

CC3/CCC



Examination into the Soundness of the Cambridge
Local Plan

Matter CC3 - Climate Change

Matter Statement by Cambridge City Council

May 2016

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Abbreviations

AQMA	Air Quality Management Area
BREEAM	Building Research Establishment Environmental Assessment Method
FLL	Forschungsgesellschaft Landschaftsentwicklung Landschaftsbau e.V.
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SA	Sustainability Appraisal

Introduction

1. This statement sets out the Council's response in relation to the Inspector's Matter CC3A in relation to Responding to Climate Change and Managing Resources.
2. The documents referred to in this statement are listed in Appendix 1. Examination document reference numbers are used throughout for convenience.

Overview

3. Section 4, Responding to Climate Change and Managing Resources, of the Cambridge Local Plan seeks to ensure that Cambridge develops in the most sustainable way possible. Included within this section are policies that seek to ensure that new development will contribute to the challenge of mitigating and adapting to our changing climate, maintain long term sustainable water resources, manage flood risk and promote the use of sustainable drainage systems and ensure that development is safe for its proposed use, taking account of issues such as air quality, noise, light pollution and contaminated land. These policies are a response to a number of specific challenges facing Cambridge including the high levels of surface water flood risk, which will only increase with our changing climate, levels of water stress and the presence of poor air quality in some parts of the city, which in some areas breach EU limit values. These policies also recognise the role that new development has to play in ensuring that Cambridge plays its part in meeting legally binding national targets for carbon reduction set out in the Climate Change Act 2008.

Matter 3A.1 – Policy 27: Carbon reduction, community energy networks, sustainable design and water use.

- i. **Does the policy accord with the provisions of the Deregulation Act 2015, which requires that local planning authorities should not set any additional local technical standards or requirements related to construction or performance of new dwellings?**
4. At the time of the development of policy 27, paragraph 95 of the Framework was supportive of the approach being taken to set levels of construction in line with nationally described construction standards, as long as these did not impact on the viability of development. The requirements of policy 27 had been tested as part of the Council's viability work and had found to be viable¹, and had been based on extensive and robust evidence as set out on pages 272 - 273 of the Council's audit trail². However, as a result of the Deregulation Act 2015, a number of modifications have been proposed to policy 27 and its supporting text. These modifications were consulted on as part of the Proposed Modifications Joint Consultation Report, December 2015³ as modification references PM/CC/4/A through to PM/CC/4/F and are set out in the Cambridge Local Plan Proposed Modifications March 2016⁴. These modifications include:

¹ RD/T/200

² RD/SUB/C/080

³ RD/MC/010

⁴ RD/MC/140

- Removal of references to the Code for Sustainable Homes;
 - Amendments to water efficiency standards for new homes to be in line with the new optional national technical standard for water efficiency;
 - Amendments to the carbon efficiency requirements for new homes in light of the wording of the Written Ministerial Statement published on 25 March 2015, which makes it clear that local planning authorities are able to continue to set energy performance standards that exceed the requirements of Building Regulations until the commencement of the amendments to the Planning and Energy Act 2008. This approach, which seeks carbon reduction in line with the requirements of Level 4 of the Code for Sustainable Homes, has been found to be viable as part of the Council's viability work⁵.
5. All other aspects of the policy, including standards for non-residential development and requirements related to climate change adaptation, are retained as these are not directly impacted by the Housing Standards Review, Deregulation Act 2015 or Written Ministerial Statements, and play an important role in enabling applicants to demonstrate how their proposals meet the principles of sustainable development. In addition, some elements of the policy relate to specific legal duties placed on local planning authorities, for example the requirements set out in the Planning Act related to climate change adaptation and mitigation and the requirement set out in paragraph 94 of the Framework, which requires local planning authorities to adopt "proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations".
- ii. **Does the policy accord with Planning Practice Guidance (PPG) 009 Ref ID: 6-009-20150327 which states that *local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability*. In this regard, the approach to viability assessments for Local Plan policies is set out in PPG paragraph 005 Ref ID: 10-005-20140306.**
6. Policy 27 has been subject to consultation at key stages in the preparation of the plan, and has the support of key statutory consultees including the Environment Agency. It has been founded on a robust and credible evidence base and its impact on viability has been properly tested as part of plan making⁶. The key evidence that supports policy 27 is summarised in Appendix 2 and pages 272 - 273 of the Council's audit trail⁷.
7. With regards to BREEAM requirements for non-residential development, the Decarbonising Cambridge Study⁸ suggested that BREEAM 'very good' be the minimum standard required by policy. Policy 27 suggests a stepped approach whereby BREEAM 'very good' is required up to 2016, with this rising to 'excellent' from 2016 in light of the uplifts in energy requirements required through Building Regulations that have happened since the publication of this study, and the resultant reductions in the extra over costs associated with

⁵ RD/T/200 and RD/MC/090

⁶ RD/T/200 and RD/MC/090

⁷ RD/SUB/C/080

⁸ RD/CC/250

achieving BREEAM excellent. The policy also reflects local experience from the Cambridge growth sites where many schemes are already achieving BREEAM 'excellent'. The achievement of BREEAM was considered as part of the Council's original viability work⁹, which at paragraph 2.6.4 noted that "A further allowance of 5.85% has been added to the total build cost in respect of achieving higher sustainable design and construction standards (either in relation to building regulations or equivalent requirements – e.g. Code for Sustainable Homes/BREEAM)". A viability clause has been included within the wording of the policy so that this standard could be relaxed if it can be demonstrated that such provision is not technically or economically viable, an approach that was supported by respondents to the Proposed Submission consultation.

