

CAMBRIDGESHIRE AND PETERBOROUGH MINERALS AND WASTE LOCAL PLAN – PROPOSED SUBMISSION PLAN

To: **Economy and Environment Committee**

Meeting Date: **17 October 2019**

From: **Steve Cox: Executive Director, Place and Economy**

Electoral division(s): **All.**

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

Purpose: **To consider for approval, the Proposed Submission Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP) for public consultation during November 2019 - January 2020, and then submission to the Secretary of State for independent examination.**

Recommendation:

It is recommended that Committee:

- 1. Approves the Proposed Submission ('Publication Draft') Minerals and Waste Local Plan as attached at Appendix A, for the purpose of both its final consultation for a minimum of six weeks (at some point between November 2019 and January 2020. If the consultation period includes the Christmas week, then consultation will run for up to eight weeks); AND its subsequent submission to the Secretary of State for the purpose of independent examination.**
- 2. Approves the proposed Policies Map (including associated inset maps) as attached at Appendix B, for the purpose of consultation alongside the Local Plan consultation AND its subsequent submission to the Secretary of State for consideration alongside the examination of the Local Plan.**
- 3. Delegate to the Business Manager, County Planning, Minerals and Waste and / or Joint Interim Assistant Director Environment and Commercial, any presentational improvements, factual updating, or other inconsequential changes (e.g. correcting typographical errors) to the Publication Draft Plan or Policies Map that (taken together) do not materially affect the policies set out in the Local Plan prior to the consultation commencing, or changes necessary to address any minor amendments arising from the Plan's consideration by Peterborough City County Council's democratic process.**
- 4. Delegate to the Executive Director Place and Economy and the the Chairman and Vice Chairman of the Economy and Environment Committee in consultation with the authority to make more substantive changes to the Plan as attached, prior to consultation, provided he should see fit to do so, and if it would address more substantive suggested amendments arising from the Plan's consideration by Peterborough City Council's democratic process.**
- 5. Delegate to the Business Manager, County Planning, Minerals and Waste and / or Joint Interim Assistant Director Environment and Commercial the ability to agree and consult upon a set of proposed modifications during the examination process (most likely at the very end of the examination process), if asked by the Inspector to do so.**

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1. BACKGROUND

- 1.1 On 10 August 2017 this Committee agreed to proceed with the preparation of a new Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP), 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 was:
- 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 (with hearing sessions anticipated in summer 2020); and
 - November 2020 – adoption.
- 1.3 The first stage of the new Plan was the preliminary stage of consultation (between 16 May and 26 June 2018) which was aimed at seeking views from consultees, including the public, on what the new Plan should contain. Often described as an 'issues and options' stage, it set out the proposed approach to the Plan, identifying those elements of the present suite of plans it intended to carry forward (and update as necessary). The Plan did not at that stage set out any draft sites for new minerals extraction, waste management or any other site allocations. Suggested new sites were sought from operators as part of that first round of consultation.
- 1.4 The second stage was preparation of a Further Draft Plan, which was subject to public consultation between 15 March and 9 May 2019. This was a full draft Plan and set out a range of policies including spatial strategies for the steady supply of minerals and the location of waste management facilities. However, allocations were only proposed for mineral development, as it was concluded that overall the Plan area has sufficient waste management capacity to manage its own waste.

2. MAIN ISSUES

The Further Draft Plan

- 2.1 During the public consultation on the Further Draft Plan, just over 400 representations were received from just over 100 individual respondents. The representations were a mix of

support and objection to various aspects of the emerging Plan, some relating to the policy wording, others to the preferred allocations in the Plan, and a few to the wider evidence base that supports the Local Plan.

2.2 All representations have been logged on the consultation portal (hosted by Peterborough City Council on behalf of both Authorities); so that members of the public could view the comments made, once the consultation had closed. The full representations remain available, via 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/further_draft/jfd?pointId=5075313

To view comments, follow the link and click on the 'view comments' tab located above each policy/paragraph.

