

**CAMBRIDGESHIRE AND PETERBOROUGH MINERALS AND WASTE LOCAL PLAN – PRELIMINARY DRAFT.**

**To:** Economy and Environment Committee

**Meeting Date:** 12 April 2018

**From:** Graham Hughes - Executive Director, Place and Economy

**Electoral division(s):** All

**Forward Plan ref:** Not applicable      **Key decision:** No

**Purpose:** To consider the preliminary draft Cambridgeshire and Peterborough Minerals and Waste Local Plan for the purposes of public consultation commencing in May 2018.

**Recommendation:** That Economy and Environment Committee:

- a) approve the attached Cambridgeshire and Peterborough Minerals and Waste Local Plan - Preliminary Draft for the purpose of public consultation commencing in May 2018.
- b) delegate to the Executive Director, Place and Economy in consultation with the Chair and Vice Chair of the Committee, the authority to make any minor non-consequential amendments to the consultation document attached, prior to consultation.
- c) delegate to the Executive Director, Place and Economy, in consultation with the Chairman and Vice-Chairman of the Committee, the authority to make more substantive changes to the document prior to consultation, if it would address any substantive suggested amendments arising from the Report's consideration by Peterborough City Council's democratic process.

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## 1. BACKGROUND

- 1.1 On 10 August 2017 this Committee agreed to proceed with the preparation of a new Minerals and Waste Local Plan, to be prepared jointly with Peterborough City Council. This new Plan will set out planning policy to guide future minerals and waste development, and planning decisions on such proposals, over the period to 2036. When it is adopted it will replace the existing Minerals and Waste Plan (Core Strategy 2011 and Site Specific Proposals Plan (2012).
- 1.2 At the same meeting a timetable for preparing the new plan was approved, in the form of the Minerals and Waste Development Scheme. In summary the agreed timetable:
- May 2018 - first round of consultation on the emerging Plan;
  - March 2019 - second round of consultation;
  - November 2019 - third and final round of consultation;
  - March 2020 - 'submission' of Local Plan, in order to commence its independent examination; and
  - November 2020 – adoption.

## 2. MAIN ISSUES

- 2.1 The first stage of the new Plan is a preliminary stage of consultation aimed at seeking views from consultees, including the public, on what the new Plan should contain. It is often described as an 'issues and options' stage. For this reason the consultation document (**see Appendix 1**) sets out key issues and options, and discusses factors that need to be taken into account. It also suggests what the proposed approach or policy may be e.g. whether it is proposed to carry forward a policy, amend and update it. The purpose of this is to encourage meaningful debate and elicit views which will inform the next stage of the Plan which is to draft a full local plan for further public consultation.
- 2.2 The preliminary draft Plan does not include any sites for mineral or waste management development as it is not yet known how much mineral and new waste management capacity is needed. These are both issues that are identified in the report, and views are being sought on what approach should be taken in this respect.
- 2.3 In terms of mineral supply the reports suggests the key elements that could inform the level of provision for aggregates, and which are indicators of the security of supply and the additional provision that may need to be made, are:
- the rolling average of the past 10 years of aggregate sales data;
  - the landbanks and other information contained in the Cambridgeshire and Peterborough Local Aggregates Assessment;
  - as assessment of other supply options i.e. the supply of secondary and recycled aggregates and marine dredged material;
  - matters relating to mineral supply raised through the duty to cooperate with other mineral planning authorities; and
  - local factors e.g. major infrastructure projects such as the Oxford to Cambridge Expressway; the geological extent of mineral; and any other relevant factors.

Views on this matter are being sought through the document.

2.4 Similarly views on where future mineral extraction should be located are sought, and again key factors are suggested for consideration:

- Whether new extraction should be focussed at existing sites (i.e. make extensions at these sites);
- Whether the plan should set out 'Areas of Search' within which there could be specific allocations but also to contain a policy steer to indicate that proposals on non-allocated sites should first look to within those identified Areas of Search;
- To what degree should HCV impacts be taken into consideration, and more generally, the degree to which existing infrastructure capacity is used to steer the spatial strategy;
- To what degree, like the adopted Local Plans, should the potential for biodiversity enhancement steer the spatial strategy;
- How the lack of a mineral (e.g. limestone) being available should steer the strategy; and
- The level of support, or not, for temporary workings/borrowpits.

