

CABINET	AGENDA ITEM No. 11
4 FEBRUARY 2019	PUBLIC REPORT

Report of:	Dave Anderson, Interim Director of Growth and Regeneration	
Cabinet Member(s) responsible:	Cllr Peter Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
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MINERALS AND WASTE LOCAL PLAN - FURTHER DRAFT FOR CONSULTATION

RECOMMENDATIONS	
FROM: <i>Dave Anderson - interim Director of Growth and Regeneration</i>	Deadline date: <i>Cabinet meeting of 4 February 2019</i>
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> 1. Approve the Cambridgeshire and Peterborough Minerals and Waste Local Plan - Further Draft (Appendix 1) and the associated Policies Map (Appendix 2) (which sets out the new or revised allocations), for the purpose of subsequent public consultation likely commencing in March 2019. 2. Delegate to officers the authority to make any minor non-consequential amendments to the Plan as attached, prior to consultation, in order to: correct any typographical errors; 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). Cabinet further decided (26 March 2018) to proceed with a consultation on a 'Preliminary Draft' of that Local Plan.

2. PURPOSE AND REASON FOR REPORT

- 2.1 To meet the Cabinet decision to prepare a new Minerals and Waste Local Plan, a 'Further Draft' version of that Plan needs to be approved by Cabinet prior to a second round of formal 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 3.2.4., 'To promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework.'

- 2.4 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	4 Feb 2019, 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.	Post first Full Council decision: MHCLG.

4. **BACKGROUND AND KEY ISSUES**

- 4.1 On 10 July 2017 Cabinet agreed to proceed with the preparation of a new (joint with Cambridgeshire County Council (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 scheduled timetable, therefore, for preparing the Plan is, in short:
- May 2018 - first round of consultation on the emerging Plan (Preliminary Draft)
 - March 2019 - second round of consultation (Further Draft)
 - November 2019 - third and final round of consultation (Proposed Submission)
 - March 2020 - 'submission' of Local Plan, in order to commence its independent examination
 - November 2020 - adoption
- 4.3 The first round of consultation duly took place in May 2018 (further details below). We now move to a 'Further Draft', second round of consultation, version of the Plan which, subject to Cabinet approval, will meet our commitment to consult in March 2019.
- 4.4 The council already has a set of joint Minerals and Waste Plans with CCC, all adopted around 2012. Rather than update all those individual documents, Cabinet has already agreed, in principle, to bring these 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 The first round of consultation took place between 16 May and 26 June 2018 (following Cabinet approval to do so, on 26 March 2018). That first stage of Plan consultation could perhaps best be 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 is intended to be carried forward (and update as necessary).
- 4.6 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.
- 4.7 As a reminder, 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.

4.8 The May-June 2018 consultation resulted in over 500 representations being received from approximately 180 individual respondents. The representations were a mix of support and objection to various aspects of the emerging Plan, as well as the submission (by landowners and agents) of sites which they believed were suitable for future minerals or waste management operations.

4.9 All representations were quickly logged on our consultation portal, so that members of the public were (and continue to be) free to view comments at their leisure, once the consultation had closed. Such 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/jpd/jpd?pointId=4884442

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

4.10 Officers of both PCC and CCC have carefully considered all representations received. 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 (eg government bodies, pressure groups); and members of the public.
- Broadly speaking, the structure and approach of the Plan was supported by many, though others objected.
- Developers / landowners / agents supported many elements of the Plan, but some objected to the assumptions and calculations relating to, for example, mineral and waste management needs. They also objected to some detailed wording of the policies of the Plan.
- Statutory agencies and district councils were broadly supportive of the plan, though various detailed suggestions were made to policy wording.
- Approximately 33 suggested minerals sites were submitted, and a further 44 waste management related sites (note: there is an element of overlapping on some of the sites suggested to the Councils, so the numbers should be treated as approximately, rather than a precise number of unique suggested sites).
- A mini consultation on those suggested sites was subsequently carried out with parish councils, to see if they had any early views on the sites suggested to us. A total of 20 parishes (across the whole Plan area) responded.

Overall, the scale of representations received was relatively low, but this was to be expected because at that first 'preliminary' stage, no new sites were being consulted upon.

