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INTRODUCTION

5.1 When undertaking EIAs and preparing an ES, it is conventional practice to carry out a review of relevant planning policy. This is not an express requirement of the EIA Regulations, but the exercise acts as a useful checklist in terms of environmental topics considered in the EIA, and allows the conclusions reached by the EIA/ES to be assessed against planning policy objectives and requirements.

5.2 It is considered that this approach identifies and isolates the key environmental issues associated with a particular development, and assists in arriving at a judgement of the overall merits of the development balanced against its environmental effects. In this respect, it is not the role or purpose of the ES to set out the planning balance, but to objectively consider those policies relevant to the scheme being assessed.

5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA, 2004) requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In effect, this established a presumption in favour of granting permission for developments which are in accordance with the Development Plan.

5.4 This principle has been developed and clarified by subsequent case law, which has confirmed that a particular proposal does not need to accord with each and every policy in a development plan; the key issue is that it accords with the overall thrust of the development plan policies taken as a whole.

5.5 Sub Section 5 of Section 38 states that “if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).”

5.6 Policies in the Development Plan will conventionally seek to safeguard environmental interests, and will aim to resist developments which are likely to give rise to significant adverse environmental and amenity effects.

5.7 This chapter will set out the context of the main national and local planning policies relevant to the development at Ling Hall. Chapter 4 within the Planning Statement (Volume 1) provides an assessment of how the proposed development complies with the relevant policies in the Development Plan.

LEGAL BACKGROUND

5.8 Schedule 4 to the EIA Regulations does not make any specific reference to the inclusion of an assessment of planning policy. However, Chapter 6 of the former DTLR Good Practice Guide on the preparation of an ES included a section on ‘Policies and Plans’. Paragraph 6.1 stated that “An ES should include a section on policies and plans which are relevant to the environmental assessment of the development in question”. The objective of this is to “demonstrate how these
policy guidelines have been taken into account in developing the project and compiling the ES, and to provide a picture of the decision-making context in which the environmental impacts will be evaluated.”

5.9 It can be seen that there is some ambiguity between the Regulations and the guidance provided by the Government. However, it is clear from the published guidance that the Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Accordingly, policies and plans play an important role in determining any planning applications. Therefore, in the spirit of the guidance, this chapter provides an overview of the policies that have been considered in undertaking the EIA.

NATIONAL POLICY

General

5.10 National Planning Policy guidance is set out in the National Planning Policy Framework (NPPF). The NPPF was accompanied by a ‘Technical Guidance’ document which provided guidance relating to Flood Risk (formerly contained in PPS25) and minerals (formerly contained in MPS1 and MPS2). This has since been revoked and replaced by the internet based Planning Practice Guidance (PPG).

5.11 As noted in Chapter 2, in terms of land use planning constraints, the application site is not located within a National Park or Area of Outstanding Natural Beauty (AONB), but is located within a Green Belt. Neither does it directly impinge upon any archaeological or ecological designations of international or national importance. As a result of the clear lack of many land use planning constraints, many sections of national guidance are not relevant to the planning application or EIA.

The NPPF

5.12 The NPPF does not change the fundamental premise of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 2 clearly states that:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”

5.13 It goes on to add that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

5.14 Beyond the general principles of the plan-led system, sustainable development and the approach to decision making, much of the main guidance relates to the development of the built environment. Those parts relevant to the proposed development are considered within the subsequent sections.
Sustainable Development

5.15 At the heart of the NPPF is a presumption in favour of sustainable development, which should be taken as a ‘golden thread’ running through both planning and decision-making. In terms of ‘Sustainable Development’, the NPPF identifies three dimensions:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements including the provision of infrastructure;

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historical environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.16 These roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Green Belt

5.17 National planning policy on the approach to the Green Belt within both plan-making and decision-taking is set out in Section 13. The protection of the Green Belt is a component of the purpose of the planning system to contribute to the achievement of sustainable development.

5.18 Paragraph 133 indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5.19 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, at paragraph 146, the NPPF identifies certain operations that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include mineral extraction (and thus by implication the restoration of mineral workings) and engineering operations.

Environmental Considerations

5.20 The NPPF, together with the web based PPG, sets out the overarching national policy and associated guidance respectively aimed at protecting the environment and local communities.
This is further considered under the heading of ‘Protection of the Environment’ later in this chapter.

National Planning Policy for Waste

5.21 National Planning Policy for Waste (NPPW) is the latest Government policy on planning for waste management facilities and objectives for sustainable waste management, replacing Planning Policy Statement 10\(^1\). NPPW sets out the key planning objectives, decision making principles and advice on determining planning applications.

