

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	New Communities Portfolio Holder Meeting	19 May 2011
AUTHOR/S:	Executive Director, Operational Services / Corporate Manager, Planning and New Communities	

RESULTS OF THE CAMBRIDGESHIRE MINERALS AND WASTE CORE STRATEGY EXAMINATION

Purpose

- 1 The purpose of this report is to inform the Portfolio Holder of the outcome of the recent examination into the Core Strategy (CS) of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Document (MWDPD). This report highlights how South Cambridgeshire district may be affected by the changes to the Core Strategy as a result of the inspectors report.
- 2 This is not a key decision because there are no actions resulting from this report – it is for information only and it was first published in the March 2011 Forward Plan.

Recommendations

- 3 That the New Communities Portfolio holder notes the results of the examination into Core Strategy (CS) of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Document (MWDPD) contained within the Inspectors report.

Reasons for Recommendations

- 4 To ensure that the Portfolio holder is aware of the inspector's report into the MWDP Core Strategy.

Executive Summary

- 5 The report outlines the stages that the Core Strategy of the Minerals and Waste DPD has been through to get to this final inspector's report into the examination and the opportunities South Cambs has made to make comments on the drafts at each consultation. The inspector's report is binding on Cambridgeshire County and Peterborough City Councils.
- 6 The matters submitted in representations by South Cambs in the pre-submission consultation on the CS of the MWDPD and considered in the inspector's report are included in this report. For each issue the report outlines the representation submitted; the response by the Inspector and the comments by South Cambs as a result.
- 7 Minerals
Traffic and highway issues – South Cambs had requested changes to include a new policy for a Routeing Strategy and other measures to address the traffic problems. Amendments have been made to Policy CS32, which strengthens its consideration of heavy traffic associated with mineral workings by including the need to use an Advisory Freight Map.

Air quality issues – South Cambs requested air quality to be specifically mentioned in Policy CS34 and disappointingly this has not been agreed to.

8 Waste

Spatial strategy issue – South Cambs at each stage in the consultation of the MWDPD has been concerned about the development of the spatial strategy for waste particularly that for household recycling centres and whether the strategy had been subject to sustainability appraisal. When the MWDPD was submitted to the Secretary of State additional information was included in a Consultation Statement by Cambridgeshire County Council (CCC), which clarified how the strategy had evolved. South Cambs was able to withdraw its objection.

Waste Transfer Stations – South Cambs requested that a strategy for these should be included in the CS and the inspector has considered that the CS is not the place for this level of detail.

RECAP Waste Management Design Guide SPD – South Cambs was concerned at the contents of this SPD and welcomes that CCC is to carry out further consultation in the autumn on this SPD.

Planning for waste management in new developments issue – South Cambs was concerned at the level of contributions being asked for from developers and how this may affect the viability of schemes. The inspector has stated that the policy in the CS is in accordance with current legislation and so implications of policy should not be feared.

Waste Water Treatment Safeguarding Areas (WWTSA) – South Cambs had questioned the arbitrary nature of the 400metre safeguarding area and the fact that local circumstances are not taken into consideration in defining WWTSA. CCC for the examination included in their evidence a document that explained the reason for the 400 metres. The inspector recognised that local variations may influence the area affected by odours from waste but stated that land in the WWTSA was not a 'no go zone'.

Mineral Safeguarding Areas (MSA) – South Cambs requested an amendment to the policy for MSA to emphasis that there is no presumption that land safeguarded for minerals will ever be worked. The inspector has rejected this and also the request for revisions to some of the boundaries of MSA since within the district some large areas are safeguarded within conservation areas.

Other matters of interest to South Cambs – Chesterton Sidings is designated as a Transport Zone in Policy CS23 whereas previously it had been a Transport Protection Zone in the Site Specific Policies DPD.

Background

- 9 Cambridgeshire County Council has prepared jointly with Peterborough City Council the MWDPD and this sets the framework for all minerals and waste developments over the period 2006 –2026 across the County of Cambridgeshire and within the Peterborough area. The procedures for preparing the MWDPD have been lengthy and have included significant public consultation¹. South Cambs has responded at all the relevant stages.

