

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

**To:** Economy and Environment Committee

**Meeting Date:** 7 February 2019

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

**Electoral division(s):** All

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

**Purpose:** To consider the draft Cambridgeshire and Peterborough Minerals and Waste Local Plan for the purposes of public consultation commencing in March 2019.

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

1. approve the attached Cambridgeshire and Peterborough Minerals and Waste Local Plan – Further Draft Plan and Policies Map for the purposes of public consultation commencing in March 2019.
2. 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 documents attached, prior to consultation.
3. delegate to the Executive Director, Place and Economy, in consultation with the Chair and Vice-Chair of the Committee, the authority to make more substantive changes to the documents 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 On 12 April 2018 this Committee agreed to undertake six weeks of public consultation on a preliminary draft plan, which commenced in May 2018. This round of public consultation was the first of three rounds which will take place, reflecting the timetable which was agreed at the same meeting. In summary, the agreed timetable is:
- May 2018 - first round of consultation on the preliminary draft plan;
  - March 2019 - second round of consultation on the further draft plan [**this stage**];
  - November 2019 - third and final round of consultation on the proposed submission plan;
  - March 2020 - 'submission' of Local Plan, in order to commence its independent examination; and
  - November 2020 – adoption.

## **2. Results of the consultation on the Preliminary Draft Plan**

- 2.1 The first round of consultation took place between 16 May and 26 June 2018. This first stage of the new plan was 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 set out key issues and options, and discussed the factors that need to be taken into account. It also suggested what the proposed approach or policy may be e.g. whether it is proposed to carry forward a policy, amend or update it. The purpose of this consultation was to encourage meaningful debate and elicit views to help inform the next version of the Plan.
- 2.2 The Preliminary Draft Plan did not include any sites for mineral or waste management development; instead a 'call for sites' was issued to operators and other interested parties such as landowners.
- 2.3 The consultation on the preliminary draft plan resulted in over 500 representations being received from approximately 180 individual respondents. The representations were a mix of support and objection to various aspects of the emerging Plan, as well as the submission (by landowners and agents) of sites which they believed were suitable for future minerals or waste management operations.
- 2.4 All representations were quickly logged on to the consultation portal (hosted on behalf of both authorities by Peterborough City Council), so that members of the public and other stakeholders could view the detail of the responses that were received. Such full representations (including site suggestions) remain available, on the link below, with each representation logged against the applicable policy or paragraph that the representation relates to:

[http://consult.peterborough.gov.uk/portal/planning/pc/ccc\\_pcc\\_mwlp\\_2036/jpd/jpd?pointId=4884442](http://consult.peterborough.gov.uk/portal/planning/pc/ccc_pcc_mwlp_2036/jpd/jpd?pointId=4884442) (To view, click on the 'view comments' tab located above each policy/paragraph).

2.5 An overview of the results of the consultation is below:

- A wide range of views were received, from a wide range of parties, including: developers/agents; parish and district councils; representative bodies (e.g. government bodies, interest groups); and members of the public.
- The structure and approach of the Plan was supported by many, though others objected.
- Developers / landowners / agents supported many elements of the Plan, but some objected to the assumptions and calculations relating to, for example, the level of forecast need for waste management capacity. They also objected to some detailed wording of the policies of the Plan.
- Approximately 33 suggested minerals sites were submitted, and a further 44 waste management sites (note: there is an element of overlapping on some of the sites, so the numbers should be treated as approximate).
- The suggested sites were shared with parish / town councils to see if they had any early views and local knowledge on the sites that were suggested. A total of 20 parishes responded.
- Statutory agencies and district councils were broadly supportive of the plan, though various detailed suggestions were made to policy wording.

Overall, the scale of representations received was relatively low, but this was to be expected, because at this preliminary stage no new sites were being consulted upon.

- 2.6 A full summary of representations received at the Preliminary Draft Plan will be published at the point of consultation on the Further Draft Plan, together with a summary of whether the councils have taken forward suggestions made. There will, therefore, be a clear audit trail from Preliminary Draft Plan, to the representations received, and to the revised Further Draft Plan.
- 2.7 In addition to considering representations received, the opportunity has been taken to update the emerging plan to take into account new evidence and updated national policy. For example, the evidence base relating to the 'need' for minerals and waste management has been updated, and the policies adjusted accordingly. In addition, in July 2018, the new National Planning Policy Framework (NPPF) was published, and that has some (albeit not fundamental) implications for the preparation of this Plan, which officers have incorporated into the updated draft.

