



Meeting: **Cabinet**

Date/Time: **Friday, 13 September 2019 at 11.00 am**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr. M. Hand (Tel. 0116 305 2583)**

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Membership

Mr. N. J. Rushton CC (Chairman)

Mr. R. Blunt CC Mr. J. B. Rhodes CC
Mr. L. Breckon JP CC Mrs H. L. Richardson CC
Mr. I. D. Ould OBE CC Mr. R. J. Shepherd CC
Mr. B. L. Pain CC

APPENDIX PACK

| <u>Item</u> | <u>Report by</u> | |
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| 13. Leicestershire Minerals and Waste Local Plan 2019 - 2031. | Chief Executive | (Pages 3 - 160) |



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The Planning Inspectorate

Report to Leicestershire County Council

by **Elizabeth Hill BSc(Hons) BPhil MRTPI**

and **Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

Inspectors appointed by the Secretary of State

Date: 21 May 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Leicestershire Minerals and Waste Local Plan Up to 2031

The Plan was submitted for examination on 23 March 2018

The examination hearings were held between 22 and 23 October 2018

File Ref: PINS/M2460/429/8

Abbreviations used in this report

| | |
|-------|--|
| AA | Appropriate Assessment |
| AMR | Annual Monitoring Report |
| APSGS | Assessment of Potential Sand and Gravel Sites 2016 |
| AWP | Aggregate Working Party |
| DtC | Duty to Co-operate |
| HRA | Habitats Regulations Assessment |
| LAA | Local Aggregates Assessment |
| LDS | Local Development Scheme |
| MCA | Mineral Consultation Area |
| MM | Main Modification |
| MSA | Mineral Safeguarding Area |
| Mt | Million tonnes |
| Mtpa | Million tonnes per annum |
| NPPF | National Planning Policy Framework (March 2012) |
| NPPW | National Planning Policy for Waste |
| SA | Sustainability Appraisal |
| SCI | Statement of Community Involvement |
| WNA | Waste Needs Assessment |

Non-Technical Summary

This report concludes that the Leicestershire Minerals and Waste Local Plan Up to 2031 provides an appropriate basis for the minerals and waste planning of the County, provided that a number of main modifications [MMs] are made to it. Leicestershire County Council has specifically requested us to recommend any MMs necessary to enable the Plan to be adopted.

The MMs were proposed by the Council and were subject to public consultation over a six-week period. We have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The purposes of the recommended Main Modifications can be summarised as follows:

- MM1: Policy M3 – to provide flexibility within criterion (ii) for sand and gravel extraction on unallocated sites where there is a need for further mineral supply.
- MM2: Paragraph 3.83 – to set out further guidance on the information to be provided with planning applications for hydrocarbons to ensure that these would not have any unacceptable impacts on local residents and the environment.
- MM3: Policy M10 – to address ambiguity and non-conformity with the NPPF within the Policy.

Introduction

1. This report contains our assessment of the Leicestershire Minerals and Waste Local Plan Up to 2031 (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Plan submitted in March 2018 is the basis for the examination. It is the same document that was published for consultation in November 2017.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. This report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, and **MM3** and are set out in full in Appendix 1.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to the conclusions in this report.
6. The Council has also put forward a number of minor amendments and corrections, described as Additional Modifications (AMs), that do not address matters of soundness. We make no formal recommendations concerning these.

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan.

In this case, the submission policies map comprises the set of Mineral and Waste Safeguarding documents (SUB2 – SUB8), the Key Diagram, and Appendices 1 and 2 to the Plan.

8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Plan.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. When preparing the Plan the Council is required to engage constructively, actively and on an on-going basis with a range of local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation with regard to strategic, cross-boundary matters.
10. Details of how the Council has met this duty are set out in the *Duty to Co-operate Report 2018* (Ref SUB11), the *Statement of Consultation 2018* (Ref SUB10) and the Council's written responses to pre-hearing questions. These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters.
11. The evidence demonstrates that the Council has worked closely with neighbouring minerals and waste authorities, as well as some further afield where a strategic relationship was identified, the relevant East Midlands Aggregate Working Party (AWP), the East Midlands Strategic Waste Advisory Group and the Leicestershire Development Plans Forum throughout the plan-making process.
12. Also evident is the effective relationship the Council has established and maintained with all of the relevant bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). In addition, consultation has taken place with a wide range of organisations and bodies as part of the formal consultation process. It is clear that some of the changes to the Plan that were brought forward by the Council were as a result of consultation with relevant parties to address their concerns in a constructive and proactive manner.
13. Overall, on the basis of the evidence provided in the *Duty to Co-operate Report* (Ref SUB11), the *Statement of Consultation* (Ref SUB10) and the Council's written responses to pre-hearing questions, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Soundness

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings we have identified a number of main issues upon which the soundness of the Plan depends. Under

these headings this report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the Vision and Strategic Objectives are the most appropriate, are soundly based and provide an appropriate basis for meeting the future demand for minerals and managing waste sustainably.

15. The spatial vision and strategic objectives, informed by the underpinning Sustainability Appraisal (SA), seek to enable the provision of sufficient minerals and waste facilities within the County in locations that meet the economic and social needs of present and future generations whilst seeking to protect and enhance the environment. It is an appropriate basis that guides the policies of the Plan. The strategic objectives of the Plan broadly follow on from the Vision.
16. The strategic objectives do not specifically refer to the need to maintain a steady and adequate supply of minerals. However, Objective 1 aims to make provision of minerals in the County to meet national and local requirements. In this regard it is therefore generally compliant with the objectives of the NPPF in relation to the supply of aggregates and industrial minerals.
17. Strategic Objective 2 seeks to make sufficient provision of waste management facilities in Leicestershire with the capacity broadly equal to the waste generated within the County. This aim to achieve net self-sufficiency in managing waste is consistent with the guidance provided in the National Planning Policy for Waste (NPPW).
18. The remainder of the strategic objectives provide more guidance on how the vision will be achieved and provide a framework to achieve the principles of sustainable development. Some evidence suggests that Objective 9, which seeks to ensure a high quality of restoration of land, may be too onerous. Specifically, that the restoration objectives should be proportionate to requirements for any recreational, economic and community gain weighed in the overall balance as opposed to being necessary.
19. Strategic Objective 9 recognises that these restoration objectives are to be attained 'where possible' and in that regard it provides a degree of flexibility and proportionality. Moreover, the aspirations of Objective 9 do not materially conflict with the requirements of paragraph 109 of the NPPF which seeks to provide net gains in biodiversity 'where possible'. Nothing we have read in the representations or heard in the discussions at the examination hearings persuades us that Objective 9 is either unduly onerous or contrary to paragraph 109 of the NPPF.

Conclusion on Issue 1

20. Therefore, we are satisfied that the Vision and Strategic objectives reflect the most appropriate strategic approach for the Plan's administrative area. On this basis, we find this part of the Plan to be sound.

Issue 2 - Whether the Plan makes adequate provision for the steady and adequate supply of aggregate minerals.

21. The NPPF looks to Mineral Planning Authorities to plan for a steady and adequate supply of aggregates and industrial minerals. The Plan identifies that Leicestershire makes a significant contribution to the supply of minerals in the Country, producing 17.5Mt of minerals annually.

Sand and Gravel Provision

22. The quantity of sand and gravel required in the Plan period has been estimated on the basis of the average of 10-year sales (2005 – 2014). This is consistent with the approach set out in the NPPF, which says that an annual Local Aggregates Assessment (LAA) shall be prepared based on a rolling average of 10-year sales and other relevant local information. The period covers the latest 10 years for which published data was available prior to the submission of the Plan, which included periods of both high and low levels of economic growth.
23. The average sales of sand and gravel over a 10-year period were 1.12Mtpa, which gives a total provision over the plan period of 19.04Mt. The permitted reserves in 2015 were 9.51Mt. Therefore, there is a shortfall in provision over the plan period to 2031 of 9.53Mt.
24. Strategic Objective 5 seeks to attain the maximum possible reuse, recycling, and recovery of value from waste materials. The Plan (paragraphs 3.7 -3.10) identifies that the main source of alternative aggregates in the County arises from construction demolition and excavated waste. Although there is no specific policy relating to recycled and secondary aggregates, paragraph 3.10 identifies the Council's support for proposals for the recycling and reprocessing of materials for use as aggregates in appropriate locations and subject to compliance with other policies within the Plan. In this regard, the Plan is consistent with paragraph 143 of the NPPF.
25. The Plan recognises that the bulk of aggregates required for the construction industry are likely to continue to be won from primary sources. No substantive evidence was provided to suggest that recycled and secondary aggregates will significantly substitute for land won aggregates in the short term and result in a need to revise downwards the amount of sand and gravel provided for in the Plan. Policy M1 confirms that the Council will ensure a steady and adequate supply of sand and gravel by making provision over the plan period for the extraction of 19Mt and that priority will be given to proposals for extraction to be worked as extensions to existing sites.
26. Evidence referred to a possible under-provision of sand and gravel resources over the plan period due to the likelihood of increased economic growth in the region. In particular, the East Midlands Aggregate Working Party Annual Report 2016 (revised 2018), published subsequent to Leicestershire's latest LAA, identifies that the last 3-year sales, 2014 to 2016, indicates an annual requirement of 1.46Mt, albeit the average 10-year sales (1.13Mtpa) is similar to the figure (1.12Mtpa) in the Plan.

