

CAMBRIDGESHIRE MINERALS & WASTE DEVELOPMENT SCHEME & LOCAL PLAN REVIEW

To: **Economy and Environment Committee**

Meeting Date: **10th August 2017**

From: **Executive Director - Economy, Transport and Environment**

Electoral division(s): **All**

Forward Plan ref: **2017/041** *Key decision:* **Yes**

Purpose: **To consider the preparation of a Cambridgeshire and Peterborough Minerals and Waste Local Plan; and the Cambridgeshire Minerals and Waste Development Scheme which will set the timetable for the Plan's preparation.**

Recommendation: **To:**

a) approve the preparation of the Cambridgeshire and Peterborough Minerals and Waste Local Plan in partnership with Peterborough City Council.

b) approve the Cambridgeshire Minerals and Waste Development Scheme 2017, and,

c) note the cost of the preparation of the Cambridgeshire and Peterborough Minerals and Waste Local Plan and the proposed funding arrangements.

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1. BACKGROUND

- 1.1 The County Council as a Mineral and Waste Planning Authority has a statutory duty to prepare and maintain a minerals and waste local plan. This has been undertaken previously in partnership with Peterborough City Council, and the Councils have adopted The Cambridgeshire and Peterborough Mineral and Waste Core Strategy (2011), and the associated Site Specific Proposals Plan (2012). The adopted Plan sets out forward planning policies and allocations for mineral and waste management development over the period to 2026.

2. MAIN ISSUES

- 2.1 National planning policy places local plans at the heart of the 'plan led' system. They set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to all types of development; in this case mineral and waste management facilities. Such development underpins the economy through the provision of the raw materials necessary for housing and other types of growth, including major infrastructure projects such as the current improvements to the A14. The provision of waste management infrastructure is also essential to service existing and future development, including new settlements and urban extensions.
- 2.2 Mineral and waste local plans also provide a basis for safeguarding the environment, including the finite mineral resource; ensuring mineral and waste management development can adapt to climate change; and facilities are well designed. Local plans are a critical tool in guiding decisions about individual development proposals, as they are the starting point for considering whether planning applications can be approved. The plan process, which is governed by Regulations, also allows the public and interested parties to have a say in shaping spatial policy below the national level.
- 2.3 It is therefore important for all areas to put an up to date plan in place to positively guide development decisions. The Government in its 'National Planning Policy Framework' (NPPF) advises that local plans should *'be drawn up over an appropriate timescale, preferably a 15 year horizon, take account of longer term requirements, and be kept up to date'*.
- 2.4 The current Plan covers the period to 2026. A local plan typically takes a minimum of 3 years to prepare, so if work started on a new minerals and waste local plan this autumn, the plan would not be in place until the end of 2020. By this time the current plan would have a horizon of just 6 years which is less than half that required by the Government.
- 2.5 National planning policy requires plans to be kept up to date and the Government has been considering how to ensure that this is achieved. It has considered evidence from the independent Local Plan Expert

Group which recommended to the Communities Secretary and Minister of Housing and Planning that if pre-National Planning Policy Framework plans were not reviewed by 2018 they would be regarded as being out of date, and would fall away. The Government has responded through the recent White Paper 'Fixing Our Broken Housing Market'. It has stated that there will be new Regulations that will require local plans to be reviewed every five years. This is likely to include mineral and waste local plans which fulfil an essential role in maintaining a steady supply of construction materials for housing delivery. Therefore it is imperative that the County Council's Plan is reviewed.

- 2.6 If the minerals and waste plan is not updated there will be a real risk of increased challenges to decisions made on planning applications, which opens the County Council up to potential planning appeals and cost applications if the decision, or the basis on which it is made, is found to be unsound. Planning applications which are a departure from current policy are coming forward and these will test the current plan. The Council needs to update its plan and through this process, consider if the current planning policy should continue or be changed. Having a plan which is found to be out of date is a reputational and cost risk to the Council, and would undermine its ability to undertake its statutory function of determining mineral and waste planning applications against both national and local policy.
- 2.7 Furthermore, the NPPF states where a local plan is absent, silent or relevant policies are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies in the NPPF indicate that development should be restricted. Thus planning applications would be determined against national rather than local planning policy. (Please also see risk implications in paragraph 4.3).
- 2.8 Having regard to the above it is proposed that work commences on a new minerals and waste local plan, in partnership with Peterborough City Council. The Plan would extend over the period to 2036 giving it a horizon of around 16 years when adopted, in line with many of the Cambridgeshire district council plans currently under preparation. The first stage of this process is to approve a Minerals and Waste Development Scheme which will set out the timetable for plan preparation. The draft scheme is set out in appendix 1, with the key stages being:

Sustainability Appraisal Scoping Report consultation:	December 2017
Issues and Options consultation:	May / June 2018
Draft Plan consultation:	Mar / April 2019
Submission Plan consultation:	Nov / Dec 2019
Submission to the Secretary of State:	March 2020
Examination in Public:	June 2020

Adoption:

November 2020

- 2.9 It is proposed that the new Plan will be prepared with Peterborough City Council, building upon the long relationship of joint minerals and waste management planning. As the County Council no longer has its own local plans team, the Head of Sustainable Growth Strategy at Peterborough City Council would provide the project lead, with the County Council providing a more focussed input drawing on its experience of preparing the previous local plan. Key evidence documents would be commissioned from Northamptonshire County Council e.g. waste management needs forecasting. Northamptonshire has experience of preparing evidence documents and plans for other mineral and waste planning authorities. The Members of Peterborough City Council are considering this matter during July, and a verbal update on their position will be provided at Committee.

Resources

- 2.10 The Plan will involve significant expenditure, estimated to be around £325,000 across a period of three years (four financial years). However, it is not yet known what issues may arise during the course of its preparation; the number of proposed mineral and waste management sites which may be put forward (which will require detailed assessment); or the number of representations coming forward during the public consultation stages. All of these factors may increase the cost of the Plan, and vary the cost of the work undertaken by Northamptonshire County Council on our behalf.
- 2.11 Peterborough City Council will lead on the local plan, with Cambridgeshire having a more focussed input (see paragraph 2.7). The cost of staff time will be equally shared; with Cambridgeshire paying Peterborough for the additional resource they put into the process.
- 2.12 It is estimated that the work provided by Northamptonshire County Council would be around £55,000 spread over a three year period (four financial years). Cambridgeshire's share of this (around 50%) has been included in the total estimate of £325,000 above and is based on an itemised quote.
- 2.13 Based on the costs above this will be split across the financial years as follows:
- | | |
|-------------|----------|
| 2017 / 2018 | £54,200 |
| 2018 / 2019 | £108,300 |
| 2019 / 2020 | £108,300 |
| 2020 / 2021 | £54,200. |
- A request will be made to General Purposes Committee to set aside the £54,200 from the General Fund for the work required in this financial year, with the funding for future years being addressed through the Business Planning process.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

The policies of the mineral and waste plan will underpin the local economy through ensuring the provision of the raw materials necessary for housing and other types of growth. They will also ensure the provision of waste management infrastructure which is an essential service to existing and future development, including new settlements and urban extensions.

3.2 Helping people live healthy and independent lives

The 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 new communities.

3.3 Supporting and protecting vulnerable people

None.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

The estimated cost of preparing the Plan is £325,000 spread over a three year period. It is proposed that the General Purposes Committee will be asked to set aside funding for this financial year, and that subsequent funding will be addressed through the business planning process.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

A Memorandum of Understanding would be prepared to cover the working relationship between the County Council and Peterborough City Council.

A Service Level Agreement would be put in place between Cambridgeshire County Council (on behalf of both Councils) and Northamptonshire County Council which would secure the delivery of key evidence base methodologies and documents along the timescales required.

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. It also has a duty to prepare a Minerals and

Waste Development Scheme under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which will be prepared; the timetable and what will comprise the Local Plan for the area.

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

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.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes (Sarah Heywood)
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by Finance?	Yes (Chris Malyon)
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes (Fiona McMillan).
Have the equality and diversity implications been cleared by your Service Contact?	Yes (Tamar Oviatt-Ham)
Have any engagement and communication implications been cleared by Communications?	Yes (Eleanor Bell)
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes (Tamar Oviatt-Ham)
Have any Public Health implications been cleared by Public Health	Yes (Iain Green)

Source Documents	Location
National Planning Policy Framework	https://www.gov.uk/government/publications/national-planning-policy-framework--2
Cambridgeshire County Council's Statement of Community Involvement 2014	https://www.cambridgeshire.gov.uk/business/planning-and-development/planning/submitting-a-planning-application/
Town and Country Planning (Local Planning) (England) Regulations 2012	http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf

Appendix 1



**Cambridgeshire Minerals and Waste Development
Scheme**

August 2017

Cambridgeshire County Council
Shire Hall
Castle Hill
Cambridge
CB3 0AP

www.cambridgeshire.gov.uk

1.0 INTRODUCTION

- 1.1 This Minerals and Waste Development Scheme is for Cambridgeshire.
- 1.2 The County Council is responsible for the preparation of planning policy to guide future mineral and waste management proposals. It also receives and processes planning applications for minerals and waste management development; and applications for its own development e.g. education, major infrastructure delivery, libraries.
- 1.3 Cambridgeshire County Council works closely with all surrounding authorities, and has produced joint Plans with Peterborough City Council. Joint working will continue in the future, and this document sets out proposals for the preparation of a new joint Minerals and Waste Local Plan with colleagues at Peterborough City Council.
- 1.4 The Planning and Compulsory Purchase Act (2004) requires all local planning authorities to produce a Development Scheme. County authorities produce a Minerals and Waste Development Scheme (MWDS) which is a programme for preparing mineral and waste management planning policy documents over the next three years.