2.3 All comments received during the consultation period have been assessed and taken into consideration during the production of the Proposed Submission MWLP and appropriate changes made to the Plan, as well as the evidence base updated where necessary. However, as a brief snapshot of some of the main issues raised, Members may wish to note the following:

- A wide range of views were received, including from: developers/agents; parish and district councils; representative bodies (e.g. government bodies, pressure groups); and members of the public. However, the total volume of representations actually fell slightly compared with the Preliminary Draft, perhaps reflecting a lack of contentious sites being proposed.

Minerals

- Whilst virtually all aspects of the Plan received at least some comment, the focus of the representations related to site allocations. 40 representations were received on Policy 2 Providing for Mineral Extraction.
- The majority of these representations were from landowners and operators who were supporting sites which were allocated; objecting to the absence of a site allocation for a site they had proposed; or were, in a minority of cases, proposing new sites.
- A limited number of proposed allocation sites received a limited number of objections, with the focus of such comments being around highways concerns, amenity issues and heritage concerns. The plan has been adjusted, where appropriate, to address concerns, such as an expanded policy requirement in Policy 2 for mineral allocations; and 'site profiles' which have been added as an appendix to set out detailed issues in need of consideration at a planning application stage for specific sites.
- There were representations on the proposals for Block Fen / Langwood Fen, including support from Natural England and the Royal Society for the Protection of Birds (RSPB).
- One additional site was proposed in Cambridgeshire, which was for sand and gravel extraction at Australia Farm, Wilburton. It is not being proposed that this site be allocated.

Waste Management

- Around 60 representations were received on Policy 4 Providing for Waste Management. Representations were received from a range of parties, including waste operators, parish councils, interest and action groups, and individuals.
- Some waste operators, and a few other parties, continued to express concern over the lack of waste management allocations; whilst others supported this approach. The evidence base has been reviewed, and it is considered that owing to a limited capacity need, a more flexible criteria based approach to dealing with such future proposals is still the most appropriate.

Other Matters

- Some representations believed that the plan was 'not doing enough' for the environment. Policies have therefore been strengthened on matters such as the restoration of sites, promotion of electric vehicle charging infrastructure, and the protection of carbon and biodiverse-rich peat soils.
- Policies which help safeguard communities have also been strengthened, such as the amenity policy, with new additions such as prevention of 'over-bearing' waste management facilities being built. These additions should assist decision makers should unacceptable proposals be submitted for planning permission.
- Elsewhere, policies have been slightly adjusted or strengthened, in line with Council approved motions at both Cambridgeshire County Council and Peterborough City Council e.g. requiring the decisions of the two Councils to make additional effort to address environmental matters and climate change.
- Finally, the opportunity has been taken to iron out any aspects of the plan which were not as clear as they could have been, or not sufficiently in line with national policy.

2.4 A full summary of representations received at both the Preliminary Draft and Further Draft stages will be published at the point of consultation on the Proposed Submission Draft, together with a summary of whether the councils have taken forward suggestions made. There will, therefore, be a clear audit trail throughout the consultation stages.

The Proposed Submission Plan

2.5 The Proposed Submission Local Plan (sometimes known as the 'Publication Draft' Local Plan) is attached as Appendix A. It is the culmination of extensive work since its inception in August 2017, including consideration of a substantial amount of evidence and numerous representations. Those representations have shaped the Proposed Submission Local Plan, with the main changes reflecting those representations outlined in paragraph 2.3 above.

2.6 The Proposed Submission Local Plan broadly follows the structure, thrust, and intent of the 'Further Draft' version, with changes between the two versions being relatively limited. In terms of allocations, as was the case at the Further Draft stage, the Plan is proposing to allocate sites for mineral extraction, but not waste management sites. It continues to allocate certain areas to be 'safeguarded' from development where this would prejudice existing, committed, or planned mineral extraction or waste management facilities. It also requires consultation with the Councils as Mineral and Waste Planning Authorities, on non-mineral and waste management proposals where these fall in the Plan's safeguarded areas.