8. In relation to local standards for housing, the revised standards required by policy 27, as set out in proposed modification PM/CC/4/A have also been subject to viability testing as part of the Council's updated viability work¹⁰. These requirements, which are already being achieved across the Cambridge growth sites, have been found to be viable. A letter of support for the water efficiency requirements for residential and non-residential development from South Staffordshire Water – Cambridge Region (formerly Cambridge Water) is included at Appendix 3.
9. The requirements set out in policy 27, as amended by proposed modification PM/CC/4/A are also supported by the Council's Sustainability Appraisal (SA)¹¹, which noted that overall the plan would lead to significant positive effects in terms of the following SA objectives:
 - Reducing carbon emissions from all aspects of new developments and ensuring that development meets the highest standards in low carbon design;
 - Accounting for the whole life carbon cost of new development and transport infrastructure; and
 - Ensuring greater deployment of energy efficiency and renewable energy technologies.
10. As such the Council considers that the policy accords with Planning Practice Guidance (PPG) 009 Ref ID: 6-009-20150327.
- iii. **Does the policy accord with PPG paragraphs 014 Ref ID: 56-014-20150327 and 015 Ref ID: 56-015-20150327 which indicate that where there is a clear local need then a local planning authority can set out Local Plan policies requiring new developments to meet the tighter Building Regulations' optional water efficiency requirement of 110 litres/person/day?**
11. There is a finite supply of water in the region, and irrespective of climate change, action is required now to ensure the availability of water for future uses, including potable water supply and food production, without having a detrimental impact on the environment. In order to secure long term sustainable development, it will be important to ensure that all new development implements water efficiency standards. At the time of submission, Policy 27 included a requirement for all new residential development to include measures to meet a water efficiency requirement of 80 litres/person/day. The Council were seeking to implement this level of water efficiency given the levels of water stress facing the city, as

⁹ RD/T/200

¹⁰ RD/MC/090

¹¹ RD/SUB/C/030

set out in the South Staffordshire Water – Cambridge Region's Water Resource Management Plans¹², the evidence contained in the Council's audit trail¹³ and paragraph 162 of the Framework, which requires local planning authorities to work with other authorities and providers to assess the quality and capacity of infrastructure for water supply and its ability to meet forecast demands. This requirement had been tested as part of the Council's viability work and had found to be viable¹⁴. In a letter received following Proposed Submission Consultation, South Staffordshire Water – Cambridge Region supported the Council's proposed policy approach for water efficiency, noting that a target of 80 litres/person/day would help protect water resource availability into the 2050s¹⁵.

12. It is however, noted, that in light of the Housing Standards Review, and paragraphs 014 Ref ID: 56-014-20150327 and 015 Ref ID: 56-015-20150327 of the PPG, it is no longer possible for local authorities to set this level of water efficiency, even though it had the full support of South Staffordshire Water – Cambridge Region, Anglian Water and the Environment Agency. Nevertheless, the evidence of water stress and water resource availability contained within the Water Resource Management Plans, provides continued support for the Council to implement the new optional water efficiency requirement of 110 litres/person/day. South Staffordshire Water – Cambridge Region predict that rising demand for water and a fixed amount of total water available for use, combined with climate change, will mean that before 2040 the demand for water will be greater than what is available to supply the area in a dry year, as illustrated in Figure 1 of the 2010 Water Resource Management Plan¹⁶. The setting of this standard has been subject to viability testing as part of the councils' updated viability work¹⁷ and has been found to be viable. This approach also has the support of South Staffordshire Water – Cambridge Region, as set out in their letter of support which is included in Appendix 3.
13. As such, it is considered that the water efficiency requirements contained in Policy 27 accord with PPG paragraphs 014 Ref ID: 56-014-20150327 and 015 Ref ID: 56-015-20150327.
- iv. **Does paragraph 4.7 accord with the Government's Productivity Plan which has withdrawn the requirements for the zero carbon policy initiative?**
14. In light of the changes to national zero carbon policy announced as part of the Government's Productivity Plan, the Council has proposed to amend the wording of paragraph 4.7 to remove reference to the Code for Sustainable Homes and zero carbon policy. This modification was consulted on as part of the Proposed Modifications Joint Consultation Report, December 2015¹⁸ as modification reference PM/CC/4/F, and is set

¹² RD/CC/100 and RD/CC/090

¹³ RD/SUB/C/080, pages 281 – 283

¹⁴ RD/T/200

¹⁵ See Annex H of RD/Sub/C/100 – Cambridge Local Plan 2014: Submission Statement of Compliance with the Duty to Cooperate, December 2013.

¹⁶ RD/CC/100

¹⁷ RD/MC/090

¹⁸ RD/MC/010

out in the Cambridge Local Plan Proposed Modifications March 2016¹⁹. The Council considers that this is compliant with the Government's Productivity Plan.

Matter 3A.2 Policy 28: Allowable Solutions for zero carbon development

i. Does the policy accord with the Productivity Plan as referred to above?

15. In light of the changes to national zero carbon policy and the deletion of the Allowable Solutions policy as part of the Productivity Plan, the Council has proposed to delete policy 28 and its associated supporting text. This modification was consulted on as part of the Proposed Modifications Joint Consultation Report, December 2015²⁰ as modification reference PM/CC/4/H, and is set out in the Cambridge Local Plan Proposed Modifications March 2016²¹. The Council considers that this is compliant with the Government's Productivity Plan.

Matter 3A.3 Policy 31: Integrated water management and the water cycle

i. Should the wording of criterion (f) be more flexible in terms of the size of a particular flat roof and in respect of buildings with specific uses such as a laboratory or an operating theatre where a brown/green flat roof would not necessarily be appropriate?

