

**FD.EVR24**

# **Cambridgeshire and Peterborough Minerals and Waste Local Plan**

## **Policy 24: Sustainable Use of Soils**

(was Policy 26 at the Preliminary Draft stage)

**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 24: Sustainable Use of Soils in the emerging new Local Plan.

## 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 24 are the following areas of the NPPF and NPPG:
  - Paragraph 170 - *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*
    - a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
    - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;...*”
  - Paragraph 204 - *“Planning Policies should:...h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.”*
  - Paragraph 205 - *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:...d) not grant planning permission for peat extraction from new or extended sites; e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions...;”*
- 1.5. A number of paragraphs from the NPPG are also relevant, as follows

*“The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: ...soil resources;... impact on best and most versatile agricultural land;...” (Paragraph: 013 Reference ID: 27-013-20140306)*

*“The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:*

*an overall restoration strategy, identifying the proposed after use of the site;  
information about soil resources and hydrology, and how the  
topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is  
taking place;  
where the land is agricultural land, an assessment of the agricultural land classification  
grade;...*

*Where working is proposed on the best and most versatile agricultural land the outline  
strategy should show, where practicable, how the methods used in the restoration and  
aftercare enable the land to retain its longer term capability, though the proposed after-use  
need not always be for agriculture...” (Paragraph: 040 Reference ID: 27-040-20140306)*

1.6. This policy is also linked to the broader sustainable development agenda. Sustainable development is at the heart of the NPPF. Of specific relevance to Policy 24 are the following areas of the NPPF:

- Paragraph 7 explains that *‘The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.’*
- Paragraph 9 explains that *‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area’*
- Paragraph 10 states *‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.’*
- Paragraph 20 explains that policies should include *‘planning measures to address climate change mitigation and adaptation’*.
- Paragraphs 149-150 are potential relevant to this policy:

*“149. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.*

*150. New development should be planned for in ways that:*

*a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care*

should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."

- 1.7. The Climate Change Act 2008 sets up a framework for the UK to achieve its long-term goals of reducing greenhouse gas emissions and to ensure steps are taken towards adapting to the impact of climate change. Accordingly, the Local Plan must be consistent with section 19 (1A) of the Planning and Compulsory Purchase Act 2004, which requires local planning authorities to address climate change in preparing Development Plan Documents:

*"Development Plan Documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation, and adaptation to, climate change".*

source: <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

## 2. Local Context in Relation to Policy 24: Sustainable Use of Soils

- 2.1. Agricultural land is an important national resource, and together Cambridgeshire and Peterborough have a larger proportion of high quality agricultural land than any other area in England.
- 2.2. In addition, lowland peatlands represent one of the most carbon-rich ecosystems in the UK, and Cambridgeshire and Peterborough has extensive such lands. As a result of widespread modification and drainage (usually to support agriculture), they have been converted from natural carbon sinks into major carbon emitting sources, and are now amongst the largest sources of greenhouse gas (GHG) emissions from the UK land-use sector. Minerals development especially can cause considerable loss of high quality agricultural land and / or peat land, and is an important consideration for proposals. However, restoration schemes can have a positive effect, such as the creation of lowland wetland areas, which help preserve soils and peat, and minimise (or even reverse) carbon losses.

## 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.
- 3.2. The original basis of including a Policy 2 in the new Local Plan is a carry over of adopted policy CS38 Sustainable Use of Soils.
- 3.3. During the Preliminary Draft Consultation (when the Policy was number 26), there were 4 representations made on this policy, most of which were in objection to it. In summary, the main issues raised were:
  - The policy does not reflect the importance of peat soils, their importance as a carbon store and their ability to help mitigate climate change. The threat to the fenland peat

soils due to current land management practices should also be reflected, and additional policy wording included to ensure sustainable use and management of peat soils.

- The policy should state “Minerals or waste development which permanently affects the best and most versatile...”

3.4. All representations were carefully considered.

3.5. As a consequence of the representations, as well considering any new evidence which may have emerged, the policy has been amended for the Further Draft Local Plan as follows:

3.6. The Councils agree with the principle of the Plan addressing the matter of peat soils, and the carbon implications of its disturbance. However, the Councils have decided to address this matter, as far as is practicable, in the overarching Policy 1 on Sustainable Development.

3.7. The Councils have decided not to take forward the suggestion to amend the policy to only refer to permanent loss of agricultural land. Whilst permanence is clearly worse than temporary, there is precedence in the planning system to take into account the implications of any temporary harm, and, with minerals proposals, ‘temporary’ could of course be a substantial period of time, during which harm to soils (including loss of use of soils) could occur.

3.8. The Councils have taken the opportunity to review the policy content, and have amended it in a number of ways for clarity and effectiveness, and to ensure no inconsistency or repetition of other policies. The intent, however, remains broadly the same. The Policy number has changed to 24.

## 4. Alternative Reasonable Options

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

- Option 1 (preferred option): Include a policy on the sustainable use of soils, reflecting the local importance of such soils. In doing so, this retains the existing policy approach as set out in the adopted Plan (i.e “business as usual”). This is the preferred option, setting out a clear policy position on the use of soils, consistent with national policy, although some minor wording changes have been made since the adopted policy version.
- Option 2: To not have a policy relating to the sustainable use of soils and rely on national guidance. This option has been rejected as it does not recognise the importance and large extent of higher grade agricultural land to Peterborough and Cambridgeshire.

## 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.