4.11 A full summary of representations received at the Preliminary Draft stage will be published at the point of consultation on the Further Draft, together with a summary of whether the councils have taken forward suggestions made. There will, therefore, be a clear audit trail from Preliminary Draft, to representations received, to a revised Further Draft.

4.12 In addition to considering representations received, officers have also taken the opportunity to update the emerging plan to take into account new evidence and updated national policy. For example, our evidence base relating to the 'need' for minerals and waste management has been updated, and the policies adjusted accordingly. In addition, in July 2018, the new National Planning Policy Framework (NPPF) was published, and that has some (albeit not fundamental) implications for the preparation of this Plan, which officers have incorporated into the updated draft.

4.13 We now turn to the content of the Further Draft plan, presented at Appendix 1. There are two fundamental differences compared with the Preliminary Draft plan previously consulted upon (and remember that the Preliminary Draft intentionally at that stage did not consult on potential new site allocations - it simply asked for suggestions for new sites).

4.14 First, and of most importance, the Plan is proposing to allocate a number of new **Minerals** sites, in order to address the need for minerals we have identified, and the scale of permissions already in place. The choice of which sites to pick has been informed by (in simple terms):

- (a) the sites' availability (which is primarily informed by the site suggestion process);
- (b) an updated 'spatial strategy' as to where, in principle, new sites should be located (accepting, of course, that minerals can only be extracted in those geographic locations where they exist);
- (c) the principle that extensions to existing sites are likely better than opening up completely new sites; and
- (d) a strategic assessment of the suitability of suggested sites, in terms of 'harm' that might arise (e.g. traffic) or 'benefits' that could be achieved (e.g. flood alleviation or biodiversity gains).

4.15 Specific to the Peterborough area, the following allocations are proposed (in addition to sites which already have consent or are operational, and therefore are deemed 'committed' already):

Gores Farm, Thorney: This site is allocated in the current Minerals & Waste Plan for Sand & Gravel under reference M1F, but presently has no consent in place. It is proposed to allocate this site again, with the addition of a small extension adjoining the south eastern boundary.

Willow Hall Farm, Thorney: This site is also allocated in the current Minerals & Waste Plan for Sand & Gravel under reference M1F. It is proposed to allocate this site again.

Land off Main Road, Maxey: This site is also allocated in the current Minerals & Waste Plan for Sand & Gravel under reference M1E. It is proposed to allocate this site again, with the addition of an extension adjoining the south eastern boundary.

In short, therefore, the proposed 'new' minerals allocations for Peterborough are very limited, comprising two relatively small extensions to existing allocations. Such allocations can be found in Appendix 2 (alongside other allocations across Cambridgeshire).

4.16 In terms of **waste management** allocations, Officers of both councils are recommending that the Plan does not allocate any new such sites. This is for two prime reasons, which are, in short:

- (a) the 'capacity gap' is relatively small, and in most cases non-existent, for the various waste management types i.e. we have a healthy supply of operations and consents to cover most waste needs; and
- (b) experience from the last (present) adopted Plan highlights that allocating waste sites is not very successful, with many allocations not coming (and unlikely ever to come) forward, whilst unallocated sites have been granted consent.

Instead, the Plan proposes a 'criteria based' approach to dealing with any waste management related proposals that do come forward, which gives sufficient flexibility to the market to meet future needs, with suitable safeguards to prevent unsuitable proposals in the wrong location coming forward. This 'no allocations' for waste management is becoming a common approach for Minerals and Waste Plans across the country, albeit the councils will need to carefully consider representations on this approach as it is likely some waste management operators will object to it (particularly those which are seeking their land to be allocated).

4.17 Second, a number of policies have been updated (or even deleted) compared with the Preliminary Draft version of the Plan, to take into account representations received. Deleted

policies are ones whereby it was considered such policy content was either unnecessary, repeated national policy or could be better merged (and simplified) into another policy. Updated policies reflected representations received and updated national policy. A few examples include:

Policy on Sustainable Development - This policy has received numerous changes, including replacing the first half of the policy as national policy no longer requires such a 'standard' approach. Several other changes include making reference to peat soils, quantifying carbon emissions and adding reference to habitats and species.