- 10 Before the MWDPD was submitted to the Secretary of State it was subject to a further 6 weeks of consultation and the Council responded to this in March 2010.

¹ Public consultation on MWDP - Two rounds of Issues and Options (June 2005 and January 2006); Two rounds of Preferred Options (November 2006 and October 2008) ; Two rounds of consultation on additional proposed sites (both early 2009); Pre-submission consultation March 2010)

- 11 As a result of the representations made during this consultation an examination was arranged to consider them. The CS was examined first by the inspector and hearings were held between 30 November and 15 December 2010. South Cambridgeshire submitted written representations that were considered by the inspector.
- 12 A further examination is to be held for the Site Specific Policies DPD for the MWDPD conducted by the same inspector beginning on 28th June 2011 for two weeks.

Inspectors Report

- 13 The inspector's report was published on 15 March 2011 and the recommendations in this will be binding on Cambridgeshire County and Peterborough City Councils (the Councils). The report concludes that the CS is sound if a number of changes are made to it and these are set out in his report. The report can be found on the County Council's website at the following link –
<http://www.cambridgeshire.gov.uk/environment/planning/mineralswasteframework/mineralswasteplan/dpdexamination/corestrategy/inspectorsreport.htm>
- 14 Throughout the inquiry the two Councils published suggested changes to the CS and the inspector has accepted many of these amendments in his report. His report is accompanied by a detailed appendix, which lists the significant changes to the Core Strategy. The significant changes that may affect South Cambridgeshire are included in Appendix 2 of this report.

Matters raised by South Cambridgeshire relating to the Submission version of the Core Strategy

- 15 When the MWDPD was submitted to the Secretary of State it was accompanied by a number of supporting documents – one of which was a *Statement of Main Issues Raised (Regulation 30(1)(e))* which outlined the matters covered by the representations made to Cambridgeshire County and Peterborough Councils and included their initial responses. These responses provided additional information about some issues raised by South Cambs and as a result some questions the Council had asked were answered. This document is available on the County's website at the following link
<http://www.cambridgeshire.gov.uk/NR/rdonlyres/CBFD5852-0E98-4122-82DF-089744AC723A/0/C08Reg301eCSMainIssuesReporta.pdf>
- 16 The report to the Council's Planning and New Communities Joint Portfolio Holders meeting on 2 March 2010 agreed the response to the Pre- Submission version of the MWDPD This outlined the Council's detailed concerns to both the Core Strategy (CS) and the Site Specific Policies DPDs. (See Appendix 1 for the extracts of this report which relate specifically to the CS). The matters raised in this report and how the inspector has responded are considered in turn below

MINERALS

Traffic and highways Issues –

Routeing Strategy and other measures to address the traffic problems

- 17 South Cambs Representation –
The CS does not contain a routeing strategy policy for Cambridgeshire and Peterborough and therefore the Council objected to this and requested that the CS be revised to include such a policy.

