Report to Cambridgeshire County Council and Peterborough City Council

by Jonathan G King BA(Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government
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PLANNING AND COMPULSORY PURCHASE ACT 2004
SECTION 20

REPORT ON THE EXAMINATION INTO THE CAMBRIDGESHIRE AND PETERBOROUGH MINERALS AND WASTE CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 28th July 2010
Examination hearings held between 30th November and 15th December 2010

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ABBREVIATIONS USED IN THIS REPORT

AAP  Area Action Plan
BGS  British Geological Survey
C&D  Construction & Demolition (waste)
C&I  Commercial and Industrial (waste)
C & P  Cambridgeshire County and Peterborough City Councils
CIL  Community Infrastructure Levy
CS  Core Strategy
Cu m  Cubic metres
DPD  Development Plan Document
EEP  East of England Plan
HRA  Habitats Regulations Assessment
HRC  Household Recycling Centre
JMWMS  Joint Municipal Waste Management Strategy
LLRW  Low Level Radioactive Waste
LPA  Local Planning Authority
m  Million
MBT  Mechanical / Biological Treatment
MCA  Mineral Consultation Area
MPA  Mineral Planning Authority
MPG  Minerals Planning Guidance note
MPS  Minerals Policy Statement
MRF  Materials Recovery Facility
MSA  Mineral Safeguarding Area
MSW  Municipal Solid Waste
Mt(pa)  Million tonnes (per annum)
MWDF  Minerals and Waste Development Framework
MWDS  Minerals and Waste Development Scheme
NWCAAP  North West Cambridge Area Action Plan
¶  Paragraph
PFI  Private Finance Initiative
PPS  Planning Policy Statement
RS  Regional Strategy
RSPB  Royal Society for the Protection of Birds
S  Prefix for Significant Changes (S1, 2 etc)
SA  Sustainability Appraisal
SAC  Special Area of Conservation
SCI  Statement of Community Involvement
SCS  Sustainable Community Strategy
SNRHW  Stable Non-Reactive Hazardous Waste
SPA  Special Protection Area
SPD  Supplementary Planning Document
SSPDPD  Site Specific Proposals DPD
SSSI  Site of Special Scientific Interest
SuDS  Sustainable Drainage Systems
TSA  Transport Safeguarding Area
TZ  Transport Zone
tpa  Tonnes per annum
WCA  Waste Consultation Area
WPA  Waste Planning Authority
WWTW  Waste Water Treatment Works
WWTWSA  Waste Water Treatment Works Safeguarding Area
Non-Technical Summary

This report concludes that the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document provides an appropriate basis for the planning for minerals and waste for the Cambridgeshire and Peterborough area over the next 15 years. The Cambridgeshire County and Peterborough City Councils have sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A number of changes are needed to meet legal and statutory requirements and to ensure that the Core Strategy is sound. The principal changes can be summarised as follows:

- Provide an indication of the timescale for new aggregates provision;
- Include a 10 year landbank for crushed rock at the Regional Strategy annual apportionment level;
- Revise the criteria for incidental mineral extraction;
- Revise the status of Netwaste Areas of Search as Optimal Localities;
- Extend the scope of the locational criteria for waste management facilities;
- Remove the requirement for need to be shown for waste management facilities;
- Make specific provision for Stable Non-Reactive Hazardous Waste;
- Delete the Minerals Safeguarding Area at Block Fen / Langwood Fen;
- Redefine the consultation threshold for Mineral Safeguarding Areas;
- Revise the approach to the definition of Waste Consultation Areas;
- Revise the criteria in relation to Waste Water Treatment Works Consultation Areas;
- Revise the approach to climate change mitigation and adaptation;
- Include reference to Freight Advisory Routes with respect to transport policy;
- Extend restoration and aftercare requirements to waste management facilities;
- Bring the approach to heritage assets into line with Planning Policy Statement 5;
- Revise the criteria with respect to airport safeguarding;
- Comprehensively revise the Implementation & Monitoring frameworks; and
- Various other changes to ensure the strategy, policies and accompanying text are soundly-based, including the correction of factual errors and inconsistencies between elements of the Plan, and the incorporation of appropriate flexibility into policies.

Most of the changes recommended in this report are based on proposals put forward by the Councils in response to points raised and suggestions discussed during the Examination. The changes do not alter the thrust of the overall strategy.
Introduction

i. This report contains my assessment of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (CS or “the Plan”) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether it is compliant in legal terms and whether it is sound. Planning Policy Statement 12 (PPS12) (¶4.51-4.52) [R27] makes clear that to be sound, a Development Plan Document (DPD) should be justified, effective and consistent with national policy.

ii. My approach to this Examination has been to work with the Cambridgeshire and Peterborough Councils (C & P) and other participants in a positive, pragmatic and proactive manner, with the aim of resolving differences and overcoming any potential unsoundness in the Plan.

iii. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Submission version of the CS (dated 15th February to 29th March 2010) [C02], together with the accompanying post-publication (Editorial) changes [C07]. As I have formally accepted these changes, they are embedded in the Submission version and do not require any further recommendation or endorsement. However, some have been superseded by later changes put forward during the course of the Examination.

iv. C & P have published and revised further schedules of Significant and Minor Changes [CSGen4, CSGen5 - 7 versions]. These were suggested by the Councils, representors and by me, and were periodically published on the Councils’ websites.

v. My report focuses on those changes that are needed to make the CS sound either because it fails one of the tests of soundness or is factually incorrect or inconsistent in some respect. They are identified in bold in the report [S..]. All these changes have been put forward and agreed by the Councils and are presented in Appendix A. None materially alters the substance of the Plan and its policies, or undermines the sustainability appraisal (SA) and participatory processes.

vi. Some other changes put forward by C & P are factual updates, corrections of errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse C & P’s view that they improve the Plan. Some have been incorporated into those in Appendix A for ease of reading of complete passages, but the remainder are compiled into Appendix B. Also included in Appendix B are a number of Proposed Changes identified as Significant during the Examination but on reflection do not appear to be so. They retain their “S..” references, in order to maintain an audit trail. I am also content for C & P to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.

vii. All of C & P’s proposed changes have been subject to publicity during the period 24th January – 4th February 2011. The responses received have been taken into account in writing this report.
Assessment of Soundness

Overview

1. The Cambridgeshire and Peterborough Minerals and Waste Core Strategy [C02] is the first and principal element of C & P’s Minerals and Waste Development Framework (MWDF). It provides the strategic context for the Site Specific Proposals Development Plan Document (SPDPD) [C03] which has been published alongside it, but which will be examined separately.

2. The Plan starts with an introduction to the MWDF and an overview of the Plan area; a summary of the statutory background; and the process of Sustainability Appraisal. It then proceeds to set out the Visions and Objectives for minerals, waste and the strategic location of Earith / Mepal. The remainder of the Plan sets out a comprehensive series of 43 policies split into 6 sections relating to the spatial strategies for minerals and waste; core policies for minerals, waste management and for both subjects; and development control. The final section, supported by tables, covers implementation & monitoring. This is an appropriate and logical structure. There are 5 appendices addressing detailed matters, including a schedule of saved policies [R35, R39] in the present Cambridgeshire Aggregates (Minerals) Local Plan [R34] and the Cambridgeshire and Peterborough Waste Local Plan 2003 [R38] which will be superseded. The CS is supported by an extensive evidence base.

Regional Strategy

3. The Plan was prepared in the context of Regional Strategy (RS): the East of England Plan (EEP) [R31]; and the Regional Assembly has confirmed that it is in general conformity with it [E079]. On 6th July 2010 the Secretary of State for Communities and Local Government announced the revocation of RS, including the EEP, with immediate effect. In response, C & P reviewed the content of the CS and put forward a number of proposed changes [CSCRIN1]. None significantly altered the strategy or policies of the DPD. However, following judicial review, the Secretary of State’s action was set aside. The EEP has consequently been reinstated as part of the development plan. C & P then withdrew many of the proposed changes, but took the opportunity in others to reflect the true position at the time of writing [CSCRIN7]. Again, none significantly change the thrust of the CS. I recommend them in the interests of accuracy. [S3, S20, S32, S33, S38, S39, S42, S43, S44, S45]. A proposed new paragraph within the background section of the Plan states that it both conforms with the RS and has been justified by reference to local evidence (my emphasis) [S99].

4. The Secretary of State has indicated that it is still the Government’s intention to revoke RS through the Localism Bill, which was published on 13th December 2010. In a judgment dated 7th February 2011, the High Court stated that the proposed revocation is a material consideration which can be taken into account by Local Planning Authorities (LPA) and Inspectors when making decisions. In the present circumstances where C & P are not intending any significant change in response to the Government’s intentions, the likely future revocation of RS has little or no effect on the soundness of the Plan.
Main Issues

5. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearings, I have identified 7 main issues upon which the soundness of the plan depends.

**Issue 1 – Vision & Objectives**

*Are the Spatial Visions soundly based, appropriate for Cambridgeshire and Peterborough, consistent with national policy, coherent with other plans and programmes, reflecting community views, and providing a sound basis for the policies in the Core Strategy? Are the Objectives specific and locally distinctive, consistent with the Visions; and do they provide an appropriate context for the detailed policies?*

6. The CS contains strategic visions and objectives for minerals development, waste development and for the area of Block Fen / Langwood Fen, Earth / Mepal, which is the location of a number of strategic allocations (Policies CS1, CS2 & CS3 respectively). All either reflect national policy or seek to contribute to local or regional policy objectives. The main planning background is the very considerable amount of development proposed for Cambridgeshire and Peterborough. The EEP requires nearly 100,000 new dwellings and 95,000 (net) jobs to be provided between 2001 and 2021 [R31, E106]. Adequate supplies of aggregate and other minerals are required to support and to ensure the successful implementation of that growth agenda. Waste management facilities will be required to cater for the growth in population and activity and to respond to increased national and international emphasis on managing waste higher in the waste hierarchy. And this must be carried out in a sustainable and environmentally sensitive manner, having regard to the natural and historic assets of the area and the living conditions of its population. It thereby recognises the particular circumstances of the area and the most important part of the planning strategy for it set out in other plans. The recent economic downturn may delay or otherwise affect the implementation of the growth agenda but, given the long time period of the Plan, it would be inappropriate for the visions and objectives to be formulated on any other basis.

