

Cambridgeshire and Peterborough Minerals and Waste Local Plan document (Version for Adoption)

- To: Environment and Green Investment Committee
- Meeting Date: 1 July 2021
- From: Executive Director Place and Economy
- Electoral division(s): All
- Key decision: Yes
- Forward Plan ref: 2021/016
- Outcome: Committee is being asked to recommend to Full Council that the Cambridgeshire and Peterborough Minerals and Waste Local Plan can be adopted. Subject to this agreement, and similar agreement being provided by Peterborough City Council (PCC) Full Council, the anticipated outcome is to allow officers to move to adoption with PCC colleagues.
- Recommendation: It is recommended that Environment and Green Investment Committee:
- a) Notes the conclusions of the independent Inspector who was appointed to examine the submitted Cambridgeshire and Peterborough Minerals and Waste Local Plan.
 - b) Recommends to Full Council the adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan, incorporating modifications as recommended by the Inspector ('Main Modifications') and other minor editorial modifications ('Additional Modifications'), as attached at Appendix B, subject to recommendation (f).
 - c) Notes that should Full Council adopt the Minerals and Waste Local Plan, the following council documents are revoked and must not be used for decision making:
 - Minerals and Waste Core Strategy (2011); and
 - Minerals and Waste Site Specific Proposals (2012).
 - d) Subject to recommendation b), recommends that Full Council endorses that the Cambridgeshire 'Policies Map' be updated in

accordance with the draft maps as published during the examination of the Minerals and Waste Local Plan, as included at Appendix D.

- e) Agrees to revoke the following two Supplementary Planning Documents (SPDs) for decision making purposes in the Cambridgeshire area, but only if Full Council does adopt the new Plan under Recommendation b), and with such revocation only taking effect from the same date that the new Plan is adopted:
- Location and Design of Waste Management Facilities SPD (2011);
and
 - Block Fen / Langwood Fen Master Plan SPD (2011).
- f) Recommends to Full Council that recommendation b) only comes into effect if Peterborough City Council has already agreed to adopt the Plan; or, if that agreement is not yet achieved by Peterborough City Council, recommendation b) comes into effect from the date that Peterborough City Council does agree to adopt the Plan. If Peterborough City Council agree not to adopt the Plan, then recommendations b) to e) become nul and void.
- g) Delegates to the Business Manager, County Planning, Minerals and Waste and / or Assistant Director, Planning, Growth and Environment, in consultation with colleagues at Peterborough City Council, to make any minor presentational or typographical errors to the documents referred in this item, prior to their publication.

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1. Background

- 1.1 Cambridgeshire County Council is the mineral and waste planning authority and it has a duty to prepare a minerals and waste local plan. Such plans set out the local planning policies by which planning applications for minerals and waste management development will be determined; and looks forward and plans for new minerals and waste management development to support planned growth, and new and existing communities. The preparation of the Cambridgeshire and Peterborough Minerals and Waste Local Plan has reached its final stage, having first commenced its review in 2017 in line with the adopted local development scheme timetable. Following public consultation at several points in the Plan preparation process over the last few years, we have now reached the stage where Full Council has to decide whether to adopt the Minerals and Waste Local Plan as part of its major policy framework. Peterborough City Council has to separately also make that same decision. The Plan cannot come into effect unless both councils agree to adopt the same Plan.
- 1.2 This report is submitted to the Environment and Green Investment Committee following the decision made by the Economy and Environment Committee on 17 October 2019 to approve the Cambridgeshire and Peterborough Minerals and Waste Local Plan (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation has taken place and the Minerals and Waste Local Plan was submitted, jointly by Cambridgeshire County Council and Peterborough City Council, to the Secretary of State on 24 March 2020. Subsequently, an independent Planning Inspector appointed by the Secretary of State has carried out a public examination into the document. The Inspector has sent his report to the councils setting out his conclusions on the Plan.
- 1.3 Some Environment and Green Investment members may recall that the decision made by the Economy and Environment Committee on 17 October 2019, set in motion two key events. The first was the issuing of the Minerals and Waste Local Plan by the two councils for its final public consultation stage (November 2019 – January 2020); and secondly the 'examination' of the Minerals and Waste Local Plan by an independent Inspector appointed by the Secretary of State (which took place in September 2020), and the subsequent publication of an 'Inspectors Report' (dated 26 March 2021, published 29 March 2021) setting out his recommendations for modifications to the Minerals and Waste Local Plan.
- 1.4 The outcome sought from this report is for members of the Environment and Green Investment Committee to recommend to Full Council that the Cambridgeshire and Peterborough Minerals and Waste Local Plan, as amended by the modifications set out in the Inspector's Report as shown in Appendix B, can be adopted. Subject to this agreement, and similar agreement being provided by Peterborough City Council (PCC), the anticipated outcome is to allow officers to move to adoption with PCC colleagues. By adopting a new Minerals and Waste Local Plan, Cambridgeshire County Council will have a robust and up to date policy document for making decisions on Minerals and Waste planning matters and directing minerals and waste operations to the most appropriate and sustainable locations. An up to date Minerals and Waste Local Plan also provides certainty and clarity for minerals and waste operators across Cambridgeshire.