16. The requirement for all flat roofs to be green/brown roofs is in response to the evidence contained within the Surface Water Management Plan for Cambridge and Milton²², which highlights that there is no capacity within watercourses in Cambridge to accommodate increased surface water runoff associated with new development. In dense urban environments, green/brown roofs can often be the only effective measure in combating the cumulative detrimental impact of urban creep associated with developments in terms of flood risk. Given the nature of the high levels of surface water flood risk in Cambridge, this policy enables additional development without adding to that risk. Green and brown roofs can be provided on any size of flat roof. For example, on the Cambridge Biomedical Campus and at other sites in the city, green/brown roofs are being provided on cycle shelters. As such it is considered that there is no justification for the wording of criterion (f) to be made more flexible in terms of size.
17. There is no evidence to support the claim that green/brown roofs cannot be used above laboratories or operating theatres. If such buildings can have traditional flat roofs, then there is no technical or operational reason why that flat roof cannot be replaced by a green/brown roof. In terms of standards for green/brown roofs, the major suppliers of green/brown roofs in the UK are fully signed up members of the German FLL – the Landscape Research Development and Construction Society. The FLL guidelines cover all aspects of green roofs from waterproofing, soils, vegetation, treatment on intensive green roofs, balconies, installation methods and procedures and maintenance. Further guidance

¹⁹ RD/MC/140

²⁰ RD/MC/010

²¹ RD/MC/140

²² RD/CC/170

on the use of green/brown roofs is set out in the Greater London Authority's Living Roofs and Walls Technical Report²³, which notes that green space is widely recognised as being beneficial to health, a benefit exploited by hospitals especially in Germany, where such buildings commonly have green/brown roofs. The Cambridge Biomedical Campus (CBC) has an example of a building with operating theatres that includes a green roof. The new Papworth Hospital, the UK's largest cardiothoracic hospital and the country's main heart and lung transplant centre, currently under construction on the CBC, includes green roofs. As such it is considered that there is no justification for the wording of criterion (f) to be made more flexible, and indeed on many constrained sites in the city, the use of green/brown roofs will prove essential to overcome surface water drainage issues as part of the development management process.

ii. Should criterion (k) also make reference to groundwater protection?

18. Following representations made by the Environment Agency to the Proposed Submission consultation (representation number 27585), the Council has proposed a minor modification to amend the wording of criterion (k) of Policy 31 as follows:

(k) "All hard surfaces are permeable surfaces where reasonably practicable, and having regard to groundwater protection".

This change was proposed as part of the "Addendum to the Cambridge Local Plan 2014: Proposed Submission Document (July 2013) Schedule of Proposed Changes following Proposed Submission Consultation"²⁴, as modification reference PM/4/008.

Matter 3A.4 Policy 33: Contaminated land

i. Does the wording of the policy, including the supporting text, require strengthening in order to protect ground water given the importance and vulnerability of aquifers in and around Cambridge?

19. Following representations made by the Environment Agency (representation number 27606), the Council has proposed a minor amendment to amend the wording of Policy 33 and its supporting text in order to protect groundwater, given the importance and vulnerability of aquifers in and around Cambridge. These modifications, which were developed in consultation with the Environment Agency, and which are the subject of a Statement of Common Ground²⁵, were proposed as part of the "Addendum to the Cambridge Local Plan 2014: Proposed Submission Document (July 2013) Schedule of Proposed Changes following Proposed Submission Consultation"²⁶, as modification references PM/4/009 and PM/4/010.

ii. Does the policy accord with paragraph 122 of the National Planning Policy Framework (the Framework) which clearly delineates between the role of the local

²³ RD/CC/290

²⁴ RD/Sub/C/050

²⁵ RD/SCG/420

²⁶ RD/Sub/C/050

planning authority, as described in paragraphs 120 and 121 of the Framework, and the role of other pollution control authorities?

20. Paragraph 121 of the Framework is clear that it is the role of planning policies and planning decisions to make sure that a site is:
- suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
 - after remediation, as a minimum, land should not be capable of being determined as contaminated under Part IIA of the Environmental Protection Act 1990²⁷; and
 - Adequate site investigation information, prepared by a competent person, is presented.
21. Paragraph 122 goes on to note that in doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.
22. Land contamination is a material consideration for the purposes of planning. Policy 33 is concerned with ensuring that adequate consideration of contaminated land is undertaken as part of the development process and that sufficient investigation and information is presented as part of planning applications in order that the council can be sure that the site will be suitable and safe for its proposed use, as required by the NPPF. It does not concern itself with controlling processes or emissions themselves that are subject to approval under pollution control regimes. The contaminated land regime under Part 2A of the Environmental Protection Act 1990 does not take into account future uses of contaminated land which could need a specific grant of planning permission. To ensure that a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development needs to be considered by the local planning authority. Paragraph 005 Ref ID: 33-005-20140306 of the NPPG is clear that local plans should be clear on the role of developers in dealing with contaminated land and requirements for information and assessment, which is what Policy 33 seeks to do.
23. The council also has a duty to ensure that as a minimum, the completed development should not be able to be designated as contaminated under Part IIA of the Environmental Protection Act 1990. Inherent in meeting this legal duty is the need for developers to be able to clearly demonstrate that they have undertaken sufficient investigation of any contamination and that measures are to be put in place to make the site safe for its intended use. As such, not only does the Council consider policy 33 to be in conformity with the Framework, it also satisfies the legal duties placed on the Council in its role as local planning authority by Part IIA of the Environmental Protection Act 1990.

Matter 3A.5 Policy 35: Protection of human health from noise and vibration

- i. **Does the policy restrict itself to the provisions of paragraph 123 of the Framework or does in place requirements on new developments that are in the domain of other pollution control authorities?**

²⁷ RD/Gov/180

24. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, water or noise pollution or land instability”. With specific reference to noise, paragraph 123 of the Framework goes on to note that planning policies and decisions should aim to:
- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 - Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
25. To this end, policy 35 sets out requirements to ensure that new development does not lead to significant adverse effects on health and amenity from noise, or that significant effects can be minimised through appropriate reduction and/or mitigation measures. Consideration is also given to proposals that are sensitive to noise that are located next to existing noise receptors, and the need for adequate noise mitigation measures to be provided as part of the development package. The Council considers that this approach is in conformity with the requirements of the Framework.
26. With regards to the concern that the policy places requirements of new developments that are in the domain of other pollution control authorities, these regimes, while complementary to planning, have different noise aims and objectives to the planning system. For example, ‘detriment to amenity’ is a much lower level of effect than that required to establish a statutory noise nuisance under the Environmental Protection Act 1990. As such, the ‘statutory nuisance’ powers provide a lower level of protection and is a reactive process. In addition, these powers are limited to noise from premises and cannot therefore be used to protect residents from traffic or aviation noise for example. With regards to other regimes, such as the Licensing Act 2003 and the environmental permitting regime, if a consented development falls outside of those regulatory regimes, they may be left without any noise controls whatsoever. The planning system focuses primarily on whether the development itself is an acceptable use of the land rather than on the control of the processes and substances involved, which is the domain of other pollution control authorities. It is aimed at proactive prevention. For example, high quality acoustic design is an integral part of overall quality of design and pre-empts noise problems which can be ‘designed out’ of a scheme. This approach is usually more effective, costs less and is integrated and proactive rather than retrospectively attempting to resolve unacceptable noise impacts. As one of the aims of the planning system is protection of amenity, the nuisance powers given to local authorities cannot therefore be considered as a suitable alternative, and hence a planning policy on noise is required.
27. Whilst the Council considers that the consideration of noise is a planning matter, there have been a number of changes to the emphasis of national policy since the policy was drafted.