2.5 In the context of waste management a Waste Needs Assessment is being prepared to inform the Plan, and this will be available for comment alongside the preliminary report. Initial forecast waste capacity need is as follows:

		<b>Indicative Total Waste Management Capacity Needs, Million tonnes</b>				
		<b>2016</b>	<b>2021</b>	<b>2026</b>	<b>2031</b>	<b>2036</b>
<b>Non-hazardous waste management</b>						
Preparing for re-use and recycling	Materials recycling	0.582	0.634	0.685	0.732	0.776
	Composting	0.171	0.181	0.199	0.213	0.223
	Inert recycling	0.106	0.108	0.110	0.110	0.110
Other recovery	Treatment and energy recovery processes	0.204	0.285	0.377	0.460	0.489
	Soil treatment	0.071	0.073	0.074	0.075	0.074
	Inert recovery (fill)	0.725	0.735	0.740	0.742	0.747
Disposal	Inert landfill	0.207	0.209	0.209	0.209	0.211
	Non-hazardous landfill*	0.592	0.543	0.485	0.430	0.439
	London's non-apportioned household and C&I waste for export for disposal to non-hazardous landfill	0.045	0.027	0.000	0.000	0.000
<b>Hazardous waste management</b>						
Preparing for re-use and recycling	Recycling	0.026	0.028	0.031	0.034	0.037
Recovery	Treatment and other recovery	0.009	0.010	0.011	0.012	0.013
Disposal	Hazardous landfill	0.007	0.007	0.008	0.009	0.009
	Incineration without energy recovery**	0.003	0.003	0.003	0.004	0.004

\*Includes stable non-reactive hazardous waste landfill void space.

\*\* Potential for this capacity to be accommodated by incineration with energy recovery or other energy from waste recovery processes.

2.6 Under the Localism Act 2011 and national planning policy, Councils have a Duty to Cooperate (DtC). This duty requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in local plans, including waste management. When the local plan is examined by an independent

inspector their role will be to assess whether the plan has been prepared in accordance with the DtC, legal and procedural requirements, and whether it is sound.

- 2.7 National policy requires the Plan to consider the need for additional waste management capacity of more than local significance. The adopted London Plan identifies household and commercial & industrial waste to be exported, and the East of England is specifically listed as the main destination for this, owing to its proximity and landfill capacity. Whilst some of London's waste is received at waste treatment facilities within the Plan area, at present the majority is disposed to non-hazardous landfill. The adopted London Plan sees household and commercial & industrial waste exports to the East of England reducing from 1.95 million tonnes in 2016, to 1.19 million tonnes by 2021, and ceasing completely in 2026. However, whilst London is moving towards net self-sufficiency in this respect, if the provisions of the adopted London Plan are not taken into account then the DtC would not have been met; and this local plan will most likely be found to be unsound. Thus it is being suggested that some provision for the landfill of some of London's household and commercial & industrial waste be made in the early plan period; albeit that in practice this may be waste which is displaced from other counties in the East of England which are closer to London and which may be the actual destination for London's residual waste. The County Council has made representations on the draft London Plan, which can be found in **Appendix 2**.
- 2.8 Factors highlighted in the consultation document which may influence the location of waste management facilities, are:
- The degree of specificity in terms of a spatial strategy, such as focussing facilities only in described and limited geographical areas, or a more spreading of such facilities across the plan area;
  - The degree to which the plan should make specific allocations for waste management facilities, or broad locations for such facilities, or simply have criteria based (non-site specific) policies. Or perhaps a blend of all three approaches;
  - If allocations are made, the degree to which flexibility is given in terms of the type of waste management facility which will be permitted on each site;
  - The degree to which co-location of facilities is encouraged or insisted upon;
  - The degree to which facilities are directed to the urban area, or the rural area, or a mix of both;
  - Whether 'employment allocations' (B-Class) as allocated in district Local Plans and/or other land currently under employment use should be generally acceptable for waste management facilities, or not, as a matter of principle. Or should only named employment allocations/existing employment sites be deemed suitable;
  - The degree to which any new settlements should/must incorporate permanent waste management facilities; and
  - The degree to which HCV impacts be taken into consideration, and more generally, the degree to which existing infrastructure capacity is used to steer the spatial strategy.

Views on what approach should be taken are invited.

- 2.9 Part two of the document issues a 'call for sites' to the industry, landowners, and other parties. It also seeks views on whether sites allocated in the existing Plan should be carried forward. The result of this exercise, and site assessment, will feed into the next stage of public consultation.

- 2.10 The preliminary draft also sets out for discussion potential policies which may be used to guide decisions on planning applications. This includes important matters such as highway impacts and effects on biodiversity. The impact of the movement of mineral and waste by HCV's was a key concern when the last plan was prepared; and it has been suggested that a more robust approach could be taken in the new plan i.e. close proximity to the HCV network could be a factor embodied in the spatial strategies which would guide the location of new development; and a policy requirement to show how proposals relate to and will use the HCV network; as well as how routing arrangements would be put in place and enforced. Views received will inform the draft policies included in the full plan which will be published in 2019.
- 2.11 When the preliminary draft is published for public consultation there will also be a technical study and methodologies available for comments. These will include the Waste Needs Assessment; the site assessment methodology, the methodology for defining Mineral Safeguarding Areas etc. Views will be sought on these before they are applied.
- 2.12 The purpose of the preliminary draft plan is therefore to initiate and encourage views on the content and form of the new Plan. Public consultation will take place in accordance with the County Council's Statement of Community Involvement, over a six week period as required by legislation. Responses received will be considered and will inform the preparation of a full draft Local Plan which will subject to public consultation in 2019. As this is a joint plan, scope has been proposed in the recommendation to enable any amendments which arise from Peterborough City Council's democratic processes to be made prior to the start of public consultation.

