

<b>CABINET</b>	<b>AGENDA ITEM No. 7</b>
<b>23 SEPTEMBER 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Steve Cox - Executive Director Place and Economy	
Cabinet Member(s) responsible:	Councillor Hiller - Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
Contact Officer(s):	Richard Kay - Head of Sustainable Growth Strategy	Tel. 863795

## **CAMBRIDGESHIRE AND PETERBOROUGH MINERALS AND WASTE LOCAL PLAN - PROPOSED SUBMISSION**

R E C O M M E N D A T I O N S	
<b>FROM:</b> Executive Director of Place and Economy	<b>Deadline date:</b> N/A
<p>It is recommended that Cabinet recommends that Council:</p> <ol style="list-style-type: none"> <li>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 six weeks (at some point during November 2019 to January 2020 - if the consultation period includes the Christmas week, then consultation will run for eight weeks); AND its subsequent submission to the Secretary of State for the purpose of independent examination.</li> <li>2. Approves the proposed Policies Map (including associated inset maps) as set out at Appendix B, for the purpose of consultation alongside the Local Plan consultation AND for subsequent submission to the Secretary of State for consideration alongside the examination of the Local Plan.</li> <li>3. Delegates to the Head of Sustainable Growth Strategy any presentational improvements, factual updating, or other inconsequential changes (eg correcting typographical errors or factual inaccuracies) 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 Cambridgeshire County Council's democratic process.</li> <li>4. Delegates 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, but only if it would help to address any more substantive suggested amendments arising from the Plan's consideration by Cambridgeshire County Council's democratic process.</li> <li>5. Delegates to the Head of Sustainable Growth Strategy 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.</li> </ol>	

### **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. In addition, Cabinet decided (4 February 2019) to proceed with a consultation on a 'Further Draft' of that Local Plan.

## 2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to enable Cabinet to consider and recommend to Council the approval of the Proposed Submission Cambridgeshire and Peterborough Minerals and Waste (C&P M&W) Local Plan for public consultation during November 2019 - January 2020, and then submission to the Secretary of State.

2.2 The recommended Proposed Submission C&P M&W Local Plan is available at **Appendix A**, and the accompanying Proposed Submission Policies Map is available at **Appendix B**.

2.3 This report is for Cabinet to consider under its Terms of Reference 3.2.9, 'To commission reviews by and determine any changes of policy proposed by the Scrutiny Committees and Commissions making recommendations to Council about proposed changes to the Council's major policy and budget framework.'

## 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If yes, date for Cabinet meeting	<b>23 Sept 2019</b>
Date for relevant Council meeting	<b>16 Oct 2019</b>	Date for submission to Government Dept.	<b>MHCLG, March 2020 (aprx)</b>

## 4. BACKGROUND AND KEY ISSUES

### Introduction

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. The agreed timetable, therefore, for preparing the Plan is:

- 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

4.2 Officers are pleased to report that the first two stages above were completed on time and on budget. This report sets out the third and final draft version of the Plan which, subject to Cabinet and Full Council approval, will continue to mean we meet our timetable to prepare this new Plan.

4.3 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 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. The Cabinet report of 4 February 2019 set out more details on the outcome of that first consultation.

4.4 Between March - May 2019 the Council consulted (following Cabinet approval to do so, on 4

February 2019) on a Further Draft Local Plan, which included an updated Plan and also identified the preferred locations for new minerals allocations. In summary, the March-May 2019 consultation resulted in just over 400 representations being 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 we provided.

- 4.5 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: [check link]

[http://consult.peterborough.gov.uk/portal/planning/pc/ccc\\_pcc\\_mwlp\\_2036/further\\_draft/jfd?pointId=5075313](http://consult.peterborough.gov.uk/portal/planning/pc/ccc_pcc_mwlp_2036/further_draft/jfd?pointId=5075313)

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

- 4.6 All comments received during the consultation period have been assessed and taken into consideration during the production of the Proposed Submission C&P M&W Local Plan 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, and brief commentary on them, Cabinet 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. However, the total volume of representations actually fell slightly compared with the Preliminary Draft, perhaps reflecting a lack of contentious sites being proposed in sensitive locations.
- Whilst virtually all aspects of the Plan received at least some comment, the focus of representations were on site allocations (or lack of an allocation).
- 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' added as an appendix to the Plan to set out detailed issues in need of consideration for specific sites.
- Some waste operators, and a few other parties, continued to express concern over the lack of waste management allocations. Our evidence base has been reviewed, but officers believe that due to limited waste capacity need, a more flexible criteria based approach to dealing with such future proposals is the most appropriate.
- Some representations believed that the plan was 'not doing enough' for the environment. Officers have, therefore, strengthened policies on matters such as restoration of sites, promotion of electric vehicle charging infrastructure and 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 future planning committee and other planning decision makers should unacceptable proposals be submitted for planning permission.
- Elsewhere, policies have been slightly adjusted or strengthened, in line with Council approved 2019-Motions at both Cambridgeshire CC and Peterborough CC, such Motions directly requiring decisions of the two Councils to make addition effort to address environmental matters and climate change.
- Finally, the opportunity has been taken to iron out any aspect of the plan which were not as clear as it could have been, or not sufficiently in line with national policy.