7. It is unusual to have a separate vision for an individual site or locality but, in view of the designation of the Block Fen / Langwood Fen area as a strategic allocation and the very substantial contribution which it is intended to make to aggregate supply, waste recycling, waste disposal and to environmental aims during and beyond the Plan period, it is appropriate. The 3 sets of visions and objectives have a considerable amount in common, with some elements expressed in identical or very similar terms. The Plan could have been more focused by combining them. However, this duplication does not render it unsound.

8. The visions and objectives are justified briefly in the CS and their emergence may be tracked through the various stages of plan preparation [E031, E032, E018, E003]. From the initial stages, they have been informed by engagement with stakeholders and the community and influenced by feedback from consultation. They align well with the SCSs of the constituent local authorities [R03, R09, R12, R17, R32 & R41].

9. Several representations seek to improve the visions and objectives rather than to overcome aspects of unsoundness. Some (eg relating to noise and air quality) are at a level of detail inappropriate to this part of the Plan, or duplicate
points also made about other sections, where they are better addressed. It is not appropriate or necessary for the visions or objectives to include reference to all matters covered elsewhere. Other representations highlight perceived inconsistencies in a Plan that, for example, promotes development that will result in traffic, yet also seeks to protect the environment and amenity. But this only emphasises the unavoidable need for an appropriate balance to be drawn between conflicting priorities. It does not mean that the Plan is unsound.

10. I recommend a small number of changes to the objectives where these bring consistency with other changes elsewhere in the Plan. I deal with them under those headings.

11. I am satisfied that the objectives, individually and collectively, take their lead from national and regional policy; help to deliver the visions; and provide a framework for the policies of the CS and the SSPDPD. They are at the correct level of detail. I conclude that the strategic visions and objectives provide a sound, relevant and locally distinctive basis for the Plan; and, other than those recommended elsewhere in this report, no further changes are needed to them in the interests of soundness.

**Issue 2 – Minerals Spatial Strategy**

*Is the strategy for minerals provision soundly based? Is it the most appropriate? Does it provide a clear and appropriate framework for the identification of site allocations and for development management?*

12. The statistical basis for C & P’s minerals policies has been compiled into Background Papers [E017, E029, E039] following engagement with the industry. It provides a firm background for the policies.

*Aggregates: Quantity of mineral / landbanks*

13. The starting point for identifying the quantity of sand and gravel to be extracted in the Plan period is the apportionment set out in Policy M1 of the RS: an average of 2.82 million tonnes per annum (mtpa), a figure very close to actual production until recently. Present production is considerably less than this. Indeed, some quarries have been mothballed owing to the lack of demand brought about by the present recession. But there is no reason to disbelieve C & P’s view that development - and therefore demand for aggregates - will return to former levels in the future. It is essential to maintain a sufficient supply to enable the implementation of the growth agenda. The annual rates of extraction set in the RS are averages, and so take account of fluctuating demand. For clarity and accuracy this is made explicit in a proposed change to Policy CS4 [S4].

14. The draft revision of the EEP [R42], work on which has now been abandoned, shows a slight increase in the annual apportionment, to 2.88mtpa, but this figure has not been tested or formally adopted. Nonetheless, C & P have decided pragmatically to plan for a small additional annual average quantity by rounding up the provision in Policy CS4 to 3mtpa. This will provide some flexibility. The policy also includes the requirement for a landbank of sand and gravel of at least 7 years to be maintained, in accordance with Minerals Policy Statement 1 (MPS1)¶4.1 [R14]. Work carried out for the SSPDPD [C03, E005, E092] shows that it is practicable
to allocate sufficient sites / production units to maintain a landbank of that size at the proposed rate of supply.

*Recycled and secondary aggregates*

15. The requirement for sand and gravel production assumes that a contribution to supply will be made from recycled and secondary aggregates. This is addressed in Policy CS7 (and CS11 in the context of borrowpits), which gives priority to the production and supply of recycled and secondary aggregates to be used in preference to land-won minerals. This is a sustainable approach that reflects Government policy in MPS1 (¶9) [R14].

16. Updated figures [CS/M3/CP-2] proposed to be incorporated into the Plan [S91] show that some 790,000tpa of recycled or secondary aggregates were produced in 2006. The *Revised National and Regional Guidelines for Aggregates in England 2005-2020* indicates that 31% of aggregate in the East of England is expected to be derived from “alternative” (ie non virgin) sources, mostly recycled material. This has not been subdivided for individual Mineral Planning Authority (MPA) areas. Nonetheless C & P have used it as a local guideline target for monitoring purposes [S23 & ANNEX C]; and this is made explicit in a change to the supporting text to Policy CS7 [S73]. The Councils calculate that this level of production is not presently being achieved but, subject to additional plant coming on stream in accordance with the provisions of the Plan (policy CS14), it should be reached by around the end of 2012 and continue to rise to a figure in excess of 35% from about 2014. Over the Plan period, the proportion of total aggregate from recycled sources is expected to reach or exceed 31%. This will be dependent on sufficient processing capacity being available. I consider this below (¶74) in the context of waste management, where I conclude that the proportion of inert wastes recycled over the Plan period should exceed national and regional targets. Should that quantity of recycled aggregates increase significantly in the future, the need for new land-won aggregate may decline. But this is something which would be monitored and taken into account when future apportionments are drawn up. In the meantime, there is no justification for reducing the planned provision of new aggregates.

*Borrowpits*

17. The annual aggregate apportionment makes provision for all requirements over the Plan period, other than that for the proposed upgrading of the A14 road which, should it go ahead, would require some 2mt [E048]. Policy CS11 says that borrowpits for this project will be allocated through the SSPDPD. Other proposals for borrowpits would be considered on their merits, having regard to criteria set out in the policy.

18. Borrowpits, by their nature, are short-term, limited in scope and expressly linked, physically and functionally, to particular projects. Though the potential may exist for them to supply aggregate to the wider market, they may be poorly located, poorly accessed or otherwise inconsistent with the spatial strategy. There is therefore a presumption against them supplying additional minerals. For that reason, the provision in the Plan should not be reduced to take account of the potential for “windfall” provision from this source.
19. The broad intention is to limit the impact of borrowpits, by reference to the quantity of minerals, duration, traffic, restoration and environmental effects to the minimum necessary to achieve the project. This approach is sustainable and has wide support. However, I acknowledge that there may be some merit, in some circumstances, for aggregate to be supplied to the market from a borrowpit if that would result in an overall net benefit. An example could be a pit that would allow a development to be supplied by means of more suitable roads, over a shorter distance, or with less adverse impact on local communities. But it is unnecessary to include such exceptional provisions in the policy, as it would be possible to consider any such proposal under the provisions of Policy CS13.

**Incidental minerals extraction**

20. The Plan area has low rainfall yet requires considerable quantities of water in connection with intensive agricultural production and to provide for a rapidly expanding population. There is consequently pressure for the excavation of agricultural and other reservoirs. The potential exists for sand and gravel, possibly in substantial quantities, to be won incidental to such excavations. A number of such projects are presently contributing to supply, and will continue to do so for some time to come. Policy CS42 seeks to limit such production. It cannot be relied upon either with respect to quantity or timing, and so the annual requirement should not be reduced to take account of the potential production from this source. It may, however, add some flexibility to the quantity of aggregate production. Where this can be achieved sustainably and in an environmentally acceptable manner – for example where there is good road access and the site is close to a potential market – there may be benefits in taking advantage of this windfall mineral resource which otherwise might never be recovered.

21. However, particularly where such incidental extraction involves considerable quantities of minerals or production over a lengthy period, there is potential for undesirable effects. For example, it may present opportunities to circumvent the spatial strategy for minerals; it may affect the continuity of supply from established quarries by distorting the market; and it can have environmental consequences like introducing heavy traffic on to unsuitable roads. Notwithstanding the benefits of windfall production and to water supply, it needs careful control. The policy as submitted sensibly requires need (for example agricultural need) for the principal development to be proven, in order to prevent abuse of the system; and for the use of the minerals to be sustainable. Development would also be subject to the other general policies of the Plan. However, the approach is not comparable to that in Policy CS11, relating to borrowpits, with which it shares some implications. In order to improve consistency between the policies, C & P propose additional criteria in order to strengthen this approach with respect to justification, minimisation of quantity of minerals to be extracted and physical impact, phasing and duration [S15]. These add significantly to the effectiveness of the policy. The third criterion applies only to reservoirs, and I have slightly altered the wording in the interests of clarity. Critically, the proposed change also specifically adds that regard will also be had to the objectives of the spatial strategies, so that the supply and market effects can be taken into account. This covers all parts of the strategy and it is unnecessary to name individual sites.

22. The importance of reservoirs to water supply, including for agriculture, is acknowledged. It is also recognised that, if the construction of a reservoir does not involve taking any excavated minerals off-site, then planning permission is not
required. The criteria are not intended to impede the creation of reservoirs – rather they seek to prevent excavations which are designed to extract disproportionate amounts of minerals under the guise of reservoir construction. There is no reason why the policy as proposed to be changed should disadvantage farmers who can demonstrate a genuine intention to create necessary and efficient water storage.

23. However, I disagree with that part of the proposed change that seeks to introduce the test of “exceptional circumstances” for permission to be granted. In view of the fact that incidental minerals extraction can have both negative and positive consequences, decisions should be taken on balance, without a presumption one way or the other. It should not be necessary, for example, for a farmer to have to show exceptional circumstances to create an irrigation reservoir justified by need.

24. Although the restoration of the site needs to be addressed, the specific promotion of amenity or nature conservation in the policy is unnecessary. It may not always be appropriate and is in any event adequately covered by Policy CS27.

25. Subject to the proposed changes, as amended, the sand and gravel provision and landbank is justified and in general conformity with RS and national policy, as is the approach to the provision of aggregate from recycling, borrowpits and incidental extraction. Overall, the policies are effective and flexible; and this part of the Plan is sound.

Limestone

26. The RS apportionment for crushed rock (limestone) is 300,000tpa. As submitted, the Plan does not seek to maintain a 10-year landbank in accordance with MPS1 (¶4.1) [R14]. This is rectified by agreed changes to Policy CS6 and its supporting text [S29, S95]. A landbank of that length presently exists and, depending on the practicalities of extraction, could be longer. But without additional reserves being identified, it will progressively diminish so that production may well cease towards the end of the Plan period.