### **3. The Further Draft Plan (Appendix 1) and Policies Map (Appendix 2)**

#### Mineral Sites

- 3.1 The Further Draft Plan (**see Appendix 1**) is proposing to allocate a number of new mineral sites, in order to address the 'capacity gap' that has been identified (i.e. the gap between the 'need' for minerals we have identified, and the amount of mineral extraction already permitted). The sites have been selected having had regard to, in summary:

- the availability of the site (which is primarily informed by the site suggestion process);
- an updated 'spatial strategy' as to where, in principle, new sites should be located. This seeks to deliver three wider objectives of the Local Plan:
  - i. delivery of wider growth aspirations, as set out in other development plans;
  - ii. Creation, via restoration of sites, of opportunities for a substantial net gain in biodiversity of international and national importance; and
  - iii. Creation, via restoration of sites, of opportunities for substantial flood risk management gains of strategic importance;
- the principle that extensions to existing sites are preferable to opening up new quarries; and
- a strategic assessment of the suitability of all suggested mineral sites, in terms of 'harm' that might arise (e.g. traffic) or 'benefits' that could be achieved (e.g. flood alleviation or biodiversity gains).

3.2 With the above in mind the following allocations for mineral development are proposed in Cambridgeshire:

**Block Fen / Langwood Fen, Nr. Mepal** - currently allocated in the adopted Minerals and Waste Core Strategy (2011), it is proposed that this primary site will be carried forward. It would provide for a large proportion of the future sand and gravel and inert landfill needs over the plan period (and beyond); and would also lead to the creation of strategic lowland wet grassland to provide complementary habitat for the internationally important (but failing) Ouse Washes. In addition it would provide strategic flood water storage for water which would otherwise be pumped into the Ouse Washes, thereby helping to secure a more sustainable way to manage flood risk. The continued allocation of this site is supported by the mineral industry, Natural England and the Environment Agency.

**Bare Fen / West Fen, Needingworth Quarry** - currently allocated in the adopted Minerals and Waste Site Specific Proposals Plan (2012), it is proposed that this site which would be worked as an extension to the existing Needingworth Quarry will be carried forward. The site would be worked for sand and gravel and restored as part of the wider quarry, contributing to the creation of a nationally important reedbed.

**Mitchell Hill Farm South and Chear Fen, Cottenham** – Mitchell Hill Farm South is currently allocated in the adopted Minerals and Waste Site Specific Proposals Plan (2012) for sand and gravel extraction, and it is proposed that this allocation would be carried forward. Chear Fen would also be worked for sand and gravel, as part of the Cottenham site. The latter in particular has potential to contribute to biodiversity through restoration, given its location in the Great Ouse River Corridor.

**Kings Delph Whittlesey** – part of a site currently allocated in the adopted Minerals and Waste Site Specific Proposals Plan (2012), it is proposed that this site will be carried forward in order to secure a continuous supply of brickclay for the Whittlesey brickworks. Overlying sand and gravel would also be worked.

**Burwell Brickpits, Burwell** - currently allocated in the adopted Minerals and Waste Site Specific Proposals Plan (2012), it is proposed that this small site which would be worked for brickclay will be carried forward. The brickclay extracted will be used for manufacturing handmade bricks and tiles for building conservation purposes.

## Waste Management

3.3 In terms of waste management allocations, Officers of both councils are recommending that the Plan does not allocate any new waste management sites. There are two main reasons for this:

- the 'capacity gap' is relatively small, or in some cases non-existent, for the various waste management streams i.e. there is a supply of operations and consents to cover most waste needs; and
- experience from the last (present) adopted Plan highlights that allocating waste sites is not very successful, with many allocations not coming (and unlikely ever to come) forward, whilst unallocated sites have been granted consent.

Instead, the Plan proposes a 'criteria based' approach to dealing with any waste management related proposals that do come forward, which gives sufficient flexibility to the market to meet future needs, with suitable safeguards to prevent unsuitable proposals in the wrong location coming forward.

3.4 In summary, the criteria based policy would seek to direct waste management development primarily to urban areas, with a focus on land which has been identified for industrial uses; suitable brownfield land; and in certain circumstances edge of settlement locations. It is also suggested that strategic development areas incorporate waste management facilities of an appropriate scale to take some responsibility for dealing with their own waste; and that in rural areas only those facilities which would be located on a farm holding, and which will facilitate agricultural waste recycling or recovery of waste generated on that farm, would be supported. Waste management proposals which would be located on medical or research sites to deal with waste generated on those sites would, in principle, be supported; as would co-location of facilities with complementary activities. Waste disposal would only be permitted in certain circumstances, where there is demonstrable need; and where the waste has been pre-sorted and cannot practicably be recycled.