5.22 Paragraph 1 of the NPPW links it to the Waste Management Plan for England emphasising the role planning can play in providing a more sustainable and efficient approach to resource use and management. In this respect, the key points relating to the proposed development are:

- recognising the positive contribution waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste including by enabling waste to be disposed of in line with the proximity principle; and
- helping secure the disposal of waste without endangering human health and without harming the environment.

5.23 The NPPW carries forward from PPS10 the concept of the ‘waste hierarchy’, which indicates that landfill is the least desirable solution, to be used where none of the options higher up the hierarchy are appropriate.

5.24 Paragraphs 4 and 5 of the NPPW set out the policy considerations for the location of waste management facilities, referring to the ‘proximity principle’ and going on to consider\(^2\) the extent to which the site supports other policies in the NPPW; the physical and environmental constraints on the development; the capacity of the transport infrastructure and the cumulative impact of existing and proposed waste facilities.

5.25 Paragraph 6 relates to Green Belts and states that “Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan”.

5.26 The issues contained in Annex B of the NPPW have been addressed (where relevant) in chapters 6 to 13 of this ES in the context of land use planning. In this regard:

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\(^1\) Planning Policy Statement 10: Planning for Sustainable Waste Management. 2005

\(^2\) Paragraph 5, NPPW.
• “protection of water quality and resources and flood risk management: Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care”

• “land instability: Locations, and/or the environs of locations, that are liable to be affected by land instability, will not normally be suitable for waste management facilities”

• “landscape and visual impacts: Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.”

• “nature conservation: Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protected Areas, Special Areas of conservation and RAMSAR sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species”

• “conserving the historic environment: Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.”

• “traffic and access: Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports”.

• “air emissions, including dust: Consideration will include the proximity of sensitive receptors, including ecological as well as human receptors. and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles”.

• “Odours: Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment”.

• “Vermin and birds: Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/2003) local planning authorities are required to
consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan). The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes."

- “noise, light and vibration: Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.”

- “litter: Litter can be a concern at some waste management facilities”.

- “potential land use conflict: Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility”

THE DEVELOPMENT PLAN

Legislative Background

5.27 The PCPA 2004 reformed the development plan system, replacing Local Plans with a requirement to produce a Local Development Framework (LDF). The LDF would comprise a portfolio of Development Plan Documents (DPDs). With the introduction of the Localism Act 2011 (and associated Regulations), the Local Development Framework is to be replaced by Local Plans.

5.28 The Development Plan for the area within which the landfill is situated comprises the “Saved Policies” of the:

- Warwickshire Waste Core Strategy (adopted July 2013) and

- Rugby Borough Council Local Plan 2011 - 2031

5.29 The Borough Local Plan covers all matters involving the development or other use of land, with the exceptions of mineral and waste developments, which by virtue of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 fall to be considered against the Minerals Local Plan and Waste Local Plan respectively. The main considerations therefore relate to the general policies, and those aimed at safeguarding the environment.

Warwickshire Waste Core Strategy (2013 – 2028)

5.30 The Waste Core Strategy (WCS) sets out the Spatial Strategy, Vision, Objectives and Policies for managing waste for the period up to 2028.
5.31 Policy CS1 addresses waste management capacity and is not relevant to the EIA, but is relevant to the consideration of the planning application. It is therefore addressed in the Planning Statement. Policy CS2 sets out the spatial waste planning strategy for the county and indicates the broad locations for new waste developments and includes “sites operating under an existing waste management use” and “active mineral sites or landfills”. It adds that sites should be well located to sources of waste and the strategic transport infrastructure. Policy CS3 (strategy for locating large scale waste sites) indicates that such facilities should be located within or in close proximity to the ‘primary’ settlements, including Rugby. Referring to Figure 7.1 in the WCS (which is referred to in the policy), Rugby is identified as a primary settlement and the landfill site is within the area shown as being “in close proximity to primary settlements (e.g. 5km)”.

5.32 Policy CS7 addresses proposals for disposal facilities (i.e. landfill). It is aimed at new facilities with one of the requirements being to demonstrate that significant quantities of material are not diverted “away from the restoration of mineral workings or permitted landfill sites”.