27. The limestone produced in the Plan area is not of high quality. Several of the uses to which it is presently put can utilise recycled aggregate or sand and gravel. At less than 10% of total aggregate apportionment, the quantity is small. Continued production is therefore not critical to achieving the planned development growth in the Plan area. Nonetheless, until agreed revised apportionment figures are produced, it is prudent to work on the basis of the present apportionment.

28. Despite detailed consideration of potential sites undertaken for the SSPDPD [E005, E092], C & P have not been able to identify any capable of being worked without incurring environmentally unacceptable consequences. As a result, the Plan makes no additional provision. It therefore risks becoming out of general conformity with the RS. However, in the circumstances of no acceptable sites, it would be wrong to make “in principle” provision: the Plan would be ineffective and unjustified.

29. C & P recognise that the constraints to development at some potential sites may be capable of being overcome, or their harmful effects mitigated. Policy CS6 therefore identifies criteria that would allow suitable sites to be developed should they be shown to be capable of being worked acceptably. Taken together with the
Development management policies of the Plan, these provide a firm yet flexible framework for considering sites, should they come forward. Having regard to representations made at this CS stage, it is presently not possible to conclude as to the acceptability of any particular site. It will be possible to consider them in detail at the SSPDPD Examination in due course.

30. On submission, C & P proposed an Editorial Change [C07] to the supporting text to Policy CS6, implying that need has to be shown for the minerals. There is no justification for this, particularly as there is an underlying need brought about by the requirement to maintain the landbank and to supply at the apportionment rate. No similar criterion applies to sand and gravel. In recognition of this, C & P have withdrawn the Editorial Change as a Minor Change.

31. Should it not prove possible to allocate any sites or for any to meet the criteria of Policy CS6, then the consequences in terms of having to source the minerals from elsewhere would not be substantial. Making sand and gravel provision above the present apportionment level provides some flexibility to compensate for a shortfall of crushed rock. C & P are advised to monitor the situation carefully, and to review their approach when revised apportionment figures or their substitutes are agreed. Subject to the changes proposed, the approach to crushed rock provision is justified and broadly sound.

Spatial Strategy for Aggregates

32. The spatial strategy for aggregates addresses only sand and gravel. Policy CS4 identifies 3 zones including 6 “broad locations”: Northern, comprising Kings Delph, Maxey and Eye / Thorney; Central / Southern, comprising Cottenham / Landbeach and Needingworth; and Earth / Mepal, comprising Block Fen / Langwood Fen. 25% of the average annual production (0.75mtpa) is intended to come from the Northern Zone; around 28.3% (0.85mtpa) from the Central / Southern Zone; with the remainder, 46.6% (1.4mtpa), from Earth / Mepal. The allocations in the Northern and Central / Southern Zones are to be made in the SSPD PD, but, in recognition of the very substantial contribution from Block Fen / Langwood Fen, this area has been identified as a strategic allocation under Policy CS5. In addition, there are 2 negative presumptions: under Policy CS4: no allocations are to be made in the Ouse and Nene River valleys; and under Policy CS13, permissions will not generally be granted outside allocated areas.

33. The precise manner in which this strategy emerged is not immediately apparent from an examination of the evidence base. The methodology adopted did not follow a linear path. This may be explained by a number of factors. First, future strategy is inevitably heavily influenced by the existing pattern of extraction, which has been largely dictated by geology, history and current and former planning policy. In short, it does not, and could not start with a clean sheet. Second, rather than adopting a sequential approach, C & P progressed the CS in parallel with the SSPD PD (and initially with an Area Action Plan for Earth / Mepal – later incorporated into the CS) so that each draft informed the other as they were being prepared. It is probably fair to say that the analysis of the potential sites had as much influence on the spatial strategy as did the latter on the former.

34. During the Hearings, C & P went to considerable lengths at my request to explain the approach taken [CS/M2/CP, CSCRIN8, CSCRIN8A]. Having regard to this material and the lack of any substantial representations on the subject, I am
satisfied that the strategy emerged from a proper consideration of the evidence; that a reasonable range of alternatives was practically considered at the various stages of Plan preparation; that appropriate opportunities existed for stakeholders to make representations on the main issues; that the consideration of potential sites introduced realism and practicality to the exercise; and that the process was subject to Sustainability Appraisal [C32, C33].

35. The boundaries of the 3 production zones are indicative. The Northern Zone is the only one which has a clear geographic basis, having been drawn to provide conveniently for the Peterborough Growth Area, with the quantity produced reflective of the proportion of growth planned to take place in that area. The remaining 2 zones are intended to supply the other 75% of the proposed growth, including Cambridge. The Earith / Mepal Zone has been identified as a separate zone because of the high production levels proposed for this area. Located centrally to the county, it does not have a closely defined market area. The Central / Southern Zone is simply the remainder of the Plan area.

36. The decision to avoid extraction in the Ouse and Nene River Valleys is a continuation of Structure Plan Policy P7/10 [R36]. It was taken explicitly through the Issues and Options process [E031]. These valleys, though historically (and to a limited extent presently) worked for aggregates, include areas recognised as possessing significant environmental interest, including European environmental designations, SSSIs, County Wildlife Sites, County River Wildlife Sites and Scheduled Monuments. There is a strong case for protecting these interests, which comprise both small undisturbed areas or habitat created by former mineral workings. Part of the Ouse Valley is also covered by a Strategic Green Infrastructure Enhancement policy in the Huntingdonshire Core Strategy. Proposed additional supporting text [S58] provides local distinctiveness to the Plan by referring to such matters and emphasising that the valleys are distinct landscape character areas as identified in the Cambridgeshire Landscape Guidelines [R53].

37. Support has been expressed for limited additional working in the valleys, especially where extensions to existing or former quarries would provide opportunities for environmental enhancement; and there may be some merit in such proposals. But, during the preparation of the Plan, the last major opportunity of this kind was taken by the grant of permission to extend a site at Little Paxton. There may be other small opportunities, which would be considered under Policy CS13. As submitted, that policy presumes against mineral extraction other than limestone outside allocated areas unless an overriding need can be demonstrated. But C & P recognise that this is too restrictive, since it would presume against development that may offer benefits. It is also at odds with the approach taken in Policy CS18 to waste management development. C & P have therefore submitted a change to the policy and supporting text [S7, S61] to rectify the inconsistency, to remove reference to limestone, and to rename the policy. They accept that “overriding need” may not be the only good reason to depart from the strategy and propose to change the test to require demonstration of “overriding long-term benefits” such as substantial social or environmental benefits. This introduces balance and flexibility to the policy which might, for example, support some limited extraction in the river valleys if the test could be met. However, in recognition of the possibility that some benefits could be sufficient to override the presumption even if they were of only short or medium term duration, I do not recommend the limitation to long term.
38. The precise extent of the river valleys has not been defined in the Plan or on the Proposals Map. But I am reasonably satisfied that they are sufficiently geographically distinct for that to be unnecessary. Any dispute concerning the location of a site put forward for allocation would be resolved at the Examination into the SSPDPD. Non-allocated sites would be considered under Policy CS13, irrespective of location.

39. The approach to the river valleys and to the development of unallocated areas is sound as proposed to be changed.

The Block Fen / Langwood Fen Strategic Allocation

40. The central element of the strategy – the strategic allocation of Block Fen / Langwood Fen had its origins before the start of the plan preparation process. By the time Cambridgeshire drew up its Minerals and Waste Development Scheme (MWDS) in 2005 [R45], the project was considered of sufficient importance to commence the preparation of an Area Action Plan (AAP) [E023]. This was later integrated into the Core Strategy. When the various stages of plan preparation were gone through [EO31, E018, E03], the question of whether such emphasis should be placed on the Earith / Mepal area was not explicitly posed, but it is clear that sites in this general area would have to make some contribution if the required provision is to be made. The assessments carried out for the SSPDPD [E005, E092] support the identification of the site not least because it is capable of meeting the required high level of production; and because of other significant benefits described below. Policy CS5 requires the allocation to be worked and restored in a phased manner in accordance with a Masterplan Supplementary Planning Document (SPD) [E0675], which has been drawn up to guide the development of the land and which it is intended should be adopted at the same time as the CS. Key stakeholders have been involved in developing the strategy since its earliest stages [E007, E023].

41. Although extraction was already taking place in a number of locations within the area, the drivers for the site allocation were not solely related to aggregate production. Rather, the need to prepare a new minerals strategy coincided with the identification of certain problems and opportunities in the area, which the extraction of sand and gravel had the potential to address. In particular, drainage problems associated with the Cranbrook Drain / Counter Drain (Welches Dam) could be overcome by providing flood storage [E058, E059, E060, E062, E072, E114, E116 - E127]. Moreover, the Ouse Washes, an internationally important wetland [including designations as Sites of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site] [E067, E068] which was declining in quality and value owing to excessive seasonal flooding, could be improved by the creation of new wet grassland habitat [E069, E070]. Other potential benefits include the provision of water storage for irrigation and countryside recreational facilities. What is proposed is imaginative and comprehensive in scope. There is no doubt that the benefits sought would be substantial. It is equally certain that they could be achieved only by long-term, large-scale exploitation of the very extensive mineral resource and partial infill, and careful integration of the two through the planning system.

42. C & P acknowledge that the area is not in close proximity to the main growth areas in and around Cambridge and Peterborough, meaning that there may be some additional transportation required to serve those areas. This is not ideal in
sustainability terms. But it is well placed to serve some other proposed development in Fenland (March) and Ely and with respect to main vehicle routes. The potential alternative sites were not significantly closer; and it has been necessary to balance the transport sustainability arguments against the very considerable environmental benefits that the development uniquely offers.

