

FD.EVR16

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 16: Consultation Areas (CAs)

(Was part of a number of policies at the Preliminary Draft stage, now brought into one policy.

Previous policies were:

- **Policy 7: Mineral Allocation Areas (MAAs), Mineral Allocation Consultation Areas (MACAs) and Mineral Safeguarding Areas (MSAs).**
- **Policy 11: Waste Allocation Areas (WAAs) and Waste Consultation Areas (WACAs)**
- **Policy 12: Water Recycling Areas (WRAAs) and Water Recycling Consultation Areas (WRCAs)**
- **Policy 17: Transport Infrastructure Allocation Areas (TIAAs) and Transport Infrastructure Consultation Areas (TICAs)**

March 2019

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1. Introduction and National Policy Context

Introduction

- 1.1. Cambridgeshire County Council and Peterborough City Council are reviewing their joint adopted Minerals and Waste Development Plan and supporting documents. These comprise the following documents (with adoption date):
 - Core Strategy Development Plan Document (DPD) (July 2011)
 - Site Allocations DPD (February 2012)
 - Block Fen and Langwood SPD (July 2011)
 - Location and Design of Waste Management Facilities SPD (July 2011)
 - RECAP Waste Management Design Guide SPD (February 2012)
- 1.2. The above Local Development Documents are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2036. The new Local Plan will set the overall spatial framework and development management policies for sustainable mineral and waste management development across the plan area.
- 1.3. This Evidence Report provides a narrative on the development of and justification for Policy 16: Consultation Areas (CAs).

National policy

- 1.4. The National Planning Policy Framework (NPPF 2019) and National Planning Practice Guidance (NPPG) provide the basis of national planning policy. Of specific relevance to Policy 17 are the following paragraphs of the NPPF:
 - Paragraph 11 sets out the presumption in favour of sustainable development in relation to plan-making and decision-taking.
 - Paragraph 182 - "...*Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development ... the applicant (or 'agent of change') should be required to provide suitable mitigation...*"
 - Paragraph 204 (e) - "*Planning policies should safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete...*"
- 1.5. The NPPG includes a specific section relating to minerals development. Within this section, Paragraph 006 (Reference ID: 27-006-20140306) states: "*Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:*
 - *ensure that sites for these purposes are available should they be needed; and*
 - *prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.*

In areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest

largely with the district planning authority. Exceptions will be where such facilities and sites are located at quarries or aggregate wharves or rail terminals.”

2. Local Context in Relation to Policy 16:

- 2.1. Minerals and Waste Management policy in the Plan area has long had ‘consultation areas’ around key minerals and waste management allocations and existing facilities.
- 2.2. There are no specific local context in terms of consultation areas.

3. Minerals & Waste Local Plan Policy

- 3.1. The Preliminary Draft Plan was published on 16 May 2018 and consulted on over a six week period to 26 June 2018. At that stage, the format of the Plan was proposing that policy on ‘consultation areas’ would be in the same policy as the linked allocations (around which form the consultation areas). However, the Councils have decided that a better, more succinct policy framework would be to bring all such policy on consultation areas within a single policy. Accordingly, Policy 16 brings together parts of what were four other policies at the Preliminary Draft stage, namely:
 - Policy 7: Mineral Allocation Areas (MAAs), Mineral Allocation Consultation Areas (MACAs) and Mineral Safeguarding Areas (MSAs).
 - Policy 11: Waste Allocation Areas (WAAs) and Waste Consultation Areas (WACAs)
 - Policy 12: Water Recycling Areas (WRAAs) and Water Recycling Consultation Areas (WRCAs)
 - Policy 17: Transport Infrastructure Allocation Areas (TIAAs) and Transport Infrastructure Consultation Areas (TICAs)
- 3.2. During the Preliminary Draft Consultation stage, there were the following representations made on each policy above:
- 3.3. Policy 7: 4 representations were received, which in summary suggested:
 - The existing permitted site at Dimmock’s Cote, Wicken and surrounding land should continue to be safeguarded as a mineral site (i.e. MSA). The site should also retain its mineral consultation area and in view of the recently permitted uses it should also have a waste consultation area.
 - The need to protect existing sites through consultation areas is supported and the need to rationalise the current system is welcomed. If the existing permitted sites are to be shown in MACAs and WACAs it should be noted that a slight error exists in the existing permitted area at the Waterbeach Waste Management Park which will need to be amended to reflect the planning permission boundary.
 - Company seeks safeguarding of its Asphalt plant at Peterborough and Ready Mix Plants at Cambridge
 - Policy 7 (Mineral Allocations etc.) should continue to reflect the requirement to be able to balance the policy and be flexible to change during the plan period. The first sentence