Policy on Waste Management Facilities on Non-Allocated Sites - This policy was deleted following the decision not to allocate any sites for waste management. Elements of the policy were incorporated into the overarching Spatial Strategy for Waste.

Policy on Reservoirs and other Incidental Mineral Extraction - This policy was amended to be more supportive (due to environmental benefits which can arise), with some additional wording added relating to sustainability benefits and water resource plans.

Policy on Amenity Considerations - The wording of the policy was amended slightly to state that new development 'must' not result in unacceptable harm, rather that 'should' not, to make it clear that it will not be acceptable for proposals to cause harm, for example to human health.

Policy on Mitigation Measures: This policy was deleted because it was felt by several respondents that other policies within the draft Plan adequately covered mitigation measures, therefore this policy was not needed.

More generally, the opening policies of the Plan, covering matters such as need and spatial strategy, have had significant updates, to bring them in line with the evidence available. It is likely these policies will be the focus of representations, when the Plan is consulted upon.

4.18 Cabinet is asked to consider the Plan (Appendix A) and Maps (Appendix B), and approve them for the purpose of consultation. The same proposals are scheduled to be put to the appropriate CCC meeting later in February, again with a recommendation for approval.

4.19 However, Cabinet has the option to make changes to the attached, prior to consultation. If it does so, any change of significance (i.e. something that materially affects the content of the proposals or policies in the Plan) may also require endorsement from CCC. Officers will manage that situation, if it does arise, in consultation with the Portfolio Holder, and only if necessary will this item be brought back to Cabinet for reconsideration prior to consultation. The recommendations of this report intend to accommodate these scenarios.

5. CONSULTATION

5.1 The purpose of the report to Cabinet is to receive approval to undertake public consultation. This consultation will likely be for 6 weeks, commencing (it is scheduled) in March 2019. One further round of consultation will follow (due later in 2019). Cabinet will receive further reports on the Plan as it emerges, prior to each of the next consultation stage.

5.2 To date, consultation taken place has been:

- internal consultation with officers (including CCC officers)
- focussed technical consultation with certain statutory bodies took place in January-February 2018 in relation to the emerging framework for the sustainability appraisal of the Plan (this consultation was a legal requirement)
- 6 week public consultation on the 'Preliminary Draft' Local Plan
- 8 week (approx) informal consultation with parish councils on the sites suggested to us at the Preliminary Draft stage.

5.3 The Plan as attached (other than minor updates which have occurred since) was considered by

Growth, Environment and Resources Scrutiny Committee on 9 January 2019, and that Committee resolved/recommended three matters (precise wording subject to publication of minutes of such meeting):

- (a) for the committee to receive a briefing note explaining why Peterborough City Council does not have have an HGV route network, as Cambridgeshire does;
- (b) officers to ensure that the Plan is consistent with the revised National Planning Policy Framework, especially in relation to areas containing wildlife habitats; and
- (c) recommendation that the Plan should include reference to the nature reserve near the Maxey gravel extraction site and the fact that the existing reserve will be enhanced.

Officers response to the above is that (a) will be actioned accordingly, and (b) will be a matter picked up as an ongoing process as we prepare the Plan. In respect of (c), whilst the point is acknowledged, it is not considered a fundamental matter in need of addressing for this consultation version of the Plan. As such, officers believe the simplest way to address this point will be through some additional explanatory text to be added to the Plan, prior to the third and final consultation version of the Plan being presented to Cabinet later 2019. This will enable an accurate position to be established, and will avoid any complications with amending the Plan at this stage through the PCC and CCC democratic approval process.

The Plan is also scheduled to have been considered by the Planning and Environment Protection Committee on 29 January 2019, and its views will be orally presented 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 agreed 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 There are no anticipated implications.

Rural Implications

9.4 In a broad sense, there are no rural specific anticipated implications. However, at a very site specific local level, the allocation of new mineral extraction sites will have an impact on that specific rural location. Those impacts, both positive and negative, are taken into account when determining whether a site should proceed to become an allocation in the plan.

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

11. APPENDICES

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

Appendix 2 - Draft Changes to the Policies Map

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