

# Cheshire East Council

## Portfolio Holder for Housing and Planning

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<b>Date of Meeting:</b>	>	4 April 2017
<b>Report of:</b>	>	Director of Planning and Sustainable Development
<b>Subject/Title:</b>	>	Cheshire East Local Plan (Part 3) Minerals and Waste Development Plan Document - Issues Paper and Call for Sites
<b>Portfolio Holder:</b>	>	Cllr Ainsley Arnold, Housing and Planning

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### 1. Report Summary

- 1.1. This report requests that the Portfolio Holder for Housing and Planning approves the Minerals and Waste Development Plan Document ("MWDPD") Issues Paper (Appendix A) for six weeks of public consultation, alongside a 'call for sites' to inform the allocation of any sites for development within the MWDPD.
- 1.2. The MWDPD is the third part of the Council's Local Plan. It will be prepared in the context of the strategic priorities and policies set out by the Local Plan Strategy ("LPS"), which is now at an advanced stage in its examination. The MWDPD will contain any site allocations necessary to ensure that the requirements for meeting appropriate minerals and waste needs in the Borough are met for the plan period to 2030. It will also provide detailed policies to guide decision-making by Development Management on planning applications for minerals and waste related developments.
- 1.3. The Issues Paper and Call for Sites was considered by Strategic Planning Board on 22 March 2017. It recommended that the six weeks consultation and 'call for sites' goes ahead in line with the recommendation contained in this report.

### 2. Recommendation

- 2.1. That the Portfolio Holder for Planning and Housing approves the Minerals and Waste Development Plan Document Issues Paper for six weeks of public consultation, alongside a 'call for sites' to inform the allocation of any sites for development within the MWDPD.

### 3. Other Options Considered

- 3.1. The Council's Local Development Scheme (2016-2018) identifies that the MWDPD will be prepared throughout 2017 with a view to publishing the

version that it intends to submit to the Secretary of State in the first quarter of 2018. There is discretion for local planning authorities in terms of how they go about engagement and consultation leading up to that point.

- 3.2. The Issues Paper will give everyone with an interest in the Local Plan an opportunity to give their views on the scope of the MWDPD and the direction of its policies, right at the start of the plan-making process. It will be the first of many opportunities for residents, organisations and businesses to help shape the Plan.

#### **4. Reasons for Recommendation**

- 4.1. The MWDPD forms the third part of the Local Plan for Cheshire East. Once adopted, it will replace the saved policies contained within the separate Minerals and Waste Local Plans prepared by Cheshire County Council, which currently still form part of this Council's Statutory Development Plan.
- 4.2. The Issues Paper represents the first step in preparing the MWDPD and sets out key issues and related questions for residents, businesses and stakeholders to respond to.

#### **5. Background**

##### Minerals and Waste DPD Issues Paper / Call for Sites

- 5.1. The MWDPD will form the third part of the Cheshire East Local Plan. It will provide detailed development management policies and any site allocations necessary to ensure that the requirements for meeting appropriate minerals and waste needs in the Borough are met for the plan period to 2030. Alongside the LPS, the MWDPD will fully replace the 'saved policies' in the legacy Cheshire Minerals Local Plan (adopted 1999) and Cheshire Waste Local Plan (adopted 2007). The MWDPD will be supported by a Policies Map which will show the spatial extent of its policies.
- 5.2. The MWDPD will be prepared in the context of the strategic priorities and policies contained within the Local Plan Strategy, particularly Policies SE10 (Sustainable Provision of Minerals) and SE11 (Sustainable Management of Waste). The Issues Paper accompanying this report (Appendix A) invites views on the scope of the MWDPD – what policies it should include and what direction they should take. The main issues identified are as follows:
  - **Ensuring an adequate and steady supply of aggregates** – this identifies how the Council intends to meet its agreed share of supply for the aggregates found in the Borough over the Plan period. This will build on the work undertaken annually by the Council to assess the local need for aggregates through the production of the Local Aggregate Assessment. It will involve the consideration of factors such as an assessment of demand (based on 10 year sales data and other relevant local information), the need to maintain required

landbanks for each aggregate and the extent of any identified gaps in supply requiring the allocation of new or extended sites. Consideration will also need to be given to the balance of the policy approach used to deliver the supply i.e. the reliance on specific allocations to meet need rather than policy tools such as identified preferred areas or areas of search;