- 4.7 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 Local Plan**

- 4.8 The Proposed Submission C&P M&W Local Plan (or, in legal terms, it is sometimes known as the 'Publication Draft' Local Plan) is the culmination of extensive work since its inception in July 2017, including consideration of many thousands of pages of evidence and many thousands of representations from the public. Those representations have been extremely helpful in shaping the plan presented, though it is accepted that not everyone will be satisfied with every policy or allocation in the plan.

### **Key Issues**

- 4.9 The Proposed Submission C&P M&W Local Plan broadly follows the thrust and intent of the previous 'Further Draft' version. Changes between the Further Draft version and this updated version are relatively limited, with the main changes reflecting the representations received (as described above).
- 4.10 As such, the Plan remains structured in four main parts, with Core Policies to start with, followed by chapters on Minerals and on Waste, and finally a chapter containing 'development management' style set of policies which apply equally to minerals or waste management proposals. The policies themselves range from specific allocations, minerals and waste specific policies, through to more generic policies such as those to protect our environment or heritage assets. Transport and highways matters also get a strong set of policies.
- 4.11 In terms of allocations, and as was the case at the Further Draft stage, in summary the Plan is proposing to allocate mineral sites but not waste management sites. It also allocates certain areas to be 'safeguarded' from development, or areas where consultation with the minerals and waste authorities will be necessary.

### **Next Steps**

- 4.12 If Cabinet agrees the Proposed Submission C&P M&W Local Plan, and then subsequently Full Council does likewise, then a number of important steps will take place (and the following assumes Cambridgeshire County Council will likewise agree to the following taking place):
- 4.13 First, the Plan (and associated material) will be subject to public consultation for six (legal minimum) or eight weeks, at some point between November 2019 - January 2020. If the consultation period falls over the Christmas break, then the consultation period, it is recommended, will be eight weeks. It is important Full Council (and subsequently members of the public) understand this particular round of consultation.
- 4.14 In simple terms, 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 Council. Instead, they are considered in full by an independent Planning Inspector. It is also important to understand that any objections at this stage must, if they are to be effective and considered by an Inspector, be based on one of the 'tests of soundness' as set down by legislation and national policy. This means that it is not a completely open-ended consultation process, but rather an objector must state why the plan is 'unsound' and what needs to be done to address the matter. It is also important to emphasise that, as set down by legislation, any objections made at earlier consultation stages are not carried forward to this 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.
- 4.15 It is fair to say that many members of the public do not, understandably, always comprehend the process at this stage, and are often surprised to find out that the Council as a whole has no opportunity to amend the Local Plan as a result of the consultation (or, if it did so, it would have

to consult again). As such, we collectively need to make sure the message is as clear as possible, and explain that we are following legislative requirements.

- 4.16 Second, after the close of the consultation in December 2019 or January 2020 (or another nearby date), officers will thereafter upload all representations onto our website (the consultation portal), 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).
- 4.17 Third, as soon as the Plan is 'submitted', the plan is taken out of the hands of the Council and its officers, and is in the hands of a Planning Inspector appointed to 'examine' the Local Plan.
- 4.18 Fourth, that Inspector will consider all representations received, and will hold a number of 'Hearing' sessions as part of the examination, whereby those who wish to verbally raise their objections with the Inspector will get their chance to do so. Officers will sit at all days of the 'hearing', to defend the contents of the Local Plan.
- 4.19 Fifth, ultimately, the Inspector will prepare an Inspector's Report, which will contain a list of any necessary 'Main Modifications'. As Main Modifications, once finalised, are proposed to make a submitted plan sound and legally compliant, they are effectively binding on the Council, if it wants to adopt the Local Plan.
- 4.20 Throughout the 'examination' process, there may be times when the Inspector will indicate that he/she is considering recommending a particular Main Modification, and will normally ask officers whether it could offer suggested wording to meet the concern. As such, Council is requested to delegate authority to the Head of Sustainable Growth Strategy 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 Council as the examination proceeds i.e. they are not formally agreed by the Inspector at this stage (though, in practice, they are informally agreed by the Inspector, as it would be pointless coming up with a draft modification which the Inspector clearly had fundamental objections to).
- 4.21 Such modifications are normally subject to a round of relatively light-touch consultation, before the Inspector formally considers them (though all of this is a matter for the Inspector to decide, and is not set down in legislation). What happens next is that the Inspector normally then uses such a set of modifications to complete the Inspector's Report, though the final set of modifications is entirely in the hands of the Inspector. This is all a rather complex process, both technically and legally, but can be explained in more detail should this be necessary.