27. Without dismissing the possibility of significant future growth in the region, we consider that the LAA should be able to identify the consequences and impact there might be on sand and gravel resources, reserves and landbanks and inform the Monitoring and Implementation Framework of the Plan. In particular, paragraph 6.2 indicates that the Council's Annual Monitoring Report (AMR) would report on the effectiveness of the Plan and identify any changes needed to policies if targets are not being met and assist in ascertaining if there is a need to review the Plan. In addition, the more recent increase in sales may not necessarily be reflective of an upturn in construction within the County as evidence indicates a slight downturn in housing completions from 2015/16 to 2016/17.
28. Furthermore, more than 40% of sand and gravel production annually is exported out of the County and therefore sales may not necessarily correlate with economic activity within Leicestershire. Consequently, we see no convincing reason to depart from the advice that 10 years sales data should be the basis of future aggregate supplies to be provided for in the Plan.
29. Policy M3 of the Plan provides general development principles for sand and gravel extraction from unallocated sites. Subject to compliance with other relevant policies in the Plan, this policy provides a degree of flexibility to enable the consideration of sand and gravel development proposals on unallocated sites that are necessary in order to maintain an adequate level of provision and meet any identified shortfall in the landbank.
30. Therefore, we see no reason to consider that the annual provision of 1.12Mt of sand and gravel is unsound. However, **MM1** is necessary to ensure that the second criterion of Policy M3, which provides support for sand and gravel proposals from unallocated sites, takes account of the need for a new quarry to replace an existing site that is nearing exhaustion or when remaining sites cannot maintain the required level of provision. The modification is required for the Plan to be effective and for Policy M3 to provide sufficient flexibility to ensure a steady and adequate supply of sand and gravel is maintained.

Allocated sites for Sand and Gravel Provision

31. The existing active sites in the County have a total potential production capacity of approximately 1.7Mtpa, which means that they would be more than capable of producing sufficient material to satisfy the level of provision based on average sales over the last 10 years. However, these sites have insufficient reserves with planning permission to meet the required provision over the plan period without the benefit of extensions to their current permitted operations.
32. Table 2 of the Plan identifies that there would be a shortfall in sand and gravel provision up to the end of the Plan period of 9.53Mt. Policy M2 and the supporting text in paragraph 3.26 identify extensions to four existing operational sites, which would provide 7.2Mt. These proposed extension areas would not be sufficient to meet the identified shortfall of 2.33Mt but the Plan identifies that insufficient suitable sites have come forward in the call for sites process.

33. Paragraph 3.27 of the Plan recognises that a degree of flexibility will be required to ensure that a steady and adequate supply of sand and gravel is maintained over the plan period. The landbank situation would be monitored through the AMR. Therefore, the ability to obtain planning permission during the period outside the areas identified in Policy M2 is not ruled out and this will be considered against the criteria in Policy M3.
34. Each of the allocated sites is shown in detail on the Inset Maps in Appendix 1 of the Plan and was assessed, along with other potential sites, in the *Assessment of Potential Sand and Gravel Sites 2016* (Ref SUB18) (APSGS). The potential sites were then appraised through the SA process which assesses the sites against a range of social, economic and environmental factors. The purpose of this is to determine general conformity with the emerging planning policy approach, identify major constraints and confirm deliverability. Sites and locations that were not in general conformity with these criteria were not taken forward for inclusion within the Plan.
35. Evidence suggests that two sites, an extension to the Lockington Quarry and a new site at North Kilworth, which were discounted in the APSGS, are likely to come forward early during the plan period with sufficient reserves to meet and exceed the identified shortfall. These potential sites are not needed within the initial plan period but could come forward under the provisions of Policy M3 which would enable the consideration of development proposals on these unallocated sites in order to maintain an adequate supply.
36. Although the Plan identifies a slight shortfall in sand and gravel provision, it is subject to continuous review through the AMR which would provide a mechanism for early review of the Plan in the event of an inadequate supply. In addition, there is clear evidence of potential development proposals within the County which would be assessed against the provisions of Policy M3, together with other policies in the Plan, which if permitted would more than meet the identified shortfall. Overall, we consider that despite the slight identified shortfall, the Plan is sound with regard to sand and gravel aggregate provision.

Crushed Rock Provision

37. The average annual sales of aggregate provision from crushed rock in the ten years from 2005 to 2014 were 13.6Mt giving a total requirement over the plan period of 231.2Mt. Total permitted reserves as at 2015 amounted to 432Mt which provides for a surplus in provision over the period to the end of 2031 of 200.8Mt.
38. Whilst proposals for extensions to sites may come forward during the plan period there is no identified requirement for the plan to make any specific allocations for new sites for crushed rock provision. Policy M4 of the Plan provides general development principles for crushed rock extraction. Subject to compliance with other relevant policies in the Plan, this policy provides a degree of flexibility to enable the consideration of crushed rock proposals that may possibly be necessary in order to maintain an adequate level of provision and meet any identified shortfall in the landbank.

Landbanks

39. The NPPF identifies that provision should be made for a landbank of at least seven years for sand and gravel and at least ten years for crushed rock. National guidance does not state that plans have to allocate sites to account for a landbank at the end of the plan period. Acceptable alternative approaches are to have an enabling policy that allows unallocated sites to come forward to ensure an adequate supply is maintained should the landbank be likely to reduce below the 10 or 7 year period or to undertake a review of the plan. The landbank position would be monitored annually through the AMR.
40. Policies M1 and M4 identify the Council's intention to maintain at least the seven and ten year landbanks. Policies M3 and M4 allow for new proposals for sand and gravel and crushed rock where, amongst other things, they are required to maintain the landbank.
41. The commitment to maintain a landbank is clearly set out in Policies M1 and M4. The Plan does not propose to allocate sites beyond the plan period. However, we consider that adequate provision is made in the Plan, in particular by Policies M3 and M4, and subject to a statutory required review of the Plan, pursuant to the requirements of The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, or as considered necessary as a consequence of the AMR, to demonstrate that adequate provision is made to maintain the required landbanks for aggregate minerals. In this regard the commitment identified in Policies M1 and M4 to maintain the required landbank is sound with the annual position being informed by the AMR.

Conclusion on Issue 2

42. We are satisfied that Plan makes adequate provision for the steady and adequate supply of aggregate minerals and is fully justified by the evidence and soundly based.

Issue 3: Whether the objectives of Mineral Safeguarding Areas (MSAs) suitably balance the needs of competing development.

43. Strategic Objective 6 provides for the safeguarding of mineral resources, mineral sites and associated infrastructure from non-minerals development. This is consistent with paragraph 143 of the NPPF.
44. The Plan identifies that deposits of sand and gravel, limestone, igneous rock, shallow coal, fireclay, brick clay and gypsum are of current economic importance in the County. The boundaries of the Mineral Safeguarding Areas (MSA) have been produced for each District Council within the County.
45. Paragraph 3.97 of the Plan identifies that the Council will define Minerals Consultation Areas (MCA) covering resources within the MSA and associated infrastructure. District Councils are to be supplied with a copy of the MCA along with the development criteria on which the Council wish to be consulted.