43. There is general public acceptance of the strategic allocation, though some local concern has been expressed about detailed matters. There will be additional heavy traffic generated along the A142 in reasonably close proximity to housing in Mepal. But this is a major road which already carries a substantial amount of traffic, including heavy vehicles. As I say below, I have some doubts about the achievement of the assumed level of backloading of minerals lorries with waste for their return journeys. But even so, the proportional increase in HCV traffic is estimated to be small [E047, CS/M3/CP-2]. It is unlikely to have a materially greater effect on the amenity of the residents or give rise to a need for noise attenuation measures. Together with the control of noise from plant and vehicles on the site, this is something that would reasonably be taken into account when future planning applications are considered against policies in the Plan (including CS32 and CS34). The existing access to the village from the A142 has good visibility and is safe. There is no justification for it to be widened or for any other alterations to be made in response to the minerals (and waste / recycling – see below) development allocations. The restoration proposals for the site include the provision of recreation, but access from Mepal is inhibited by the intervening waterways. Again, this is a matter that should be considered at the detailed design stage in the context of the Masterplan.

44. An occupier of an isolated property in proximity to the strategic allocation has raised concerns at a perceived lack of consultation and available information. Exceptionally, it was agreed that he should contribute to the relevant Hearing session even though he had not made a representation. It is unfortunate that he was not aware of the publicity which had been undertaken, but I am satisfied that C & P’s approach to community involvement is not at fault. Rather it appears that he may have been let down by others when he purchased his property. While the proposed development would doubtless have some impact on his amenity, I am satisfied that this can be addressed in the normal way in the context of future planning applications and through planning conditions and agreements.

45. Policy CS32 sets out specific highways-related requirements for the allocation, including access by means of the existing junction of Block Fen Drove with the A142; binding agreements for lorry backloading of waste; routeing arrangements and HCV signage. Though these relate in part to the strategic allocations for inert landfill (Policy CS20) and the production of recycled and secondary aggregate (Policy CS7), I deal with them together now.

46. C & P have limited experience of requiring backloading but are confident that it is a practical and effective way of minimising traffic [E084]. There may in some circumstances be difficulty in sourcing waste close to the delivery point of the aggregate, and this may result in longer journeys than might otherwise be the case. It could be possible to set up intermediate depots to overcome this problem, but there is nothing in the Plan that positively promotes this. I doubt the likelihood of 100% backloading being achieved, which is the underlying assumption of the Block Fen / Langwood Fen traffic analysis. The 50% aspiration set out in supporting text is more likely. The intention to back-load would be incorporated
into legal agreements, but the Council would be largely dependent on the “best
endeavours” of operators rather than anything more positive. However, the
operators would have a strong financial incentive to back-load and to exert control,
over the drivers. That gives me sufficient certainty that it would be an effective
strategy for limiting the environmental consequences of transport.

47. There is no justification for accessing the site other than by way of the
existing Block Fen Drove, suitably improved. There is a purpose-built roundabout
on the main road; and it would be inadvisable to increase the number of accesses.

48. Policy CS3 says that the new habitat created by the development will require
active management in the long term, to be secured through planning obligations,
with the land being placed under the control of a suitably experienced and
responsible conservation body. The Royal Society for the Protection of Birds (RSPB)
already manages part of the adjoining area and would be well placed to take on this
role. It fully supports the Plan. However, the identification of such a body is a
matter to be addressed at the appropriate time. The lack of certainty now does not
make the allocation unsound.

49. Appendix A.2 of the Plan identifies implementation issues to be addressed at
the site. Amongst other things, these include the need for consistency with the
Masterplan; the evaluation and mitigation of impacts of sensitive receptors; the
conclusion of binding agreements relating to traffic routeing, back-loading and HCV
signage; and the need for ecological, archaeological and hydrological investigation
and mitigation. I am satisfied that there are no matters that cannot reasonably be
addressed through consideration of future planning applications.

Other locations for aggregates extraction

50. The other 5 broad locations for extraction were identified through the
detailed site assessments carried out for the SSPDPD [E005, E092] and through a
sieve process, with the principal determinants being significant biodiversity [E016a-d]
and / or flood storage potential; direct access to the primary highway network; and
the capacity to supply minerals when, and to where it is required. All except Kings
Delph and Eye / Thorney have biodiversity / flood storage potential, but the former
would avoid mineral sterilisation and the latter is required to maintain production
capacity in the northern zone. An extension to Needingworth would also avoid
sterilisation, as well as contributing to the creation of Ouse Fen, a wetland which
will include the largest reedbed in the country [E128]. The identified areas have the
capacity to produce the required level of production for the Plan area and by
reference to the 3 zones. There is no clear evidence to suggest that additional
provision should be made either generally or to serve particular zones.

51. Representations have been made suggesting that further extraction at
Cottenham / Landbeach would compromise the strategic emphasis on Block Fen /
Langwood Fen, since it would provide a more convenient source of aggregate to the
south of the county, particularly during the present economic downturn. It does
provide an intervening opportunity but, with a planned production of a modest
200,000tpa, it is not comparable in scale. Moreover, Block Fen / Langwood Fen is a
very long-term project extending through and well past the end of the present CS.
Over that time there will inevitably be variations in demand and production levels.
Even though production is presently below the planned provision, C & P are
satisfied that it will recover in the longer term and that the environmental and other
benefits will be realised. The Environment Agency accepts that the delivery of the flood storage capacity may be affected by such fluctuations. I conclude that there is no reason to prevent or limit extraction elsewhere in order to ensure the success of Block Fen / Langwood Fen as a strategic allocation.

52. For these reasons, I conclude that the broad locations for sand and gravel extraction have been justified by the evidence. The additional emphasis placed on Block Fen / Langwood Fen as a strategic site is also justified. It is clearly central to the achievement of an effective strategy. Other locations may make a significant contribution to aggregates supply, but none is comparable. Subject to the agreed changes, the spatial strategy for sand and gravel, including the strategic allocation, is sound.

**Phasing of aggregates provision**

53. As submitted, the Plan does not indicate when the new provision should be made. This omission is rectified by the inclusion of an additional paragraph which in general terms describes the timing of the new allocations and the context in which they would be required, thereby providing greater clarity to the Plan and overcoming this potential area of unsoundness [S57]. There is no clear justification for altering the phasing of the provision in the interests of maintaining production at Block Fen / Langwood Fen.

**Other Minerals**

54. Policy CS8 is constrained by the location of existing brickworks, which represents a very substantial capital investment. Whittlesey is now the only location having active works. MPS1 (¶3.4) [R14] requires MPAs to take account of the need to provide a stock of permitted reserves of brick clay sufficient for 25 years of production. Permission exists at Must Farm for that quantity. In recognition of the possibility that part of that land may be used for other purposes, and to ensure a 25 year supply over the Plan period, the policy makes provision for around 10 million tonnes of additional mineral in the Kings Delph, Whittlesey area. A site has been identified for the purpose in the draft SSPDPD. The policy is uncontentious. A correction to the supporting text ensures consistency [S47].

55. Policy CS9 makes provision for a modest extension to Barrington Quarry that would provide chalk marl to blend with existing very extensive reserves of poorer quality mineral to provide feedstock for the adjoining cement works, should it re-open. The policy is uncontentious.

56. The supporting text to Policy CS10 identifies several minerals which occur in the Plan area that may be used in small quantities for specialist uses: in connection with the maintenance of historic and traditional buildings (clay for brick and tile; and clunch and Collyweston stone for building) and chalk and soft limestone for agricultural, manufacturing and other non-aggregate purposes. The policy does not identify the specific quantities that are required for each, but commits to making provision to ensure a continued supply where there is a demonstrated need. Broad locations are named for brickclay for brick and tile making at Burwell and for soft limestone in the Wicken area. No adverse representations have been made to this policy, which broadly follows national policy in MPS1 [R14].
57. The proposed A14 road improvements require quantities of engineering clay in addition to the aggregates provided for under Policy CS11. Policy CS12 indicates that provision is made for clay borrowpits for that project, with allocations to be made in the SSPDPD. Other proposals would be subject broadly to the same criteria as would apply to aggregate borrowpits, but with the presumption that priority would be given to extracting from existing minerals or landfill sites in preference to greenfield sites. There is logic in this approach, as many aggregate quarries and former quarries used for landfill in the Plan area are underlain or overlain by clay suitable for engineering works, and it makes sense to minimise the potential for environmental impact by combining the activities. The connection is made explicit in proposed changes to supporting text to both policies [S59, S60]. The policy as submitted does not prevent existing clay resources, such as those at the Waterbeach Waste Management Park, being used for the A14 works, but there is no need for site allocations to be identified at the Core Strategy stage. The priority given to existing sites over greenfield sites does not rule out the use of the latter if they offer a better solution in terms of proximity to the project served, or a lesser environmental impact. These matters are covered in the criteria within the policy. Similarly, the priority would not indicate that permission would automatically be granted for the extension of clay production from an existing site if that would lead to unacceptable consequences for local communities. All proposals would be considered against the full range of relevant policies in the Plan. It would be unnecessarily repetitious for each policy to address every factor.

58. These policies dealing with the provision of other minerals are all sound as submitted or as proposed to be changed as indicated.

Issue 3 – Waste Spatial Strategy

Are the predictions for waste arisings for the various categories of waste and the need for management facilities soundly based and realistic? Does the Plan set out a planning strategy for sustainable development to enable sufficient opportunities for the provision of waste management facilities in appropriate locations and at appropriate times, in line with the Plan’s objectives and in accordance national policy and consistent with the Joint Municipal Waste Management Strategy? Is the strategy realistic and deliverable?

Type and quantity of waste to be managed

59. Baseline (2006) figures for the main waste streams and predicted quantities of future waste arisings are contained in Table 7.1. These are based on analyses of data and their derivations carried out by C & P’s consultants updated throughout the process [E042, E041] based on a comparison of scenarios taking into account variables in growth and recycling rates, the use of different waste management technologies and recent developments.

60. Of the individual waste streams, the data for municipal solid waste (MSW) arisings are the most reliable. There are minor differences between Table 7.1 and the forecasts found in the Joint Municipal Waste Management Strategy (JMWMS) [E077], but these are insignificant and the documents are broadly compatible. There are also differences compared to the forecasts for some years (to 2020/21) in the RS, but again they are minor. The annual quantities of MSW requiring management is predicted to rise from 433,000tpa in 2006 to 598,000tpa by 2026, reflecting the considerable amount of proposed development and population
increase in the Plan area. The total quantity to be managed over the Plan period is 11.233mt. However, as the trend is for a reducing quantity of municipal waste per head, owing to greater recycling and a reduction in packaging, the Plan incorporates some flexibility.