2. Content of the Minerals and Waste Local Plan

- 2.1 Before coming to the Inspector's findings and recommendations, Members may wish to remind themselves as to the purpose, content and status of the Cambridgeshire and Peterborough Minerals and Waste Local Plan. If adopted, it will become part of the council's major policy framework. It will replace the presently adopted:
- Minerals and Waste Core Strategy (2011); and
 - Minerals and Waste Site Specific Proposals (2012).
- 2.2 The Minerals and Waste Local Plan sets out the long-term vision and objectives for Cambridgeshire and Peterborough in relation to minerals and waste developments and their growth until 2036. In the Cambridgeshire area, it will sit alongside the wider City and District Local Plans.

3. The Inspector's Role and the Inspector's Report

- 3.1 Government regulations stipulate that an Inspector must be appointed by the Secretary of State to undertake an 'examination' of a proposed Local Plan, and consider all relevant comments and objections that have been made. The Inspector holds a 'hearing' session as part of the examination process. The Inspector then subsequently issues an 'Inspector's Report', which must state either:
- That the Local Plan is 'unsound', and that it is impossible for changes to be made to it to make it 'sound'; under this scenario the Council is not permitted to adopt the Local Plan; or
 - That the Local Plan is 'sound' as submitted, or 'sound' provided that certain modifications as recommended by the Inspector are made to it before it is adopted.
- 3.2 We are very pleased to report that the Inspector, Mr Stephen Normington, has found the Minerals and Waste Local Plan 'sound' (subject to certain modifications) and, in effect, has given permission to the two councils to adopt it, provided his recommended modifications are incorporated into the final adopted version of the Plan. His full report is attached at Appendix A. This includes a list of all the main modifications he deems necessary for the Plan to be 'sound'.
- 3.3 In summary, the Inspector concludes that the Cambridgeshire and Peterborough Minerals and Waste Local Plan provides an appropriate basis for mineral and waste planning within the County of Cambridgeshire and the City of Peterborough, provided that a number of main modifications are made to it. He summarises the main modifications as follows:
- Ensuring that the calculation methodology used to determine that the provision required for the steady and adequate supply of sand and gravel is clear and reflects the requirement to maintain a seven-year landbank.
 - Ensuring that the allocation of sites for mineral extraction adequately considers the significance of heritage assets, including any contribution made to their significance by their setting and that related policies and supporting text are consistent with the National Planning Policy Framework (NPPF).
 - Ensuring that the approach to the safeguarding of mineral resources and infrastructure is

robust and clear.

