

## APPENDIX 3: LEGISLATION AND PLANNING POLICY

### Legislation

#### EIA Directives and Regulations – EIA Regulations

- 1.1 European Union legislation with regard to environmental assessment and the planning regime remains unchanged despite the UK leaving the European Union on 31 January 2020. The Government passed secondary legislation in October 2018 to ensure the continued operation of the EIA regime.

#### Planning and Compulsory Purchase Act 2004 (as amended)

- 1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the LPA is the Cambridge Local Plan 2018.

#### Community Infrastructure Levy Regulations 2010 (as amended)

- 1.3 The Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) generally set out regulations relating to the Community Infrastructure Levy (CIL). Part 11 refers specifically to planning obligations (including those in Section 106 Agreements) and is relevant to the consideration of these applications and will influence the final content of Section 106 Agreement, in the event that planning permission is granted.
- 1.4 CIL Regulation 122 imposes limitations on the use of planning obligations. It states (where there is no CIL charging regime), a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
  - (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development, and
  - (c) fairly and reasonably related in scale and kind to the development

#### Equalities Act 2010

- 1.5 The applications have been assessed against the relevant sections of the Equalities Act 2010. It is not considered that the Applications discriminates against people with protected characteristics (age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation) specified in this Act.

## National Policy and Guidance

- 1.6 The following national policies and guidance are referred to in this report:

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

## The Development Plan

- 1.7 For the purposes of the s38(6) of the 2004 Act, the Development Plan is the South Cambridgeshire Local Plan (September 2018), and the County Minerals and Waste Local Plan 2036 (July 2021).

- 1.8 The relevant policies in the Local Plan include:

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/5 – Provision of New Jobs and Homes

S/6: The Development Strategy to 2031

S/7 – Development Frameworks

SS/4 - Cambridge Northern Fringe East and Cambridge North railway station

CC/1 – Mitigation and Adaption to Climate Change

CC/3 – Renewable and Low Carbon Energy in New Developments

CC/4 – Water Efficiency

CC/6 – Construction Methods

CC/7 – Water Quality

CC/8 – Sustainable Drainage Systems

CC/9 – Managing Flood Risk

HQ/1 – Design Principles

HQ/2 – Public Art and New Development

NH/2 – Protecting and Enhancing Landscape Character

NH/4 – Biodiversity

NH/6 – Green Infrastructure

NH/8 – Mitigating the Impact of Development in & adjoining the Green Belt

NH/14 – Heritage Assets

H/8 – Housing Density

- H/9 – Housing Mix
- H/10 – Affordable Housing
- H/12 – Residential Space Standards
- E/9 - Promotion of Clusters
- E/10 - Shares Social Spaced in Employment Areas
- E/22 - Applications for New Retail Development
- SC/2 – Health Impact Assessment
- SC/4 – Meeting Community Needs
- SC/6 – Indoor Community Facilities
- SC/7 – Outdoor Play Space, Informal Open Space & New Developments
- SC/9 – Lighting Proposals
- SC/10 – Noise Pollution
- SC/11 – Contaminated Land
- SC/12 – Air Quality
- SC/14 - Odour and Other Fugitive Emissions to Air
- TI/2 – Planning for Sustainable Travel
- TI/3 – Parking Provision
- TI/8 – Infrastructure and New Developments
- TI/10 – Broadband

- 1.9 The relevant policies in the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 are:

Policy 16: Consultation Areas

- 1.10 The following Supplementary Planning Documents (SPD) are relevant:

- Greater Cambridge Biodiversity SPD – Adopted February 2022
- Sustainable Design and Construction SPD – Adopted January 2020
- Cambridgeshire Flood and Water SPD – Adopted November 2016
- Health Impact Assessment SPD – Adopted March 2011
- Development affecting Conservation Areas SPD – Adopted 2009
- Landscape in New Developments SPD – Adopted March 2010
- Affordable Housing SPD – Adopted March 2010
- Listed Buildings SPD – Adopted 2009
- Open Space in New Developments SPD – Adopted January 2009
- Public Art SPD – Adopted January 2009
- Trees and Development Sites SPD – Adopted January 2009

- 1.11 Other relevant guidance includes:

Greater Cambridge Housing Strategy 2019-2023

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001).

Buildings of Local Interest (2005)

Cambridge and Milton Surface Water Management Plan (2011)

Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (2010)

Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste

Cambridgeshire Design Guide for Streets and Public Realm (2007)

Cycle Parking Guide for New Residential Developments (2010)

Development Management Guidance issued (revised in May 2021)

Policy 60 of the Cambridge Local Plan 2018