61. The figures for commercial and industrial (C&I) wastes are less reliable, but they are based on the best and most recent estimates available. The forecast quantities follow those contained in the RS up to 2016/17, but are slightly higher for 2020/21. A significant annual increase in arisings is shown: from 1.166mtpa in 2006 to over 2mtpa by 2026, again reflecting the amount of development planned. The total quantity to be managed over the Plan period is 32.752mt.

62. Data for construction and demolition (C&D) waste is notoriously unreliable, but they are based on the best and most recent estimates available. C & P acknowledge that figures for the arisings in Table 7.1 are in error by a small margin [CS/M3/CP-2], resulting in an overestimate of some 2.5mt (around 4.2%) over the Plan period. A change is proposed to rectify this and the overall totals [S101].

63. The RS forecasts quantities of non-hazardous waste imported from London for disposal in the Eastern Region. The Plan incorporates these for the Plan area, falling from 484,000tpa in 2006 to 166,000tpa by 2016, and thereafter staying at that level. Little hazardous waste is managed in the Plan area and the quantity is not forecast to rise considerably (from 44,000tpa in 2006 to 49,000tpa in 2026). A total of 4.542mt of agricultural waste is predicted to arise in the Plan period, falling from the 2006 rate of 328,000tpa to 181,000tpa by 2016 and remaining at that level thereafter.

64. All of the figures for waste arisings are justified by the evidence, and, where relevant, they are broadly in conformity with RS. They provide a sound base for the strategy.

Need and catchment areas

65. Policy CS29 as submitted requires need for new waste management development to be demonstrated. That is unjustified and inconsistent with the approach taken to other forms of development. In response, C & P have substituted a permissive approach to development that meets a need, with consistent modifications to supporting text which also clarify that the policy applies to both new facilities and to extensions to existing ones [S31, S75].

66. The policy also seeks to ensure that excessive waste management provision is not made that could result in unacceptable importation of waste, by making new planning permissions dependent upon applicants entering into binding restrictions on catchment areas, tonnages and / or types of waste. The RS says that, as waste management is put on a sustainable footing, each region should assume responsibilities for managing its own wastes. RS Policy WM4 adds that local authorities should take responsibility for waste arising within their own administrative areas. But that is not the same as providing only for their own wastes. Indeed, RS does not preclude movements of broadly equivalent volumes of locally arising or imported wastes between waste authority areas where, for example, this reduces the long-distance movement of imported waste or allows treatment at the most appropriate facility. If that approach is put into practice by all authorities then, together with market forces, the provision of waste facilities in
appropriate locations should in time become self-regulating: there would be no need for restrictions to be placed on catchments because each Waste Planning Authority (WPA) would have made appropriate provision for the management of its own wastes.

67. But complete coverage of waste strategies does not presently exist, so C & P cannot rely on appropriate provision being made elsewhere, at least not in the short term. They may be justified in being concerned that developers might wish to locate facilities in the Plan area which, for financial and operational reasons, would serve a wider area. Such development would not necessarily be unsustainable, but the potential would exist. Moreover, it could inhibit development in more sustainable locations. It is not simply a matter of not wanting to handle “other peoples’ waste”. In any event, in line with RS, the policy would allow for importation of waste where this would maximise recycling and recovery of waste materials and be the most sustainable option. The policy does not arbitrarily indicate the size of catchments or restrict them to administrative boundaries: the extent would be fixed by reference to individual circumstances. The policy is therefore flexible and should not inhibit necessary and sustainable development.

68. Those who oppose the concept of catchment areas do so on the grounds that they can be anti-competitive, are inflexible and may deter investment. But this is not the view of all operators, some of whom have already entered into agreements in Cambridgeshire [E084]. Evidence from one such says that, in practice, monitoring and enforcement is effective. I note that the Secretary of State has accepted on appeal that “hinterland conditions” are unreasonable and unenforceable; and it is not appropriate to impose them. But what is now proposed is not the imposition of conditions, but agreements, the terms of which may be adjusted if circumstances alter. Overall, the policy, as proposed to be changed, is consistent with national and regional policy, justified, at least in the short term, flexible and effective. It is sound.

Spatial strategy for waste facilities

69. A Key Diagram for waste management was submitted as an editorial change [C07]. It shows the general location of existing significant facilities, strategic allocations, broad locations for future facilities and “Netwaste” Areas of Search. These are areas identified by C & P’s consultants [E042, E044] based on an assessment of waste arisings and the local road network, providing a gravity model. These are very broadly drawn and shown diagrammatically on the Key Diagrams. They are acknowledged by the Councils to be no more than a general indication of suitable locations and, for that reason, they are renamed as Optimal Localities in proposed changes [S17, S18]. Though location within these areas is used as a criterion in some of the waste policies, it is amongst others and would not be determinative.

70. As submitted, Policy CS15 and its supporting text provide guidance on the location of recovery and recycling facilities but, as proposed to be changed [S17, S35], this is extended to apply to all types of facilities; and specifically to include waste water treatment works (WWTW) and landfill. It is a criteria-based policy that provides the context for facilities to be identified in the SSPDPD. The criteria are uncontroversial, most reflecting national policy in PPS10 (¶20) [R26] and a sustainable approach. For completeness, the proposed change [S17] also adds specific reference to the information on the Minerals & Waste Key Diagrams.
71. Policy CS18 provides criteria for considering waste recovery and recycling facilities in non-allocated areas. It is complementary to those in Policy CS15 and also directly reflects the principles and policy of PPS10. It promotes sustainable development and the movement of waste up the waste hierarchy. Proposals will be subject to all policies in the Plan. Consequently there is no need for a specific criterion seeking to minimise journey distances in relation to the catchment served.

72. All strategic development is required to make provision for permanent waste management (Policy CS18) and for temporary waste recycling facilities during the construction phases (Policy CS28). Strategic development is described in the supporting text, which is updated in changes [S39, S42] to ensure that it would apply to future allocations in all parts of the development plan. This is consistent with PPS10 in that it promotes management of waste close to its source and ensures that facilities are planned for and provided at the same time as major development, such as new settlements or urban extensions. There is no justification for restricting the provision to the major phases of construction only. The potential for recycling may vary over the life of a development, and the nature of the facilities could be changed according to the need.

73. More detailed guidance on the location and number of the different types of facility required is provided in other policies, which I consider below.

**Recycling**

74. The predicted number of facilities required has taken account of the targets for recycling for the 3 waste streams set out in Table 7.2. For MSW including composting this rises from 60% in 2016 to 67% by 2021, with the comparable figures for total recovery rising from 84% to 86%. They slightly exceed those given for the early years of the Plan period in the JMWMS [E077], but have the support of RECAP, the Cambridgeshire and Peterborough Waste Partnership, who are confident they can be achieved. For C&I wastes, the respective figures are 84.2% to 88% and 92% to 99%. Both these and the MSW rates exceed the waste management targets in RS Policy WM2. For C&D wastes recycling and recovery is to rise from 65% (as amended [S81]) to 70%. The rates are then predicted to be maintained for the remainder of the Plan period. All of these rates exceed those sought in the Waste Strategy for England 2007 [R40].

**Materials Recovery Facilities / In vessel composting**

75. Need for new Materials Recovery Facility (MRF) capacity has been identified for 3 catchment areas: Huntingdonshire / Fenland (C&I & MSW); Peterborough (C&I); and Cambridge City / South Cambridgeshire / East Cambridgeshire (C&I) [E044]. The capacity intended to be provided would rise from 150,000tpa in 2011 to 627,000tpa in 2026, requiring between 5 and 13 facilities, depending on their size. The detailed sites will be identified through the SSPDPD. The need for an in-vessel composting facility with a capacity of 40,000tpa to serve the Peterborough area has also been identified [E041], to be provided by 2021.

**Inert wastes**

76. C&D waste is either recycled to provide a beneficial product such as aggregate, or disposed of to landfill, mostly as a way of restoring quarry excavations. Notwithstanding the recycling targets used in the Plan, in the early
years there is a shortfall in recycling facilities that leads to a greater temporary reliance on landfill. The baseline existing recycling capacity for inert wastes set out in Table 7.3 is very significantly wrong [CS/M3/CP-2]. A change is proposed to rectify this [S87] in the interests of accuracy. Fortunately, this figure has not been used to calculate the future requirement for recycling facilities, and has therefore not led to other errors of a commensurate scale. But, having applied the correct figure, it is nonetheless necessary to revise the figures and the timescale for the provision of sufficient recycling facilities in Table 7.5 (from 1.5 mtpa to 1.86mtpa by the end of the Plan period. This equates to about 15 facilities, assuming an individual plant throughput of 125,000tpa) [S82]. As explained in additional text [S36, S89, S90], the exact number required and the timing of the provision may vary, depending on plant size and other factors.

77. Policy CS7 allocates 280,000tpa of the recycling provision (at 3 plants) as a strategic allocation at Block Fen / Langwood Fen, and this is reflected by a change [S27] to the appropriate target in the Monitoring and Implementation Section, indicating that 200,000tpa would be available by 2011 and the full capacity by 2016. Though this would represent only about 15% of the total provision, it would be an important and integral part of the long term major minerals and waste management proposals for this area, which are central to the achievement of the strategy. The strategic designation is thereby justified. The remaining sites are to be identified through the SSPDPD on the basis of criteria set out in Policy CS7, which reflect the policy of PPS10 (¶20) [R26]. A change is proposed to make additional reference to the guidance of the Minerals & Waste Key Diagrams and to the Netwaste Optimal Localities shown on them [S18], with consistent amendments to the supporting text [S88].

78. Table 7.7, which shows the predicted increasing deficit in available landfill void, also requires amendment [S86] to take account of the revised calculation of the short-term lack of recycling facilities. The deficit in 2011 thereby rises from 1.221million cubic metres (m cu m) to 2.770m cu m and by the end of the plan period from 9.605m cu m to 12.09m cu m, a figure proposed to be incorporated into Policy CS20 [S34].

79. Policy CS20 makes a strategic allocation for inert landfill at Block Fen / Langwood Fen, sufficient to accommodate 8.4m cu m in the Plan period at a rate of up to 0.56m cu m pa (corrected from 0.5m cu m pa) [CS/M3/CP-2] [S40] and a further 5.6m cu m later. The size of this allocation and its importance to the successful restoration of this area makes it central to the achievement of the strategy. The remaining 3.69m cu m of void required by 2026 is to be allocated through the SSPDPD, wholly or mainly in quarry voids.