PROTECTION OF THE ENVIRONMENT

5.33 Both the NPPF and the Development Plan contain specific policies on safeguarding and protecting the environment, covering all aspects such as the countryside; the natural environment; built and cultural heritage; agriculture; and landscape. They also set out policies aimed at minimising the loss of amenity through pollution. In this context, as set out above the WCS contains two overarching policies (DM1 and DM2) on protection and enhancement of the natural and built environment and managing health, economic and amenity impacts of waste development. Policy DM1 provides that:

“New waste development should conserve, and where possible enhance, the natural and built environment by ensuring that there are no unacceptable adverse impacts upon:

• natural resources (including water, air and soil);
• biodiversity;
• geodiversity;
• archaeology;
• heritage and cultural assets and their settings;
• the quality and character of the landscape;
• adjacent land uses or occupiers; and
• the distinctive character and setting of the County’s settlements;

and the development satisfies Green Belt policies.”
5.34 Policy DM2 then adds

“Planning permission will not be granted for waste management proposals which have unacceptable adverse impacts on the local environment, economy or communities through any of the following:

- noise
- lighting/illumination
- visual intrusion
- vibration
- odour
- dust
- emissions
- contamination
- water quality
- water quantity
- road traffic
- loss of best and most versatile agricultural land
- land instability

either individually or cumulatively with other existing or proposed developments.”

5.35 The following paragraphs provide a brief overview of those policies aimed at protecting the environment. To recap, the various documents that constitute the Development Plan are abbreviated as follows:

WCS Warwickshire Waste Core Strategy.
RBLP Rugby Borough Council Local Plan

**Landscape**

5.36 Section 15 of the NPPF, “Conserving and enhancing the natural environment”, sets out criteria that are relevant to landscape. These include the protection of valued landscapes in a manner that is commensurate with their statutory status or identified quality in the development plan,
recognition of the intrinsic character and beauty of the countryside and maintaining the character of undeveloped coast.

5.37 In paragraph 172 it is stated that “great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”. It also set out that “the scale and extent of development within these designated areas should be limited” and that “planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest”. In addition, the NPPF sets out (paragraph 173) “that within areas defined as Heritage Coast…. planning policies and decisions should be consistent with the special character of the area and the importance of its conservation”.

5.38 At a county level, Policy DM1 referred to above is relevant. It adds that “Waste management proposals should demonstrate that valued landscapes … of international and national importance will be preserved or conserved and, where possible, enhanced. The level of protection to be afforded to the asset will be commensurate with its designation and significance.” It goes on to add that proposals should also “maintain or, where possible, enhance … designated Local Green Spaces or open space, sports and recreational facilities and land identified in Local Development Documents as of specific importance”. Policy DM2 then requires consideration to be given to visual intrusion.

5.39 In the RBLP, Policy NE3 considers the protection and enhancement of the landscape. It states that new development which positively contributes to landscape character will be permitted. It then sets out seven criteria that development proposals will be required to demonstrate:

- Integrate landscape planning into the design of development at an early stage

- Consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity;

- Relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance;

- Identify likely visual impacts on the local landscape and townscape and its immediate setting and undertakes appropriate landscaping to reduce these impacts;

- Aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance;

- Address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing and expanding these features through means such as buffering and reconnecting fragmented areas; and
* Are sensitive to an area’s capacity to change, acknowledge cumulative effects and guard against the potential for coalescence between existing settlements

5.40 These policy issues have been taken into consideration within the Landscape and Visual Impact Assessment which is reported in Chapter 7 of this Volume.

**Natural Environment**

5.41 Relevant paragraphs in the NPPF are 175 to 176. These paragraphs provide that:

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

176. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

5.42 In the WCS ecological aspects are addressed through overarching **Policy DM1**. It adds that:

“Waste management proposals should demonstrate that valued … species, habitats … of international and national importance will be preserved or conserved and, where possible,
enhanced. The level of protection to be afforded to the asset will be commensurate with its
designation and significance.

Proposals should also maintain or, where possible, enhance biodiversity and recognised sites,
species, habitats ... of sub-regional or local importance, as well as designated Local Green Spaces
or open space, sports and recreational facilities and land identified in Local Development
Documents as of specific importance.”

5.43 Turning to the RBLP, Policy NE1 (Chapter 9) provides protection for designated biodiversity and
geodiversity assets. It states that the “Council will protect designated areas and species of
international, national and local importance for biodiversity and geodiversity ... Development will
be expected to deliver a net gain in biodiversity and be in accordance with the mitigation
hierarchy below. Planning permission will be refused if significant harm resulting from
development affecting biodiversity cannot be:

- Avoided, and where this is not possible;
- Mitigated, and if it cannot be fully mitigated, as a last resort;
- Compensated for”.

5.44 The policy then sets out a hierarchal approach to protecting ecological designations, based on the
importance of the designation. It concludes by stating that “All proposals likely to impact on the
sites noted above will require an Ecological Assessment. The Ecological Assessment shall include
due consideration of the importance of the natural asset, the nature of the measures proposed
(including plans for long term management) and the extent to which they avoid and reduce the
impact of the development”.

5.45 The nature conservation value of the application site, together with consideration of any
ecological designations in the vicinity of the application site is addressed at Chapter 11 of this
Volume.

