

COUNCIL	AGENDA ITEM 7 (iii) (a)
13 APRIL 2011	PUBLIC REPORT

CAMBRIDGESHIRE AND PETERBOROUGH MINERALS AND WASTE CORE STRATEGY AND PROPOSALS MAP C

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R E C O M M E N D A T I O N S
FROM : Head of Planning, Transport and Engineering Services
<ol style="list-style-type: none"> 1. That Council notes the conclusions of the independent Inspector who was appointed to examine the Council's submitted Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document; and 2. That Council approves the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document, incorporating the changes as recommended by the Inspector, for adoption on 19 July 2011 following approval by Cambridgeshire County Council on that date.

1. ORIGIN OF REPORT

- 1.1 The Council on 2 December 2009 approved the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (DPD) (Proposed Submission Version) including Proposals Map C – Minerals Safeguarding Areas, for public consultation and submission to the Secretary of State for examination on 28 July 2010.
- 1.2 The consultation and public Examination is complete and the independent Inspector, appointed by the Secretary of State has sent his binding report, (15 March 2011), to the Chief Executive setting out his conclusions on the Minerals and Waste Core Strategy DPD including Proposals Map C.
- 1.3 The Minerals and Waste Core Strategy has been prepared jointly with Cambridgeshire County Council and covers the geographical area of Cambridgeshire and Peterborough.

2. PURPOSE AND REASON OF REPORT

- 2.1 The purpose of this report is to inform Council of the publication of the Inspectors Report and its conclusion which finds the Minerals and Waste Core Strategy 'sound'. Summarily it states ... *'the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document provides an appropriate basis for the planning for minerals and waste for the Cambridgeshire and Peterborough area over the next 15 years.'*
- 2.2 To ensure the 'soundness' of the Minerals and Waste Core Strategy DPD, the Inspector recommended that a number of changes be made to meet legal and statutory requirements. Most of the changes (Appendix A of the Inspectors Report) were put forward by the Councils in response to points raised and discussions held at the Examination. He clarified that these changes do not alter the thrust of the overall strategy. The recommendations in the Inspector's Report **are binding on the Councils.**

- 2.3 This report recommends that Council approves the adoption of the Minerals and Waste Core Strategy DPD including Proposals Map C, incorporating the changes recommended by the Inspectors Report.
- 2.4 As this is a jointly prepared document the effective date of adoption is dependent on the subsequent adoption by Cambridgeshire County Council, this is scheduled for 19 July 2011.

3. BACKGROUND

- 3.1 Peterborough City Council and Cambridgeshire County Council have jointly prepared a new Minerals and Waste Plan under the statutory process prescribed in the Planning and Compulsory Purchase Act 2004.
- 3.2 The Minerals and Waste Plan comprises:
- **Core Strategy** DPD: a document setting out the strategic vision and objectives, including strategic allocations, and a suite of development control policies to guide minerals and waste development
 - Site Specific Proposals DPD (SSP): a document setting out site specific proposals for mineral and waste development and supporting site specific policies
 - **Proposals Map** DPD: Three maps showing the Plans proposals. Map A - Mineral and Transport Zones, and Map B - Waste (cannot be adopted until the SSP is adopted), and Map C - Mineral Safeguarding Areas (which relates to the Core Strategy)
- 3.3 The Inspectors Report of examination is solely concerned with the Core Strategy DPD and Proposals Map C.

4. CAMBRIDGESHIRE AND PETERBOROUGH MINERALS AND WASTE CORE STRATEGY – THE INSPECTORS REPORT AND THE MINERALS AND WASTE CORE STRATEGY RECOMMENDED FOR APPROVAL FOR ADOPTION

Content of Minerals and Waste Core Strategy

- 4.1 Before coming to the Inspector's findings and recommendations, Council may wish to remind themselves as to the purpose, content and status of the Cambridgeshire Minerals and Waste Core Strategy. If adopted, it will become part of the statutory development plan and, as such, will be part of the Council's major policy framework. It will be one of the documents that will gradually replace the existing Cambridgeshire Aggregates (Minerals) Local Plan (1991) and Cambridgeshire and Peterborough Waste Local Plan (2003), complemented by a suite of other documents (such as the Site Specific Proposals Document) that together comprise the Cambridgeshire and Peterborough Minerals and Waste Plan.
- 4.2 The Minerals and Waste Core Strategy sets out the vision, objectives and overall strategy for sustainable minerals and waste development across Cambridgeshire and Peterborough up to 2026, together with a number of policies that are core to achieving or delivering that strategy and a suite of development control policies. In simple terms, it ensures that the considerable levels of planned housing and employment growth across the Plan area will be supported in a timely and sustainable manner.
- 4.3 It reflects Peterborough's Core Strategy and others across Cambridgeshire (adopted and emerging); and the Sustainable Community Strategies across the Plan area, with consistency of vision and priorities, demonstrating how certain spatial elements of those strategies can be delivered through effective minerals and waste management development.
- 4.4 The proposed scale, distribution (broad location) and timing of minerals development supports the forecast demand and seeks, where possible, to support and deliver a wide range of environmental enhancement and objectives, such as the delivery of flood management capacity and biodiversity habitat.