80. The waste recycling and disposal aspects of the proposals would be covered by the Masterplan and would be subject to strict planning and permitting conditions. I have considered the generality of the working and restoration proposals above (¶41).

81. There are other sites which currently make a major contribution to waste management, (eg Waterbeach, which holds the Private Finance Initiative (PFI) for household waste in Cambridgeshire, with an Mechanical / Biological Treatment (MBT) plant and large-scale C&D recycling), and to that extent they are strategic. But they are not comparable with Block Fen / Langwood Fen so far as new specific proposals are concerned; and so they do not justify “strategic site” status.
However, should suitable proposals come forward at other sites, they would not thereby be disadvantaged.

**Household Recycling Centres**

82. Policy CS16 identifies 6 broad locations for new Household Recycling Centres (HRC) to supplement the existing provision: Cambridge East; Cambridge North; Cambridge South; March; Northstowe and Peterborough. These represent mainly the principal growth areas and reflect the waste strategies of the authorities [E056, E077] and an ideal maximum drive-time of 15 minutes. With a total capacity of 63,000tpa and an average annual capacity of 11,000 tonnes, 6 HRCs will be required, with half in place by 2016 and the remainder by the end of the Plan period. The detailed sites will be identified through the SSPDPD but a proposed change adds specific reference to the information on the Waste Key Diagram [S19]. In view of the semi-industrial nature of HRCs, some care will have to be taken to ensure that they can be integrated successfully into high density, mostly residential urban areas such as planned for Cambridge East, yet remain easily accessible. However, it is right that the CS should identify the need in the interests of sustainability and the active involvement of the public in waste management. A single centre to serve the whole of Cambridge would not be appropriate: it would be too remote from a proportion of the population, inhibiting use and requiring longer journeys.

83. The policy adds that new development will contribute to the provision of HRCs, with the contributions being consistent with SPD: the draft RECAP Waste Management Design Guide [E064] and in Peterborough with the Planning Obligations Implementation Scheme [E090]. Policy CS28 places similar requirements in relation to “bring sites”. Additional reference to the future use of the Community Infrastructure Levy (CIL) is also proposed [S2, S19] for clarity. Proposed changes [S98] to supporting text will clarify the applicability of the SPDs and ensure consistency with the policy.

84. 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. It is not for this Examination to recommend what should or should not be included in the Design Guide, but I note that C & P are looking to amend its content [E091].

85. 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. Some will be identified through the SSPDPD under Policy CS15 and others will be considered under CS18. The locational guidance for waste management facilities, though general, is appropriate to this level of planning, and sound.
86. Taking into account the existing operational capacity, permitted and planned facilities, the Plan indicates the number and capacity of HRCs, MRFs, in-vessel composting, inert waste processing and waste treatment plants likely to be required and their general locations. This is summarised in a revised Table 7.5, which combines and updates Tables 7.5 & 7.6 to take account of matters raised during the Examination [S82, S83] and provides the necessary information on phasing.

**Hazardous waste**

87. Though there are a number of facilities in the Plan area that manage hazardous wastes, including waste oils, solvents and clinical waste, amounting to some 34,000tpa in 2009, much produced in the area is treated or disposed of in specialist facilities outside it, including at the King's Cliffe facility close to the border in Northamptonshire. Under Policy CS19, a replacement clinical waste facility using energy from waste technology is proposed as a strategic allocation at Addenbrooke’s Hospital, Cambridge. While clearly important locally, it is debatable whether this is truly a strategic site, since it is not central to the achievement of the waste strategy. Nonetheless, it is uncontroversial, and its inclusion is not unsound. In view of the small quantities and predicted level of growth of hazardous wastes, no other provision is made in the Plan. In the event that a demonstrated need arises, Policy CS19 indicates that proposals will be considered in the light of the development plan on an individual basis. It is sound as submitted.

**Stable Non-Reactive Hazardous Waste**

88. Policy CS14 makes no specific provision for additional disposal of Stable Non-Reactive Hazardous Waste (SNRHW). Policy CS19 indicates that additional capacity will be identified through the SSPDPD, but provides no other guidance. The first omission is rectified by the inclusion of 14,000cu m pa landfill void space in Policy CS14 [S32] [E042] and the second by a change [S20] indicating that it will be provided by limited extensions to existing landfill sites having regard to the wider development plan.

**Non-hazardous waste landfill**

89. Table 7.4 shows that in 2009 there was over 15 million cu m of non-hazardous landfill void available. Supporting data [E041] shows that this will be more than sufficient to meet the likely need, including providing for the disposal of the wastes from London apportioned by the RS which will have been pre-treated with little or no opportunity for further beneficial reduction. Proposed changes to Policy CS2 and to supporting text [S33, S38, S41, S43, S96] clarify the position and pragmatically recognise that some of the waste may actually originate in other local authority areas which take London waste, but the overall quantity should not be affected. No further provision needs to be made for non-hazardous landfill, and none is to be made unless (under Policy CS21) it is required to contribute to supplementary landfill engineering. In response to a representation, C & P propose to extend the range of circumstances when it may be allowable, to include landfill that would be complementary to SNRHW disposal. This is in the interests of maintaining viability [S5, S49], thereby ensuring effectiveness. Policy CS21 indicates that if need is identified through monitoring, then it will be sought in the broad location of Whittlesey Brickpits.
**Agricultural wastes**

90. No specific provision is made for agricultural wastes. Much is similar in kind to C&I waste and to a large degree is subsumed with it. This is increasingly likely to be the case. A large proportion of the remainder is managed at source.

**Radioactive wastes**

91. Policy CS44 makes no specific provision in the plan area for the disposal of the small quantities of Low Level Radioactive Waste (LLRW). Any demonstrated need for a facility would be considered in the context of national guidance and RS. However, there is no reference to LLRW in RS, so a proposed change \[S3\] substitutes “development plan”. Policy CS43 Nuclear Waste is uncontroversial.

**Other waste policies**

92. No adverse representations have been made with respect to Policy CS45 Landraising; and CS46 Mining of Landfill Waste.

93. Policy CS14, requires changes \[S32\] in order to correct errors and omissions and to reflect the numerous detailed changes with respect to the individual waste policies and proposals. It says that, with existing operating capacity, the Plan will provide for locally-assessed needs over the Plan period and the requirements of the waste technical advisory bodies (presently incorporated in RS) for C&I waste and imported non-hazardous waste; and meets waste management targets for the 3 main waste streams. For reasons of clarity and to ensure consistency, changes are also proposed to the supporting text \[S84, S85, S93, S94\] and to the targets in the Implementation and Monitoring section \[S26\].

94. The policies for waste management are justified, effective and consistent with national policy. The strategy as a whole is sound.

**Issue 4 - Safeguarding & consultation areas**

*Is the approach to safeguarding mineral resources and minerals and waste related development soundly based, appropriate for Cambridgeshire and Peterborough, consistent with national policy and capable of implementation?*

**Mineral Safeguarding Areas**

95. By means of Mineral Safeguarding Areas (MSA) designated under Policy CS25, the Plan seeks to safeguard minerals of current or future economic importance from bring sterilised by other development. The MSAs have been defined on the Proposals Map \[C06\] using methodology described in Appendix D of the Plan; and have been identified using data from the British Geological Survey (BGS) supplemented with information from the minerals industry \[eg E133\] and having regard to the BGS Guide to Mineral Safeguarding in England \[E035\]. Areas that have been previously-worked and restored and urban areas and settlements are excluded.

96. 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.

97. The policy as submitted allocates a specific MSA for the Block Fen/Langwood Fen area, but C & P recognise that this is unnecessary and propose to remove it from the Plan [S25].

98. 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 (¶13) [R14] and emphasised in Appendix D.

99. The Plan requires MPAs to be consulted on any planning application for major development in MSAs with the supporting text defining what is meant by “major”. But some representations highlight the potential of smaller development to sterilise minerals. The policy as submitted would thereby be ineffective. In response, C & P propose to amend the approach by incorporating in the policy a list of types of development that do not necessitate consultation and to delete the supporting text and the related section of Appendix D [S25, S63, S64, S79]. This would exclude the most minor of applications from the consultation process, but still pick up those with the potential to sterilise. A pragmatic balance has therefore been struck between safeguarding objectives and the unnecessary screening of unmanageable quantities of applications.

100. The MSAs are drawn widely and contain some areas where development is proposed in other DPDs, such as land between Madingley Road and Huntingdon Road in North West Cambridge which has been allocated for significant development in the North West Cambridge Area Action Plan (NWCAAP) [CSRepD7]. I acknowledge the concern that landowners or developers may have in such circumstances that the existence of an MSA may affect their ability to proceed with schemes, or that the process of consultation may introduce delay. As Policy CS25 includes 6 criteria under which development would be permissible, several of which are met in the case of the North West Cambridge land, there is a good argument that the designation may be unnecessary, irrespective of the economic significance of the minerals, which is a matter of dispute [CSRepD4].

101. The minerals in the North West Cambridge land, though not of the highest quality, may have the potential to have economic value and should not be discounted as a factor when considering development proposals. Consultation under the MSA is the means whereby such account may be taken. Moreover, the purpose of designating MSAs should not be seen as something entirely negative, only seeking to prevent development prejudicial to the extraction of minerals. It also has a positive aspect in that it allows the impact of development to be assessed and the manner in which it is carried out influenced to minimise sterilisation of minerals and to maximise its sustainable use. For example, the MPA may seek to ensure that minerals are extracted prior to development or otherwise used in a sustainable manner on site. Policy NW28 of the NWCAAP provides some comfort to the MPA, but it does not fully cover the point, as it does not appear to encompass removal of minerals from the site. More generally, it cannot be assumed that all development allocations in DPDs would be subject to such a policy.
102. The University – the landowners/prospective developers of the North West Cambridge land - would be satisfied if they could be fully confident that the MSA process would not result in delay. The County Council is aware of the need to engage positively, and have a willingness to do so. Overall, there is sufficient justification to maintain an MSA on the land.