At the time of writing, policy 35 and its supporting text was based on the guidance set out in PPG24, which has since been replaced by the requirements set out in section 30 of the PPG. Given these changes, it is considered appropriate to update policy 35 and its supporting text to take this guidance into account. As such, a number of proposed modifications, along with the justification for these modifications, are suggested for Policy 35 and its supporting text, as set out in Appendix 4.

Matter 3A.6 Policy 36: Air quality, odour and dust

- i. **Does the policy restrict itself to the provisions of paragraph 124 of the Framework or does it place requirements on new developments that are in the domain of other pollution control authorities?**
28. Paragraph 124 of the NPPF states that “planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”. Air pollution in parts of Cambridge currently breaches EU limit values for Nitrogen Dioxide. An Air Quality Management Area was declared in 2004. The Council has a statutory duty to reduce pollutants levels and plan to meet the EU limit values through its Air Quality Action Plan. The Council’s Joint Air Quality Action Plan²⁸, adopted in 2009, incorporates measures for improvement of and protection from poor air quality using the development management system.
29. It is important that an air quality planning policy is produced to provide sufficient detail to enable the Council and developers to achieve the quality of life and protection of human health aims enshrined in the Framework. Paragraph 109 of the Framework is clear that the planning system should prevent “both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution”. Policy 36 provides the key local approaches to reduce ambient levels of atmospheric pollutants, to minimise long-term health risk to new and existing residents from poor air quality, to minimise adverse effects of transport, domestic and industrial emissions on people and the environment, and promotes a safe and healthy environment, minimising the impacts of development upon the environment. Other pollution control regimes, while complementary to planning, have different aims and objectives to the planning system, tending to be focussed on the control of the processes and substances involved. Each application needs to be considered on its own merits. If any duplication between the regimes arises as part of the development management process, this will be subject to assessment in each individual case. The planning system focusses on primarily whether the development itself is an acceptable use of the land, giving consideration to all forms of pollution. As such, it is considered that Policy 36 is in conformity with the provisions of paragraph 124 of the Framework.
- ii. **Is criterion (c) too onerous or does the previous introductory paragraph provide sufficient flexibility in terms of the application of the criterion in any particular case?**

²⁸ RD/CC/440

30. Criterion (c) of policy 36 requires applicants to demonstrate that their development will not have an adverse effect on air quality in the AQMA. This is consistent with paragraph 124 of the Framework, which requires planning policies to sustain compliance with and contribute towards EU limit values and national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts on air quality from individual sites in local areas.

31. The council has a statutory duty to reduce pollutant levels and to meet EU limit values through its Air Quality Action Plan. The approach taken by criterion (c) is consistent with the council's Air Quality Action Plan, which incorporates measures for improvement of and protection from poor air quality using the development management system. This, in turn, is consistent with the requirement of paragraph 124 of the Framework, which states that planning decisions for any development in AQMAs should be consistent with the local air quality action plan. As such the Council does not consider that criterion (c) is too onerous and that the wording "where reasonable and proportionate" contained in the preceding introductory paragraph provides sufficient flexibility, while at the same time ensuring that developments do not have a detrimental impact on air quality in the city's AQMA.

Appendix 1: List of Reference Documents

National policy:

- National Planning Policy Framework (NPPF) (RD/NP/010)
- National Planning Practice Guidance (NPPG)(RD/NP/020)

Government Regulations and Acts:

- The Environmental Protection Act 1990 (RD/Gov/180)

Cambridge City Council submission documents:

- Cambridge Local Plan 2014: Proposed Submission (RD/Sub/C/010)
- Cambridge City Council Sustainability Appraisal of the Cambridge Local Plan 2014. Volume 1: Final Appraisal for the Submission to the Secretary of State, Cambridge City Council (2014), (RD/Sub/C/030)
- Addendum to the Cambridge Local Plan 2014: Proposed Submission document (July 2013) Schedule of Proposed Changes following Proposed Submission Consultation (RD/Sub/C/050)
- Cambridge City Council Statement of Consultation and Audit Trails (RD/Sub/C/080)
- Cambridge Local Plan 2014: Submission Statement of Compliance with the Duty to Cooperate, December 2013 (RD/Sub/C/100)

Climate Change and Managing Resources

- Cambridge Water Draft Water Resources Management Plan (RD/CC/090)
- Cambridge Water Company Final Water Resources Management Plan (RD/CC/100)
- Cambridgeshire Flood Risk Management Partnership. Cambridge and Milton Surface Water Management Plan 2011 (RD/CC/170)
- Decarbonising Cambridge: A renewable and low carbon energy study for Cambridge City Council 2010 (RD/CC/250)
- Greater London Authority. Living Roofs and Walls Technical Report (RD/CC/290)
- Air Quality Action Plan for the Cambridgeshire Growth Areas (RD/CC/440)

Transport and Infrastructure:

- Cambridge City Council Local Plan Review – Viability. Community Infrastructure Levy Viability Assessment February 2013 (RD/T/200)

Statements of Common Ground

- Statement of Common Ground between Cambridge City Council and the Environment Agency, April 2016 (RD/SCG/420)