- 2.7 With regard to Appendix 2 of the Proposed Submission Local Plan i.e. the Block Fen / Langwood Fen Master Plan, Section 8 Traffic will be updated prior to publication in November. Revised anticipated traffic figures will be included, and will take into account a traffic survey that has been undertaken on the A142. However, this information is not available to be reflected at this stage.

3 NEXT STEPS

- 3.1 If Committee agrees the recommendation, then a number of important steps will take place (and this assumes that Peterborough City Council will likewise agree to the following taking place):
- 3.2 First, the Proposed Submission Local Plan (and associated material) will be subject to public consultation for a period of not less than six weeks, at some point between November 2019 - January 2020. It is important everyone understands this particular round of consultation and therefore if the consultation falls over the Christmas break, then the period will be extended to up to eight weeks.
- 3.3 The consultation is open to everybody (including those who have not made any representations to date), but the crucial aspect to understand is that all representations received are not subsequently considered by officers or by the Councils. Instead, they are considered in full by an independent Planning Inspector. It is also important to understand that any objections at this stage, if they are to have any influence on the final content of the Plan, must be based on one of the 'tests of soundness' as set down by legislation. An objector should also state why the plan is 'unsound' and will be encouraged when making a representation to set out what needs to be done to address the matter of their objection. It is also important to emphasise that, as set down by legislation, any objections made at earlier consultation stages are not carried forward to the next stage in the process; and as such, if a representor remains unsatisfied with the Local Plan, that representor must repeat their objection at the forthcoming consultation stage, if the representor wants it to be considered. The Inspector will not review objections made at the earlier stages.
- 3.4 It is fair to say that some representors do not, understandably, always comprehend the processes at this stage; and often do not realise that councils on the whole do not amend the Local Plan as a result of the consultation. If they were to, they would be legally required to undertake the consultation process again.
- 3.5 Instead, after the close of the public consultation it is anticipated that officers will upload all representations onto the consultation portal hosted by Peterborough City Council. The Councils will summarise the key issues raised, publish all evidence base material and submit the Local Plan and associated material to the Secretary of State (or, in practice, to the Planning Inspectorate). This is all scheduled to happen by March 2020 (as planned). The Cambridgeshire webpage will be fully updated, with a link provided to the consultation portal.
- 3.6 As soon as the Local Plan is submitted, the plan is taken out of the hands of the Councils and its officers, and is in the hands of a Planning Inspector appointed to examine the Local Plan. Whilst examination will commence once the Inspector is appointed, it is anticipated

that the public hearing sessions will be held in the summer of 2020 once the matters and issues to be discussed have been identified by the Inspector.

- 3.7 During the examination the Inspector will consider all representations received, and will hold a number of hearing sessions as part of the examination. The Inspector will identify the matters and issues that will be examined in public, and those who wish to participate will be able to do so. Officers will sit at all days of the hearing, to explain and justify the Local Plan.
- 3.8 If the Inspector considers that Main Modifications would resolve any issues of soundness or legal compliance he / she may prepare these. These will be subject to a round of consultation at which point consultees, including Members, will have an opportunity to respond to the proposed amendments to the Plan. The Inspector will consider any responses received when writing the Inspectors Report. As Main Modifications, once finalised, are proposed to ensure that a submitted plan is sound and legally compliant they are effectively binding on councils, if they want to adopt the Local Plan.
- 3.9 Therefore, throughout the examination process, as the Inspector indicates that he/she is considering recommending a particular Main Modification, officers may be asked to suggest wording that could be offered to meet the concern. As such, Committee is requested to delegate authority to the Business Manager of County Planning, Mineral and Waste and / or the Joint Interim Assistant Director, Environment and Commercial to 'negotiate' such possible modifications with the Inspector during the examination process, to enable the smooth running of the examination. These modifications are in effect 'owned' by the Councils as the examination proceeds i.e. they are not yet formally agreed by the Inspector at this stage (though, in practice, they are informally agreed).
- 3.10 Once the Main Modifications are finalised the Inspector then uses these to complete the Inspector's Report, and to reach his/her conclusions on the examination.

