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| <b>CABINET</b>      | <b>AGENDA ITEM No. 5</b> |
| <b>12 JULY 2021</b> | <b>PUBLIC REPORT</b>     |

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|--------------------------------|---|-------------|
| Report of:                     | Steve Cox – Executive Director Place and Economy  |             |
| Cabinet Member(s) responsible: | Cllr Peter 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 DOCUMENT (VERSION FOR ADOPTION)**

| <b>RECOMMENDATIONS</b>  |                                    |
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| <b>FROM: Executive Director of Place and Economy</b>  | <b>Deadline date: 28 July 2021</b> |
| <p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1. Notes the conclusions of the independent Inspector who was appointed to examine the submitted Cambridgeshire and Peterborough Minerals and Waste Local Plan (see Appendix A);</li> <li>2. Subject to recommendation 6, recommends to Council the adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan as set out in Appendix B, which incorporates modifications as recommended by the Inspector (Inspector ‘Main Modifications’ as found at the end of Appendix A) and other minor editorial modifications (‘Additional Modifications’ – see Appendix C);</li> <li>3. Notes that should Council adopt the Minerals and Waste Local Plan, the following council documents are revoked and must no longer be used for decision making: <ul style="list-style-type: none"> <li>• Minerals and Waste Core Strategy (2011)</li> <li>• Minerals and Waste Site Specific Proposals (2012)</li> </ul> </li> <li>4. Subject to recommendation 2, recommends that Council endorses that the Peterborough ‘Policies Map’ be updated in accordance with Appendix D;</li> <li>5. Subject to recommendation 2, agrees to revoke the following two Supplementary Planning Documents (SPDs) for decision making in Peterborough, but with such revocation only taking effect from the same date that the new Minerals and Waste Local Plan is adopted: <ul style="list-style-type: none"> <li>• Location and Design of Waste Management Facilities Supplementary Planning Document (2011)</li> <li>• RECAP Waste Management Design Guide Supplementary Planning Document (2012)</li> </ul> </li> <li>6. Recommends to Council that recommendation 2 only comes into effect if Cambridgeshire County Council has already agreed to adopt the Local Plan (which it is scheduled to do so on 20 July 2021); or, if that agreement is not yet achieved by Cambridgeshire County Council, recommendation 2 comes into effect from the date that Cambridgeshire County Council does agree to adopt the Plan. If Cambridgeshire County Council agree not to adopt the Plan, then recommendations 2-5 become null and void.</li> </ol> |                                    |

7. Delegates to the Head of Sustainable Growth Strategy, in consultation with colleagues at Cambridgeshire County Council, to make any minor presentational or typographical errors to the documents referred in this item, prior to their publication.

## 1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following Council's decision on 16 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 both Peterborough City Council and Cambridgeshire County 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 (on 26 March 2021) his report to the councils setting out his conclusions on the Plan.

## 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to set out the recommendations made by the independent Inspector and, subsequently, seek Cabinet's approval to recommend the Minerals and Waste Local Plan to Council for adoption.
- 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."*

## 3. TIMESCALES

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|---|---------------------|---|---------------------|
| Is this a Major Policy Item/Statutory Plan? | <b>YES</b>          | If yes, date for Cabinet meeting  | <b>12 July 2021</b> |
| Date for relevant Council meeting           | <b>28 July 2021</b> | Date for submission to Government Dept. (Please specify which Government Dept.) | <b>N/A</b>          |

## 4. BACKGROUND AND KEY ISSUES: CAMBRIDGESHIRE AND PETERBOROUGH LOCAL PLAN – THE INSPECTOR'S REPORT AND THE LOCAL PLAN RECOMMENDED FOR ADOPTION

- 4.1 The preparation of the Cambridgeshire and Peterborough Minerals and Waste Local Plan has reached its final stage. Following public consultation at several points in the Plan preparation process over the last few years, we have now reached the stage where Council has to decide whether to adopt the Minerals and Waste Local Plan as part of its major policy framework. Cambridgeshire County Council has to separately also make that same decision. The Plan cannot come into effect unless both Councils agree to adopt the same Plan.
- 4.2 Cabinet will recall that on 23 September 2019, the 'submission' version was considered before subsequently being approved by Council on 16 October 2019. That approval set in motion two key events:
- I. the issuing of the Minerals and Waste Local Plan by the two councils for its final public consultation stage (November 2019 – January 2020); and
  - II. The 'examination' of the Minerals and Waste Local Plan by an independent Inspector appointed by the Secretary of State, and the subsequent publication of an 'Inspectors Report' (dated 26 March 2021) setting out his recommendations for necessary modifications to the Minerals and Waste Local Plan.

## **Content of the Minerals and Waste Local Plan**

4.3 Before coming to the Inspector's findings and recommendations, Cabinet 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)
- Minerals and Waste Site Specific Proposals (2012)

4.4 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 Peterborough area, it will sit alongside (but not in any way replace) the wider Peterborough Local Plan (July 2019).

## **The Inspector's Role and the Inspector's Report**

4.5 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:

- (i) 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
- (ii) 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.

4.6 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 modifications he deems necessary for the Plan to be 'sound'.