- Revising the approach to the provision of waste management facilities to be consistent with the locational strategy of the Plan.
- Revising the approach to the consideration of co-locational waste management development to be consistent with the broad spatial strategy for the location of new waste management development.
- Amending the Development Management Policies to provide clarification and consistency with the NPPF.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

3.4 It is important to note that, in accordance with the Acts and regulations, the recommended modifications in the Inspector's Report are, in effect, 'binding' on the two councils. This means that the council cannot accept some, and reject other, modifications. Each council must accept them all if the two councils wish to adopt the Minerals and Waste Local Plan, or, reject them all, and, thus, not adopt the Minerals and Waste Local Plan. For the avoidance of doubt, one council cannot adopt the Plan, if the other does not. Either both adopt it, or both do not. This is explained further in section 4 below.

4. Adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan

4.1 Members of the Environment and Green Investment Committee must decide whether to recommend to Full Council the adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan. Attached at Appendix B is the version of the Plan which members of the Environment and Green Investment Committee are asked to recommend to Full Council. This version incorporates all the Inspector's modifications. It also incorporates a number of minor changes (legally known as 'additional modifications') which do not affect the soundness of the document, and which are permitted to be made under the provisions introduced by the Localism Act 2011. Appendix C contains these minor 'additional modifications'.

4.2 Should both councils adopt the new Minerals and Waste Local Plan, then the linked Policies Map will be in need of updating as well. The legislative basis for the Policies Map is somewhat complicated, and does not actually form part of the Minerals and Waste Local Plan to be adopted (nor was it formally examined by the Inspector). However, as is legally required, a Policies Map shows geographically a representation of the policies in the 'development plan' as a whole for an area. Thus, there is a single Policies Map per city or district council area, which illustrates the policies of a number of documents combined, namely: a city or district Local Plan; the Minerals and Waste Local Plan (as it affects that city or district area); and any Neighbourhood Plans falling in its area. Members of the Environment and Green Investment Committee and Full Council are not therefore asked to formally 'adopt' the Policies Map as a static document, because it is a live document subject to change for a variety of reasons (for example, when a Neighbourhood Plan is adopted). The recommendations as set out are written in a way to reflect the subtle difference between the adopting of the new Minerals and Waste Local Plan and the updating of the Policies Map. In short, the Policies Map needs updating to reflect the content of Appendix D for the Cambridgeshire area. However, for the avoidance of doubt

the Inspector confirmed in Paragraph 7 of his report that '*none of the MMs recommended in this Report require corresponding changes to the policies map*' which means the maps published previously remain the same.

- 4.3 Overall, in terms of the Minerals and Waste Local Plan, and to be absolutely clear on this matter, members of the Environment and Green Investment Committee (and then Full Council) can only support or reject the version as at Appendix B (other than any very minor changes, such as typographical corrections).
- 4.4 If Full Council agree the Minerals and Waste Local Plan as per Appendix B, then the document is 'adopted' and comes into effect either immediately, or, if later, on the date that Peterborough City Council agrees to adopt it.
- 4.5 If Full Council does not agree the Minerals and Waste Local Plan as per Appendix B (other than any additional very minor corrections, such as typographical corrections), then, in accordance with the regulations, it is not obliged to adopt it. Under this scenario, the council would need in due course to re-commence the preparation of a new Minerals and Waste Local Plan, following the same cycle of extensive data collection, site appraisal, consultation and examination as before (and which typically takes three to four years). Again, as a reminder, Peterborough City Council would also not be permitted to adopt the Plan, if Cambridgeshire County Council decides not to (and vice versa).

5. Alignment with corporate priorities

5.1 Communities at the heart of everything we do

There are no significant implications for this priority. However, the adoption of a new Minerals and Waste Local Plan for Cambridgeshire would mean the county has robust and up to date policies for making decisions on Minerals and Waste planning matters and directing minerals and waste operations to the most appropriate and sustainable locations, which ultimately helps to put communities at the heart of everything we do.

5.2 A good quality of life for everyone

There are no significant implications for this priority but see the wording under 5.1 above.

5.3 Helping our children learn, develop and live life to the full

There are no significant implications of this priority but see the wording under 5.1 above.