46. Policies M11 and M12 provide the framework for the safeguarding of mineral resources, existing sites and minerals infrastructure which are required to be safeguarded from non-mineral development that may cause unnecessary sterilisation of the mineral resource or adversely affect operations at an existing mineral site. The objectives of these Policies are consistent with national policy.
47. The question arises whether MCAs should be included within the MSA documents at a less strategic scale. The Council indicates that MCAs are essentially equivalent to MSAs but are produced in greater detail for the District Councils whereas MSAs have been produced in a less detailed form for inclusion in the Plan. In addition, the MCAs are updated as necessary in line with the Annual Monitoring Report (AMR). Therefore, adequate information is provided to District Council to enable the presence of mineral resources and associated infrastructure to be taken into account in planning decisions by those Councils and no modifications to the Plan are necessary with regard to this matter.
48. Nevertheless, if all non-mineral development proposals were to be subject to the provisions of Policies M11 and M12, the application of the policy would become unwieldy and seem overly onerous. Therefore, a list of development exemptions is included in Table 4 of the Plan to ensure that the implementation of the policy remains practicable. The table lists the types of non-mineral development which, within a MSA, would not be subject to the safeguarding policy. In conjunction with the exemptions set out in Table 4, Policies M11 and M12 are effective and consistent with national guidance without modification.
49. The question also arises whether Table 4 should be amended to include applications for hydrocarbon extraction as being types of development exempt from safeguarding. However, Table 4 refers to the types of development that would be considered by a District Planning Authority and does not include 'County Matters' development that would include hydrocarbon extraction. Therefore, proposals for hydrocarbon development would be a matter for consideration by the County Council in its role as Mineral Planning Authority. As such, it would not be necessary or appropriate to include applications for hydrocarbon extraction as being types of development exempt from safeguarding.
50. The Plan effectively outlines the steps which respective District Planning Authorities would take to implement the policy. In particular, Policy M11 requires planning applications for non-mineral development to be accompanied by a Mineral Assessment providing information to determine the effect of the proposed development on the mineral resource beneath or adjacent to it.

Conclusion on Issue 3

51. The Plan appropriately balances the needs of competing development and makes adequate provision for the safeguarding of mineral resources and associated infrastructure. The proposed consultation arrangements with District Planning Authorities are effective and overall this part of the Plan is sound without modification.

Issue 4 – Whether the Plan makes adequate provision for minerals of significance (other than aggregates) in Leicestershire.

Brickclay

52. The NPPF requires that a stock of permitted reserves of at least 25 years is provided for brickclay to support new or existing plant (brickworks). Paragraphs 3.51 and 3.52 of the Plan identify the reserves of clay for the 5 brickworks in the County. These confirm that an adequate supply of brickclay can be maintained over the Plan period.
53. Whilst the Plan indicates that an adequate supply of brickclay can be maintained over the period to 2031, it recognises that there may be a need to release additional reserves to meet any potential identified shortfall in the reserve position. Policy M5 provides an appropriate framework to support the provision of a steady and adequate supply of brickclay to maintain at least 25 years' permitted reserves. This policy supports extensions to sites required to maintain the position of 25 years permitted reserves and allows new sites where production cannot be obtained from existing sites or associated extensions. Therefore, we consider that the provisions in the Plan for brickclay are sound.

Fireclay

54. Fireclay is associated with the Middle Coal Measures of north-west Leicestershire and is used principally in the production of engineering bricks, clay pipes and ceramics. The current principal source of fireclay in the County is the Donington Island clay stocking facility. In order to maintain a sufficient supply of fireclay during the Plan period, Policy M6 supports proposals for the extraction of fireclay to meet a proven need, establishes the continued temporary use of the part of the Donington Island site as a stocking and blending facility and supports the extraction of fireclays associated with the extraction of shallow coal reserves.
55. There is no evidence to suggest that there is a requirement to allocate any new sites for the extraction of fireclay or that there is any evidence of unmet demand. Therefore, we consider that the Plan is sound in the way that it has dealt with fireclay.

Gypsum

56. The reserves of gypsum within the County are of national importance and occur in north Leicestershire. The mineral is currently extracted from an underground mine at Barrow-upon-Soar with reserves existing for approximately 20 years production. The current planning permission for extraction from this mine effectively defines the extent of the viable deposit.
57. Potential exists for an extension of the Nottinghamshire Marblaegis Mine into Leicestershire. Policy M7 seeks to make provision for a steady and adequate supply of gypsum to meet a proven need and specifically identifies that provision will be made over the plan period for the extraction of remaining reserves at the Barrow-upon-Soar Mine and an extension to the existing Marblaegis Mine.

58. There is no evidence to suggest that any additional allocations need to be made for the extraction of gypsum. Moreover, there is no evidence to suggest that any other economically viable resources exist within the County. Consequently, taking into account the geological extent of the viable resources, the Plan is sound in the way that it has dealt with Gypsum.

Building and Roofing Stone

59. Although parts of the County have developed their own distinctive character by the historic use of locally sourced building and roofing stone, the Council does not have sufficient detailed knowledge of the nature and extent of suitable building stone resources to identify any potentially workable minerals to be included in the Plan. However, there is no specific target output required to be identified within the Plan.
60. Policy M8 indicates the circumstances where the extraction of natural building stone would be acceptable and requires demonstration that the material would be primarily used in the conservation and repair of historic buildings and structures or where new development requires the use of such material to maintain or enhance the character of the local area. Policy M8 provides an appropriate basis for the consideration of new extraction proposals. Overall, the Plan is sound in the way that it has dealt with building and roofing stone.

Coal

61. Coal deposits occur in north-west Leicestershire where they are present both at surface and at depth. Paragraph 149 of the NPPF identifies that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so, by planning conditions or obligations. Otherwise the proposal should provide national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.
62. Policy M9 provides a criteria-based approach for the consideration of proposals for the extraction of coal and is consistent with the policy provided in the NPPF and therefore the Plan is sound in the way that it has dealt with coal.

Conventional and Unconventional Hydrocarbons

63. Unconventional hydrocarbons refer to oil and gas which come from sources such as shale or coal seams which act as reservoirs and include Coal Bed Methane and Shale Gas. The latter is most commonly associated with hydraulic fracking. Shale Gas extraction does not currently occur within the County and it is not known if there is any potential for its exploitation at this stage.
64. Policy M10 provides a criteria-based approach for the consideration of proposals for the exploration, appraisal and production phases of hydrocarbon extraction as required by the PPG (ID: 27-106-2014036). The policy requires the well and associated facilities to be sited in the 'least sensitive location' from which the target reservoir can be accessed. There have been concerns that this may be potentially onerous and disproportionate.

65. In some circumstances there may be more than one location that would be technically suitable for a well site. The wording of Policy M10 would allow for sites to be considered which provide the best environmental outcomes and protection of harm to local amenity. In this regard the objectives of the policy are consistent with paragraph 152 of the NPPF subject to the requirement of achieving each of the economic, social and environmental dimensions of the overarching principles of sustainable development. This is also covered in Policy DM1 of the Plan.
66. However, the Plan provides little guidance of how the 'least sensitive location' is to be determined. Paragraph 3.83 of the Plan provides part of the supporting text to Policy M10. In order for the Plan to be effective and sound **MM2** is required. This provides additional text to the paragraph requiring that an assessment of the reasoning for the selected location for the well site and associated facilities should be included to demonstrate as far as practicable that the least sensitive location of potential options has been chosen.
67. The question arises whether reference to an "overall scheme" within Policy M10 is consistent with the policies provided within the NPPF and PPG. Paragraph 115 of the PPG (ID: 27-115-20140306) specifies the information which should be included on a location plan for oil and gas extraction. It requires that at the appraisal or production stage, the location plan should show the area where extraction of oil and gas is likely to take place.
68. In order for Policy M10 to be justified, effective and consistent with national policy, **MM3** is necessary which deletes reference to an "overall scheme" and requires that the appraisal stage is consistent with a scheme for the appraisal and definition of the resource. Subject to the MMs identified above, we consider that the plan is effective and sound in the way that it has dealt with Conventional and Unconventional Hydrocarbons.

Conclusion on Issue 4

69. The Plan, when considered with the recommended MMs, provides an appropriate basis for the provision of minerals of significance (other than aggregates) in Leicestershire and is positively prepared, justified, effective and consistent with national policy in this respect.

Issue 5 - Whether the spatial strategy of the Plan for waste management is the most appropriate and is soundly based.

70. An overall objective of the Plan is to enable the delivery of sufficient new waste management capacity equal to the waste arising within the County and to move greater amounts of waste away from disposal. The Plan is informed by the Waste Needs Assessment (WNA) and identifies the shortfall in waste management capacity and new facilities required at three stages in the Plan period (2020/21, 2025/26 and 2030/31) for various waste streams. This is set out in Tables 5, 6, 7, 8, 9 and 10. Policy W1 identifies the Council's commitment to making provision for a sufficient range of waste facilities to manage the predicted arisings in the County to the end of the Plan period.
71. The strategy is to locate the largest waste management recycling and recovery facilities, identified as 'strategic facilities', in close proximity to the

urban populations above 30,000 within the County That is around Leicester and in and around Loughborough/Shepshed, Hinkley/Burbage and Coalville. Policy W3 supports the provision for new strategic waste facilities in these locations, which are shown as Broad Locations on the Key Diagram of the Plan.