2.0 PLANNING POLICY DOCUMENTS

- 2.1 In Cambridgeshire there is a suite of different documents which have been prepared by the district councils and the county council, which together provide the spatial planning strategy for the area. These are:
 - a. **Development Plan Documents (DPDs) and / or Local Plans:** these are prepared by the relevant plan making authority i.e. this Council has responsibility for preparing minerals and waste plans and the district council's produce plans covering other forms of development. These are all spatial planning documents and are subject to an independent Examination by a Planning Inspector appointed by the Secretary of State. Development Plan Documents (which can be single subject) are gradually being replaced by comprehensive Local Plans.
 - b. **Supplementary Planning Documents (SPDs):** these can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in the DPD's and Local Plans. They will not form part of the Development Plan or be subject to an independent hearing, but their programme of preparation must be set out within a Scheme such as this.
 - c. **Neighbourhood Plans:**
Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders. Neighbourhood Development Plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.
 - d. **Statement of Community Involvement (SCI):** this document sets out the standards which the local planning authority intend to achieve in relation

to involving the community in the preparation, alteration and continual review of all policy documents, and in significant development control decisions. It is required to specify how these standards will be achieved.

3.0 CAMBRIDGESHIRE MINERALS AND WASTE DEVELOPMENT SCHEME

3.1 This Scheme will specify:

- i. existing mineral and waste planning policy documents, and their status
- ii. joint working arrangements
- iii. the new document(s) to be prepared, including:
 - their subject matter and geographical area
 - the type of document, and if the documents will be prepared jointly with one or more other Councils
 - timetable for the preparation of the document
 - arrangements for production
 - time period to be covered and timetable for preparation and review.

i. Existing Mineral and Waste Management Planning Policy Documents and their Status

3.2 The County Council has the following adopted mineral and waste management planning policy documents:

Cambridgeshire and Peterborough Minerals and Waste Core Strategy (Development Plan Document), July 2011

This Plan sets the framework for all minerals and waste development until 2026. It sets out visions and spatial strategies for mineral and waste management, which aim to support the significant growth planned over this period. Strategic and detailed land use policies are there to guide mineral and waste management development with the underlying aim to:

- ensure a steady supply of minerals (construction materials e.g. sand and gravel) to supply the growth that is planned for the area
- enable new modern waste management facilities, to manage our waste in a much better way than landfill. It covers all waste streams including commercial and industrial; demolition, excavation and inert; municipal; and specialist waste arising.

The Plan is used by developers when preparing and putting forward proposals and by councils when considering planning applications.

Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan (Development Plan Document), February 2012

The Site Specific Proposals Plan sets out the allocations for site specific proposals for future development and management of minerals and waste within Cambridgeshire and Peterborough until 2026. It also includes supporting site specific policies. This plan and the Core Strategy are supported by three adopted Key diagrams showing Minerals and Transport Zones; Waste; and Mineral Safeguarding Areas.

The Block Fen / Langwood Fen Master Plan (Supplementary Planning Document), adopted July 2011

The Block Fen/Langwood Fen Master Plan provides detailed guidance on the development of this area to supplement the policies and guide the delivery of strategic mineral and waste management allocations in this area, made by the overarching Core Strategy (above). Through the Minerals and Waste Core Strategy it is proposed that Block Fen/Langwood Fen will:

- provide an annual average of 1.4 million tonnes per annum of sand and gravel from 2010 onwards
- recycle around 240,000 tonnes per annum of inert waste
- dispose of around 0.5 million tonnes per annum of inert construction waste (which will be used to create the new lowland wet grassland)
- create strategic flood storage bodies with capacity of around 10 million m³
- create around 480 hectares of enhancement lowland wet grassland immediately adjacent the Ouse Washes
- deliver a strategic recreation after use and navigational improvements through the sealing of the Forty Foot Drain

The Location and Design of Waste Management Facilities (Supplementary Planning Document), adopted July 2011

This document seeks to guide the location and design of waste management facilities in Cambridgeshire and Peterborough and ensure high quality facilities in design and operation. The guide illustrates how these facilities can be developed in both urban and rural settings. It also sets out a series of development principles based on good planning and design practice which

- encourage a more cooperative approach by all those involved in the design and development of waste management facilities
- provide a good practice benchmark to guide sustainable developments and designs and to speed up the evaluation and approval of proposals
- achieve the highest standards of design, in relation to integration, layout, access and environment, as well as making efficient use of materials

RECAP Waste Management Design Guide (Supplementary Planning Document), adopted February 2012

The adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy sets out a requirement for developments to make provision for waste storage, collection and recycling in accordance with the content of the RECAP Waste Management Design Guide. Developers are also required to contribute to the provision of waste management infrastructure, including waste storage containers, Household Recycling Centres and Bring Sites within Cambridgeshire and Peterborough.

