

Cambridgeshire & Peterborough Minerals & Waste Local Plan; Further Consultation Draft, March 2019;

Representation on behalf of the **Mineral Products Association (MPA).**

Contact:

Mark E North, (Director of Planning Aggregates and Production)

Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU.

Tel: 07568 427719 Email: mark.north@mineralproducts.org

The MPA has various comments on the consultation draft plan and these are set out below. We would like to be kept informed of the plan progress and would like to appear at the Examination in Public.

Comments on the Draft M&WLP

Vision

Para 2.9; The wording of this paragraph is not consistent with NPPF paragraph 207. It is suggested that the text be altered as follows to make it consistent with national planning policy and therefore sound. It will also then be consistent with the wording set out as your first headline objective.

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

*Over the plan period to 2036 Cambridgeshire and Peterborough will ensure a steady and ~~sustainable~~ **adequate** supply of minerals to meet current and projected future need. There will be an increased commitment to the use of secondary and recycled aggregate over land won material, with restoration and aftercare placed at the forefront of planning decisions.*

Aims and Objectives

Objective 8; It should be made clear under the criteria for this objective that, as required by paragraph 171 of the NPPF, a distinction needs to be made between the hierarchy of international, national and local designated sites. They do not all carry the same weight when considering a planning application.

Objective 10; Paragraph 189 of the NPPF recognises that there will be a distinction between various types of heritage assets and their importance. This is not reflected in the text in respect of the criteria to be applied to this objective and it needs to be altered accordingly.

Sustainable Development and Climate Change

Para 3.6; We would dispute the statement made in the first sentence of this paragraph namely;

Minerals development especially can cause considerable loss of high-quality agricultural land and / or peat land and is an important consideration for proposals.

The type of restoration of most sites is policy driven. The industry has been restoring sites back to agriculture for over 30 years to effectively equivalent grade. Any loss is due to the requirement over the years of planning policies to concentrate on nature conservation and biodiversity not any unwillingness or capability on the industry to restore agricultural land. This needs to be made clear in the text.

Providing for Mineral Extraction

Para 3.15; The first sentence of this paragraph needs to be altered to properly reflect the NPPF as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

*This Plan follows national planning policy in planning for a steady **and adequate** supply of sand and gravel and limestone i.e. the main aggregates which occur in the plan area.*

The Core Policies

Para 3.18; We welcome the recognition by Cambridgeshire and Peterborough that the trend upwards in the demand for aggregates needs to be reflected in the emerging MWLP.

Policy 2: Providing for Mineral Extraction

Additional wording is required at the start of this policy for clarification and to make it effective and reflect national planning policy as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

*The Mineral Planning Authorities (MPAs) will facilitate a steady and adequate supply of the ~~following minerals~~ **aggregates** over the plan period (2016-2036), **by maintaining a landbank of at least 7 years for sand and gravel and at least 10 years for crushed rock:***

Policy 5: Mineral Safeguarding Areas (MSAs)

We welcome and support the principle of this policy and the inclusion of the 250m buffer as indicated at paragraph 4.2 of the supporting text. However; we do not feel it is fully effective or compliant with national policy as it does not recognise the application of the *agent of change* principle as set out in paragraph 182 of the NPPF. An additional paragraph needs inserting at the end of this policy as follows;

If permission is granted for non-mineral development the agent of change principle will be applied to that development to ensure that future extraction of mineral resource protected by a mineral safeguarded area, and its buffer is not in any way prejudiced.

Policy 6: Mineral Development Areas (MDAs) and Mineral Allocation Areas (MAAs)

We welcome the identification of these areas on the policy plan. We assume this is meant to be a safeguarding policy, but it is not clear and as such is not effective. Also, a buffer should be applied to the MDAs and MAAs as with the MSAs. Inappropriate development in the proximity of the MDA or MAA could prejudice the mineral use hence the need for a buffer.

In addition, the agent of change principle should be applied, and the following words should be added to the policy;

If permission is granted for non-mineral development within the buffer of a MDA or MAA the agent of change principle will be applied to that development to ensure that future development of a MDA or MAA, and its buffer is not in any way prejudiced.

In addition, for clarity the MDAs and MAAs should be listed either in policy or the supporting text.

