

CABINET	AGENDA ITEM No. 6
26 MARCH 2018	PUBLIC REPORT

Report of:	Simon Machen, Corporate Director of Growth and Resources	
Cabinet Member(s) responsible:	Cllr Peter Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer(s):	Richard Kay - Head of Sustainable Growth Strategy Chris Stanek - Planning Officer	Tel. 01733 863795

MINERALS AND WASTE LOCAL PLAN - PRELIMINARY DRAFT FOR CONSULTATION

RECOMMENDATIONS	
FROM: Simon Machen, Corporate Director of Growth and Regeneration	Deadline date: N/A
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> 1. Approve the attached Cambridgeshire-Peterborough Minerals and Waste Local Plan - Preliminary Draft, for the purpose of subsequent public consultation commencing in May 2018, subject to the insertion of an additional paragraph in the Introduction of the Plan as recommended by Planning and Environmental Protection Committee (see paragraph 4.10 of the agenda report below). 2. Delegate to officers authority to make any minor non-consequential amendments to the Plan as attached, prior to consultation, in order to: correct any typographical errors or factual matters; improve presentation; or address any minor amendments arising from the Plan's consideration by Cambridgeshire County Council's democratic process. 3. Delegate to the Cabinet Member for Growth, Planning, Housing and Economic Development authority to make more substantive changes to the Plan as attached, prior to consultation, provided he should see fit to do so, if it would help to address any more substantive suggested amendments arising from the Plan's consideration by Cambridgeshire County Council's democratic process. 	

1. ORIGIN OF REPORT

- 1.1 The report originates from the Cabinet decision on 10 July 2017 to proceed with a new Minerals and Waste Local Plan, and for that Plan to be prepared jointly with Cambridgeshire County Council (CCC).

2. PURPOSE AND REASON FOR REPORT

- 2.1 To meet the Cabinet decision to prepare a new Minerals and Waste Local Plan, a 'preliminary draft' version of that plan needs to be approved by this council prior to a formal round of consultation. A number of future stages will also take place, before the plan is finalised and adopted.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, 'To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major

Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.'

2.3 This Reports links in particular to the council's corporate objectives of 'driving growth, regeneration and economic development' as well, to a degree, the 'implement the environment capital agenda' corporate objective.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	YES	If yes, date for Cabinet meeting	26 March 2018, and other future dates.
Date for relevant Council meeting	To be confirmed - likely in 2019 (final consultation version) and again in 2020 (adoption)	Date for submission to Government Dept. <i>(Please specify which Government Dept.)</i>	Post first Full Council decision

4. **BACKGROUND AND KEY ISSUES**

4.1 On 10 July 2017 Cabinet agreed to proceed with the preparation of a new (joint with CCC) Minerals and Waste Local Plan ('the Plan'), and agreed a timetable (in the form of what is known as a Local Development Scheme (LDS)) for doing so. That LDS timetable was slightly updated on 29 August 2017.

4.2 The agreed timetable, therefore, for preparing the Plan is, in short:

- 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
- November 2020 - adoption

4.3 This report sets out the draft version of the Plan which, subject to Cabinet approval will meet our commitment to consult in May 2018.

4.4 The council already has a set of joint Minerals and Waste Plans with CCC, all agreed around 2012. Rather than update all those individual documents, it is proposed to bring most, if not all, into a single Minerals and Waste Plan. Again, this has been agreed to be done jointly with CCC (rather than each authority preparing its own Plan).

4.5 At this first stage of Plan consultation, it could perhaps best be described as an issues and options stage. The Plan as attached sets out the proposed approach to the Plan, identifying those elements of the present suite of plans it is intended to be carried forward (and updated as necessary). The Plan does not at this stage set out any draft sites for new Minerals extraction, waste management or any other site allocations - these will all be proposed (and consulted upon) as part of the latter two rounds of consultation. Suggested new sites are, however, sought from operators as part of this first round of consultation.

4.6 In drafting the emerging Plan, some key principles have been in mind:

- Merge existing Minerals and Waste Plans into a single document: this is cheaper to produce and maintain, and more user friendly.
- Minimise content to only that which is necessary: again, making production cheaper and quicker, and making the end product more user friendly.

- Bring all policies up to date and in line with latest national policy and best practice.
- Structure the Plan in a more coherent way than present Plans, so applicants and decision makers can quickly and easily navigate to the important policies relevant to a specific application.

4.7 At this stage the Plan is likely to be relatively non-controversial, and probably only of real interest to those organisations and companies active in the Minerals and Waste markets. This opinion is reached because the Plan, at this stage, is not suggesting any new sites.

4.8 However, future Plan stages (or indeed any sites suggested during the upcoming first consultation stage) may well become of considerable public interest, especially so in the broad vicinity of where the site is proposed to be located.