103. Criterion (e) of the policy as submitted (criterion (a) in change S25) would permit non-minerals development where it is allocated in other DPDs, notwithstanding other minerals safeguarding considerations. Some representors seek this to be extended to sites identified in draft DPDs. However, that would be unwise, as there could be no guarantee that the sites would be included in the finally adopted Plans.

104. Subject to the changes identified, the policy is in accordance with MPS1 (¶13) [R14] and sound in all other respects.

Mineral Consultation Areas

105. Policy CS26 additionally introduces Mineral Consultation Areas (MCA) around existing and planned sites, requiring consultation on all but the most minor applications within influencing distance that may prejudice working and thereby risk the sterilisation of mineral resources. The policy designates an MCA at Block Fen / Langwood Fen, as that site is a strategic allocation in the CS. MCAs for other sites will be designated through the SSPDPD. This will include those sites within the "broad areas" identified in the CS. MCAs will be based on the MSAs, as required by MPS1. It is possible that some may fall outside them, though all will at least adjoin. The policy is sound and consistent with national policy in MPS1 (¶13) [R14].

Waste Consultation Areas

106. Waste Consultation Areas (WCA) are intended to fulfil a similar function to MCAs though, in view of the large number of sites and for the sake of practicality, they are to be limited to the more major facilities. As submitted, Policy CS30 provides for WCAs to be defined around existing waste management sites, those that have been permitted but are unimplemented and those which have been allocated, to protect their operation from potentially compromising development which may be proposed in the vicinity. For reasons of completeness and consistency with the approach to MCAs and the specific allocations of the Plan, this (and the supporting text) has been expanded to include designated areas of search and planned waste management operations [S10, S56, S68, S69]. The policy sets a depth to the WCAs of 250 metres based on experience and consistent with the definition of buffer zones in the Draft Location and Design of Waste Management Facilities DPD [E065]. However, recognising the lack of specific justification for the distance, C & P acknowledge that this may not be appropriate to all types of facility and situations. It is therefore proposed to remove reference to this distance from the Policy itself [S10], while indicating in the supporting text that “normally” the depth will be 250 metres, with each site considered individually [S67]. It is therefore a starting point. This is a reasonable compromise which overcomes the potential for unsoundness in the approach to the future definition of WCAs. The term “buffer” has confusingly and inconsistently been used in supporting text, but this is proposed to be replaced by reference to WCA [S67, S68].
107. Planning for major growth areas in the county is considered proactively and at an early stage together with district councils in order to minimise the risk of conflict between the objectives of different plans. As the nature and location of waste management facilities may change over the years, C & P will undertake 5-yearly reviews. Should circumstances change significantly in the meantime, there are mechanisms to change the WCAs. In that way, consistency between plans should be assured.

108. Apart from the two strategic Areas of Search identified in the policy and on the Proposals Map (relating to Policies CS7 and CS19), WCAs will be identified in the SSPDPD. Cambridge City Council wish to see the designation removed around Addenbrooke’s Hospital, as it has the capacity to affect development at the hospital complex, the bio-medical park and at the Bell School, which are identified for development in the Cambridge Local Plan. However, as the incinerator is to serve the medical uses, it should logically be designed to be compatible with them. It is therefore highly unlikely that the WCA procedure would prejudice that or other local development. In any case, the WCA is not to be regarded as a “no-go zone” for development. Rather it is a flexible tool that, amongst other things, will alert prospective developers to the presence of the waste facility.

109. With these changes suggested by C & P, the policy for WCAs is sound.

Waste Water Treatment Works and related Safeguarding Areas

110. Policy CS17 has a presumption in favour of providing new treatment capacity to cater for the planned growth in population over the Plan period [E043]. But it is not expected that any new WWTWs will be required other than possibly in Ely which, in order to ensure consistency with the supporting text, C & P propose to specify in the policy [S8], with an Area of Search to be allocated in the SSPDPD. An erroneous reference to the Uttons Drove (Swavesey) works is to be deleted from supporting text [S76]. Criteria for identifying suitable sites are set out, with a view to minimising the potential for conflict between them and potentially sensitive uses in the vicinity in line with the guidance of PPS23 [R29] and the Code of Practice on Odour Nuisance from Sewage Treatment Works [R48].

111. Criterion (c) of the policy requires at least 400 metres separation from existing buildings normally occupied by people. The same distance is used in proposed safeguarding areas (WWTWSA) around existing and allocated WWTWs in Policy CS31, which would operate in a similar way to MCAs and WCAs. Both are justified by reference to Part 6 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995, which sets that distance in relation to the storage of sewage sludge in agricultural situations. 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. As with MCAs and WCAs, the definition of the WWTWSA does not equate to a “no-go-zone”. A change [S8] adds a requirement for an odour assessment and mitigation to be provided at sites closer than that distance to relevant buildings. This would introduce some flexibility to take account of individual circumstances.

112. Not all buildings occupied by people will be equally sensitive to smell. What may be acceptable in an industrial environment may not be in a dwelling. But as
the intention is to protect the amenity of people, it is a reasonable criterion, bearing in mind that the proposed change introduces flexibility. Criterion (c) applies only to the occupiers of existing buildings. The impact on planned buildings could be addressed under the general provisions of Policy CS34.

**Transport Zones and Safeguarding**

113. Policy CS23 relates to *Transport Protection Zones* intended to safeguard transport infrastructure such as wharves, railheads and ancillary facilities, in line with MPS1 (¶13) [R14]. In them there will be a presumption against development (other than minor development) that would prejudice their use for the transport of minerals or waste. C & P have chosen to alter the terminology [S30], so that *Transport Zones* (TZ) would be defined [S21] for the sites themselves, and these would be protected through the designation of *Transport Safeguarding Areas* (TSA), with a role comparable to a WCA. Revised supporting text would reflect the change, indicating that a TSA will extend 250 metres beyond the edge of the TZ [S100]. The distance has not been defined by reference to evidence, but no other has been suggested. It is a reasonable approach, consistent with that taken with respect to WCAs. TZs and TSAs will be defined in the SSPDPD. In response to uncertainty over the continuation of an existing railhead (ie to ensure that there will still be a railhead in Cambridge over the Plan period), a TZ will be designated in the SSPDPD [S22, S30] on land to the north of Chesterton Sidings, Cambridge.

114. As proposed to be changed, the policies relating to safeguarding and consultation are justified, effective and consistent with national policy. They are sound.

**Issue 5 – Climate change and sustainability**

*Are the policies with respect to climate change, the sustainable design and use of resources, and encouraging sustainable transport movements soundly based, appropriate for Cambridgeshire & Peterborough, consistent with national policy and capable of implementation?*

115. The Plan has been drawn up having regard to government policy for the promotion of sustainable development and planning in a time of climate change and in particular the *Climate Change Supplement to PPS1* [R22]. A large proportion of the policies are either explicitly or implicitly reflective of this. But there are a number that seek to address these matters more directly.

**Climate Change**

116. Policy CS22 requires all minerals and waste proposals to take account of climate change by reference to the minimisation of greenhouse gas emissions and measures to allow flexibility for future adaptation. As submitted, the policy includes examples of how this may be achieved but these are not requirements. Under a proposed change [S16] the Policy and the supporting text [S62] are very substantially re-written in order to address the matter of carbon offset measures and the fact that they should be considered only after a full range of other measures; to align more closely with the Climate Change Supplement; to separate the issues of mitigation and adaptation; to provide clarity on issues relating to power generation; and to acknowledge the wider benefits of Sustainable Drainage Systems (SuDS). The proposed changes significantly strengthen the policy,
overcoming its lack of effectiveness and bringing it into line with national guidance. As proposed to be changed, it is sound.

**Transport**

117. One of the principal concerns raised by individuals and community groups in representations to the CS is the effect of the transportation of large quantities of minerals and waste by road. This has implications for the sustainable location of quarries, landfill and facilities. But it also 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. Policy CS32 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. Similarly, at this level, it is not appropriate to provide detailed guidance on what might be regarded as “unacceptable harm” in relation to the criteria in the policy. That is a matter of judgment, to be employed when considering future allocations or planning proposals.

118. In identifying broad locations for development, the CS takes account of desirability of minimising transport, including through the “Netwaste” gravity model [E044]. Of necessity, this is but one locational factor and cannot be the sole determinant. Policy CS32 additionally encourages the sustainable transport of minerals & waste by means other than road vehicle. It is mostly aspirational; and evidence [CS/M6/CP] suggests that there are few practical opportunities available for the use of rail or water [E098]. But this is an inevitable consequence of the physical distribution of minerals relative to present transport infrastructure and markets and the highly dispersed nature of sources of waste. Nonetheless, under Policy CS23, transport infrastructure is to be safeguarded; and CS32 requires opportunities for the use of alternative modes to be evaluated and the most appropriate pursued, where practicable. The expectation is that the most sustainable will be used, subject to practical constraints.

119. The policy requires criteria to be met with the intention of promoting alternative methods of transportation, ensuring the suitability of road access and minimising harm to the environment, road safety and residential amenity. Both it 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. Since the Plan was written, Cambridgeshire has published an Advisory Freight Map [E075, E082, E083] which identifies suitable roads. It is therefore intended to substitute reference to this [S28, S97] in the interests of effectiveness. 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. A proposed change [S28] seeks to introduce a fourth criterion to make it clear that reference in the final paragraph to backloading agreements, routeing arrangements and HCV signage may apply to all sites, not only to Block Fen / Langwood Fen.

120. The section of the Plan covering planning conditions and obligations (¶11.88 – 11.93) though not in the form of a policy, provides guidance on the matters that
Design

121. Policy CS24 is a general policy requiring all minerals and waste management development to achieve a high standard in their design and mitigation of environmental impacts including climate change. It therefore overlaps to some extent with other polices of the Plan, notably CS22, CS23 and CS34. However, it is consistent with them and with national guidance in MPS1 (¶1, 17) [R14]. The policy also requires that waste development should be consistent with the guidance provided by the Location and Design of Waste Management Facilities SPD [E065]. The revised SPD has yet to be finalised, but has had regard to the Defra / CABE Waste Design Guide, which provides some consistency of approach across the country. The policy cannot accord to the SPD the status of the development plan. In the event that it was, or became inconsistent with national or local policy, it would carry little weight, irrespective of this policy. It is acceptable that the policy should refer to it, despite the fact that it is unfinished.