Policies Map

- 3.11 Whilst legislatively complex, a fundamental part of the planning system in England is the 'Policies Map'. The Policies Map is not, legally, part of any Local Plan, but rather a geographical representation of the policies found in the 'development plan' as a whole. Each district-level council has its own Policies Map, which shows the various allocations for its area taken from its own district Local Plan; all Neighbourhood Plans in its area; plus all allocations from the Minerals and Waste Plan, as relevant to its area. In effect, the Policies Map is a live document, and is updated every time a new Local Plan, Minerals and Waste Plan or Neighbourhood Plan is adopted.
- 3.12 At the 'submission' stage, it is a legal requirement to submit with the MWLP those changes which will be made to the Policies Map, should the MWLP be subsequently adopted. The MWLP proposed Policies Map can therefore be found at Appendix B.

Programme Officer

- 3.13 It is a requirement of the examination process to have a Programme Officer in place. Whilst appointed and paid for by the Councils, the Programme Officer reports to and acts under the direction of the Inspector - they are an officer of the Examination. The role is a mix of

part and full time, depending on the tasks set by the Inspector. The costs in this regard will be split by the two Councils.

- 3.14 All communication with the Inspector, whether by the Councils or any objector, must go through the Programme Officer. No direct communication with the Inspector is permitted, except during the 'hearing' sessions of the examination, which are chaired by the Inspector. The two Councils are in the process of securing a Programme Officer, and anticipate doing so prior to the submission of the Local Plan.

4. ALIGNMENT WITH CORPORATE PRIORITIES

4.1 A good quality of life for everyone

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.

4.2 Thriving places for people to live

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

4.3 The best start for Cambridgeshire's children

No direct implications.

5. SIGNIFICANT IMPLICATIONS

5.1 Resource Implications

Resources for the preparation of the new plan 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.

By proceeding to the submission and examination of the Cambridgeshire and Peterborough MWLP Local Plan, the Council has to commit to resourcing a Programme Officer and an Inspector. Whilst the Programme Officer is relatively low cost (a part time, experienced administrative role), the Inspector's fees can be substantial. Such fees are charged on a day rate basis, set by the Town and Country Planning (Costs of Independent Examinations) (Standard Daily Amount) (England) Regulations 2002. The current day rate is £993 (excluding travel and subsistence costs for which the Council's will also be responsible); and the Council must sign an agreement in advance stating it will pay such fees, whatever the outcome. As an estimate, such fees to be shared between the two authorities will amount to between £50 - 150k, and funding has been identified by Cambridgeshire County Council and Peterborough City Council.

5.2 Procurement/Contractual/Council Contract Procedure Rules Implications

See paragraph 5.1 above.

5.3 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. The Local Plan must be prepared and adopted in accordance with a wide range of Acts and Regulations, notably the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. In addition, the Council must have regard to national policies and advice contained in guidance issued by the Secretary of State.

Risk Implications: if a new Minerals and Waste Local Plan is not adopted in these timescales the County Council would risk having 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.

5.4 Equality and Diversity Implications

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

5.5 Engagement and Communications Implications

The community engagement undertaken during plan 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.

5.6 Localism and Local Member Involvement

All local communities and Members, statutory consultees and other interested parties have opportunities to feed into the plan process.

5.7 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 Name of Financial Officer: Sarah Heywood

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?	Yes Name of Officer: Gus de Silva
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona McMillan
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Elsa Evans
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Eleanor Bell
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Emma Fitch
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Stuart Keeble

Source Documents	Location
Further Draft Plan and associated evidence	www.cambridgeshire.gov.uk/MWLP
Cambridgeshire County Council's Statement of Community Involvement 2014	https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitting-a-planning-application/
Town and Country Planning (Local Planning) (England) Regulations 2012	http://www.legislation.gov.uk/uksi/2012/767/contents/made