodiversity and Geodiversity.

3.4. All representations were carefully considered.

3.5. As a consequence of the representations, as well considering any new evidence which may have emerged, the policy has been slightly amended for the Further Draft Local Plan as follows:

3.6. The word ‘should’ is replaced with ‘**must**’, as requested. Retaining ‘should’ could be implied that it might be acceptable, in some instances, for a proposal to cause, for example, harm to

human health (the first bullet point). This, of course, would not be acceptable, and hence 'must not' ensures a firm line to be taken under this policy.

3.7. The only other changes are relatively minor, to aid clarity, and are not as a consequence of representations received. These are as follows:

3.8. The last two bullet points are amended, as follows, for clarity:

h. **increase in** litter

i. **increase in** flies, vermin and birds

3.9. In addition, the end of the policy is amended as follows, so as to make it clear that mitigation measures will need to not only be identified, but deliverable:

“...and submitted as part of the proposal, in order to establish, where appropriate, the need for, **and deliverability of,** any mitigation.

3.10. The Councils have decided not to move the Policy forward in the Plan. All policies are given equal weight in decision taking, regardless of their location in the Plan.

3.11. Similarly, the Councils have decided there is no need to add additional text in this Policy about the need to consider other policies in the plan, or the need to balance the benefits of the proposal with the harm which might be identified as a consequence of implementing this policy. All future decision takers will be well versed in the need to consider a proposal against all the policies in the development plan (and take account of other material considerations), and make a judgement as to whether the proposal, on balance, should proceed. There is no need for this policy, or most other policies, to spell that out.

3.12. The Biodiversity and Geodiversity Policy, as referenced by a representor as an example as to how this policy should be worded, is different because of the very specific legal framework behind that Policy.

4. Alternative Reasonable Options

4.1. The following alternative options have been considered (including in the Sustainability Appraisal Report):

- Option 1 (preferred option): Include a policy, setting out amenity considerations to be taken into account - this is consistent with the NPPF / NPPW (especially NPPW Appendix B), and gives a clear basis upon which decisions can be made in terms of considering amenity impacts. The criteria listed are considered suitable and appropriate for minerals and waste management type proposals.
- Option 2: No policy - rely on national policy and other development plan policy in district Local Plans. Whilst national policy gives some policy basis, this option was rejected because amenity considerations are often a crucial determining factor with minerals and waste management applications. It should also be noted that the more comprehensive national policy position in the NPPW would not apply to any minerals application. Therefore, a clear policy, which is specific to minerals and waste management proposals, is appropriate.

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.