- 4.5 The forecast waste generated by existing and future planned development within the Plan area, together with the increasingly stringent government financial and waste management targets, raises major challenges. The Minerals and Waste Core Strategy makes provision for sufficient land and capacity, via a range of management techniques, to ensure the opportunity to deliver modern sustainable waste management facilities can be taken.
- 4.6 The Minerals and Waste Core Strategy is accompanied by key diagrams for both minerals and waste which show pictorially some of the key elements of each strategy. The Minerals and Waste Core Strategy makes three strategic site allocations all of which are located outside of Peterborough (two at Block Fen / Langwood Fen, near Mepal and a third at Addenbrookes Hospital). It is also accompanied by Proposals Map C which depicts the extent of Minerals Safeguarding Areas (Ordnance Survey based) across the Plan area.

The Inspector's Report

- 4.7 An Inspector's Report must state either:
- (i) That the Core Strategy 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 Core Strategy;
 - (ii) That the Core Strategy is 'sound', provided (in most instances) that certain changes as recommended by the Inspector are made to the Core Strategy before it is adopted.
- 4.8 The Inspector, Mr Jonathon King, found the strategy 'sound' and, in effect, has given permission to the city council to adopt the Core Strategy provided his recommended changes are incorporated into the final adopted version of the Minerals and Waste Core Strategy. Copies of his full report have been placed in the Members' Group Rooms, Council receptions and the libraries. The report can also be viewed via the following link:

<http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Inspectors%20Report&ID=455&RPID=251839&sch=doc&cat=13032&path=13032>

- 4.9 In summary, the main recommendations and proposed changes of greatest significance to Peterborough are:

Minerals Spatial Strategy – No significant changes proposed by the Inspector's Report.

- For *sand and gravel* – provision will be made for an extraction rate of 0.75 mtpa from the Northern Zone, i.e. Peterborough and north Fenland District, over the plan period;
- For *limestone* – acceptance of a criteria based policy for future extraction to seek the maintenance of a 10 year landbank;
- For *brick clay* – change to supporting text to clarify the need to maintain a stock of permitted reserves which could be as much as 25 years or more; and
- For *sand and gravel and clay borrowpits* – whilst making no change to the borrowpit policies, the Inspector noted that any proposals for the borrowpits to go on to supply the open market should be considered in the context of the revised policy dealing with Additional Mineral Extraction. This now states that mineral working lying beyond the scope of the mineral spatial strategy will only be allowed where it can be demonstrated that there are overriding benefits which justify an exception to policy [e.g. substantial social and environmental benefits].

Other Minerals Issues

- *Mineral Safeguarding Areas* - In considering MSAs the Inspector has amended the policy in the Core Strategy to widen the scope of applications (non minerals development types) on which the Mineral Planning Authority must be consulted. This change is to make the policy more effective. "This would exclude the most minor of applications from the consultation process, but still pick up those with the potential to sterilise. A pragmatic balance has therefore been struck between safeguarding objectives and the unnecessary screening of unmanageable quantities of applications"

(Para 99). Importantly, applications for development on land which is allocated in other adopted local development plan documents are excluded from the consultation process.

Waste Spatial Strategy

The waste management spatial strategy seeks to establish a network of waste recycling and recovery facilities across the Plan area. The Inspector concluded that *'the policies for waste management are justified, effective and consistent with national policy. The strategy as a whole is sound.'* The thrust of the waste management strategy therefore remains unchanged.

- All new strategic development (urban extensions, housing and employment development etc) will make provision for permanent waste management facilities; and for temporary recycling facilities during the construction phases;
- Additional provision is made to address a shortfall in inert landfill and Stable Non-Reactive Hazardous Waste landfill (SNRHW); and
- No provision is made for non-hazardous landfill, with the exception of that required for land stability; to address potential pollution risk to the environment; or to maintain the viability of SNRHW disposal.

The scale of proposed provision (minimum) by 2026 is summarised as:

- 63,000 tonnes per annum of Household Recycling Centre capacity;
- 627,000 tonnes per annum of new recycling capacity (Materials Recycling Facilities / Mixed Recyclables);
- 10,500 tonnes per annum of in-vessel composting capacity;
- 1.86 million tonnes per annum of inert waste recycling capacity;
- 12.09 million cubic metres of inert landfill void space over the Plan period; and
- 14,000 cubic metres per annum of stable non-reactive hazardous waste landfill void space.

Adoption of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy

- 4.10 Council must decide whether to adopt the Minerals and Waste Core Strategy, copies of which have been placed in the Members' Group Rooms, Council receptions and libraries. The document can also be viewed via the following link:

<http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Minerals%20and%20Waste%20Core%20Strategy%20DPD&ID=456&RPID=251840&sch=doc&cat=13032&path=13032>

This version incorporates all of the recommendations made by the Inspector.

Copies of proposal Map C have also been made available in the Members' Group Rooms, Council receptions and libraries. The document can also be viewed via the following link:

<http://consult.peterborough.gov.uk/portal/planning/pc/mwsub/cs/mwcsps?tab=files>

and is the fourth document listed, "C06 Proposals Map C Mineral Safeguarding Area".