Modifications consultation:

- Cambridge Local Plan and South Cambridgeshire Local Plan. Proposed Modifications Joint Consultation Report December 2015 (RD/MC/010)
- Cambridge City Council and South Cambridgeshire District Council Local Plans Viability Update. Final Report December 2015 (RD/MC/090)
- Cambridge Local Plan Proposed Modifications March 2016 (RD/MC/140)

Appendix 2: List of key evidence base documents for Policy 27

DOCUMENT TITLE	REFERENCE DOCUMENT NUMBER	DESCRIPTION
Element Energy. Decarbonising Cambridge Study: A renewable and low carbon energy study for Cambridge City Council	RD/CC/250	<p>This study is primarily a technical study, the aims of which were:</p> <ul style="list-style-type: none"> • The production of a heat map to help determine which areas of Cambridge may be suitable for the development of district heat networks; • An assessment of the potential for various decentralised renewable and low carbon energy technologies in the Cambridge area, including biomass, wind and microgeneration technologies such as solar panels; • An assessment of the viability and feasibility of achieving different levels of the Code for Sustainable Homes and BREEAM in order to inform policy development; • The consideration of policy options to inform the development of climate change policies.
Cambridge Water Company Draft Water Resource Management Plan (2013) and Water Resources Management Plan (2010)	RD/CC/090 and RD/CC/100	The purpose of water resource management plans is to demonstrate sufficient water supply availability over a statutory 25 year period, setting out how relevant water authorities intend to maintain the balance of supply and demand. They set out information on water resource availability over the plans period, giving consideration to growth plans, and consider options to maintain long term sustainable water resources.
Cambridge City Council Local Plan Review – Viability. Community Infrastructure Levy Viability Assessment February 2013	RD/T/200	The study provides an assessment of the viability of emerging local plan policies, including the requirements set out in policy 27.
Cambridge City Council and South Cambridgeshire District Council Local Plans Viability Update. Final Report December 2015	RD/MC/090	This study provides an updated assessment of the viability of local plan policies in light of proposed modifications proposed to the local plan in light of further work and the impact of various Written Ministerial Statements. This includes an assessment of the proposed modifications to policy 27, as set out in the document “Cambridge Local Plan Proposed Modifications March 2016” (RD/MC/140)



South Staffs Water

Green Lane, Walsall WS2 7PD
www.south-staffs-water.co.uk

DNC/CityC LDP/P1.10

21st April 2016

Emma Davies
Senior Sustainability Officer (Design and Construction)
Planning Policy
Environment Department
Cambridge City Council

Dear Emma,

Cambridge City Local Development Plan

Thank you for your invitation to comment on Policy 27 part (c) efficient water use, reuse and recycling in your proposed local plan.

In the Cambridge region, South Staffordshire Water supports greater water efficiency measures for new development beyond the minimum specified in the Building Regulations (Part H) standards of 125 litres per person per day. In an area of high growth, and water stress, we would favour domestic dwelling water consumption designed to 80 litres per person per day (Code for Sustainable Homes Level 5/6), where this is practical to achieve.

We would therefore support the local authority proposal of setting the requirement for new developments to meet the higher Building Regulations standards for water consumption of 110 litres/person/day.

To further progress sustainable development we support a policy that non-residential buildings should maximise BREEAM credits for water consumption.

Under our duty within the Water Act 1991, as amended 2013, South Staffordshire Water has produced a Water Resources Management Plan (WRMP) for the Cambridge Resources Zone, formerly the Cambridge Water statutory area of supply. The current WRMP approved by the Secretary of State, published in 2014 and referenced in your local plan indicates a deficit of resources could occur beyond 2035.

WRMPs are updated every 5 years to take account of changes to available resource, growth and water use. The next draft WRMP is due to be consulted on in 2018. We expect some changes due to implementation of the Water Framework Directive (WFD). Whilst there remains uncertainty around the scale of the impact of this on available water supplies, there is likely to be less water available and therefore a greater need for demand management and water efficiency in the Cambridge region. Designing new developments for optimal sustainable water consumption will become even more important.

In particular we support the use of water recycling in all new developments to achieve the Code for Sustainable Homes level 5/6, and are working together with Cambridge University to deliver such a scheme at North West Cambridge.

If you wish to discuss the content of this letter further with our local Water Resources and Environment Manager please contact Dan Clark on 01223 403126.

Yours faithfully



Colin Wayper
Asset and Water Supply Director

Appendix 4: Proposed modifications to policy 35: Protection of human health from noise and vibration

The modifications set out below relate to a number of policies and their supporting text in the Cambridge Local Plan 2014: Proposed Submission. The changes are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the Cambridge Local Plan, and do not take account of the deletion or addition of text.

Page	Policy/Paragraph	Modification	Justification
4.46	Policy 35: Protection of human health from noise and vibration	<p>Policy 35: Protection of human health <u>and quality of life</u> from noise and vibration</p> <p>Development will be permitted where it is demonstrated that:</p> <ul style="list-style-type: none"> it will not lead to significant adverse effects <u>and impacts</u>, including cumulative effects <u>and construction phase impacts wherever applicable</u>, on health <u>and quality of life/amenity</u> from noise and vibration; <u>and</u> or that significant adverse <u>noise effects/impacts</u> can be minimised <u>by through</u> appropriate reduction and/or mitigation measures <u>secured through the use of conditions or planning obligations, as appropriate</u> (prevention through <u>high quality acoustic</u> design is preferable to mitigation). <p><u>People's health and quality of life needs be protected from unacceptable noise impacts by effectively and appropriately managing the relationship between noise sensitive development and noise sources through land use planning. Noise must be carefully considered when new development might create additional noise and when development would be sensitive to existing or future noise.</u></p> <p><u>Residential and other noise sensitive development will be permitted where it can be demonstrated that future users of the development will</u></p>	<p>At the time of writing policy 35, guidance contained within Annex 1 of Planning Policy Guidance Note 24: Planning and Noise, was still considered of relevance to the plan making process, and as such, elements of this were incorporated into the draft policy. However, in the intervening period, the guidance within PPG24 has now been completely replaced by the guidance contained within Section 30 of the Planning Practice Guidance (PPG), and as such, it considered appropriate to make a minor modification to the wording of the policy and its supporting text to better reflect the guidance contained within the PPG.</p> <p>Paragraph 123 of the NPPF notes that planning policies and decisions should aim to:</p> <ul style="list-style-type: none"> Avoid noise from giving rise to