- 18 The Council also requested that *Policy CS 32 Traffic and Highways* be amended. Measures to address the problems with minerals and waste operation related traffic included in this policy only related to the Earith/ Mepal area and South Cambs requested that the policy be revised so they are considered for the whole of the plan area.
- 19 Policy CS32 gives three criteria that must be considered before permission is given for mineral and waste development – one of which is that ‘ any associated increase in traffic or highway improvements would not cause unacceptable harm to the environment, road safety or residential amenity.’ This does not recognise that it is not just the increase in traffic but the nature of the vehicles associated with these types of development – i.e. large lorries / HCVs. The County Council has recently been out for consultation on a suggested route map for all HCVs for the County and South Cambs Council requested that this should be included within Policy CS32 to assist in devising suitable routes for mineral and waste traffic.
- 20 Response by the Inspector
Inspector's report Page 29 Transport - Paragraph 117 – 119
 The Inspector recognised that one of the principal concerns raised by individuals and community groups in representations was the effect of the transportation of large quantities of minerals and waste by road and that this has implications for the sustainable location of quarries, landfill and facilities. He also recognised that this has the clear potential to affect adversely the quality of life of those living close to the routes used and the convenience and safety of the users of those roads. He states ‘... *Policy CS 32 seeks to address these concerns, but inevitably may do so only in general terms consistent with the strategic nature of the Plan. It is not within its remit to set weight limits on roads or to define specific routes for individual facilities.*’
- 21 The Inspector notes that Policy CS32 and the supporting text refer to directing HCV traffic to Primary Roads as defined by the Highway Authority but not all are suitable for additional heavy traffic. Cambridgeshire County Council (CCC) has published an Advisory Freight Map since the MWDPD was written and this identifies suitable roads. The Inspector has therefore proposed that this map is mentioned in the policy and text. (See Appendix 2 - Significant change (SC) S28; SC97). He states ‘ *The next stage of work by the Highway Authority will be to draw up a lorry management strategy and assessment framework, which will build on the Advisory Freight Map and will provide haulage guidance on appropriate roads. There may be the potential to impose environmental weight restrictions. This work is at the consultation stage and is due to be considered by Cambridgeshire soon. I have confidence that the matter is being addressed, but that there is a limit to the control that may be exercised directly through the CS.*’
- 22 A fourth criterion is to be included in Policy CS32 to make it clear that backloading agreements, routeing arrangements and HCV signage may apply to all sites and not only Block Fen/ Langwood Fen.
- 23 Comments by South Cambs
 The Inspector has not included an additional policy about routeing strategy but has strengthened Policy CS32, which does go some way to addressing the Council's concerns. He indicates that the CS has a limited remit, which relates to planning matters and that it will be for the County, as Highway Authority to control wider transport issues not for the CS. He has added a fourth criterion to the policy about measures to tackle traffic management which will apply to all sites and has included in the policy the Advisory Freight Map to inform this. By having the Advisory Freight Map this does provide for a county-wide consideration of the movement of lorries

along suitable roads and if this is to be accompanied by a lorry management strategy then the traffic implications of future minerals and waste developments will not be considered in an ad hoc way.

Air quality issues

24 South Cambs Representation –

The Council was concerned that Policy CS34 *Protecting Surrounding Uses* did not specifically include mention of air quality in the context of National Air Quality Objectives pollutants and impact locally. The Council had also requested that air quality be a matter considered in the design of mineral and waste facilities and in paragraph 8.17 of CS where a list is provided this is not the case.

25 Response by the Inspector

Inspector's report Page 31- Paragraph 126

The inspector has stated '*Policy CS34 ...It clearly indicates as material considerations the potential for harm to the environment, human health and safety and existing or proposed neighbouring land uses, together with visual intrusion and loss to residential and other amenities. There is no need to provide a more detailed list. For example, air quality, which is not individually mentioned, may be regarded as falling under the headings of the environment, human health and amenity.*'

26 Comments by South Cambs

The Inspector has not considered it necessary to provide detailed lists, which is disappointing especially with regards the omission in paragraph 8.17.

WASTE

Spatial strategy

27 South Cambs Representation –

The Council has at each consultation stage of the MWDP been concerned about the development of the spatial strategy for waste. It is important that a strategy for waste is clearly set out in the CS in order that in the future waste of the County is efficiently and effectively collected; managed and disposed or recycled in the most sustainable way.

28 South Cambs has had particular concerns about the strategy for household recycling centres. Cambridgeshire County Council adopted the Cambridgeshire Household Recycling Strategy (CHRS) in December 2006, which sets out the strategy for delivering these facilities. The County Council in its role as the Waste Disposal Authority rather than Waste Planning Authority prepared this strategy for Cambridgeshire. South Cambs submitted a representation stating its concerns about the use of this waste strategy (CHRS) in determining a spatial strategy within the Core Strategy and that there had not been an opportunity to formally comment on this document.

