

FD.EVR4

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 4: Providing for Waste Management

(this Policy is largely formed from: Policy 4 (The Spatial Strategy for Waste); Policy 6 (Waste Management Facilities on non-allocated sites) and Policy 13 (Landfill and Land Raising) at the Preliminary Draft stage)

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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 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 4: Providing for Waste Management 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 4 are the following areas of the NPPF:
 - Paragraph 20 - *“Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:...b) infrastructure for...waste management...”*
- 1.5. A number of Paragraphs from the NPPG are also relevant, as follows:

“The Local Plan relating to waste should identify sufficient opportunities to meet the identified needs of an area for the management of waste, aiming to drive waste management up the Waste Hierarchy. It should ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations.” (Paragraph: 011 Reference ID: 28-011-20141016)

“Waste planning authorities should plan for the sustainable management of waste including:

 - *Municipal/household*
 - *Commercial/industrial ...”* (Paragraph: 013 Reference ID: 28-013-20141016)

1.6. In addition to the NPPF and NPPG, other national legislation or policy relevant to Policy 4 is the National Planning Policy for Waste (NPPW). Whilst the whole of NPPW is relevant to a degree for this policy, perhaps of specific relevance to Policy 4 are the following paragraphs:

- Paragraph 2 - *“In preparing their Local Plans, waste planning authorities should, to the extent appropriate to their responsibilities:*
 - *Ensure that the planned provision of new capacity and its spatial distribution is based on robust analysis of best available data and information, and an appraisal of options. Spurious precision should be avoided;”*
- Paragraph 3 - *“drive waste management up the waste hierarchy”*
- Paragraph 4 - *“Waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations. In preparing their plans waste planning authorities should:...*

-identify the broad type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area in line with the waste hierarchy, taking care to avoid stifling innovation

-plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;

- consider opportunities for on-site management of waste where it arises;

- consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers;

- give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.”

1.7. Paragraph 5 also states:

“5. Waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against each of the following criteria:

- *the extent to which the site or area will support the other policies set out in this document;*
- *physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B to the appropriate level of detail needed to prepare the Local Plan;*
- *the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport; and*

- *the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential. “*

2. Local Context in Relation to Policy 4: Providing for Waste Management

- 2.1. The local context applicable to Policy 4 is set out in two separate evidence document available on the website:
- “Waste Needs Assessment”; and
 - “Developing a Spatial Strategy for Waste Management Provision”

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. Within the Preliminary Draft was a marker for Policy 4: The Spatial Strategy for Waste, though at that stage, no draft policy was set out, though significant amounts of supporting text and context was. There was also Policy 6 Waste Management Facilities on Non-Allocated Sites, and Policy 13 Landfill and Land Raising.
- 3.3. During the Preliminary Draft Consultation, there were several representations made on all these policies. In summary, the main issues raised were:

Preliminary Draft Policy 4:

- A flexible approach of site allocations and criteria based policies would be the best approach.
- Restoration of mineral sites should permit use of inert waste
- Co-location of facilities is supported
- End-to-end HCV routes need considering
- Allocations within the Plan provides reassurance to investors of major development proposals that the principle of development is acceptable. Without site allocations there is a real risk that investment will not come forward for much needed infrastructure. Doesn't matter if sites are allocated but do not come forward.
- Plan should support micro-Energy from Waste plants (eg for urban extensions)
- Any sites in rural areas need access by non-car means
- Sites should be near primary highway network
- Sites in the countryside can minimise harm
- Waste operations on employment sites might be low job density providers (compared with other employment uses)
- Should be focused on brownfield and existing and former waste sites e.g. landfill sites where built infrastructure will be in place (e.g. leachate, gas management etc.) beyond the life of the plan.

- Do not support a reliance upon determination of all waste applications solely against criteria-based policies.

Preliminary Draft Policy 6:

- Various support for this flexible policy
- Previously developed land should be included in the policy
- 'beneficial restoration of mineral site' via the placement of inert material should be a criteria included in Policy 6 b
- Criterion (bii) states that if the proposal is not ancillary development, then it must demonstrate a quantitative and market need / demand for the development. If the strategy of the Plan is to allocate only a limited number of strategic sites and then to bring the remainder forward through broad location/criteria based policies, then it would seem unreasonable to require, for what will be the majority of waste management proposals, to demonstrate a quantitative or market need.
- Criterion (v). should not be given the same weight as the other criteria.
- Policy must clearly identify the need to protect HRC's from inappropriate development, to allow for future flexible operation and growth, where required.

