

FD.EVR22

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 22: Water Resources

(was Policy 24 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 22: Water Resources 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 24 are the following paragraphs of the NPPF:
 - Paragraph 170 - *“Planning policies and decisions should contribute to and enhance the natural and local environment by: ...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;”*
 - Paragraph 180 - *“Planning policies and decisions should also ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development....”*
 - Paragraph 204 - *Planning policies should: f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;”*
 - Paragraph 205 - *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should: b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or*

aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;”

1.5. A number of paragraphs from the NPPG are also relevant, as follows:

- *“The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:...surface and, in some cases, groundwater issues; water abstraction.” Paragraph: 013 Reference ID: 27-013-20140306*
- *“The [EU Water Framework Directive](#) applies to surface waters (including some coastal waters) and groundwater (water in underground rock). It requires member states, among other things, to prevent deterioration of aquatic ecosystems and protect, enhance and restore water bodies to ‘good’ status. Local planning authorities must, [in exercising their functions](#), have regard to the [river basin management plans](#) on the Environment Agency website that implement the Water Framework Directive. These plans contain the main issues for the water environment and the actions needed to tackle them.” Paragraph: 001 Reference ID: 34-001-20161116*
- *“Plan-making may need to consider:*
 - *How to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage. For example, can the plan steer potentially polluting development away from the most sensitive areas, particularly those in the vicinity of potable water supplies (designated source protection zones or near surface water drinking water abstractions)?*
 - *The type or location of new development where an assessment of the potential impacts on water bodies may be required.” Paragraph: 006 Reference ID: 34-006-20161116*
- *“Early engagement with the local planning authority, the Environment Agency and relevant water and sewerage companies can help to establish if water quality is likely to be a significant planning concern and, if it is, to clarify what assessment will be needed to support the application. Water quality is only likely to be a significant planning concern when a proposal would:...*
 - *indirectly affect water bodies, for example, as a result of new development such as the redevelopment of land that may be affected by contamination, mineral workings, water or wastewater treatment, waste management facilities and transport schemes including culverts and bridges;*
 - *...Where water quality has the potential to be a significant planning concern an applicant should be able to explain how the proposed development would affect a relevant water body in a river basin management plan and how they propose to mitigate the impacts. Applicants should provide sufficient information for the local planning authority to be able to identify the likely impacts on water quality...Where it is likely a proposal would have a significant adverse impact on water quality then a more detailed assessment will be required. The assessment should form part of the environmental statement, if one is required because of a likely significant effect on water.” Paragraph: 016 Reference ID: 34-016-20140306*

1.6. In addition to the NPPF and NPPG, other national legislation or policy relevant to Policy 24 is paragraph 5 of the National Planning Policy for Waste, which states:

“Waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against each of the following criteria:...the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.”

2. Local Context in Relation to Policy 22: Water Resources

- 2.1. Cambridgeshire and Peterborough are identified as being within an area of serious water stress. Adopted and emerging district Local Plans in the plan area are all introducing the optional water efficiency standard for new homes, reflecting such evidence. Increasing demands for water arising from growth, and potential impacts from, in particular, minerals workings could serve to have a detrimental impact upon the quantity or quality of surface or groundwater resources. That said, minerals development (normally in the form of the restoration scheme) can have a net benefit on the water environment, through, for example, flood alleviation and winter water storage.
- 2.2. Much of Cambridgeshire and Peterborough lie at around, or even below, sea level, especially within the northern fenland areas, making it particularly vulnerable to the impacts of climate change and increased levels of flood risk.

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.
- 3.2. The basis of including Policy 22 (was 24) in the new Local Plan is to ensure that there are no detrimental impacts to water resources as a result of minerals and waste developments. The policy is generally a carry over of currently adopted policy CS39 Water Resources and Water Pollution Prevention.
- 3.3. During the Preliminary Draft Consultation, there were 2 representations made on this policy. In summary, the main issues raised were:
 - A specific requirement for relevant development to be accompanied by a detailed hydrogeological assessment would be welcomed.
 - Water storage projects should be identified, safeguarded and facilitated by the plan. This would ensure a smooth and strategic delivery process that overlaps with other strategic water infrastructure objectives such as flood risk management and related biodiversity.
- 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 amended for the Further Draft Local Plan as follows:

- 3.6. In order to address specific comments from Natural England seeking a requirement for hydrological assessments to accompany relevant development, additional wording has been added to the policy.
- 3.7. The Councils have decided not to take forward the suggestion relating to identifying water storage projects within this policy. Where opportunities arise for such beneficial storage projects via a minerals proposal, then the specific minerals proposal/policy identifies such opportunity and policy requirement. There is no known opportunity identified for water storage which is unrelated to a minerals proposal, and therefore this policy does not identify any such locations.
- 3.8. Finally, some further supporting text has been included, to help justify and explain the policy.
- 3.9. See also Policy 9 (reservoirs et al) for future, likely smaller, reservoirs that may come forward in the plan period.

4. Alternative Reasonable Options

- 4.1. The following alternative options have been considered (including in the Sustainability Appraisal Report):
 - Option 1 (preferred policy): This option has been taken forward, as water resources are an important local issue, and minerals applications in particular can have significant adverse or beneficial water resource implications. This therefore warrants the need for a clear policy, and a policy which requires applicants to demonstrate no significant adverse effects;
 - Option 2: No policy - rely on national policy. This has been rejected because it does not provide sufficient, locally specific policy on this important matter, and consequently would not assist a decision maker and risks adverse effects not being properly considered or taken into account in the decision making process.

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.