29 The County and City Councils have responded to this in their Regulation 30 (1)(e) Consultation Statement of the CS stating on page 16 that '*...the strategy has been supplemented by further work which has refined the need and best locations for new or replacement Household Recycling Centres (HRCs). The Strategy of providing a network of such facilities is embedded in Policy CS16 of the Minerals and Waste Plan and has been subject to sustainability appraisal.*'

30 The position statement draft of this strategy was listed as a supporting document to the Preferred Options 1 stage consultation in November 2006 in the Reference

Library for the CS examination. The County Councils state that the strategy is embedded in Policy CS16 and therefore has been subject to sustainability appraisal along with all the policies in the CS.

- 31 South Cambs accepts that the County Council in preparing the CS has eventually developed a waste strategy and that sustainability appraisals have been carried out. With the additional clarification provided in the Consultation Statement of the CS it was therefore possible for the Council to indicate to the Inspector prior to the examination that our objection could be withdrawn. The matter is therefore not included in the Inspector's report.
- 32 However it should be noted that the Inspector did mention Policy CS16 and the care that will have to be taken to ensure that HRCs, with their semi-industrial nature, can be integrated successfully into high density, mostly residential urban areas such as is planned for Cambridge East, yet remain easily accessible. (*Inspector's report Page 22 – Paragraph 82*)

Waste Transfer Stations

- 33 South Cambs Representation –
The Council was concerned that a strategy for waste transfer stations was not included in the CS.
- 34 Response by the Inspector
Inspector's report Page 22 - Paragraph 85
The Inspector has stated 'The Plan does not make explicit provision for all facilities recognised as being important to securing sustainable waste management, for example, waste transfer stations. But waste management is a dynamic activity and there would be many such facilities, which it would be practically impossible to identify individually. A Core Strategy is not the place for that level of detail.'
- 35 Comments by South Cambs
No changes have therefore been suggested to the CS and the Inspector's comments are noted.

RECAP Waste Management Design Guide SPD

- 36 South Cambs Representation –
Much of the success of achieving Policy CS28 *Waste Minimisation, Re-use and Resource Recovery* will rely on the contents of *RECAP Waste Management Design Guide Supplementary Planning Document (SPD)* which was out for consultation alongside the proposed Submission MWDPD in March 2010. South Cambs was concerned that the contents of the SPD were not robust enough to achieve this. Cambridgeshire County Council (CCC) and Peterborough City Council (PCC) have since the close of this public consultation produced in June a Position Statement regarding the RECAP Waste Management Design Guide. They have indicated in this statement that further consultation will be carried out on an amended version of this SPD.
- 37 Response by the Inspector
Inspector's report Page 22 - Paragraph 83-84
The Inspector has indicated that the contents of the SPD are not a matter for the CS examination to recommend changes. He notes that CCC and PCC are looking to amend the SPD.

- 38 Some changes has been made to the supporting text to clarify the applicability of the SPD and ensure consistency with the policy (SC98)

39 Comments by South Cambs

South Cambs welcomes the clarification to the supporting text and the fact that the SPD is to be amended and further consultation to be carried out on the revised contents. This consultation is to take place in the autumn and South Cambs will respond to it.

Planning for waste management in new developments

40 South Cambs Representation –

The Council was concerned at the contributions being asked for from developers with regards waste facilities in a number of different policies - Policy CS16 *Household Recycling Centre* and Policy CS18 *Waste Management Proposals Outside Allocated Areas*. South Cambs were concerned that this could affect the viability of developments.

41 Response by the Inspector

Inspector's report Page 22 - Paragraph 84

The Inspector states 'Local authorities are naturally concerned about the potential effect of contributions on the viability of development in their area. But any would in accordance with current legislation and national guidance have to be necessary, fairly and reasonably related in scale and kind to the development in question, and directly related to it. Consequently, there should be no reason to fear the implications of this policy as proposed to be changed which, in any event, would be implemented alongside other elements of the development plan adopted by individual district councils.'

42 Comments by South Cambs

The Inspector's comments are noted.