122. Policy CS28 seeks to drive waste management up the waste hierarchy in line with PPS10 (¶1, 3) by encouraging waste minimisation, re-use and resource recovery. Reference has already been made to 2 means of so doing: contributions from new development to “bring sites” and the installation of temporary waste recycling facilities in strategic development areas. In addition, the policy requires a waste management audit and strategy for waste minimisation, sorting, re-use, recovery and recycling on all developments over £300,000, together with a “RECAP Waste Management Design Guide Toolkit Assessment”. All are sustainable measures. Changes [S48] to the supporting text amplify and explain the approach, including the relationship with Site Waste Management Plans, which have the same cost threshold. The Design Guide [E064] is to be revisited by the Council so that additional consultation can be undertaken, with a view to providing adequate detailed guidance.

123. The Plan as a whole takes a sustainable approach to minerals and waste development and has proper regard to the issue of climate change. It is justified, consistent with national and regional policy and effective. Subject to the proposed changes, it is sound.

Issue 6 – Environmental impact of minerals & waste development

Are the policies addressing the environmental impact of minerals and waste development, and for their restoration and after-use appropriate and soundly based, consistent with national and regional policy, justified and effective?

124. Policy CS27 contains a mixture of general and specific requirements with respect to the restoration & aftercare of mineral workings, most of which are uncontroversial. However, as submitted it does not apply to the restoration of waste sites. Although most requiring restoration will have been former minerals sites, there is a risk that the policy could be partial and thereby ineffective. C & P have
therefore proposed changes to the policy and supporting text \[S9, S65, S102, S103\] that would extend its scope to include waste development. Further, in order to bring the policy into line with Minerals Planning Guidance 7 (MPG7) (¶58)[R51] the change also substitutes “seeks” for “requires” with respect to extended periods of aftercare. Part (e) is unclear in its meaning in that it appears to suggest that where there is high grade agricultural land, then restoration will always be to agricultural use. That is not its intent, which would run contrary to the aspirations for the Block Fen / Langwood Fen strategic allocation. This is simply rectified as part of the proposed changes. However, I see no reason to amend the first paragraph of the policy as C & P suggest. Restoration will be considered on a site by site basis, and it is evident that some sites may be able to contribute to more than one restoration objective. The proposed wording only serves to confuse. While it is recognised that restoration has the potential to affect historic landscape character, there is no need to include any specific reference in this policy, especially as a proposed change to Policy CS36 extends its scope to cover the effects of both extraction and restoration on historic landscapes.

125. Policy CS33 Protection of Landscape Character seeks the integration of minerals and waste development into its surroundings and local landscape character. In response to concern expressed about the practical difficulty of so doing, particularly in the very open landscape of Cambridgeshire, a change \[S70\] to the supporting text explains the approach. This makes it plain that the intention is to minimise landscape impact, including by the use of mitigation, and substitutes assimilation for integration. Other tests have been suggested, but none is inherently better. The distinction is small but, in order to ensure consistency between the text and the policy, I also recommend the proposed change to the latter \[S11\]. The policy would be implemented in accordance with the Cambridgeshire Landscape Guidelines [R53] and Local Landscape Character Assessments [R54]. When considering individual proposals, account would normally be taken of the duration of the impact and the sensitivity of the identified receptors, but the absence of explicit reference to such variables is not critical to a finding of soundness.

126. Policy CS34, though written in general terms, is consistent with MPS1 (¶17) [R14]. 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. Some things, such as the effect of traffic on amenity, are covered by Policy CS32. The policy also says that mitigation measures may be required.

127. Policy CS35 reflects national policy in PPS9 [R25]. However, as submitted, the supporting text is inconsistent. C & P propose changes to rectify this \[S54, S71\]. No reference is made to the possibility of further Habitats Regulations Assessments (HRA) being necessary at project level stage. However, a change proposed to ¶2.3 (Background) incorporates suitable text \[S53\], and it is intended to make the requirement explicit with respect to the strategic Block Fen / Langwood Fen minerals and waste allocations \[S50, S51\].

128. Policy CS36 provides the tests to apply where heritage assets may be affected by minerals or waste development. A change \[S12\] has been proposed by
C & P to bring it into line with current national policy in PPS5 [R23]. It also extends the scope of the policy to include the effects of both extraction and restoration on, amongst other things, historic landscape, a factor not addressed in Policy CS27. In the interests of consistency, an additional implementation issue related to the proximity of scheduled monuments is proposed to be added to the list of considerations for the Block Fen / Langwood Fen waste allocation [S52]. There is no need for additional reference to be made to the potential for mitigation, nor to the opportunities that mineral working may afford for archaeological investigation that might not otherwise take place. Any mitigation proposed would naturally be taken into account in concluding on the effect of the development, as would the balance of benefit or harm in relation to investigation. English Heritage has made representations with respect to many parts of the Plan but, taken as a whole and as proposed to be changed, it provides a satisfactory framework for considering the effect of minerals and waste proposals on heritage assets. The overview section of the Plan area does not make reference to the considerable number of heritage assets, and so implies a lesser importance than, for example, nature conservation. This is rectified by the insertion of a brief descriptive passage, making the Plan more locally distinctive [S55].

129. As submitted, Policy CS38 Sustainable Use of Soils, and Policy CS39 Water Resources & Water Pollution Prevention are uncontroversial and in line with national policy, including the objectives of MPG7 [R51].

Other Development Control / Management policies

130. The CS contains an extensive suite of development control / management policies (Policies CS32 – 46) which cover minerals and waste issues commonly encountered in dealing with planning applications and enforcement. I have already addressed most in the context of related policies. I now consider the remainder.

131. Policy CS37 seeks permanent alternative routes to Public Rights of Way affected by development to be of equivalent convenience, quality and interest. While an ideal aspiration, C & P recognise that this will not always be possible, for example where the restoration is to water. It is therefore unjustified and inflexible. In order to incorporate flexibility, they propose changes to the policy and supporting text [S13, S80] so that this should be “where practicable”.

132. Policy CS40 seeks to safeguard airports from the adverse effects of minerals and waste development, principally in relation to bird strike. As submitted, it presumes against development which would constitute any amount of hazard to air traffic. That is unjustified. A proposed change [S14] would reasonably limit this to “significant” hazard. Further, in order to recognise that mitigation of the effects of birds may be achieved through the use of Bird Management Plans, reference to such plans is also included. Consequential Changes to the supporting text are also proposed [S72].

133. Policies CS41 Ancillary Development and CS46 Mining of Landfill Waste are uncontroversial.

134. All of the policies considered under this issue are sound as submitted or subject to the agreed changes as indicated.
Issue 7 - Monitoring and Implementation Framework

Does the Core Strategy contain realistic, achievable targets, and indicators to monitor the performance and delivery of the strategy and policies; delivery mechanisms and timescales for the implementation of policies and an indication of who is intended to implement each policy?

135. The Plan includes monitoring and implementation frameworks for minerals and waste. On submission, these included a considerable number of errors, omissions and inconsistencies. They confused some indicators and targets, and appeared to introduce some targets not included within the main text of the plan. They did not show who was responsible for the various aspects of monitoring or implementation; and the relationship of the indicators and targets to the objectives for Block Fen / Langwood Fen were omitted. This part of the plan is not sound as it is ineffective, partly unjustified and inconsistent with national policy in PPS12. C & P have comprehensively reviewed the tables to address these matters and to take account of changes proposed elsewhere in the Plan. These are contained in ANNEXES C & D of the Significant Changes [S23, S24]. The framework is sound as proposed to be changed.

Legal Requirements

136. My examination of the compliance of the CS with the legal requirements is summarised in the table below. It meets them all.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
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<tbody>
<tr>
<td>Minerals and Waste Development</td>
<td>The Core Strategy is identified within the approved Cambridgeshire MWDS of March</td>
</tr>
<tr>
<td>Scheme (MWDS) &amp; Local Development</td>
<td>2009 [R06] and the Peterborough LDS of January 2010 [R49] which both set out an</td>
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<tr>
<td>Scheme (LDS)</td>
<td>expected adoption date of June 2011. The Core Strategy’s content and timing are</td>
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<td></td>
<td>compliant with the MWDS and the LDS.</td>
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<tr>
<td>Statement of Community Involvement</td>
<td>The Cambridgeshire SCI [C24] was adopted in October 2006 and the Peterborough City</td>
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<td>(SCI) and relevant regulations</td>
<td>Council SCI [C25] was adopted in February 2008 and consultation has been compliant</td>
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<td></td>
<td>with the requirements therein [C14, C15].</td>
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<tr>
<td>Sustainability Appraisal (SA)</td>
<td>SA has been carried out at all stages during the preparation of the CS and at</td>
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<td>submission [C32, C33].</td>
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<tr>
<td>Appropriate Assessment</td>
<td>A Habitats Regulations Assessment has been carried out and has concluded that all of</td>
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<td></td>
<td>the policies and strategic allocations proposed in Submission Plan can be considered</td>
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<td></td>
<td>to have passed [C29].</td>
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<tr>
<td>National Policy</td>
<td>The Core Strategy complies with national policy except where indicated and changes</td>
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<tr>
<td></td>
<td>are recommended.</td>
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<tr>
<td>Regional Spatial Strategy</td>
<td>The East of England Regional Assembly has confirmed that the CS is in general</td>
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<td></td>
<td>conformity with the approved East of England Plan [E079].</td>
</tr>
<tr>
<td>Sustainable Community Strategy</td>
<td>Satisfactory regard has been paid to the SCSs of the relevant local authorities.</td>
</tr>
<tr>
<td>(SCS)</td>
<td></td>
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<tr>
<td>2004 Act and Regulations (as</td>
<td>The Core Strategy complies with the Act and the Regulations, including the</td>
</tr>
<tr>
<td>amended)</td>
<td>arrangements for publication and making available the necessary documents.</td>
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Overall Conclusion and Recommendation

137. I conclude that with the changes proposed by the Councils, set out in Appendix A, the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. And for the avoidance of doubt, I endorse the Councils’ proposed minor changes, set out in Appendix B.

Jonathan G King
Inspector

This report is accompanied by:

Appendix A (separate document) Council Changes that go to soundness
Appendix B (separate document) Councils’ Minor Changes