

Local Plan Examinations Cambridge City and South Cambridgeshire

Matters and Issues for South Cambridgeshire Local Plan

Environment Agency (18720)

[Representation 59714]

SC8L Policy SC/12 Contaminated Land

Background

When the Proposed Submission Draft (PSD) Plan consultation took place in 2013, the NPPF had recently been published. However it is significant to note that it was not accompanied by technical guidance on dealing with groundwater protection and land contamination.

In March 2014 the National Planning Practice Guide (NPPG) was first produced. The NPPG clarified and illustrated a range of issues in respect of land contamination. In combination the NPPF and NPPG provide a basic policy and guidance platform that 'fills the basic gaps' we identified in our comments on the proposed submission plan.

Whilst some of the specific detail in respect of dealing with landfill gas or development affecting Source Protection Zones is still absent in NPPF, NPPG and the Plan, we are satisfied that the land contamination policy (SC/12) and groundwater protection principles (policy CC/7) apply to a satisfactory degree.

Given the extent of Source Protection zones in South Cambridgeshire, we support the proposal to cover these aspects in more detail in the proposed Environmental SPD.

Given that the Environment Agency has no soundness concerns outstanding, we would be happy for the Inspector to consider the Matter through written representations only. Nevertheless if discussion is considered essential in view of any remaining issues, the Environment Agency will be able to attend the session.

Environment Agency response to the Inspectors Questions:

i. Is the policy in conflict with paragraph 122 of the Framework? Should paragraph 9.54 of the supporting text clarify that the reference to the 'NPPF' relates to paragraph 120 of the document?

The Environment Agency advises that the NPPF should be read as a whole, and in respect of land contamination we agree that paragraph 120 is the most relevant. Our reading of paragraph 122 is that it relates to emissions from the land use operation, not as a result of the development process.

ii. Should the policy also make reference to landfill gas contamination?

We accept the view that landfill gas is a form of contamination that can affect human health (and safety) and the environment. From a soundness point of view, it is probably not essential.

Nevertheless, it seems prudent to include reference to landfill gas due to the potential that it can get missed (the gassing source may be up to 250m away from a site which is otherwise free of contamination). Nevertheless, the consequences of this happening would be catastrophic.

iii. Should the policy also make reference to groundwater contamination?

For clarity the policy could cross reference policy CC/7 (Water quality), however this is probably not necessary in our view.

iv. Should the policy make reference to development on aquifers and EU designated Source Protection Zones?

In combination with policy CC/7 (Water Quality), the Environment Agency is of the view that policy SC/12 provides protection both for groundwater quality and the environment. A post submission modification to SC/12 clarifies that the policy applies to the environment and makes the link with CC/7 clearer. The EA did not consider this link when we made our PSD comments and are of the view that the policies now work together much more effectively.

Paragraph 4.28 makes reference to the EA's Groundwater Protection Maps. Whilst the Source Protection Zones make up the most significant and commonly used maps, the Environment Agency also produces maps in respect of Principal and Secondary Aquifers (more typically abstracted for private use) and Nitrate Vulnerable Zones.

The Environment Agency is of the view that an Environmental SPD would be the appropriate document in which to detail the respective information and how this should be applied in the planning application assessment process. We support the combination of policies CC/7, SC/12 and paragraphs 4.28 on 9.56 to achieve this.