Waste Water Treatment Safeguarding Areas (WWTSA)

43 South Cambs Representation –

The Council had questioned why wastewater treatment works (WWTW) have a safeguarding area, which extends an arbitrary 400 metres around the boundary of a site. No reasoned justification is given for the distance and no account take of local circumstances resulting in the whole of the area within the safeguarding being potentially blighted. South Cambs asked that Policy CS31 *Waste Water Treatment Works Safeguarding Areas* and the supporting text be amended to take these two matters into account.

- 44 The County and City Councils have included in the General Evidence papers of the CS Examination a Waste Water Treatment Background Report dated September 2008, which explains where the distance of 400 metres originates (see paragraph 3.0.3). It was one of the search criteria used when CCC was considering relocating the Cambridge WWTW and the criteria was for 400 metres from existing residential development. This was consistent with the Town and Country Planning (General Permitted Development) Order Part 6 which does not allow as permitted development the construction of agricultural slurry tanks within 400 metres of protected buildings². This ensures that the potential impact of odour is considered in a planning application. The County and City Councils therefore have considered it appropriate

² Protected buildings are defined as ones normally occupied by people

to use the 400-metre distance from a WWTW for defining their safeguarding area around WWTWs within the CS.

45 Response by the Inspector

Inspector's report Page 27 - Paragraph 111

The Inspector has stated '.... While recognising that there will be local variations in the extent of influence, for example by reason of wind direction, it is reasonable to draw a comparison. This is therefore an appropriate rule of thumb to apply. There is no need for the justification to appear in the Plan. the definition of the WWTWSA does not equate to a "no-go-zone"...Not all buildings occupied by people will be equally sensitive to smell '

46 Comments by South Cambs

The Council recognises that a safeguarding limit of 400 metres has been justified by the County and City Councils and is not simply an arbitrary figure. South Cambs notes the comments of the Inspector regarding the land within safeguarding area as not being considered a no-go zone.

Mineral Safeguarding Areas (MSA) (Policy CS25)

47 South Cambs Representation –

The Council had requested that Policy CS25 *Mineral Safeguarding Areas* should include within it wording that emphasizes that there is no presumption that the land safeguarded for minerals will ever be worked for the extraction of minerals.

48 The Council had also requested that the boundaries of MSA be revised because there are extensive areas of sand and gravel identified in MSAs in South Cambs where it is important to protect the landscape character and setting of Cambridge. The MSAs also impact on many villages that have conservation areas. The Council had suggested that the methodology for identifying MSAs was not correct if such areas were included.

49 Response by the Inspector

Inspector's report Page 25 - Paragraph 95-98

The Inspector has recognised that '...Inevitably, lack of detailed information in some areas means that the MSAs will be somewhat broad brush, and may contain areas with little or no mineral value. It is recognised that other information may come forward at a later date that may require revisions to be made. The application of the criteria within the policy provides such an opportunity. The MSAs have been drawn up having regard to the best information available. There is insufficient information in the context of the CS to exclude individual sites or areas from them..... Supporting text makes it clear that the inclusion of land in an MSA does not carry with it a presumption in favour of mineral extraction. It is unnecessary for this to be included in the policy itself, not least because it is set out in MPS1.'

50 Comments by South Cambs

South Cambs note the Inspectors comments.

Matters mentioned in the Inspector's report of interest to South Cambs

51 **Transport Zones and Safeguarding**

Inspector's report Page 28 - Paragraph 113-114

There has been an alteration to the terminology relating to Policy CS23 Transport Protection Zones (TPZ). Cambridgeshire County Council and Peterborough City

Council have suggested this and the Inspector has accepted it. Transport Zones (TZ) are defined now for the sites themselves and these will be protected through the designation of Transport Safeguarding Areas (TSA). TZ and TSA will be designated in the Site Specific Policies DPD (SSP) of the MWDP.

- 52 Chesterton Sidings has been designated as a TZ within Policy CS23. This was formerly a TPZ identified only in the SSP.

Options

- 53 This report is to note the inspector's report and since his report is binding on Cambridgeshire County and Peterborough City Councils the CS will have to be amended according to his proposals. This Council could not request any changes or influence the Councils as to which amendments to take account of.