should include provision for alternative development, but only where it can be demonstrated that is acceptable, when considered against the other policies of the plan, and that the mineral has been appropriately won.

3.4. Policy 11: Several representations were made on this policy, including:

- The need to protect existing sites through consultation areas is supported and the need to rationalise the current system is welcomed.
- If the existing permitted sites are to be shown in MACAs and WACAs it should be noted that a slight error exists in the existing permitted area at the Waterbeach Waste Management Park which will need to be amended to reflect the planning permission boundary.
- Greater clarity should be provided to the definition of 'significant contribution' as this is ambiguous
- Reference should be made to the amenity issues where the WACA now covers pre-existing development.
- Other comments, not relevant to Consultation Areas (such comments are addressed in other relevant EVR reports).

3.5. Policy 12: Several representations were made on this policy, including:

- The designated 400 metres does not appear to me to be wide enough an area around proposed sites. Is this 400 metre figure supported by scientific data to indicate that it is safe?
- Anglian Water is largely supportive of Policy 12 as drafted but has some detailed comments.
- Other comments, not relevant to Consultation Areas (such comments are addressed in other relevant EVR reports).

3.6. Policy 17: Two representations made on this policy, of which, one was a general expression of support for the policy and the other a general comment suggesting that a specific allocation (Chesterton) not be carried forward from the adopted plan.

3.7. All representations were carefully considered.

3.8. As a consequence of the representations, as well considering any new evidence which may have emerged, the Councils have amended the four policies and created a single overarching Consultation Area policy. Generally speaking, the thrust of 'consultation areas' have been retained from the Preliminary Draft to the Further Draft, and comments are now being sought on the combined policy.

4. Alternative Reasonable Options

4.1. The following alternative options have been considered (including in the Sustainability Appraisal Report):

- Option 1: A policy which establishes consultation areas (CA) (buffers) around current and future mineral and waste development and associated infrastructure, and which provides criteria to determine what development may be acceptable. This is the preferred approach as it would provide sufficient protection for Mineral Allocation Areas (MAAs), Mineral Development Areas (MDAs), Waste Management Areas (WMAs),

Transport Infrastructure Areas (TIAs) and Water Recycling Areas (WRAs). It will also help to prevent non minerals and waste development being adversely impacted by such operations.

- Option 2: Introduce a policy with a larger CA buffer. This option has been discounted as to implement a larger buffer could potentially impact upon, and hinder, other forms of development. The current buffer zone distance of 250m (400m for WRAs) provides an adequate distance from which the existing use is unlikely to be prejudiced. Any larger buffer would be unnecessarily restrictive or onerous.
- Option 3: Have no policy in relation to consultation areas (i.e. no buffer). This option has been discounted, as to have no buffer, would have the potential for new development to take place that could then prejudice the existing or future use of sites designated as MAAs, MDAs, WMAs, TIAs and WRAs. The presence of the CA buffer area ensures that the Mineral Planning Authority or Waste Planning Authority is consulted on all but a few specific types of planning applications.

4.2. Option 1 is therefore the preferred option.

5. Conclusion

- 5.1. This evidence report demonstrates the rationale for the inclusion of this policy in the Further Draft Plan, and also demonstrates a summary of the issues raised at the earlier Preliminary Draft stage, and how the Councils have considered those issues raised.
- 5.2. Any representations received at the Further Draft consultation stage will be carefully considered, and this Evidence Report will be updated prior to the third and final consultation stage due in late 2019.