- 4.11 To be absolutely clear on this matter, Council can only support or reject this version. Further changes are no longer permitted.
- 4.12 If Council agree the Minerals and Waste Core Strategy, then the document will be 'adopted' on the 19 July 2011, subject to subsequent approval by Cambridgeshire County Council.
- 4.13 If Council does not agree the Minerals and Waste Core Strategy, then, in accordance with the regulations, the Council is not obliged to adopt it. A range of issues arise, potentially complicated / multiplied due to the joint working relationship with another authority i.e. Cambridgeshire County Council. These are many, varied and probable. An example, would be the unprecedented situation of one Council agreeing to adopt whilst the other disagrees. Legal

opinion would have to be sought as to the validity of adopting a document prepared for a wider geographical area than the area of adoption.

- 4.14 However, as a result of a rather unusual quirk in the plan making system, the Council is equally not permitted to 'withdraw' the earlier draft Minerals and Waste Core Strategy (submission version – February 2010). Effectively, under this scenario, the draft Minerals and Waste Core Strategy and the Inspector's report go into somewhat of an abyss, neither adopted nor deleted. In reality, the council would in all likelihood commence the preparation of a new Minerals and Waste Core Strategy which, following the same cycle of extensive consultation and Examination, would eventually supersede this unadopted Minerals and Waste Core Strategy. The ability, in the meantime, of the council and developers to use the unadopted Minerals and Waste Core Strategy, and the Inspector's Report, as evidence to support or object to a proposal is a debateable point, and an issue we would have to investigate should the need arise.

5. CONSULTATION

- 5.1 Extensive consultation, over many years, with the public and a wide variety of other stakeholders has taken place. Emerging drafts have also been considered by various Committee, Scrutiny, Cabinet and Council meetings. The Inspector agreed that we had undertaken appropriate consultation.

6. REASONS FOR RECOMMENDATIONS

- 6.1 As outlined in the report, Council only has two options available to it; either approve the strategy for adoption, or not approve the strategy for adoption. The former is recommended, as it is a statutory duty to prepare a Minerals and Waste Core Strategy and, in adopting it, Peterborough will have a clear and robust policy document setting out its vision, objectives and key planning policies.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The option of not approving the plan for adoption is not recommended, because in so doing the council:
- would have no clear vision or strategy of how to provide the virgin and secondary aggregates necessary to support and deliver Peterborough's growth agenda;
 - would have no clear vision or strategy for the provision of a range of sustainable waste management infrastructure (for municipal, commercial / industrial, agricultural and waste water waste streams) to support Peterborough's existing and future communities;
 - would have no clear policies to progressively push forward on matters such as the long term restoration and management of quarries and landfill sites, the associated environmental and transport issues; and
 - will be at considerable risk of having to determine minerals and waste planning proposals using outdated strategies and policies; which in turn could lead to poorly planned growth, and insufficient provision of infrastructure due to uncoordinated planning.
- 7.2 In addition, should the Minerals and Waste Core Strategy not be adopted, this would mean that other LDF documents currently under preparation (Site Specific Proposals DPD, The Location and Design of Waste Management Facilities Supplementary Planning Document [SPD], and the Waste Management Design Guide SPD and The Block Fen / Mepal Fen Masterplan SPD) would unnecessarily be delayed until a revised Minerals and Waste Core Strategy was prepared.

8. IMPLICATIONS

- 8.1 The Minerals and Waste Core Strategy will have implications for all sectors of society and all wards and parishes in Peterborough. The process of sustainability appraisal, based on social, economic and environmental criteria, ensures that all potential implications are taken into account in a systematic way.

- 8.2 *FINANCIAL IMPLICATIONS:* The EU Waste Framework Directive requires all waste planning authorities to have in place waste management plans, and for those plans to contain specific information. The Government has included in Part 2 of the proposed Localism Bill a power to pass on some or all of any fines from the European Court of Justice to any authority which causes the UK to be in breach of its obligations under the Waste Framework Directive.
- 8.3 In comparison with many other Authorities Peterborough City Council and Cambridgeshire County Council have made good and continued progress on their Minerals and Waste Plan. It is anticipated that subject to the Core Strategy being adopted, and subsequently the Site Specific Proposals Plan being found sound and adopted, that the Council will have a new directive compliant Plan in place by early 2012, and thereby avoid any potential fine.
- 8.4 There are no immediate financial implications flowing from the adoption of the Minerals and Waste Core Strategy. The detailed financial implications of the growth agenda that the Strategy supports will be assessed as individual schemes develop, and, where appropriate, these will be incorporated into the Council's Capital and Revenue financial planning processes.
- 8.3 *LEGAL IMPLICATIONS:* On adoption, the Council must consider all relevant planning applications against the policies in the Minerals and Waste Core Strategy. In addition, all subsequent documents prepared as part of the Local Development Framework (such as the Minerals and Waste Site Specific Proposals DPD) must be in accordance with the Minerals and Waste Core Strategy.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

None