Page	Policy/Paragraph	Modification	Justification
		<p><u>not be exposed internally and externally to unacceptable levels of noise pollution/disturbance from existing or planned uses. This would include proposed noise sensitive development that may experience adverse impacts as a result of exposure to noise from existing or planned/future (i) transport sources (air, road, rail and mixed sources) or (ii) industrial, trade or business / commercial sources.</u></p> <p><u>Noise generating development including industrial, trade or business/commercial uses with associated transport noise sources will be permitted where it can be demonstrated that any nearby noise sensitive uses (as existing or planned) will not be exposed to noise that will have an unacceptable adverse impact on health and quality of life both internally and externally.</u></p> <p><u>A Noise Impact Assessment will be required to support applications for noise sensitive and noise generating development as detailed above including consideration of any noise impacts during the construction phase wherever applicable, when noise sensitive uses are likely to be exposed to significant or unacceptable noise exposure and impacts.</u></p> <p>Developers of major sites and sites that include noise-sensitive development located close to existing noise sources shall provide a noise assessment, with the information presented in Table 4.2: Noise exposure categories (NEC), below, also taking into account nationally and internationally accepted guidance at the time of the application. Proposals that are sensitive to noise and located close to existing noise sources will be permitted where adequate noise mitigation measures are provided as part of the development package.</p> <p>Development of sites that include noisy activities or plant or activities that operate at unsocial hours shall provide a noise assessment based on current national guidelines available at the time of the application.</p>	<p>significant adverse impacts on health and quality of life as a result of new development;</p> <ul style="list-style-type: none"> • Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. <p>Bearing this in mind, and the guidance contained within the Explanatory Note to the Noise Policy Statement for England (DEFRA, 2010) (RD/CC/450), modifications are proposed to the policy wording to acknowledge that noise can give rise to both significant adverse and adverse noise impacts. As an absolute requirement contained within paragraph 123 of the NPPF, any significant impact needs to be avoided. You cannot minimise a significant impact as impact will remain significant albeit minimised and therefore impact needs to be avoided in accordance with the NPPF. Other adverse noise impacts should be minimised.</p> <p>Reference to construction phase impacts has also been proposed as a minor modification, in line</p>

Page	Policy/Paragraph	Modification	Justification
			<p>with paragraph 30-003-20140306 of the PPG.</p> <p>Additional text is also proposed in relation to the consideration of noise sensitive development, noise generating development and the submission of Noise Impact Assessments, which are the three fundamental elements of assessing the impacts of noise. It is considered that these minor modifications provide greater clarity to developers as to what must be considered as part of the development management process. The PPG is clear, at paragraph 30-001-20140306 that noise needs to be considered when new developments may create additional noise (i.e. noise generating developments) and when new developments would be sensitive to the prevailing acoustic environment (i.e. noise sensitive developments).</p>
122	Paragraph 4.47	<p><u>Noise, including vibration, can have a significant adverse impact upon environmental quality, health and quality of life including amenity.</u> Noise not only causes annoyance but it can also cause serious disturbance such as the loss of sleep. Research by the World Health Organisation (WHO) has also shown noise to cause measurable health affects <u>effects</u>. Due to the urban nature of Cambridge, noise levels vary from relatively</p>	<p>These minor modifications are proposed in order to provide additional context for policy 35.</p>