4.7 In summary, the Inspector concludes that the Plan "*provides an appropriate basis for mineral and waste planning within the County of Cambridgeshire and the City of Peterborough*", but that a limited number of modifications are necessary to ensure the Plan is fully 'sound'. The Inspector summarises these as being 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.

Overall, officers consider the modifications recommended by the Inspector to be sensible and appropriate, and do not go to the heart of the overall strategy and policy framework of the Plan

as originally proposed by the two Councils. The modifications do not require, for example, any additional allocations of land to be made, nor do they alter in any fundamental way the policies to assess planning applications we will subsequently receive. Broadly speaking, the modifications are almost entirely amendments which help clarify the purpose and intent of policies, rather than amending the thrust of such policies. Officers of both Councils are therefore recommending to their respective councils that the Inspector's recommended modifications be accepted.

- 4.8 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, below.

### **Adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan**

- 4.9 Cabinet must decide whether to recommend to Council the adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan. Attached at Appendix B is the version of the Plan which Cabinet is asked to recommend to Council. This version incorporates all of 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'.
- 4.10 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 it is not actually 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 district council area, which illustrates the policies of a number of documents combined, namely: a district Local Plan; the Minerals and Waste Local Plan (as it affects that district area); and any Neighbourhood Plans falling in its area. Cabinet and 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 for the Peterborough area needs updating to reflect the content of Appendix D (as will the Policies Maps for each of the districts in Cambridgeshire).
- 4.11 Overall, in terms of the Minerals and Waste Local Plan, and to be absolutely clear on this matter, Cabinet (and then Council) can only support or reject the version as at Appendix B (other than any very minor changes, such as typographical corrections).
- 4.12 If 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 Cambridgeshire County Council agrees to adopt it. Cambridgeshire County Council is scheduled to adopt the Local Plan on 20 July 2021, and if it does so, and if PCC Full Council agree to adopt the Local Plan at its meeting on 28 July, then 28 July 2021 becomes the adoption date for both Councils.
- 4.13 If Council does not agree the Minerals and Waste Local Plan as per Appendix B (other than any additional very minor 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, the County Council would also not be permitted to adopt the Plan, if Peterborough City Council decides not to (and vice versa).

## **5. CONSULTATION**

- 5.1 Extensive consultation, over several years, with the public and a variety of stakeholders, has taken place. Emerging drafts have also been considered by various Scrutiny Committee, Cabinet and Council briefings and meetings (and similarly at Cambridgeshire County Council). The Inspector was satisfied that we had undertaken appropriate, and legally required, consultation throughout.
- 5.2 There is no opportunity for further consultation or public comment on the document (other than a legal challenge to its adoption – see legal implications below).

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

- 6.1 It is anticipated that Cabinet will recommend to Council that the Minerals and Waste Local Plan, as set out in Appendix B, be adopted. By adopting a new Minerals and Waste Local Plan, the council will have a robust and up to date policy document for making decisions on Minerals and Waste planning matters, and it will direct 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 within Peterborough as well as across Cambridgeshire.

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

- 7.1 As outlined in the report, Council only has two substantive options available to it; either adopt the document with the modifications (and any additional very minor corrections if any arise, such as any typographical amendments) or not adopt the document. The former is recommended, as it is a statutory duty to prepare a Minerals and Waste Local Plan, and, in adopting it, Peterborough will have a clear and robust policy document in relation to minerals and waste developments.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The option of not adopting the Minerals and Waste Local Plan is not recommended, as it would result in Peterborough not having up to date policy for planners and minerals and waste operators to use to guide and inform developments. A lack of up to date policy would leave Peterborough vulnerable to speculative developments that may not be in preferred, most sustainable or suitable locations, and could lead to greater challenges at appeal.

## **9. IMPLICATIONS**

- 9.1 The Minerals and Waste Local Plan may have implications for all sectors of society and all wards and parishes of the local authority area, 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.

### **Financial Implications**

- 9.2 There are no immediate financial implications flowing from the adoption of the Local Plan, though it is worth noting that 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 under budget (and this resulted in a favourable financial position in the 2020/21 end of year accounts for this budget line).

### **Legal Implications**

- 9.3 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 of six weeks post adoption 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 Cabinet as and when deemed necessary.

### **Equalities Implications**

- 9.4 The Local Plan has been subject to an Equality Impact Assessment, and has been examined by the Inspector. No substantive equalities implications are forecast to arise.

### **Carbon Impact Assessment**

- 9.5 The recommendation is to adopt a new minerals and waste related planning policy framework and therefore **directly** there will be no impacts, positive or negative. However, **indirectly** the policies in the plan will lead to wide ranging and significant negative (eg extraction of minerals; new developments) and positive climate impacts (eg peat restoration; waste recycling; wider biodiversity gains which should have a net carbon gain). However, these will be matters to consider as part of the formal planning application decision making. Consequently, the recommendations of this report are deemed to have a neutral direct climate impact, and an unknown indirect climate impact (with such indirect impacts a matter for future decision makers).

## **10. BACKGROUND DOCUMENTS**

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

- 10.1 Nil

## **11. APPENDICES**

- 11.1 Appendix A – Inspector’s Report including Main Modifications  
Appendix B – Adoption version of the Cambridgeshire and Peterborough Minerals and Waste Local Plan  
Appendix C – List of Minor Modifications  
Appendix D – Amendments required to be made to the Peterborough Policies Map