### **3. ALIGNMENT WITH CORPORATE PRIORITIES**

#### **3.1 Developing the local economy for the benefit of all**

The policies of the new minerals and waste plan will underpin the local economy through ensuring the provision of raw materials for housing and other types of growth. The plan will also ensure the provision of waste management infrastructure which is an essential service to existing and future communities.

#### **3.2 Helping people live healthy and independent lives**

The new minerals and waste plan will ensure that mineral is provided in a sustainable way, and that essential waste infrastructure is in place to manage waste arising from existing and future communities.

#### **3.3 Supporting and protecting vulnerable people**

None.

### **4. SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource Implications**

Resources for the preparation of the new plan, including the planned public consultation commencing in May 2018, have been set aside through the General Purposes Committee

for this financial year, and through the business planning process for subsequent years. Cost savings are being secured through joint plan preparation with Peterborough City Council, including the agreed approach to prepare a single local plan document.

#### **4.2 Procurement/Contractual/Council Contract Procedure Rules Implications**

None.

#### **4.3 Statutory, Legal and Risk Implications**

The County Council has a statutory duty under the Planning and Compulsory Purchase Act 2004 to prepare and maintain a minerals and waste local plan which must be prepared along the timescales set out in an approved Minerals and Waste Development Scheme. The European Waste Framework Directive, 2008 (2008/98/EC), as transposed through the Waste (England and Wales) Regulations 2011(as amended), requires waste planning authorities to put in place waste local plans.

Risk Implications: if a new Minerals and Waste Local Plan is not adopted in these timescales the County Council would have no up to date and locally-determined land-use policy framework against which to regulate proposals for new mineral working and waste management in Cambridgeshire. Such a diminution of local control over these operations would leave the authority with much less influence over the location of future minerals and waste operations and make it heavily reliant on the National Planning Policy Framework and National Planning Policy for Waste, which are considerably less comprehensive and detailed in their coverage of these matters.

#### **4.4 Equality and Diversity Implications**

A Community (Equality) Impact Assessment will be prepared for the Plan during the plan preparation processes.

#### **4.5 Engagement and Communications Implications**

The community engagement undertaken during the plans preparation will be in accordance with the County Council's Statement of Community Involvement 2014; and the Town and Country Planning (Local Planning) (England) Regulations 2012, which defines the relevant interested parties which must be consulted during the plan process (see source documents).

#### **4.6 Localism and Local Member Involvement**

All local communities and Members, statutory consultees and other interested parties will have opportunities to feed into the plan process (see para 4.5).

#### **4.7 Public Health Implications**

There may be public health implications relating to the implementation of the minerals and waste local plan and therefore Public Health will be involved in its preparation, and consulted on the Plan as it progresses through the statutory processes.

<b>Implications</b>	<b>Officer Clearance</b>
<b>Have the resource implications been cleared by Finance?</b>	Yes Name of Financial Officer: Sarah Heywood
<b>Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?</b>	Yes Name of Officer: Paul White
<b>Has the impact on statutory, legal and risk implications been cleared by LGSS Law?</b>	Yes Name of Legal Officer: Debbie Carter-Hughes
<b>Have the equality and diversity implications been cleared by your Service Contact?</b>	Yes Name of Officer: Tamar Oviatt-Ham
<b>Have any engagement and communication implications been cleared by Communications?</b>	Yes Name of Officer: Joanna Shilton
<b>Have any localism and Local Member involvement issues been cleared by your Service Contact?</b>	Yes Name of Officer: Tamar Oviatt-Ham
<b>Have any Public Health implications been cleared by Public Health</b>	Yes Name of Officer: Iain Green & Tess Campbell

### **SOURCE DOCUMENTS GUIDANCE**

<b>Source Documents</b>	<b>Location</b>
Cambridgeshire County Council's Statement of Community Involvement 2014	<a href="https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitting-a-planning-application/">https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitting-a-planning-application/</a>
Town and Country Planning (Local Planning) (England) Regulations 2012	<a href="http://www.legislation.gov.uk/uksi/2012/767/contents/made">http://www.legislation.gov.uk/uksi/2012/767/contents/made</a>
Adopted London plan	<a href="https://www.london.gov.uk/what-we-do/planning/london-">https://www.london.gov.uk/what-we-do/planning/london-</a>

	<a href="#">plan/current-london-plan</a>
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