Implications

54	Financial	None
	Legal	Noting the contents of a planning policy document to be adopted by Cambridgeshire County Council
	Staffing	Within existing resources.
	Risk Management	No significant risks. To be aware of the contents of the Minerals and Waste Core Strategy DPD
	Equality and Diversity	Nil
	Equality Impact Assessment completed	Yes An EIA was carried out by the County Council on the Minerals and Waste Development Plan.
	Climate Change	Policies in the Minerals and Waste Core Strategy DPD considered the impact of climate change.

Consultations

- 55 The report that agreed the Council's responses to the Pre- Submission MWDP was prepared with the assistance from other departments within the Council – Environmental Health; Section 106 Agreement Officer and they have been made aware of the contents of the Inspector's report and the implications for South Cambs.

Consultation with Children and Young People

- 56 This report is for information only and therefore additional consultation has not been carried out on the contents of the inspector's report. Cambridgeshire County and Peterborough City Councils carried out consultations on the CS of the MWDPD last year, which followed the guidelines within their adopted Statement of Community Involvement (SCI). The SCI included the need to involve youth groups.

Effect on Strategic Aims

- 57 The Strategic Aims that this report could help to achieve are as follows - .
Ensuring that South Cambridgeshire continues to be a safe and healthy place for you and your family - This report notes the Inspector's report on the CS examinations and highlights where South Cambs has been able to get changes to the CS to make this district a safe and healthy place For example the success in the revision on the transport policy - getting this changed to include more measures to address the

problems of transporting of minerals and waste along suitable roads within the County.

Making South Cambridgeshire a place in which residents can feel proud to live - Ensuring that where mineral and waste sites are within this District that the CS has policies within it to ensure where possible that the environment and quality of peoples lives is not adversely affected by the sites.

Assisting provision for local jobs for you and your family – By supporting the aims and objectives of the CS there are sections of the population of the District that will be employed in the minerals and waste industries and this will help to safeguard their jobs.

Providing a voice for rural life – South Cambs by participating in the CS consultation were able to provide comments on behalf of the residents of the District .

Conclusions / Summary

- 58 This report outlines the results of the CS examination and highlights where the Inspector's report has addressed matters that the Council had commented on in the consultation of the Pre- submission of the CS.
- 59 Appendix 2 contains a schedule of all the Significant Changes to the CS made by the Inspector where they may affect our District.
- 60 It is the intention of Cambridgeshire County Council to adopt the Core Strategy as amended by the inspector's report at a meeting of the full council on 19th July 2011.

Background Papers: the following background papers were used in the preparation of this report:

South Cambs response to Preferred Options Consultation of the Minerals and Waste Development Plan – Cabinet Report 14 December 2006

South Cambs response to the Preferred Options 2 Consultation of the Minerals and Waste Development Plan. – Cabinet Report 9 October 2008 (September 2008)

South Cambs response to the New Sites proposed during Preferred Options 2 consultation March 2009. – Joint New Communities and Planning Portfolio report (10 March 2009)

Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD Submission Plan 2010

Core Strategy Statement of Main Issues Raised Regulation 30(1)(e) Consultation Statement

The Inspector's Report on the Examination into the Cambridgeshire and Peterborough Minerals and Waste Core Strategy March 2011

Position Statement regarding the RECAP Waste Management Design Guide - Cambridgeshire County Council – June 2010

Waste Water Treatment Background Report dated September 2008 (Cambridgeshire County Council)

Contact Officer: Alison Talkington – Senior Planning Policy Officer
Telephone: (01954) 713182

Appendices

- Appendix 1 - Extract from the Planning and New Communities Joint Portfolio Holder report on 2 March 2010 – 'Response to consultation by Cambridgeshire County Council and Peterborough City Council on the Proposed Submission version of the Minerals and Waste Development Plan'.
- Appendix 2 - Schedule of the significant changes from the Inspector's report that may affect South Cambridgeshire.