5.4 Cambridgeshire: a well-connected, safe, clean, green environment

There are no significant implications for this priority but see the wording under 5.1 above. Furthermore, the Cambridgeshire and Peterborough Minerals and Waste Local Plan has been considered by the Energy Investment Unit within Cambridgeshire County Council at the various stages of its development and policies related to climate change and visions to protect and enhance the peat areas in the Block Fen area for example mean that the adoption of this document would help development proceed in line with net carbon emissions for the County by 2050.

5.5 Protecting and caring for those who need us

There are no significant implications of this priority but see the wording under 5.1 above.

6. Significant Implications

6.1 Resource Implications

The successful and smooth running of the examination (and the relatively limited modifications arising is a demonstration of this point) has meant that the costs of the examination has been achieved slightly under budget.

6.2 Procurement/Contractual/Council Contract Procedure Rules Implications

Procured services in relation to the Local Plan preparation from Northamptonshire County Council will no longer be required upon adoption. Although such arrangements are likely to need to be required in any future review of the Plan as set out in paragraph 6.3 below.

6.3 Statutory, Legal and Risk Implications

On adoption, the council must consider all relevant planning applications against the policies in the Minerals and Waste Local Plan. It should be noted that, whilst the risk is low, there is a short window post adoption (6 weeks), whereby an aggrieved party could legally challenge the adoption of the Minerals and Waste Local Plan. Should this occur, officers will communicate with Members as appropriate. Looking to the future, the council must legally review the Plan within 5 years of adoption. Options for the timing and content of such a review will be subject to future reports to this Committee as and when deemed necessary.

6.4 Equality and Diversity Implications

The Local Plan has been subject to an Equality Impact Assessment ahead of it being submitted to the Secretary of State, and has also been examined by the Inspector. No substantive equalities implications are forecast to arise.

6.5 Engagement and Communications Implications

Extensive consultation, over several years, with the public and a variety of stakeholders has taken place. Emerging drafts have also been considered by Committee and Member briefings and meetings (and similarly at Peterborough City Council). The Inspector was satisfied that we had undertaken appropriate, and legally required, consultation throughout this process and made specific reference to this in his report in paragraphs 16 and 17. In particular he noted that the evidence demonstrates that the Councils have worked closely with neighbouring minerals and waste planning authorities, including some further afield where a strategic relationship was identified; that the Councils established and maintained effective relationships with all the relevant bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended); and acknowledged that it was clear that many of the pre-submission changes brought forward by the Councils were as a result of consultation with relevant parties to address their concerns in a

constructive and active manner. There is no opportunity for further consultation or public comment on the document (other than a legal challenge to its adoption noted under paragraph 6.3 above), but from the Inspector's comments it is evident that our engagement and communications have been welcomed.

6.6 Localism and Local Member Involvement

The Minerals and Waste Local Plan may have implications for all sectors of society and all wards and parishes of Cambridgeshire, especially as a result of any waste related developments. The process of sustainability appraisal through the various stages of Plan making, based on social, economic and environmental criteria, ensures that all potential implications are taken into account in a systematic way; and Member engagement has taken place at all key stages of the plan making process.

6.7 Public Health Implications

There are no significant implications within this category. Colleagues within Public Health have been consulted on the plan making process, and are also actively involved in major planning applications.

6.8 Environment and Climate Change Implications on Priority Areas

6.8.1 Implication 1: Energy efficient, low carbon buildings.

Neutral Status:

Explanation: Whilst the Minerals and Waste Local Plan cannot directly demonstrate an impact on decreasing energy use for the council and/or communities, or lead to a switch to low-carbon energy supply, including renewables for mineral and waste development; it does contain a headline objective (Objective 3) and policies that relate to sustainable development and climate change (Policy 1) and design (Policy 17) that will provide policy support in principle for such proposals. As such, a neutral status has been chosen, whilst noting that a positive status is possible and strongly encouraged.