4.9 As a snapshot of what is contained in the attached Plan, it contains policies covering matters such as:

- Draft Scale and strategic approach to locating minerals and waste development.
- Draft policies on dealing with proposals on non-allocated sites.
- Draft Policies dealing with important matters such as highway impacts and effects on biodiversity.
- Draft Policies which help protect important minerals and waste operations, or protect future reserves.

Fundamentally, the approach of the Plan is largely to roll forward the principles of the existing adopted Plan, subject to the 'principles' highlighted in para 4.6.

4.10 The emerging Plan has recently been considered by Growth, Environment and Resources Scrutiny Committee (5 March) and by Planning and Environmental Protection Committee (13 March). In summary, those two Committees recommended as follows:

Scrutiny Committee - no recommended changes to the plan itself, but a recommendation that the plan be referred back through the democratic process if substantial changes are made by Cambridgeshire County Council, rather than simply delegating the decision to the Cabinet Member.

Officer Response - officers are not anticipating any such substantial changes to be made by the County Council, but if they do so at this preliminary plan stage, the recommendations at the start of this report are considered a sound and pragmatic way forward for progressing the plan in a timely manner. At the later stages of preparing the plan, such delegation would not be appropriate, as only Full Council will be able to endorse a Local Plan for submission/adoption. However, at this early preliminary consultation stage, delegation to the Cabinet Member to make adjustments to the plan is considered appropriate. As set out at 5.3 below, if the County Council seeks major changes to the Plan at this stage, then the Cabinet Member could decide not to exercise the delegation, and instead refer the Plan back to Cabinet for reconsideration.

P&EP Committee - one recommended change to the plan, so as to ensure no confusion with who is responsible for preparing the plan, and how the combined authority fits in the process.

Officer response - the recommendation is supported, and as such it is recommended that Cabinet agree the following paragraph be inserted at the end of the 'Introduction' within the Plan:

'For the avoidance of doubt, whilst the geographic area of the Plan matches the area of the Cambridgeshire Peterborough Combined Authority, the Plan is the responsibility of, and being prepared by, Cambridgeshire County Council and Peterborough City Council. The Combined Authority will, however, be an important consultee in the process.'

5. CONSULTATION

5.1 The purpose of the report to Cabinet is to receive approval to undertake public consultation. This consultation will be for 6 weeks, commencing in May 2018. Two further rounds of consultation will follow (both due in 2019). Cabinet will receive further reports on the Plan as it emerges, including being asked to approve the next two consultation stages.

5.2 To date, the only consultation taken place has been:

- internal consultation with officers (including CCC officers)
- focussed technical consultation with certain statutory bodies took place in January-February in relation to the emerging framework for the sustainability appraisal of the Plan (this consultation was a legal requirement)
- Member consultation via the two Committee's referred in paragraph 4.10

5.3 It should be noted that the Plan, it being a joint one with CCC, also needs to be approved by CCC's due democratic process before consultation can commence. Should any major issues arise from one or other party during the respective democratic consideration of the Plan, then (whilst unlikely) it may be necessary for the Plan to be referred back to Cabinet prior to consultation. However, more minor to moderate amendments arising via CCC's consideration of the Plan can adequately be addressed by the recommendations being put to Cabinet.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 That Cabinet will approve the attached for the purpose of public consultation.

7. REASON FOR THE RECOMMENDATION

7.1 Two main reasons for the recommendation:

- As a 'top tier' authority, the council has a statutory duty to maintain a Minerals and Waste Local Plan.
- The council has previously agreed (2017) to proceed with preparation of an updated Plan.

This report ensures the council is meeting its obligations and commitments.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1
1. To not prepare a plan. This option was rejected by Cabinet in July 2017.
 2. Any options relating to not undertaking consultation or not complying with national policy were immediately rejected, as it would be unlawful to do so.
 3. Alternative options for Plan content will be considered (and appraised under the legally required sustainability appraisal framework) as this Plan progresses.

9. IMPLICATIONS

Financial Implications

9.1 Nil arising from this report. Preparation of the Plan can be funded from existing budgets.

Legal Implications

9.2 The Council must follow due legislation in preparing the Plan. Eventually, once the final document is adopted in 2020, the council has a legal duty to determine planning applications in accordance with the Plan.

Equalities Implications

9.3 No anticipated implications

Rural Implications

9.4 No anticipated implications at this stage. However, future versions of the Plan are likely to include new allocations for minerals extraction, and by their very nature such sites will be in rural locations. This will be a matter to consider at future stages of Plan preparation.

10. BACKGROUND DOCUMENTS

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

10.1 Peterborough LDS - August 2017

10.2 Peterborough City Council Cabinet Minutes 10 July 2017

11. APPENDICES

11.1 Appendix 1 - Cambridgeshire - Peterborough Minerals and Waste Local Plan: Preliminary Draft

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