### **Policies Map**

- 4.22 Whilst legislatively complex, a fundamental part of the planning system in England is the 'Policies Map'. To be clear, 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.
- 4.23 At the 'submission' stage, it is a legal requirement to submit with the C&P M&W Local Plan those changes which will be made to the Policies Map, should the C&P M&W Local Plan be subsequently adopted. It is those changes which can be found at Appendix B.

### **Programme Officer**

- 4.24 It is a requirement of the examination process to have a Programme Officer in place. Whilst appointed and paid for by the Council, the Officer reports to and acts under the direction of the Inspector. In other words 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. Costs will be split between the two Councils.

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

## **5. CONSULTATION**

### **Previous Consultation Stages**

- 5.1 As set out earlier in this report, the Council (with Cambridgeshire County Council) has carried out two earlier stages of public consultation on the emerging Local Plan as well as wider ongoing informal consultation.

### **Member Consultation**

- 5.2 A draft of the attached Proposed Submission C&P M&W Local Plan has been presented to Planning and Environmental Protection Committee on 3 September and, as requested, a briefing note to the Growth, Environment and Resources Scrutiny Committee. A verbal update arising from these Member consultation process will be given at the Cabinet meeting.

### **Future Consultation**

- 5.2 As set out in this report, subject to approval by Cabinet and Council (and County Council), public consultation on the Proposed Submission Local Plan will commence in November or December 2019. This is the third and final stage of public consultation.
- 5.3 Following the public consultation, the document, and any representations made will be submitted to the Secretary of State, who will arrange for a public examination by an independent Inspector from the Planning Inspectorate.
- 5.4 The Planning Inspector may be minded to make recommendations that would result in significant changes to the Proposed Submission C&P M&W Local Plan. In this case there would likely be a further opportunity for comments on any such potential recommended changes, though this is a matter for the Inspector (not the Council) to determine.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 It is anticipated that Cabinet recommend to Council that it approves the Proposed Submission ('Publication Draft') Minerals and Waste Local Plan for public consultation followed by submission to central government.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 The recommendation will enable the Minerals and Waste Local Plan to continue through its preparation stages, as scheduled, and will ultimately enable the Council to put in place an up to date and adopted Minerals and Waste Local Plan by the end of 2020/21. Cabinet has previously agreed to the principle of preparing the Plan.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The alternative option of not preparing a new Minerals and Waste Local Plan was rejected by Cabinet in July 2017 as part of the approval of Local Development Scheme.
- 8.2 The alternative options for each policy have been assessed as part of the Local Plan Sustainability Appraisal Report and other evidence material. All suggested sites, along with reasonable alternatives, have been assessed against detailed site assessment criteria.

## **9. IMPLICATIONS**

9.1 The Proposed Submission C&P M&W Local Plan will, if subsequently adopted, have implications for all sectors of the community throughout the Local Authority area.

### **Financial Implications**

9.2 The financial implications which arise from approval of the recommendations are

- Costs associated with the ongoing consultation and preparation of the C&P M&W Local Plan. These costs can be met from existing budgets.
- By proceeding to submission and examination of the C&P M&W 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 fees can be substantial. Such fees are charged on a day rate basis (currently set by legislation at £993), and the Council must sign an agreement in advance stating it will pay such fees, whatever the outcome. As an estimate, such fees (including programme officer) will amount to between £50-£150k, payable in 2020/21. Costs will be shared with Cambridgeshire County Council. The Council has already budgeted £75k for year 2020/21 to cover PCC share of such costs.
- There could be indirect financial implications arising from the development of sites (e.g. provision of infrastructure and services for the new residents, Community Infrastructure Levy monies and s106 arrangements, and increased business rates, council tax or other receipts).

### **Legal Implications**

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

### **Equalities Implications**

9.4 All policies and sites within the Proposed Submission Local Plan have been assessed in a Equality Impact Assessment.

## **10. BACKGROUND DOCUMENTS**

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

10.1 A vast amount of evidence has been compiled as part of the plan making process and is either already available on the Council website or will be made available as part of the consultation process due to take place shortly.

10.2 The C&P M&W Local Plan evidence base can be viewed on our website (and will continue to be updated).

## **11. APPENDICES**

11.1 Appendix A - Proposed Submission Local Plan  
Appendix B - Proposed Changes to the Policies Map

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