Policy 15: Transport Infrastructure Areas (TIAs)

It needs to be made clear in the supporting text that a 250m buffer is applied to the TIAs as implied in paragraph 6.3. The TIAs identified on the policy map should be listed either in the policy or supporting text for clarity. Furthermore, the agent of change principle needs to be applied to make the policy compliant with the NPPF. Suggested wording as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

*Transport Infrastructure Areas (TIAs) are identified on the Policies Map **and including a 250m buffer zone**. Development which would result in the loss of or reduced capacity of such infrastructure will not be permitted unless it can be demonstrated that either:*

a. the loss or reduced capacity will have no impact on the ability of minerals or waste to be transported by sustainable means, both now and for accommodating future planned growth; or

b. alternative, suitable and sufficient capacity is to be developed elsewhere (and in which case the authorities are likely to require it to be implemented before the loss or reduced capacity has occurred).

c. where non mineral development is proposed within an identified TIA and /or its buffer zone the 'Agent of Change Principle' will be applied in that the responsibility, and cost for mitigating impacts from existing noise-generating activities or uses will be placed on the proposed new noise- sensitive development and any such measures will not add to the costs and administrative burdens on existing or proposed noise generating uses.

New relevant transport infrastructure capacity (such as wharves, railheads, conveyor, pipeline and other forms of sustainable transport), whether on TIAs or elsewhere, including the improvement or extension to existing sites, will be supported in principle, particularly where it is required to meet wider growth proposals identified in a Development Plan.

Policy 16: Consultation Areas (CAs)

It is assumed that the purpose of this policy is a catchall safeguarding policy. As such it would be more effective to have *safeguarding* in the policy title.

On the assumption this is a safeguarding policy the *agent of change* principle needs to be identified within the policy to make it compliant with the NPPF. It suggested that the policy wording is altered as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

Consultation Areas (CAs) are identified on the Policies Map, as a buffer around Mineral Allocation Areas (MAAs), Mineral Development Areas (MDAs), Waste Management Areas (WMAs), Transport Infrastructure Areas (TIAs) and Water Recycling Areas (WRAs). The Mineral & Waste Planning Authority must be consulted on all planning applications within CAs except:

- a. householder applications (minor development works relating to existing property); and*
- b. advertisements.*

Development within a CA will only be permitted where it is demonstrated that the development will:

- c. not prejudice the existing or future use of the area for which the CA has been designated; and*
- d. not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated*; **and***
- e. where non mineral development is proposed within an identified TIA and /or its buffer zone the 'Agent of Change Principle' will be applied in that the responsibility, and cost for mitigating impacts from existing mineral or mineral related activities or uses will be placed on the proposed new non mineral development and any such measures will not add to the costs and administrative burdens on existing or proposed mineral uses.***

Within a CA which surrounds a WRA, and unless convincing evidence to the contrary is provided via an odour assessment report, there is a presumption against allowing development which would:

ef. be buildings regularly occupied by people; or

f.g. be land which is set aside for regular community use (such as open space facilities designed to attract recreational users, but excluding, for example, habitat creation which is not designed to attract recreational users).

In instances where new minerals development, waste management, transport infrastructure or water recycling facilities of significance are approved (i.e. of such a scale that had they existed at the time of writing this Plan it could reasonably be assumed that they would have been identified as a MDA, WMA, TIA or WRA), the policy principle of a CA around such a facility is deemed to automatically apply, despite such a CA for it not being identified on the Policies Map.

**Where development is proposed within a CA which is associated with a WRA, the application must be accompanied by a satisfactory odour assessment report. The assessment must consider existing odour emissions of the WRC at different times of the year and in a range of different weather conditions*

Policy 19: Restoration and Aftercare

Part g of the policy should be deleted as it is not effective and is not positive planning. How can it be assumed that restoring to agricultural is not sustainable? It is ensuring that agricultural land is maintained for future generations. With climate change the provision of food will become increasingly important and to put up significant barriers to agricultural restoration is not acceptable.

This part of the policy seems to be contradicting the implied criticism at para 3.6 where it states;

Minerals development especially can cause considerable loss of high-quality agricultural land and / or peat land and is an important consideration for proposals.

In addition, paragraph 6.24 of the MWLP acknowledges that agricultural land is an important national resource with Cambs. & Peterborough having a larger proportion of high-quality agricultural land than any other area in England. This makes part g) of the policy perverse.

Agricultural restoration must be on an equal footing with other forms of restoration. Furthermore, prejudice against agricultural restoration will cause issues with landowners who wish to see land restored back to farming and this could see sites not coming forward for mineral working.

Policy 20: Biodiversity and Geodiversity

Paragraph 171 of the NPPF in part states;

Plans should: distinguish between the hierarch of international, national and local designated sites;

As drafted the Policy fails to clearly identify such a hierarchy. Although separate sub headings are given to International Sites, National Sites, Local Sites, Habitats and Species of Local and Principal importance there is no distinction made to their relative importance when considering an application. This goes against the NPPF and as such is unsound. The policy needs redrafting.

We would be grateful to be kept informed of the, progress of the plan and would wish to appear at the Examination in Public.

ME NORTH

07/05/2019