The RECAP Waste Management Design Guide provides advice on the design and provision of waste management infrastructure as outlined above as part of residential and commercial developments including the following:

- internal/external storage capacity
- location of waste storage
- waste storage infrastructure
- highway design
- developer contributions
- the RECAP Waste Management Guide also includes a toolkit to be used by developers to demonstrate how they have addressed the waste

management infrastructure requirements set out above as part of their proposals.

Status

All of the above plans and documents are adopted and they will remain in force until superseded by other plans or documents when they are adopted by the County Council. However, as the new Cambridgeshire and Peterborough Minerals and Waste Local Plan goes through statutory processes as it is being prepared, the weight which can be placed on its emerging policies and proposals increases.

ii. Joint Working Arrangements

- 3.3 Cambridgeshire County Council and Peterborough City Council are committed to joint working and jointly prepare minerals and waste policy. Officers from both Councils work closely together, and oversee consultancy work as required. Each Authority reports to its own Members at key stages. The emphasis is on producing a sound Plan through good project management, and progress will be closely monitored through regular project meetings.

iii New Minerals and Waste Management Planning Policy Documents

- 3.4 It is proposed to prepare the following minerals and waste management planning policy documents over the coming three years:
- Cambridgeshire and Peterborough Minerals and Waste Local Plan
- 3.5 A schedule for the preparation of this document follows.

<u>Cambridgeshire and Peterborough Minerals and Waste Local Plan</u>																			
Document Details	<p><u>Role & Content</u> Document setting out mineral and waste management policies and allocations over the period to 2036 (inclusive).</p> <p><u>Status</u> Local Plan</p> <p><u>Chain of Conformity</u> To conform with national planning policy and Regulations and the strategies for Cambridgeshire and Peterborough</p> <p><u>Geographic Coverage</u> County of Cambridgeshire and Peterborough Unitary Authority Area</p>																		
<table> <tr> <td>Timetable</td><td>Dates:</td></tr> <tr> <td>Stages:</td><td></td></tr> <tr> <td>1. Sustainability Scoping Report Consultation</td><td>December 2017</td></tr> <tr> <td>2. Issues & Options Consultation</td><td>May / June 2018</td></tr> <tr> <td>3. Draft Plan Consultation</td><td>Mar / April 2019</td></tr> <tr> <td>4. Submission Plan Consultation</td><td>Nov / Dec 2019</td></tr> <tr> <td>5. Submission to the Secretary of State</td><td>March 2020</td></tr> <tr> <td>6. Examination in Public:</td><td>June 2020</td></tr> <tr> <td>7. Adoption</td><td>November 2020</td></tr> </table>		Timetable	Dates:	Stages:		1. Sustainability Scoping Report Consultation	December 2017	2. Issues & Options Consultation	May / June 2018	3. Draft Plan Consultation	Mar / April 2019	4. Submission Plan Consultation	Nov / Dec 2019	5. Submission to the Secretary of State	March 2020	6. Examination in Public:	June 2020	7. Adoption	November 2020
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Arrangements for Production	The Plan will be jointly prepared with Peterborough City Council (PCC).																		
Post Production	The document will be monitored and will then be subject to review if the monitoring highlights such a need. Any proposals to review this document will be set out in a future MWDS.																		

Cambridgeshire and Peterborough Minerals and Waste Local Plan Timetable

	2017							2018										2019										2020																	
<u>Document</u>	J u n e	J u l y	A u g	S e p t	O c t	N o v	D e c	J a n	F e b	M a r	A p r	M a y	J u n	J u l y	A u g	S e p t	O c t	N o v	D e c	J a n	F e b	M a r	A p r	M a y	J u n e	J u l y	A u g	S e p t	O c t	N o v	D e c	J a n	F e b	M a r	A p r	M a y	J u n e	J u l y	A u g	S e p t	O c t	N o v			
Cambridgeshire and Peterborough Minerals and Waste Local Plan							1					2											3									4					5			6		7			8

	<u>Plan Stages</u>
1	Consultation on Sustainability Appraisal Scoping Report
2	Issues and Options Consultation (Regulation 18)
3	Draft Plan Consultation (Regulation 18)
4	Submission Plan Consultation (Regulation 19)
5	Plan Submitted for Examination (Regulation 22)
6	Examination in Public
7	Inspector's Report
8	Adoption