72. Smaller non-strategic waste facilities are proposed to be located, in the first instance, within the Broad Locations but also within other key urban areas of Melton Mowbray and Market Harborough and areas of the County that may be subject to major growth. Policy W4 supports the provision of non-strategic waste facilities in these areas.
73. There were concerns that the predicted shortfall in landfill capacity for construction and demolition waste, identified in Table 8, may be underestimated and more new facilities may be required in addition to the number identified in the Table. This is on the basis that Plan is based on the WNA for the period 2007-2014. It does not take into account growth since 2014 and that a five-year average of deposits to landfill sites would show that there is an additional shortfall and more sites would be needed.
74. However, there is some dispute as to whether these calculations include waste inputs for Rutland. In addition, the more recent increase in deposits to landfill for construction and demolition waste, based on the Environment Agency Waste Interrogator for 2015 and 2016, may not necessarily be representative of more recent events, as there has been a slight downturn in housing completions from 2015/16 to 2016/17. Consequently, the five-year average deposits may not constitute a representative trend.
75. We therefore see no convincing reason to depart from the basis of the seven-year average deposits on which the provision for waste management facilities in the Plan is derived. There is no substantive evidence at this stage for the need to allocate any further landfill allocations in addition to the required new facilities identified in Table 8.
76. Furthermore, Policy W8 of the Plan provides general development principles for new waste disposal facilities that may be required if there is an overriding need. Subject to compliance with other relevant policies in the Plan, this policy provides a degree of flexibility to enable the consideration of new waste management facilities that are necessary in order to maintain an adequate level of provision and meet any identified shortfall.
77. The Plan also considers the future waste needs that may arise from Leicester City Council. Similarly, should the AMR demonstrate that additional waste disposal facilities are required in the County to assist in catering for Leicester City's needs then Policy W8 would provide the flexibility to enable the consideration of additional necessary provision.
78. As to whether the Plan provides sufficient capacity for the management of clinical waste which is currently taken outside the County for incineration, nothing we have read or heard suggests that the County is unable to manage the clinical waste arisings effectively.

Conclusion on Issue 5

79. The Plan makes proper provision for waste to be managed and is positively prepared, justified, effective and consistent with the NPPW. We are therefore satisfied that the spatial strategy for waste management is sound.

Issue 6 – Whether the identification of Broad Locations for new waste management facilities is soundly based and consistent with national policy.

80. The NPPW sets out criteria for identifying suitable sites and areas for waste management facilities. They include considering a broad range of locations including industrial sites and giving priority to re-using previously developed land. The areas of focus for waste management facilities identified in Policies W3 and W8 coincide with the areas planned for growth and have taken into account District Local Plan strategies. In addition, Policies W4 and W5 allow for other locations for smaller facilities.
81. The identification of broad locations for strategic and non-strategic waste management facilities is consistent with the guidance provided in the NPPW and offers the opportunity for waste development proposals to come forward in a number of areas of the County that are likely to experience growth. Therefore, it provides for a range of sites which should satisfy all the waste needs of the County.
82. The Plan has been prepared on the basis that there is already sufficient available capacity to meet the waste recycling, composting and recovery targets. Therefore, no specific waste management site allocations are proposed for such facilities. However, as the recovery and recycling targets in the Plan are minima, to encourage the management of waste away from landfill additional facilities that may be required would be guided by Policies W3 – W6.

Conclusion on Issue 6

83. Therefore, we conclude that the proposed broad locations for waste management facilities are suitable and appropriate locations; and, are effective, deliverable, fully justified by evidence and soundly based.

Issue 7 - Whether the Development Management policies strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment.

84. The Plan contains a number of development management policies (Policies DM1 to DM12) that collectively seek to control impacts from future minerals and waste development. These include criteria-based policies and policies addressing sustainable development and local considerations, including local environment and community protection, transportation, natural and historic environment protection, landscape impact, public rights of way, and the cumulative impact of development.

Policy DM8: Historic Environment

85. We have considered whether Policy DM8 is inconsistent with the requirements of the applicable NPPF. However, the paragraph numbers referred to appear to be from the revised NPPF 2018. As indicated in paragraph 1 of this report, under the transitional arrangements provided in the revised NPPF 2018, for the purpose of examining this Plan, the policies in the NPPF 2012 will apply.
86. Concerns were raised that the second paragraph of policy DM8 is not compliant with national guidance as it provides for a presumption against mineral and waste development that will be detrimental to the significance of a heritage asset.
87. The NPPF (paragraph 132) makes it clear that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
88. Paragraph 133 of the NPPF states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss....". Whilst the wording of Policy DM8 may not be entirely consistent with that provided in the NPPF, we consider that its objectives are clear. In particular, the second paragraph also states that any harm to heritage assets will require clear and convincing justification. English Heritage raised no objections to this policy.
89. Therefore, whilst the second paragraph of the policy starts from an initial basis of presumption against mineral and waste development that will be detrimental to the significance of a heritage asset, the implications of the next sentence suggest that any harm will need clear and convincing justification. Therefore, although the wording of the policy is not entirely consistent with that provided in paragraph 133 of the NPPF we find that its objectives are consistent with it and on this basis the Policy DM8 is sound.

Policy DM12: Restoration, Aftercare and After-use

90. Concerns were raised that the requirements of the second paragraph of this Policy DM12, which requires that site restoration shall attain a net gain in biodiversity, may be inconsistent with the NPPF. This is on the basis that Policy DM12 requires that site restoration shall achieve a net gain in biodiversity whereas paragraph 109 of the NPPF seeks to achieve this objective "where possible".
91. The Council has referred to the mineral's industry guidance (Mineral Products Association – Biodiversity Strategy 2013) and the 'Nature After Minerals' programme which is a partnership between Natural England and the RSPB which is supported by the minerals industry. This programme has produced an advisory sheet on restoration which seeks a net gain in biodiversity from all minerals proposals.

92. Policy DM12 has the same objective as paragraph 109 of the NPPF but is slightly more prescriptive in its application. However, there is clear intent from the minerals industry that restoration of mineral development should provide for a net gain in biodiversity. We also recognise the Council's view that such gain is not quantified in any guidance and can be as straightforward as providing bird boxes.
93. Although the wording of Policy DM12 is not entirely in accordance with the NPPF, against the background of the aspirations of the minerals industry to achieve a net gain in biodiversity we do not consider that this divergence is so onerous or ineffective as to make the Plan unsound.
94. Policy DM12 states that 'sites in the Leicestershire Vales National Character Area shall be expected to manage retained mature hedgerows in a traditional Midlands-style hedge laying technique'. The policy indicates that this is an expectation as opposed to a formal requirement.
95. The purpose of this part of the policy is to reflect the local landscape character of the Leicestershire Vales National Character Area, as defined in Natural England's National Character Area Profile 94. This seeks to address neglect of hedgerows and lack of, or over-management of, them which has led to the decline of the overall structure of the landscape in the area.
96. The requirements of this part of the policy are founded on a robust evidence base that seeks to protect the defined character of the landscape. It does prescriptively require the application of the Midlands style hedge laying technique. However, this part of the policy is effective and we do not consider it to be unduly onerous on developers.

Conclusion on Issue 7

97. In summary, the development management policies and their supporting text reflect a balanced and comprehensive approach to the control and management of development that accords with national policy. Accordingly, we find this part of the Plan to be sound without modification.

Issue 8 - Whether the implementation and monitoring arrangements for the minerals and waste sections of the Plan will be effective.

98. Tables 11 - 16 comprise the Monitoring and Implementation framework that lists the key indicators, targets for corrective and/or mitigation measures for the policies of the Plan and their appropriate link to the Strategic Objectives and the objectives contained within the SA. The supporting text to the tables identifies the co-operation and participation involving appropriate interested parties that is necessary to adequately monitor the effectiveness of the Plan.
99. The Plan provides for Annual Monitoring Reports to be prepared to enable assessments to be made of the impacts of the policies and for reviews to take place should any parts of the Plan be found to need adjustment or replacement. LAAs also provide a monitoring mechanism specific to aggregate landbanks.
100. In conclusion, the Plan contains sufficient realistic indicators to monitor the performance of the policies. It provides for regular, deliverable assessment of

how effective the policies are proving to be in meeting their objectives, thereby facilitating the identification of any changes needed.

Conclusion on Issue 8

101. The Monitoring and Implementation framework provides a comprehensive, effective and sound framework for the delivery and monitoring of the Plan and is sound without modification.

Public Sector Equality Duty

102. An Equalities and Human Rights Impact Assessment was prepared (Ref SUB12). This indicates that the Plan does not lead to any adverse impacts or cause discrimination to any particular groups within Leicestershire. There is no evidence to suggest that the Council failed to appropriately consider and undertake the Public Sector Equality Duty.