Historic Environment

5.46 Relevant guidance can be found at paragraphs 184 to 202 in Section 16 of the NPPF

5.47 Paragraph 184 recognises that heritage assets are an irreplaceable resource and the need to
conserve them in a manner appropriate to their significance. Paragraph 189 states:

“In determining applications, local planning authorities should require an applicant to describe
the significance of any heritage assets affected, including any contribution made by their setting.
The level of detail should be proportionate to the assets’ importance and no more than is sufficient
to understand the potential impact of the proposal on their significance”.

5.48 In terms of assessing the potential impacts a development may have on cultural heritage assets,
paragraphs 192 to 202 are relevant. In particular:
193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset “

5.49 Again, as previously noted in the WCS the historic environment is covered by overarching Policy DM1. It adds that:

Waste management proposals should demonstrate that valued ... heritage assets (and, where relevant, their settings) of international and national importance will be preserved or conserved and, where possible, enhanced. The level of protection to be afforded to the asset will be commensurate with its designation and significance.
Proposals should also maintain or, where possible, enhance ... heritage assets of sub-regional or local importance, ... and land identified in Local Development Documents as of specific importance.

5.50 In the RBLP Policy SDC3 seeks to protect and enhance the historic environment. It states that “Development will be supported that sustains and enhances the significance of the Borough’s heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes and townscapes.

Development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance.”

5.51 Consideration of any archaeological designations in the vicinity of the application site is addressed at Chapter 12 of this Volume.

Water Environment

5.52 Guidance formerly contained in PPS25 is now within paragraphs 148 to 165 of the NPPF, together a complete section on flood risk contained in the web-based PPG (paragraphs 7-001 to 7-078).

5.53 In the WCS the water environment is covered by Policy DM2 (requiring a consideration of water quality and quantity). In addition Policy DM6 addresses flood risk. Flood risk is also addressed in Policy SDC5 in the RBLP, whilst Policy SDC6 sets out the requirements for sustainable drainage. Policy SDC7 then sets out the policy requirements for the protection of the water environment and water supply. It states that “Development will not be permitted where proposals have a negative impact on water quality, either directly through pollution of surface or ground water, or indirectly through the overloading of Wastewater Treatment Works. Prior to any potential development, consultation must be held with Severn Trent Water to ensure that the required wastewater infrastructure is in place in sufficient time.

Development will not be permitted where the sensitivity of the groundwater environment, or the risk posed by the type of development is deemed to pose an unacceptable risk of pollution of the underlying aquifer”.

5.54 These policies have been considered as part of the hydrological and hydrogeological assessments that are reported in Chapter 10 of this Volume.

Transport

5.55 At the national level paragraphs 102 to 111 in Section 9 of the NPPF are relevant. All developments that generate significant amounts of movement should be required to provide a Travel Plan and be supported by a Transport Statement or Transport Assessment³. Plans and decisions should take account of whether:

³ Paragraph 111, NPPF
appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

• safe and suitable access to the site can be achieved for all users; and

• any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.56 Paragraph 109 then adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.57 In the WCS Policy DM2 addresses the effects of transportation (road traffic) and Policy DM3 considers sustainable transportation. In particular, the policy provides that “where road is the only viable method of transportation, demonstrating that there is no unacceptable adverse impact on the safety, capacity and use of the highway network”. It goes on to add that a transport assessment may be required and the issues that need to be addressed in the assessment.

Pollution and Amenity of Local Communities

5.58 Pollution issues are set out in paragraphs 170 and 178 to 183 of the NPPF. Paragraph 170 refers to 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, air, water or noise pollution or land instability.

5.59 Paragraph 180 provides that “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 the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

5.60 Finally, paragraph 183 notes that LPAs 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. Local planning authorities should assume that these regimes will operate effectively.
5.61 Guidance can also be found in the web based Planning Practice Guidance. Firstly, the guidance addresses the ability to comply with the noise criteria is set out in the Planning Practice Guidance (paragraphs 019 to 022)\(^4\). Secondly, the ability to adequately control and mitigate dust emissions is set out in the Planning Practice Guidance at paragraphs 023 – 032\(^5\).

5.62 In the WCS, the overarching Policy DM2 addresses the amenity effects of waste management developments. Allied to this, Policy DM7 provides that developments should not cause an unacceptable hazard to aviation.

5.63 The need to minimise impacts upon the environment and local amenity have been a key consideration of the design process. These issues have been addressed within separate Chapters of the ES, namely Chapters 6 (Air Quality) and 9 (Noise).

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\(^4\) Reference ID: 27-019-20140306 to 27-022-20140306

\(^5\) Reference ID: 27-023-20140306 to 27-032-20140306