6.8.2 Implication 2: Low carbon transport.

Neutral Status:

Explanation: Whilst the Minerals and Waste Local Plan cannot directly demonstrate an impact on decreasing use or reliance on the private car or an increase of the use of public transport, it does contain headline objectives (Objectives 3 and 7) and policies that relate to sustainable development and climate change (Policy 1) and Traffic, Highways and Rights of Way (Policy 23) that promote sustainable transport and climate change principles. As such, although a positive status could be achieved through the objectives and policies in the Minerals and Waste Local Plan, a neutral status has been chosen for the purposes of this assessment.

6.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Positive Status:

Explanation: The Minerals and Waste Local Plan contains headline objectives and policies that seek to deliver benefits to green spaces, peatland protection, habitats and beneficial restoration schemes. Specific headline objectives exist for climate change (including specific reference to peat conservation), landscape, biodiversity and geodiversity gains (Objectives 3, 8 and 9). These climate change and restoration based topics are also set out

in policies (Policies 1, 2, 17, 19, 20 and 24) and appendices (Appendix 1 – Site Profiles and Appendix 2 – Block Fen / Langwood Fen Masterplan) to ensure that proposals can lead to the improvement of peatland condition and extent (through the strategic mineral operations proposed at Block Fen for example), the sustainable use of soils, and net gain opportunities through the restoration of mineral and waste sites.

6.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Positive Status:

Explanation: The Minerals and Waste Local Plan is based on the principles of the waste hierarchy and moving waste away from landfill and up the hierarchy pyramid to re-use and recycling opportunities. The headline objectives and policies within the plan seek to actively encourage and increase waste recycling opportunities. The plan is based on a Waste Needs Assessment that takes account of the waste generated within Cambridgeshire and Peterborough, to ensure that we seek to ensure net self-sufficiency for waste management.

6.8.5 Implication 5: Water use, availability and management:

Positive Status:

Explanation: The Minerals and Waste Local Plan contains headline objectives and policies that seek to deliver benefits to water use, availability and management. Specific headline objectives exist for climate change (including specific reference to water management), the creation of water storage bodies and flood risk compensation as part of the restoration opportunities (Objectives 3 and 4). These climate change and water management / restoration based topics are also set out in policies (Policies 1, 9, 11, 19, 20 and 22) and appendices (Appendix 1 – Site Profiles and Appendix 2 – Block Fen / Langwood Fen Masterplan) to ensure that proposals can lead to the successful management of water use, availability and management (through the strategic mineral operations and flood alleviation measures proposed at Block Fen for example), the creation of agricultural reservoirs, and the best use of water resources when looking at the restoration of mineral and waste sites.

6.8.6 Implication 6: Air Pollution.

Neutral Status:

Explanation: Whilst the Minerals and Waste Local Plan cannot directly demonstrate a reduction in air pollution or a direct improvement in air quality; it does contain a headline objective (Objective 3) and policies that relate to sustainable development and climate change (Policy 1); design (Policy 17) and amenity protections (Policy 18) that will provide policy support to ensure that air pollution and health and wellbeing are considered when assessing any mineral and waste proposals. As such, a neutral status has been chosen, whilst noting that a positive status is possible and strongly encouraged.

6.8.7 Implication 7: Resilience of our services and infrastructure, and supporting vulnerable people to cope with climate change.

Neutral Status:

Explanation: The Minerals and Waste Local Plan contains headline objectives and policies that seek to ensure that communities are protected from events such as flooding, through water management for example, which take account of climate change implications. Whilst the use of such policies will ensure that consideration of such matters are taken into account when assessing mineral and waste proposals, it is not possible to demonstrate a positive status for the purposes of this report.

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 the Council's Monitoring Officer or 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: Bethan Griffiths

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: Iain Green

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer?

Yes

Name of Officer: Emily Bolton

7. Source documents guidance

7.1 Source documents

- The emerging Minerals and Waste Local Plan website page that includes the document list submitted to the Secretary of State for the examination.
- The Minerals and Waste Local Plan examination website page that includes the evidence that the Inspector considered in assessing the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

7.2 Location

- [Emerging Local Plan page](#)
- [Examination Local Plan page](#)