Assessment of Legal Compliance

103. Our examination of the legal compliance of the Plan with the legal requirements is summarised below:
104. The Local Plan has been prepared in accordance with the Council's Local Development Scheme adopted in September 2017.
105. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
106. Sustainability Appraisal (SA) has been carried out and is adequate. We do not consider that the MMs require any further revisions to the SA.
107. The Habitats Regulations Screening Assessment Report (June 2017) sets out why an Appropriate Assessment is not necessary.
108. The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
109. The Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
110. Throughout the examination, we have had due regard to the equality impacts of the Leicestershire Minerals and Waste Local Plan Up to 2031 in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. There is also no compelling evidence that the Local Plan as a whole would bear disproportionately or negatively on them or others in this category.

Overall Conclusion and Recommendation

111. The Plan has a number of deficiencies in respect of soundness. For the reasons set out above, these mean that we recommend non-adoption of it as

submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

112. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that with the recommended main modifications, set out in the Appendix, the Leicestershire Minerals and Waste Local Plan Up to 2031 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (2012).

Elizabeth Hill and Stephen Normington

INSPECTORS

This report is accompanied by Appendix 1 containing the Schedule of Main Modifications.

Appendix 1 – Main Modifications

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

| Ref | Page | Policy/ Paragraph | Main Modification |
|-----|------|----------------------|---|
| MM1 | 19 | Policy M3 | <p>Amend policy to read:</p> <p>Planning permission will be granted for sand and gravel extraction for aggregate purpose outside allocated areas provided that the proposal:</p> <ul style="list-style-type: none"> (i) is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank; or (ii) is for a new quarry that is required to replace an existing permitted sand and gravel site that is nearing exhaustion where it has been demonstrated that there are no potential extensions to that site and or that remaining sites cannot maintain the required level of provision; or (iii) would offer significant environmental benefits as a result of the exchange or surrender of existing permissions or be significantly more acceptable overall than the allocated sites. |
| MM2 | 33 | Para 3.83 | <p>Amend para to read:</p> <p>Policy M10 is a criteria-based policy which seeks to ensure that activities related to the exploration, appraisal and production of conventional and and unconventional hydrocarbons (oil and gas) take place in an environmentally acceptable manner. Applications for energy mineral development should contain sufficient information to adequately assess the environmental implications of the proposal including field development plans. <u>An assessment of the reasoning for the selected location for the well site and associated facilities should be included in the application demonstrating that as far as practicable the least sensitive location of the potential options has been chosen.</u> Conditions and legal agreements will be attached, if necessary, to planning permissions to ensure that the exploration, exploitation and production operations do not have unacceptable impacts on local residents or the environment. Permission for wells will be conditioned for the life of the well.</p> |
| MM3 | 34 | Policy M10 | <p>Amend policy to read:</p> <p>Planning permission will be granted for the exploration of conventional and unconventional hydrocarbons (oil and gas)</p> |

| Ref | Page | Policy/ Paragraph | Main Modification |
|-----|------|----------------------|--|
| | | | <p>provided that:</p> <ul style="list-style-type: none"> (i) the well site and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed; and that (ii) operations are for a temporary length of time. <p>Where hydrocarbons have been discovered, planning permission will be granted to appraise, drill and test the resource provided that the proposal adheres to requirements (i) and (ii) above, and is consistent with an overall scheme for the appraisal and delineation of the resource.</p> <p>Planning permission will be granted for the production of conventional and unconventional hydrocarbons (oil and gas) provided that the proposal adheres to requirements (i) and (ii) above, and is consistent with an overall scheme which would facilitate the full development of the resource.</p> <p>Particular consideration will be given to the location of hydrocarbon development involving hydraulic fracturing having regard to impacts on water resources, seismicity, local air quality, landscape, noise and lighting impacts. Planning permission will be granted for proposals which involve the process of "associated hydraulic fracturing" for shale gas, as defined in the Infrastructure Act 2015, provided that it can be demonstrated that the proposal can accord with the above requirements and that surface and underground operations will not be undertaken in "protected groundwater source areas", as defined in the Infrastructure Act 2015 and associated Regulations.</p> |

Leicestershire Minerals and Waste Local Plan

Up to 2031



**Adopted
2019**

**LEICESTERSHIRE
MINERALS AND WASTE
LOCAL PLAN**

Adopted

2019

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1. Introduction

Minerals and Waste Local Plan

- 1.1 Leicestershire County Council is responsible for minerals and waste planning in the administrative area of Leicestershire (outside the City of Leicester). The Council is reviewing its current planning policies dealing with mineral extraction and waste management.
- 1.2 Local Plans are required to be produced by all local planning authorities. They should address the spatial implications of economic, social and environmental change and set out the opportunities for development and clear policies on what will or will not be permitted and where.
- 1.3 The 'Development Framework' was the previous terminology used for Local Plans before the introduction of the Localism Act 2011. The previous system had advocated the preparation of a portfolio of development plan documents and other local development documents, but the preparation of a single local plan document is now the preferred approach.
- 1.4 The Leicestershire Minerals and Waste Local Plan ~~will eventually~~ replaces the Leicestershire Minerals Core Strategy and Development Control Policies Development Plan Document (DPD), the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD (both of which were adopted in October 2009), together with remaining saved policies in the Leicestershire Minerals Local Plan (1995) and the Leicestershire, Leicester and Rutland Waste Local Plan (2005). A table showing the relationship between these existing policies and those contained in this document is set out in Appendix 2.
- 1.5 Leicester City Council has commenced preparation of a new Local Plan for the City of Leicester and decided to deal with mineral and waste planning issues within the City in that document. This enables the County Council to address minerals and waste issues within the County in one plan but the County Council will need to cooperate with the City Council on issues that may affect matters across both areas.

Scope and Nature of this Document

- 1.6 This Minerals and Waste Local Plan includes a spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031. The Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered. A monitoring framework is included to examine the efficacy and effects of the policies. **The Council is required to maintain a policies map to illustrate the application of the policies in the adopted plan. For this plan the Policies Map comprises the set of Mineral and Waste Safeguarding documents S1 – S7, the Key Diagram, and Appendices 1 and 2 to the Plan.**
- 1.7 **At the time the Local Plan was prepared the prevailing national policy was contained in the National Planning Policy Framework (NPPF) issued in March 2012 and the National Planning Policy for Waste (NPPW) issued in October 2014. Following submission of the Local Plan for independent examination (in March 2018) a revised NPPF was published in July 2018. Paragraph 214 of the revised NPPF clarified, however, that the policies in the previous Framework would apply for the purpose of examining this Local Plan. In addition the National Planning Practice Guidance as existing at the time of the 2012 NPPF has been the relevant guidance for the purpose of examining the Plan.**
- 1.8 The Local Plan addresses the need to provide protection to the environment and the amenity of local residents, whilst ensuring a steady supply of minerals and the provision of waste management facilities in accordance with Government policy and society's needs. It aims to maximise the use of alternative materials in order to reduce the reliance on primary-won minerals, and to significantly increase levels of reuse and recovery of waste and move away from landfill as a means of disposal, having regard to sustainability objectives. It also provides controls relating to the beneficial reinstatement of land following mineral working and landfill operations.
- 1.9 Other planning documents published by the County Council include:
- **A Statement of Community Involvement (SCI)**, which sets out the standards to be achieved by the County Council in involving the community in the preparation, alteration and continuing review of planning policy documents and the determination of planning applications. The current SCI was adopted in March 2015.

