

FD.EVR7

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 7: Borrowpits

(Was Policy 8 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 (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 7: Borrowpits 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 7 are the following areas of the NPPF:
 - Paragraph 203 - *“It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”*
 - Paragraph 204 - *“Planning policies should: ... a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction; b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;... 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.”*
- 1.5. A number of paragraphs from the NPPG are also relevant, such as:

“...Planning for the supply of minerals has a number of special characteristics that are not present in other development:

 - *minerals can only be worked (ie extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited. This means that it is necessary to consider protecting minerals from non-minerals*

development and has implications for the preparation of minerals plans and approving non-mineral development in defined mineral safeguarding areas;

- *working is a temporary use of land, although it often takes place over a long period of time;*
- *working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;*
- *since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and*
- *following working, land should be restored to make it suitable for beneficial after-use.”*
(Paragraph: 001 Reference ID: 27-001-20140306)

“For mineral extraction sites where expected extraction is likely to last for a short period of time, it is usually appropriate for the mineral planning authority to impose a detailed set of planning conditions relating to restoration and aftercare as part of the planning permission.”

(Paragraph: 043 Reference ID: 27-043-20140306)

2. Local Context in Relation to Policy 7: Borrowpits

- 2.1. Within Peterborough and Cambridgeshire, the need for borrowpits has arisen in relation to a number of major infrastructure projects. In recent years a number of road improvement schemes have required permissions for borrowpits to provide aggregate within the immediate area of construction works.
- 2.2. As borrowpits are only permitted in specific circumstances, emphasis is placed upon the maximisation of the use of secondary or recycled aggregate, however, it is acknowledged this may not always be possible.
- 2.3. Although the borrowpits required for A14 upgrade have permission under the development consent order, it is expected that other infrastructure schemes that may come forward over the plan period may require temporary permissions for borrowpits.

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 basis of including Policy 7 (was Policy 8) in the new Local Plan is, in part, as a carry over from the adopted Plan (CS11 and CS12), but also it is acknowledged that future infrastructure projects may create a need for further borrowpits.
- 3.3. During the Preliminary Draft Consultation, there were 3 representations made on this policy, most of which were in support / objection to it. In summary, the main issues raised were:
 - The policy should recognise that appropriate restoration (of borrow pits) can provide significant biodiversity and infrastructure enhancements. Include requirement for identification of opportunities to contribute to landscape scale net biodiversity gain.
 - The final sentence of the policy should be reworded to read: “...will not itself necessarily pass the test.”

- The plan should recognise the fact that a number of sites will exist with extant consent for winning of engineering clay that have been historically used on site, but could meet a need for engineering works in a sustainable manner.
 - Consideration should be given for allowing sites in strategic locations that have material available to serve non-specific major construction and engineering works.
- 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 final sentence of the policy has been amended, to add 'necessarily', as suggested. The suggested amendment to the wording has been made, as it provides clarity to the particular point in the policy.
- 3.7. Whilst not raised as a representation, the opening sentence has also been slightly altered, for clarity and effectiveness, and to be positively prepared.
- 3.8. The Councils have decided not to take forward the suggestion to include a requirement for net biodiversity gain via restoration of a borrow pit, though a cross reference to the policy on restoration and aftercare has been included. Biodiversity matters are dealt with in its own policy. This approach avoids policy repetition.
- 3.9. The supporting text and policy also now explicitly acknowledges that engineering clay may be extracted through a borrowpit, which addresses an oversight of the previous version. The Plan now requires consideration of existing mineral and landfill sites as a potential source of material when demonstrating the need for an engineering clay borrowpit. This addresses the representation which points out that extant permissions for clay extraction exist.
- 3.10. The suggestion to allocate strategic sites in strategic locations to cater for possible future infrastructure schemes (rather than go through the borrow pit process) has not been taken forward. The policy is suitably worded, and allocating sites for possible use as borrowpits for unknown infrastructure requirements is not considered to be in accordance with a plan led system, and is not considered necessary.

4. Alternative Reasonable Options

- 4.1. The following alternative options have been considered (including in the Sustainability Appraisal Report):
- Option 1 (preferred policy): Include a policy, allowing the principle of borrowpits, but only in specific circumstances, broadly in line with the existing policy approach as set out in the currently adopted Plan. This gives clarity to decision takers, and provides a potentially more sustainable solution than insisting all minerals must come through existing allocated/consented sites.
 - Option 2: no policy - rely on national policy in relation to minerals development. This option has been rejected, as it would not provide an appropriate and clear policy provision in relation to borrowpits and their locations. This approach could lead to either all borrowpits being refused (meaning probable longer lorry journeys, with associated

impacts), or borrowpits approved in unsuitable locations or without proper justification (which could impact on existing consents and/or harm to landscapes, communities or other matters).

- Option 3: include a similar policy to Option 1, but more flexible i.e. generally permitting borrow pits. This option has been rejected, as it would have the potential of allowing borrowpits that are not well related to infrastructure projects / not needed / harm to existing operations etc.

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.