- **Ensuring prudent, efficient and sustainable use of mineral resources** – this involves considering how mineral resources can be used appropriately to reflect the fact that they are a finite resource. It will consider the extent to which the Plan should encourage the use of secondary or substitute aggregate materials to minimise the need for primary extraction. This could include the recycling of construction and demolition waste, thereby linking mineral and waste policy within the Plan. Other considerations could include restricting mineral production where it would involve the use of high quality or scarce minerals for low grade purposes, such as silica sand (used in glass production) to enhance sports pitches or exploring the possible greater use of marine rather than land won aggregate. The use and creation of salt cavities for the underground storage of gas also needs to be considered;
- **Safeguarding mineral resources and mineral related infrastructure** – as minerals can only be worked where they are found it is important that they are not needlessly sterilised by other forms of surface development. These require the Council to consider how it will approach safeguarding resources to ensure that they are available to meet the mineral needs of future generations. This will require the definition of “Mineral Safeguarding Areas” to alert interested parties to the existence of proven mineral deposits. It could also require the prior extraction of minerals, where appropriate, before non-mineral development takes place. The Council will also need to consider if there is any existing, planned or potential mineral related infrastructure that requires safeguarding e.g. concrete batching sites, rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities;
- **Meeting the waste management needs of Cheshire East** - the production or consumption of goods and services in the economy and wider society naturally results in the generation of waste. This needs to be appropriately managed in accordance with the principles of the ‘waste hierarchy’, whereby options for management are prioritised according to their environmental impact with priority being given to reducing the amount of waste that is produced in the

first place. When waste is created, priority is then given to preparing for its re-use, followed by recycling (including composting), then recovery (including energy generation), and last of all disposal (for example, to landfill). The starting point is to identify the level of waste likely to be generated (referred to as waste arisings) in the Borough across all the main waste streams for the Plan period to 2030. Consideration then needs to be given to the 'capacity gap' i.e. the extent to which this waste cannot be managed by the waste management facilities currently present in Cheshire East. The issue for consideration is the extent to which Cheshire East should manage all its own needs through the provision of new facilities rather than export waste for processing elsewhere. This will require developing a strategy which balances the need to manage waste as close as possible to its source (the proximity principle), with commercial considerations around providing and operating suitable waste management facilities in the Borough. Satisfying duty to cooperate responsibilities will also be an important consideration here;

- **Identifying suitable sites and areas to deliver waste management facilities** – Once the Council has decided the appropriate type and extent of new provision it needs to plan for, consideration has to be given to how this will be delivered through the Plan. This could be through specific site allocations or the identification of broad locations. These could include industrial sites or, in the case of a low carbon energy recovery facility, a location close to a suitable potential heat customer. The criteria for assessing sites and locations will be based on those identified in national guidance; and
- **Safeguarding sites from non-waste development** - Losing identified waste sites or areas to non-waste related development, such as housing, could result in the loss of potential waste management capacity in Cheshire East. This in turn could impact on levels of waste recycling, the diversion of waste from landfill and the ability to meet waste recovery targets. It may also be possible that non-waste development within close proximity of an identified waste site could affect its potential for future waste management use and long term deliverability. Therefore, consideration will be given to the approach the Council should adopt to safeguard waste sites and areas from development

5.3. The feedback received from the questions that accompany the issues will help to shape the scope and content of the Plan and will be considered alongside relevant evidence in drafting policies and proposals. Areas of policy development which may be of particular interest to the public are likely to include the potential for exploiting unconventional gas resources

(commonly referred to as fracking) and the provision of facilities to derive energy from waste within Cheshire East.