-
- Leicestershire County Council's **Minerals and Waste Development Scheme** (MWDS), which will set out details regarding the preparation of the Local Plan, and in particular the proposed timetable.
 - An **Annual Monitoring Report**, which the County Council prepares to review actual plan progress compared with the programme set out in the Development Scheme; assesses the effectiveness of policies in meeting targets; and considers whether policies need adjusting or replacing and if so determines what action should be taken.
- 1.10 To ensure that Local Plans are prepared with a view to contributing towards sustainable development, they must be subject to appraisal. In addition, the provisions of European Directive 2001/42/EC must be complied with; this requires formal strategic environmental assessment of certain plans and programmes.
- 1.11 The Local Plan is, therefore, accompanied by a **Sustainability Appraisal** (SA), which evaluates the social, environmental and economic effects of the strategies and policies of the Local Plan from the outset of the preparation process. This also incorporates a Strategic Environmental Assessment (SEA), as required by European Directive 2001/42/EC, which assesses the Local Plan for any likely significant effects on the environment that may occur.
- 1.12 A **Habitat Regulations Assessment** (HRA) Scoping Report of the potential effects of the emerging Minerals and Waste Local Plan on the *Natura 2000* network has been undertaken. The policies within the draft Plan have been 'screened out' as not requiring a full Appropriate Assessment, largely due to the wording of the policy regarding the protection of internationally important biodiversity sites (DM7). The HRA concludes that there are no likely significant effects from the policies either alone or in combination with other projects and plans.
- 1.13 Please bear the following points in mind when reading and applying the policies:
- the Minerals and Waste Local Plan is designed to be read as a whole;
 - policies are not listed in any priority order;
 - where a policy contains a list of criteria, factors or proposals, these are not in any order of importance or priority, unless the policy specifically states they are;
 - individual policies need to be read in the context of other policies in the Minerals and Waste Local Plan and not interpreted in isolation;
-

- new development will be assessed against all relevant policies in the Minerals and Waste Local Plan and will be expected to be in conformity with those relevant policies unless other material planning considerations indicate otherwise;
- the interpretation of various phrases and terms is in many cases an important part of the policy. Phrases or terms with a particular meaning are defined in the Glossary.
- national policy is applicable but is not repeated.

2. Spatial Characteristics, Vision and Strategic Objectives

Spatial Characteristics of the County

- 2.1 Leicestershire is located at the heart of England. The County of Leicestershire comprises seven local authority districts, namely Blaby, Charnwood, Harborough, Hinckley & Bosworth, Melton, North West Leicestershire and Oadby & Wigston. The City of Leicester is located approximately in the centre of the County, but does not form part of the administrative County.
- 2.2 The County borders Nottinghamshire to the north, Lincolnshire to the northeast, Rutland to the east, Northamptonshire to the southeast, Warwickshire to the southwest and Derbyshire to the northwest. The westernmost tip of the County touches Staffordshire.

Population

- 2.3 The population of Leicestershire in 2011 was 650,489, which was 6.7% higher than in 2001. Across Leicestershire districts, Charnwood has the highest population (166,100), while Melton has the lowest (50,376). The largest settlements are Loughborough (59,932), Hinckley (45,249) and Coalville (34,575).
- 2.4 The eastern side of the County is predominantly rural, with small villages and market towns, whilst the north and north-west is more urban. Two-thirds of the population of Leicestershire live in 'urban' areas (urban settlements with more than 10,000 population) around Leicester City, Loughborough/Shepshed, Hinckley, Coalville, Melton Mowbray, Market Harborough, and Ashby-de-la-Zouch. The County has over 300 settlements with a population of fewer than 10,000, the majority of which are very small, with nearly half having a population of less than 250.
- 2.5 A slow and steady increase in population is projected to take place within Leicestershire, rising to 695,000 in 2021 according to the Office for National Statistics 2012 based population projections (published May 2014), a rise of 6% from 2012, and 735,000 in 2031 (a further rise of 6% from 2021).
- 2.6 The number of households in Leicestershire has increased from 248,000 in 2001 to 268,000 in 2011, an increase of 8%. The Government's 2012-based household projections indicate an increase in the number of households to 291,000 in 2021 (a further 8.6% increase), and 315,000 households in 2031 (a rise of 8% from 2021).

- 2.7 The Leicester and Leicestershire Strategic Housing Market Assessment: Leicester and Leicestershire Local Planning Authorities Report of June 2014 identifies a need for between 2,400 and 2,730 new houses per annum in Leicestershire to 2036. Based on housing provision proposed in adopted and emerging Local Plans within Leicestershire, housing completions are forecast to increase by some 6% to about 2,600 dwellings per annum, compared to 2,455 between 2001 and 2010. The achievement of such a level of completions will, however, be largely dependent on future circumstances related to the national and local economy. A significant amount of this future development is expected to comprise 'sustainable urban extensions' to the west of Leicester in Blaby, north of Leicester in Charnwood, and around Loughborough, Hinckley and Coalville.

Industry

- 2.8 The top employing sectors in 2011 in Leicestershire were manufacturing (14.4% of local employment) and transport and storage (8.5%), with the main centres of employment corresponding broadly to the main population centres.
- 2.9 A high proportion of Leicestershire's businesses are in the professional, scientific & technical sector (13.9%) and construction (13.2%). Other areas of significance are retail (8.2%) and manufacturing/production (8.5%).
- 2.10 The Leicester & Leicestershire Enterprise Partnership's (LLEP) Economic Growth Plan sets out strategic objectives, priorities and actions for the period 2014 to 2020. The LLEP's ambition is that, by 2020, 45,000 additional private sector jobs will have been created, £2.5b of private sector investment will have been attracted to the area, and that the Gross Value Added (GVA) will have increased by £4b to £23b.

Transport

- 2.11 The County is served by excellent transport links. The M1 is the principal arterial route linking the County with the rest of the country. The other major roads are the M69 connecting to Coventry, the M6, the A42 and the A46. Other principal roads are the A511, A50, A444, A447, A6, A5 and the A47. East Midlands Airport lies in the north of County, providing flights to a wide range of destinations.
- 2.12 Other transportation modes include railways and waterways. Main line rail connections link Leicester to Birmingham, Nottingham, Derby and London. Beyond the County, long distance and international rail freight terminals are located in Birmingham and Daventry, both accessible by the

motorway network. Several navigable waterways exist within the County such as the Ashby Canal, the River Soar and the Grand Union Canal branching to Market Harborough and Welford. There are no intermodal freight terminals in the County, although one is proposed north of East Midlands Airport at Junction 24/24A of the M1.

Natural Resources

- 2.13 Leicestershire is an attractive rural county with a landscape of considerable variety and complexity which encompasses 18 local landscape character areas including The Wolds, Charnwood Forest, High Leicestershire and the Soar Valley. Twelve National Character Areas have been identified by Natural England covering the County of Leicestershire including Mease/Sence Lowlands and Leicestershire & South Derbyshire Coalfield. There is no Green Belt but there are twelve Green Wedges around Leicester and five throughout other parts of the county. Around 80% of the land use in the County is agricultural, with the emphasis on mixed cereal and livestock farming. The majority of soil quality is classified as Grade 3 with relatively small areas of particularly good or poorer quality land.
- 2.14 The County has 4.3% woodland cover. Whilst there are no Areas of Outstanding Natural Beauty (AONBs) or National Parks within the County, the Charnwood Forest Regional Park encompasses a distinctive area of upland landscape, which is valued for its international geological importance, rich biodiversity, landscape beauty, historical importance and recreational role and which makes up the eastern end of the developing National Forest. Within the Park area, Charnwood Lodge is a highly valued National Nature Reserve. The County also includes a range of country parks.
- 2.15 As of August 2015, designated sites for the purposes of nature conservation in the County comprise the River Mease (which is designated as a Special Area of Conservation), 3 National Nature Reserves (NNR) designated because of ~~its~~ **their** geological **and ecological** interest, 77 Sites of Special Scientific Interest (SSSI) (17 of which have been designated for their geological interest), 48 Locally Important Geological Sites, 16 local nature reserves and 2715 locally designated sites (potential, candidate and Local Wildlife Sites).

Built Heritage and Historic Landscape

- 2.16 The County contains 186 Scheduled Monuments, up to 100 grade I, over 300 grade II*, and in excess of 4000 grade II listed buildings, around 200 designated conservation areas together with 14 registered parks and gardens and one registered battlefield. The County comprises evidence of historic occupation through from the Palaeolithic, Mesolithic to the Iron

Age and Roman, to the Industrial Revolution to Modern eras. The older epochs are dominated by archaeological remains such as the nationally significant palaeolithic remains in the gravel-filled channel of the former Bytham River, to Neolithic monuments such as the causeway camp at Husbands Bosworth and the county-wide scatter of later prehistoric and Roman settlements. The dominant legacy of Roman occupation is the Roman roads that cross the County - Watling Street, Fosse Way and Ermine Street. In terms of above ground heritage, the buildings in the County range from 13th century manorial complex at Donington le Heath to the 15-17th century remains at Grace Dieu Priory to the industrial revolution settlements and areas that are now Conservation Areas. The County also possesses a rich historic landscape reflecting local character and traditions of agriculture and other land use.

Minerals

2.17 Leicestershire is a mineral rich county and is one of the principal producers of minerals in the country, particularly igneous rock. Around 17.5Mt per annum of minerals is currently provided from sites in Leicestershire, see Table 1 below. The minerals within the County have been grouped into categories associated with their main uses, namely aggregate minerals (crushed rock and sand and gravel), other construction minerals (brickclay, fireclay, gypsum and building stone) and energy minerals (coal and oil/gas). Igneous rock extraction accounts for around 73% of the mineral extracted within the County.