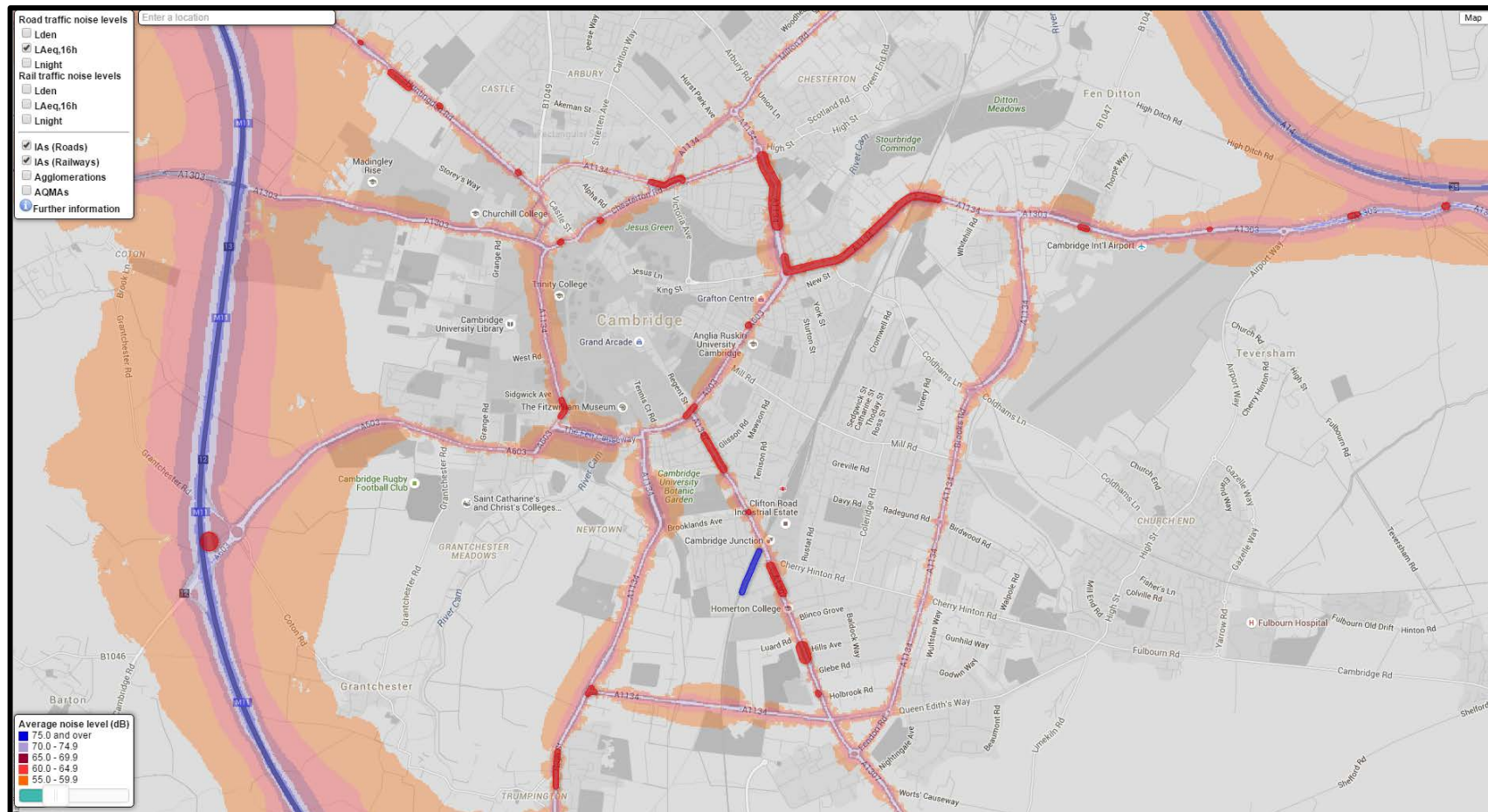
Page	Policy/Paragraph	Modification	Justification
		<u>quiet areas within some of the city's public parks to noisier areas close to business and commercial in the city centre, near busy roads, the A14, M11 and industrial areas including Cambridge Airport.</u>	
122	New paragraph after 4.47	<p><i>This new paragraph moves existing text from the second sentence onwards of existing paragraph 4.47 into a new paragraph, with some new text added.</i></p> <p>Some aspects of noise are covered by other legal controls, such as nuisance law. These controls cannot meet the aim of the planning system, which is the protection of amenity, and the test of 'statutory nuisance' sets a much higher standard than that of 'unacceptable harm'. Neither do they include the impact on from transport-related noise on a development. Therefore noise is a material planning consideration. However, it is not the role of the local plan to prevent all forms of development that may result in some measure of noise, but rather to control development that may have significant adverse effects <u>and reduce and minimise other adverse impacts</u>. The plan does not seek to duplicate the statutory nuisance and noise controls provided by other legislation.</p>	This minor modification is proposed in order to better reflect the guidance contained within the Explanatory Note to the Noise Policy Statement for England (DEFRA, 2010), to acknowledge that noise can give rise to both significant adverse and adverse noise impacts. In line with the requirements of paragraph 123 of the NPPF, significant adverse effects should be avoided and other adverse impacts should be minimised.
123	Paragraph 4.48	This policy relates to noise from all potential sources and protects <u>and secures a good standard of amenity for all existing and future occupants of land and buildings</u> , particularly to noise-sensitive receptors, including people living and working in Cambridge. It will also aim to protect any 'Quiet Areas' <u>(or areas of tranquillity)</u> that may be identified in the future under the Environmental Noise (England) Regulations 2006.	These minor modifications are proposed to better reflect the wording contained within paragraph 123 of the NPPF and paragraph 30-012-20140306 of the PPG.
123	New paragraphs after paragraph 4.48	<p><i>Insert six new paragraphs after paragraph 4.48 and new figure (see the figure at the end of this schedule)</i></p> <p><u>Where a Noise Impact Assessment is required, the remit and methodology shall be agreed in advance and shall be undertaken in accordance with the most relevant national and industry codes of practice, British Standards and technical guidance, and shall:</u></p> <ul style="list-style-type: none"> <u>identify all significant sources of noise and noise sensitive receptors either existing or proposed;</u> 	<p>These minor modifications are proposed to better reflect the guidance contained within the following paragraphs from the PPG:</p> <ul style="list-style-type: none"> 30-006-20141224, which sets out the factors that should be taken into consideration when determining whether noise

Page	Policy/Paragraph	Modification	Justification
		<ul style="list-style-type: none"> • <u>assess the likely short and long term impacts of noise generated or noise sensitive receptor exposure to noise both internally and externally in and around buildings;</u> • <u>assess the suitability of the site for development proposed, having regard to noise impact on quality of life and health both internally and externally; and</u> • <u>if proposals are identified as giving rise to unacceptable noise impact, either through noise exposure or generation, demonstrate in detail, including through good acoustic design, how the development will be designed, located and noise otherwise avoided or mitigated to reduce and minimise any unacceptable adverse impacts.</u> <p><u>The internal and external acoustic environment and good acoustic design in and around new noise sensitive and noise generating development should be considered as early as possible in the development control process. This shall include:</u></p> <ul style="list-style-type: none"> • <u>consideration of the feasibility of relocating or reducing noise from relevant sources;</u> • <u>adequate distance separation from noise sources;</u> • <u>site and building layout/orientation;</u> • <u>internal room configuration</u> • <u>provision and retention of acoustic barriers or other screening;</u> • <u>acoustic insulation of buildings/noise sources;</u> • <u>building ventilation strategy;</u> • <u>noise limits at site boundaries;</u> • <u>the need for restrictions on types of activity and/or limitations on hours of operation.</u> <p><u>Consideration should also be given to whether adverse effects in a building can be completely removed by closing windows. In the case of new residential development, if the proposed mitigation relies on windows being kept closed, a suitable alternative means of ventilation is likely to be necessary. In the hierarchy of mitigation measures, noise</u></p>	<p>should be a concern;</p> <ul style="list-style-type: none"> • 30-008-20140306 and 30-009-20140306, which set out guidance on the mitigation of the adverse effects of noise. <p>Within paragraph 30-006-20141224, reference is made to the consideration of Noise Action Plans and Important Areas identified through the process associated with the Environmental Noise Directive and corresponding regulations. Under the Environmental Noise (England) Regulations 2006, Important Areas have been identified for Cambridge, and it is considered helpful to include reference to these within the supporting text to Policy 35. To this end, additional supporting text and the insertion of a figure showing these Important Areas is proposed. Reference is also proposed to Cambridge Airport, which, under the Environmental Noise Regulations, has an approved Noise Action Plan in place. These proposed minor modifications are considered to provide additional clarity to developers of particular areas within the city where careful</p>