3.5 The 'no allocations' for waste management is becoming a common approach for Minerals and Waste Plans across the country, albeit the councils will need to carefully consider representations on this approach as it is likely some waste management operators will object to this approach (particularly those which are seeking their land to be allocated).

3.6 In addition a number of policies have been updated (or even deleted) to take into account representations received and updated national policy. Deleted policies are ones whereby it was considered such policy content was either unnecessary, repeated national policy or could be better merged (and simplified) into another policy. Some examples include:

Policy 1: Sustainable Development - This policy has received numerous changes, including replacing the first half of the policy as national policy no longer requires such a 'standard' approach. Several other changes include making reference to peat soils, quantifying carbon emissions and adding reference to habitats and species.

Policy 6: Waste Management Facilities on Non-Allocated Sites - This policy was deleted following the decision not to allocate any sites for waste management. Elements of the policy were incorporated into the overarching Spatial Strategy for Waste.

Policy 21 Mitigation Measures: This policy was deleted because it was felt by several respondents that other policies within the draft Plan adequately covered mitigation measures, therefore this policy was not needed.

Policy 25 Traffic, Highways and Rights of Way: This policy requires proposals to demonstrate how the latest identified Heavy Commercial Vehicles (HCV) Route Network is, where reasonable and practical to do so, to be utilised. It also states that if necessary, arrangements ensuring that the use of the HCV Route Network takes place may be secured through an appropriate and enforceable agreement. Furthermore, any non-allocated minerals and waste management facility in Cambridgeshire which would require significant use of the highway must also be well related to the HCV Route Network. A link to Cambridgeshire's HCV Route Network Map is also incorporated into the Plan.

### Policies Map

- 3.7 A Policies Map (**see separate Appendix 2**) accompanies the Further Draft Plan the purpose of which is to show the main implications should the Plan, as drafted, be adopted. At the public consultation stage this map will be available on a web link, so viewers will be able to zoom in and view it in detail. As well as being a separate Appendix it can also be viewed at the following link:

<https://ccc-live.storage.googleapis.com/upload/www.cambridgeshire.gov.uk/residents/libraries-leisure-%26-culture/Appendix%20%20CP%20MWLP%20Draft%20Policies%20Map.pdf>

## **4. Public Consultation**

- 4.1 The Further Draft Plan and Policies Map would be subject to six weeks public consultation during March and April 2019. As with the previous consultation, all statutory consultees would be consulted, together with other interested parties and stakeholders including the minerals and waste management industry, nature conservation and other interest bodies. Members of public would also be able to comment on the Plan, and all those parties who responded to the consultation on the Preliminary Draft Plan would be consulted (unless they have indicated otherwise).
- 4.2 When the draft plan is published there will also be accompanying technical studies and methodologies available for comment. These have been updated in light of representations received during the previous public consultation, and will include the Waste Needs Assessment; the Site Assessment Methodology; the methodology for defining Mineral Safeguarding Areas, Flood Risk Assessment etc. The Plan is also informed by a continuing Sustainability Appraisal.
- 4.3 Responses received will be considered and will inform the preparation of a Submission Local Plan which, it is anticipated, will be subject to public consultation in late 2019.

- 4.4 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.

## **5. ALIGNMENT WITH CORPORATE PRIORITIES**

### **5.1 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.

### **5.2 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.

### **5.3 Supporting and protecting vulnerable people**

There are no significant implications for this priority.

## **6. SIGNIFICANT IMPLICATIONS**

### **6.1 Resource Implications**

Resources for the preparation of the new plan, including the planned public consultation commencing in spring 2019, have been set aside through the business planning process. Cost savings are being secured through joint plan preparation with Peterborough City Council, including the agreed approach to prepare a single local plan document.

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

There are no significant implications.

### **6.3 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.

#### 6.4 **Equality and Diversity Implications**

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

#### 6.5 **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; 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).

#### 6.6 **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 Section 4).

#### 6.7 **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: Fiona McMillan
<b>Have the equality and diversity implications been cleared by your Service Contact?</b>	Yes Name of Officer: Elsa Evans
<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: Emma Fitch
<b>Have any Public Health implications been cleared by Public Health</b>	Yes Name of Officer: Stuart Keeble

<b>Source Documents</b>	<b>Location</b>
Cambridgeshire County Council's Statement of Community Involvement	<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>