Table 1 Quantities of Mineral Provided within Leicestershire

| Mineral | Quantity (tonnes per annum) |
|------------------------------------|--------------------------------|
| Aggregate Minerals | |
| Igneous Rock | 12,765,578 * (2014) |
| Limestone | 1,391,475 * (2014) |
| Sand & Gravel | 1,455,359 * (2014) |
| Other Construction Minerals | |
| Clay (for bricks, pipes and tiles) | 476,000 ^ (2008) |
| Fireclay | 67,000 ^ (2011) |
| Gypsum | 810,000 # |
| Energy Minerals | |
| Coal | 515,651 ~ (2014) |
| Oil | 4,090 < (2013) |
| Total | 17,485,153 tonnes |

Sources: * = MPA/AWP Survey; ^ = Business Monitor PA1007;
= MPA estimate; ~ = BGS/Coal Authority; < = DTI.

Waste Management

- 2.18 There are currently a number of facilities within the County for managing waste. These include materials recovery facilities (MRFs) at Whetstone and Melton; ~~a mechanical biological treatment (MBT) facility at Cotesbach~~; anaerobic digestion plants at Wanlip and Huncote (and planning consent for 1 other site); ~~8~~ 7 composting sites; 8 transfer stations; approximately 18 construction and demolition (C&D) recycling sites; around 43 commercial and industrial (C&I) recycling operations; 14 Recycling and Household Waste Sites; landfills for non-hazardous waste at Cotesbach ~~and New Albion~~; and landfills for inert waste at ~~Brooksby, Ellistown, Lockington, Huncote, and Husbands Bosworth and Slip Inn (Ashby Parva)~~ together with a variety of other smaller inert landfill sites. Planning permission has been granted for an energy recovery facility (ERF) near Shepshed within Newhurst Quarry.
- 2.19 There is a cluster of waste transfer and recycling sites to the south west of Leicester; beyond this, sites are generally within the north east of the Leicester Principal Urban Area, and in and around Hinckley and Loughborough. These sites are predominantly located on industrial estates. The County's Recycling and Household Waste Sites are mainly on urban fringes or close to concentrations of population. The larger landfill sites for both inert and non-hazardous waste are exclusively associated with previous or existing mineral extraction sites. There are a small number of waste sites located in more rural locations and these include the open air composting sites.

Spatial Vision

- 2.20 The aim of the Minerals and Waste Local Plan is to provide adequate waste management and mineral extraction/processing facilities within Leicestershire to meet identified needs. Provision will be met in as sustainable a manner as possible. Leicestershire County Council aspires to see the reuse and recovery of waste increasing and thereby reducing the reliance on landfill as a means of disposal and the need for primary minerals.
- 2.21 The choice of location for minerals development is governed by geology whereas the choice for locating waste developments is more flexible. However, the Council will seek to establish waste facilities in proximity to arisings so that the needs of communities are met and the distance untreated waste is transported is minimised. Notwithstanding this, minerals and waste developments will only be sited in locations which protect the built, heritage and natural environments and the local community from any unacceptable effects from these developments.

- 2.22 Minerals and waste sites make a significant contribution to the economy supporting almost 3,000 jobs directly and many more indirectly. The minerals industry is critical in supplying raw materials to the economy and makes a disproportionate contribution to the Leicestershire economy than to England as a whole. The waste industry increasingly plays an important role in improving resources management in the economy. These sites support growth in the local and wider economy and help to create a diverse employment market in line with the Leicester and Leicestershire Economic Growth Plan 2012-2020. For those developments granted temporary consents where the land will be restored (in the main, mineral and/or landfill sites) the Council will seek restoration which offers greater recreational opportunities to the local community and a net gain to biodiversity.
- 2.23 Within the box below is the Council's spatial vision for the Minerals and Waste Local Plan.

SPATIAL VISION

To enable the provision of sufficient minerals and waste facilities within the County of Leicestershire in locations that meet the economic and social needs of present and future generations whilst seeking to protect and enhance the environment.

Strategic Objectives

- 2.24 To help achieve the spatial vision a suite of strategic objectives has been established. These set out a more detailed foundation for the Minerals and Waste Local Plan from which the detailed policies to guide, assess and manage minerals and waste developments will be formed. The objectives will be monitored as part of the Council's Annual Monitoring Report (AMR) alongside the detailed policies and the manner in which monitoring will take place is detailed in Section 6 of this document.

STRATEGIC OBJECTIVES (1-3)

1. To make sufficient provision of minerals in the County of Leicestershire to meet national and local requirements.
2. To make sufficient provision of waste facilities in the County of Leicestershire with capacity equal to the waste generated within the County of Leicestershire.
3. To provide mineral sites and waste management facilities in the most sustainable locations so that movement other than by road is maximised, untreated waste transportation is minimised, the development of previously developed land is encouraged and the needs of local communities and industry are met.

STRATEGIC OBJECTIVES (4-10)

4. To co-ordinate and work with all relevant organisations, in particular Leicester City Council and Leicestershire Local Authorities, to ensure that the Local Plan addresses planning issues that cross administrative boundaries.
5. To attain the maximum possible reuse, recycling, composting and recovery of value from waste within the County of Leicestershire and thereby minimising the disposal of waste.
6. To safeguard mineral resources, mineral sites and associated infrastructure, and waste management facilities from inappropriate development.
7. To reduce the impact of minerals and waste developments upon climate change.
8. To protect people and local communities, and the natural, built and historic environment (particularly the River Mease Special Area of Conservation) from unacceptable effects of minerals and waste developments.
9. To ensure that land with a temporary use is subsequently restored, managed and maintained to an after-use of high quality at the earliest opportunity which respects the local area's character, provides a net gain in biodiversity and allows greater public access whilst affording opportunities for recreational, economic and community gain in mitigation or compensation for the effects of development where possible.
10. To complement and support wider strategies including the Leicester and Leicestershire Economic Growth Plan, green infrastructure projects and strategies such as the National Forest and Charnwood Forest Regional Park.

3. PROVIDING FOR MINERALS

- 3.1 Leicestershire is a mineral rich county and is one of the principal producers of minerals in the country. Aggregates, industrial and energy minerals are produced within the County. Aggregates are derived from sand and gravel, and crushed rock (igneous rock and limestone) and are used in the construction industry for building purposes. Igneous rock (granite) is the most significant mineral produced in the County. Industrial minerals extracted in Leicestershire currently include brickclay, fireclay and gypsum. Energy minerals exploited in Leicestershire currently comprise coal and oil.
- 3.2 Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.
- 3.3 In order to ensure continuity of supply, the Government advises that landbanks should be used as an indicator of when new permissions are likely to be needed. A landbank is the sum (in tonnes) of all the permitted reserves with valid planning permission (this includes sites that are currently not working, but excludes those sites which are dormant as set out under the Planning and Compensation Act 1991 and Environment Act 1995, for which a review is required before operations can resume).
- 3.4 The recommended landbank period for sand and gravel is at least seven years, while it is at least 10 years for crushed rock and at least 25 years for brickclay. Landbanks are not appropriate for energy minerals (coal, oil and gas) as the Government advises that it is not for the planning system to limit any particular source or level of energy supply. It is important to note that landbanks can only be maintained in practice if the minerals industry comes forward with planning applications in the right place and at the right time.
- 3.5 Extensions to existing mineral workings (comprising the extraction of minerals on land in close proximity to an existing quarry where extracted mineral is moved to an existing quarry processing plant via means other than the public highway) commonly have less environmental impacts than a wholly new proposal and there is the advantage of continuity of production as existing sites have infrastructure already in place. They can also help retain the existing workforce and provide a mechanism for the full recovery of the resource thus avoiding the unnecessary sterilisation of the mineral.
- 3.6 Extensions can however have the disadvantage of prolonging mineral extraction within areas which have already been affected for many years by mineral operations, so having adverse impacts on local communities.
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This could lead to cumulative impacts in a concentrated area caused by incremental extensions to existing sites. In addition, if an existing site is not well located to the transport system the impacts could be exacerbated.