Preliminary Draft Policy 13:

- The reference to inert waste only being permitted to fulfil a restoration requirement at a mineral extraction site conflicts with Policy 28.
- There should be no reason why various other sites and those relating to the restoration of an active mineral site should not be considered where benefits can be achieved.
- Inert Waste – We suggest that the policy includes an acceptance/recognition that in addition to fulfilling a restoration scheme at a mineral extraction site, there may be other cases (e.g. landraise projects or non-mineral related landfill) where landfill with inert waste is appropriate and sustainable. The following (or similar) wording should be inserted at the end of the first sentence; "...or the applicant has demonstrated a justified a clear need/environmental, social and/or economic betterment as a result of the proposal".
- Landraising – The policy is considered unnecessarily restrictive. Rather than "any other means" we would suggest that the policy states; "where the applicant has demonstrated that landraising is the most sustainable option."

3.4. All representations were carefully considered.

3.5. As a consequence of the representations, as well considering new evidence which may have emerged, the three policies have been merged together and significantly amended for the Further Draft Local Plan as follows:

3.6. First, as a matter of principle, the Councils are proposing not to allocate any specific new sites for waste management, and instead intend to rely on criteria based policies. The separate evidence document entitled *Developing a Spatial Strategy for Waste Management Provision* sets out detailed explanation and justification for this course of action.

3.7. As a consequence of this approach, there is no longer a need for separate policies on spatial strategy/allocations and non-allocations - all proposals (other than proposals on existing operating sites) are, in effect, on non-allocated sites.

- 3.8. The Councils note that a few representors did not support this approach, in principle, seeking instead allocations and a flexible policy. We carefully considered these views, and took them into account when drafting the Plan and drafting the *Developing a Spatial Strategy for Waste Management Provision*.
- 3.9. Due to the considerable change in approach and policy wording for the Further Draft, it is not possible to comment in detail on the representations received at the Preliminary Draft stage. We would, therefore, welcome representors to review the new, single policy, and set out their views in light of the substantial changes made.

4. Alternative Reasonable Options

- 4.1. The following alternative options have been considered (including in the Developing a Spatial Strategy for Waste and the Sustainability Appraisal Report). There are two sets of options. The first set ('Option A1-4') relates to the overarching approach. The second set ('Options B1-4') relates to the more detailed approach of the preferred policy:
- Option A1: Identification of policy criteria - Which would direct different types of waste management development to suitable locations, in appropriate (and specified) circumstances. This option, together with Option A2, is preferred, as it provides sufficient flexibility for the market, but also sufficient policy direction upon which decision makers can consider proposals. Option A1 alone might fail on the later point.
 - Option A2: Identification of broad areas of focus - This option is less geographically specific than an allocation or designation, both of which are shown on an Ordnance Survey map; this could be through broadly identifying on a non-OS based map favoured areas and locations for waste development or to describe such favoured locations in policy or in the explanatory text. This option, together with Option A1, is preferred, as it provides sufficient flexibility for the market, but also sufficient policy direction upon which decision makers can consider proposals. Option A2 alone might fail on the first point.
 - Option A3: Identification or designation of specific areas for development - This option works on the basis that certain types of locations, for example general industrial area locations, are appropriate in principle for waste management use, and that such areas should be designated within the plan and shown on the policies map. This option has been rejected because it may lack flexibility and may also lead (as it did with the last Plan) to allocations which do not materialise.
 - Option A4: Allocating specific sites – By far the clearest option for identifying locations for waste management development is to specifically allocate sites in the plan for such use; this could be based on such sites being put forward by the industry and assessed as appropriate or through some other means. This option has been rejected because it may lack flexibility and may also lead (as it did with the last Local Plan) to allocations which do not materialise.
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- Option B1: Focussing waste management at named urban areas (the largest urban areas in the plan area), and on employment areas, together with detailed policy approach for each specific type of waste stream. This is the preferred approach, as it gives sufficient guidance to decision makers (i.e. plan-led approach) and makes the best

use of existing infrastructure and land uses. It should also lead to the least 'harm' on communities or other assets.

- Option B2: Directing waste management to a wider range of locations, both in terms of quantity of settlements and land use types. Minimise specific text for specific waste streams. This is rejected because of the uncertainty that would arise, and the lack of clear policy direction.
- Option B3: A more restrictive policy, limiting waste management facilities to just a few named locations (e.g. Peterborough and Cambridge), and insisting on strict locations where development should be focussed (eg on employment areas only). This is rejected, as it could stifle the market, and lead to necessary and appropriate development not coming forward. It may also lead to unsustainable travel, if facilities are only concentrated in a very limited number of areas.
- Option C1: A blend of Option A1, Option A2 and Option B1. This is the preferred approach, because it provides sufficient flexibility for the market, but also sufficient policy direction upon which decision makers can consider proposals while making the best use of existing infrastructure and land uses.

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.