Page	Policy/Paragraph	Modification	Justification
		<p><u>should be mitigated at source and reliance on building envelope noise insulation schemes and the sealing of the building envelope should be the last resort. Care should be taken to ensure that good acoustic design is an integrated solution and that noise mitigation should not adversely affect general living conditions, including issues of overheating and thermal comfort, or result in design which is unacceptable in other planning respects and requirements.</u></p> <p><u>Noise Action Plans and Important Areas</u></p> <p><u>National planning practice guidance states that where relevant, Noise Action Plans, and, in particular the Important Areas identified through the process associated with the Environmental Noise Directive and corresponding regulations should be taken into account when considering noise impacts. “Important Areas” for road and rail have been identified within Cambridge and an indicative plan of these areas is detailed in figure x below.</u></p> <p><u><i>Insert Figure: Cambridge – Noise Action Planning Important Areas (IAs) in dark red for roads and railways – Environmental Noise (England) Regulations 2006.</i></u></p> <p><u>These areas give a good indication of those places that are exposed to the highest levels of existing road and rail transport noise. Proposals for new residential development in these locations need to be carefully considered and opportunities to reduce noise levels in these areas should be secured to improve the acoustic quality of the environment. The local authority environmental health department may also be able to provide additional information about the location of identified Important Areas.</u></p> <p><u>Cambridge Airport is a recognised as a noise source within Cambridge. Under the Environmental Noise Regulations, DEFRA has approved a Cambridge Airport- Noise Action Plan 2014- 2019. The action plan also</u></p>	<p>consideration of the effects of noise needs to be given. The action plans acknowledge that the current complimentary land use planning system and pollution control regimes provide a vital contribution to the proactive management and control of the adverse effects of such noise sources that may arise as a result of development. This should ensure that measures are incorporated into development proposals which mitigate against increased population exposure to noise levels by development.</p>

Page	Policy/Paragraph	Modification	Justification
		<u>contains airport noise contours, which will be of relevance to development proposals within close proximity to the airport. Further policy relevant to Cambridge Airport is contained within Policy 83: Aviation Development.</u>	
123	Paragraph 4.49	<i>Delete paragraph</i> For the purposes of the above, noise includes vibration.	It is proposed to delete this paragraph as it is not considered necessary given that the title of the policy makes clear reference to the consideration of vibration. This is considered to be a minor modification.
123 – 124	Table 4.2 Noise exposure categories (adapted from Planning Policy Guidance Note 24: Planning and Noise)	<i>Delete tables and associated supporting text (see the deleted text at the end of this schedule)</i>	It is proposed to delete this table and associated text as it was taken from the now revoked PPG24, and the information contained within it has now been superseded by guidance in section 30 on noise in the PPG. This is considered to be a minor modification.

Insert new Figure: Cambridge City – Noise Action Planning Important Areas (IAs) in dark red for roads and railways – Environmental Noise (England) Regulations 2006.



Proposed Minor Modification to Table 4.2: Noise exposure categories (adapted from Planning Policy Guidance Note 24: Planning and Noise).

Noise exposure category	Description
A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level
B	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise
C	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise
D	Planning permission should normally be refused

A recommended range of noise levels is given below for each of the noise exposure categories for dwellings exposed to noise from road, rail, air, and 'mixed sources'.

The noise exposure categories should not be used for assessing the impact of industrial noise on proposed residential development, because the nature of this type of noise and local circumstances may necessitate individual assessment and because there is insufficient information on people's response to industrial noise to allow detailed guidance to be given.

However, at a mixed-noise site where industrial noise is present but not dominant, its contribution should be included in the noise level used to establish the appropriate NEC.

The NEC procedure is only applicable where consideration is being given to introducing residential development into an area with an existing noise source, rather than the reverse.

Noise levels ⁰ corresponding to the noise exposure categories (NEC) for new dwellings (LAeq,T dB)				
Existing noise source	A	B	C	D
Road traffic 07.00 – 23.00	<55	55 – 63	63 – 72	>72

23.00— 07.00 ¹	<45	45—57	57—66	≥66
Rail traffic				
07.00— 23.00	<55	55—66	66—74	≥74
23.00— 07.00 ¹	<45	45—59	59—66	≥66
Air traffic ²				
07.00— 23.00	<57	57—66	66—72	≥72
23.00— 07.00 ¹	<48	48—57	57—66	≥66
Mixed sources ³				
07.00— 23.00	<55	55—63	63—72	≥72
23.00— 07.00 ¹	<45	45—57	57—66	≥66

Notes

- 0 — **Noise levels:** the noise level(s) (LAeq,T) used when deciding the NEC of a site should be representative of typical conditions.
- 1 — **Night-time noise levels (23.00–07.00):** sites where individual noise events regularly exceed 82 dB LAmax (S-time weighting) several times in any hour should be treated as being in NEC C, regardless of the LAeq,8h (except where the LAeq,8h already puts the site in NEC D).
- 2 — **Aircraft noise:** daytime values accord with the contour values adopted by the Department for Transport which relate to levels measured 1.2m above open ground. For the same amount of noise energy, contour values can be up to 2 dB(A) higher than those of other sources because of ground reflection effects.
- 3 — **Mixed sources:** this refers to any combination of road, rail, air and industrial noise sources. The 'mixed source' values are based on the lowest numerical values of the single source limits in the table. The 'mixed source' NECs should only be used where no individual noise source is dominant.