- 5.4. The consultation on the Issues Paper will be supported by a 'call for sites', providing an opportunity for landowners and developers to make the Council aware of sites that they consider to be candidate allocations, including information about their suitability and deliverability. This will include sites for the extraction and processing of the minerals found in Cheshire East (such as silica sand, construction sand and gravel, hard rock (sandstone), salt, coal and hydrocarbons), as well as sites for the processing of waste. The main waste streams that need to be considered in the MWDPD are: Local Authority Collected (Municipal); Commercial and Industrial; Construction, Demolition and Excavation; Hazardous; Low Level Radioactive; and Agricultural.
- 5.5. Submitted sites will be assessed by the Council using a site selection methodology similar in approach to the one used for the purposes of preparing the Local Plan Strategy. The methodology will ensure that suitable and deliverable/developable brownfield sites and other sites within individual settlements are identified first in order to minimise the need for any further Green Belt boundary changes. However, it should be noted that the location of mineral sites is limited to where the resources are found.
- 5.6. The Issues Paper and Proposed Call for Sites was considered by the Strategic Planning Board on 22 March 2017. It recommended that the Portfolio Holder agrees to the publication of the Issues Paper for six weeks public consultation and a Call for Sites over the same period.

## **6. Wards Affected and Local Ward Members**

- 6.1. All Wards are affected.

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

- 7.1.1. The Local Plan is a key Council's strategy and sets out a vision for how the Borough will grow sustainably to 2030. It provides the starting point for determining planning applications and feeds into, and supports, numerous other agendas such as infrastructure, transport, economic development, recreation, public health, education and adult social care.

### **7.2. Legal Implications**

- 7.2.1. The Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the procedures to be followed in the preparation of such plans.

### **7.3. Financial Implications**

7.3.1. The costs of preparing and publishing the Issues Paper for consultation along with a 'call for sites' is covered by the existing revenue budget for Planning & Sustainable Development.

#### **7.4. Equality Implications**

7.4.1. The Revised Sustainability Appraisal Scoping Report (already approved earlier this year as part of the consultation on the part 2 Local Plan) includes a Equalities Impact Assessment and will be used to test the production of policies in the MWDPD.

#### **7.5. Rural Community Implications**

7.5.1. The Local Plan provides a planning framework for all areas of the Borough outside the Peak District National Park. Consequently, it covers the whole rural area of the Borough and addresses numerous matters of importance to rural areas within its policies and provisions. The MWDPD will facilitate the drawing up of more detailed policies for rural areas in relation to mineral and waste matters and, where relevant, will continue to support the production of Neighbourhood Plans across the borough.

#### **7.6. Human Resources Implications**

7.6.1. There are no additional implications for Human Resources arising from this report.

#### **7.7. Public Health Implications**

7.7.1. The SA will incorporate a Health Impact Assessment. The MWDPD will continue to implement the LPS's strategic priorities that promote good health. This will include the achievement of good design, the provision of open space and recreation facilities, and green infrastructure.

#### **7.8. Implications for Children and Young People**

7.8.1. Alongside the LPS, the MWDPD will play an important role in ensuring that children and young people have access to appropriate learning and recreation opportunities and jobs they require in future years.

### **8. Risk Management**

8.1. An adopted Local Plan has many benefits for the Council, local communities and business. It reduces the risk of unplanned development and provides greater certainty over future growth and infrastructure and a secure framework for investment.

### **9. Access to Information/Bibliography**

- 9.1. Information on the Local Plan Strategy Examination Pages can be viewed using the following website link:- <http://cheshireeast-consult.limehouse.co.uk/portal/planning/cs/sub1>

## **Appendix**

Appendix A – MWDPD Issues Paper

## **10. Contact Information**

Contact details for this report are as follows:

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