Aggregates

Recycled and Secondary Aggregates

- 3.7 The use of secondary and recycled aggregates in construction projects and highways development (sub-base for roads) contributes to more sustainable development. The substitution of part of the primary won aggregate by alternative products lessens the need for quarrying with the associated benefits of reduced social and environmental impacts and efficient use of a finite resource.
- 3.8 Recycled aggregates can comprise construction, demolition and excavation wastes, asphalt road planings and used railway ballast. The main source of alternative aggregates in Leicestershire arises from construction, demolition and excavated waste (often referred to as CD & E waste). 'Secondary aggregates' are by-products of other processes, and will not have been used previously as aggregates.
- 3.9 Whilst the bulk of aggregates required for the construction industry are likely to continue to be won from primary resources, the Council recognises that a sustainable minerals supply strategy should make provision for maximising the recovery and use of recycled and secondary materials.
- 3.10 The County Council will therefore support proposals for the recycling and reprocessing of materials for use as aggregates in appropriate locations. All new or expanded facilities for handling, recycling and distributing recycled and secondary aggregates will however need to be assessed against the locational policies for waste facilities contained in Section 4, Providing for Waste, together with a range of policy criteria, as set out in Section 5, Development Management Policies.

Sand and Gravel

- 3.11 There are two distinct types of sand and gravel deposit within the County, namely sub-alluvial and river terrace; and glaciofluvial. The sub-alluvial and river terrace deposits occur most notably in the valleys of the Rivers Trent, Soar and Wreake. Glaciofluvial deposits occur in a complex series of isolated deposits in areas to the south and west of Leicester. The full extent of this resource is unknown due to the extensive boulder clay and other drift deposits concealing potential resources.

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- 3.12 There are 5 sites currently active in Leicestershire, at Brooksby, Cadeby, Husbands Bosworth, Lockington, and Shawell. Two of these sites involve the working of alluvial and river terrace deposits, while the remainder work glacial deposits. There is one further permitted site, at Slip Inn Quarry, Ashby Parva which is currently inactive.
- 3.13 Average sales for sand and gravel operations within Leicestershire over the last 10 years (2005-2014) were 1.12 million tonnes per annum. Sales of aggregate within the County remained fairly constant over the period 2005 to 2007, a period generally accepted as one of sustained economic growth, with levels of sand and gravel generally averaging around 1.32 million tonnes per annum. Sales for the period 2008 to 2013 show the effects of the economic recession as production slowed. During this period, sales of sand and gravel fell to an average of 0.96 million tonnes per annum. Sales for 2014 show signs of significant improvement, being some 31% higher than that experienced in 2013, and the highest since 2003.
- 3.14 Sand and gravel operations within Leicestershire tend to serve local markets. 57.8% of sales in 2014 were within Leicestershire/Rutland. The main destinations for material exported beyond the County were neighbouring areas located close to the County boundary, in particular the West Midlands and Northamptonshire. Local factors such as population forecasts, household projections, future house building, local economic objectives and major infrastructure projects suggest that a continued supply of sand and gravel from Leicestershire will be required.
- 3.15 The County Council recognises however that calculating estimates of demand are increasingly uncertain when considering the period to 2031. Whilst the level of demand is likely to be higher than that experienced in recent years, which have been heavily influenced by the economic recession, the scale of any increase will depend on the rate of economic growth and infrastructure investment both within the County and in neighbouring areas.
- 3.16 In the circumstances, it is considered appropriate to base the provision of sand and gravel in this plan on average sales over the last 10 years. The situation will however be carefully monitored as any increase in annual outputs very much depends on operational and economic factors outside the control of the County Council. If a higher production rate continues for an extended period, then the overall requirement will need to be re-evaluated.
- 3.17 Estimated permitted reserves of sand and gravel in Leicestershire as at the end of 2014 were around 8.09 million tonnes. This is only sufficient permitted material to last 7 years, based on the average rate of production over the last 10 years. During 2015, planning permission has been granted for extensions at Cadeby and Shawell Quarries, releasing a further 1.42 million tonnes of reserves.
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- 3.18 Table 2 below provides a calculation of potential future requirements for sand and gravel within Leicestershire based on average sales over the last 10 years. The requirements are derived from the latest Local Aggregate Assessment produced by the County Council. The calculation is based on making provision for the period up to 2031. The calculations take account of the level of permitted reserves as at 31st December 2014 together with the additional reserves permitted in 2015. The table indicates that there would be a shortfall of sand and gravel reserves over the period to 2031 of some 9.5 million tonnes.

Table 2: Calculation of Sand and Gravel Provision 2015 – 2031.

| Calculation | | Million Tonnes |
|------------------|---|----------------|
| A | Annual Requirement | 1.12 |
| B | Total Requirement 2015-2031 (B = A x 17 years) | 19.04 |
| Reserves | | |
| C | Total permitted reserves at 31/12/2014 | 8.09 |
| D | Additional reserves permitted in 2015 | 1.42 |
| Shortfall | | |
| E(B-C+D) | Shortfall 2014 – 2031 | 9.53 |

Policy M1: Supply of Sand and Gravel Aggregate

The County Council will ensure a steady and adequate supply of sand and gravel for aggregate purposes by:

- (i) making provision over the plan period (2015 to 2031) for the extraction of some 19 million tonnes of sand and gravel;
- (ii) maintaining a landbank of at least 7 years based on the past 10 years average sales; and
- (iii) giving priority to proposals for extraction to be worked as extensions to existing site operations.

Future location of sand and gravel operations

- 3.19 Mineral deposits can only be worked where they occur and so the options for a spatial strategy for future sand and gravel extraction and associated development are limited to a large extent by the geological distribution of resources within Leicestershire.

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- 3.20 Workings have historically been closer to the Leicester Urban area in the Soar Valley north to Sileby and the Wreake Valley towards Melton. This area has however now been largely worked out. The lack of sites in the eastern part of the County reflects the general paucity of potential reserves and the low demand in these predominantly rural areas.
- 3.21 The existing sites are well located in proximity to Principal Urban Areas within Leicestershire and proposed urban growth areas, in particular those at Loughborough, Coalville, north-east Leicester and Hinckley, and represent a good distribution throughout the County. All of the existing operations are located in close proximity to the County's designated lorry route network; and the road traffic generated generally avoids residential areas and minor roads.
- 3.22 An approach of giving priority to proposals for sand and gravel extraction to be worked as extensions to existing site operations is considered to offer benefits due to reduced environmental disturbance (especially where access and mitigation measures are already in place), retention of existing employment and greater resource recovery. Its disadvantage is the potential cumulative impact that continued extraction could have on an area if successive extensions are permitted.
- 3.23 The existing active sites have a total potential production capacity of around 1.7 million tonnes per annum, which means that they would be more than capable of producing sufficient material to satisfy the level of provision based on average sales over the last 10 years. If future extraction were to be concentrated at these sites, then all of Leicestershire's sand and gravel needs in the immediate future could therefore be met without the establishment of new sand and gravel operations.
- 3.24 Existing sites would not however be able to meet the County's future requirements without the benefit of extensions to their currently permitted operations. This means that additional land for the extraction of sand and gravel needs to be identified in order to ensure continuity of production to 2031.
- 3.25 Extensions to sand and gravel extraction operations are proposed at 4 of the existing operational sites. The County Council considers that the proposed areas set out in Policy M2 would be environmentally acceptable, subject to particular issues having been satisfactorily addressed. For all sites, these include:
- an assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts;
 - an ecological assessment of the designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network;
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- an assessment of the effects of the development on the water environment;
 - an assessment of the landscape and visual impact of the site including the provision of suitable landscaping measures;
 - an assessment of the results of a pre-determination archaeological investigation of the site and protection from significant adverse impacts;
 - a transportation assessment including an assessment of the existing access arrangements and the potential impact upon the Strategic Road Network; and
 - an account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

In addition, issues have been identified as requiring specific assessment related to particular areas. Specific site planning requirements are set out in Appendix 1, accompanying Inset Plans showing the location of the proposed sites. These requirements are not exhaustive and do not preclude the County Council from requesting other information they consider pertinent to make a determination of a planning application.

- 3.26 The proposed extension areas in Policy M2 contain some 7.2 million tonnes (Mt) of potential reserves, namely 1.1Mt at Brooksby, 1.8Mt at Cadeby, 0.3Mt at Husbands Bosworth, and 4Mt at Shawell. The County Council recognises that this would not be sufficient to meet the shortfall identified in Table 2 above, but insufficient suitable areas for further sand and gravel extraction have been put forward for the Council's consideration.

Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites

The County Council will make provision over the plan period (2015 to 2031) for the supply of sand and gravel for aggregate purposes from the following locations:

(i) the extraction of remaining permitted reserves at the following existing sites:

Brooksby

Cadeby

Husbands Bosworth

Lockington

Shawell

(ii) the following extensions to existing sites as shown on the Policies Map Insets, subject to the requirements set out in Boxes SA1-4:

Brooksby – Spinney Farm and south of the existing plant site

Cadeby – west of plant site; north of Brascote Lane; and east of Newbold Road

Husbands Bosworth - Butt Lane northern extension

Shawell – western extension adjacent to Lutterworth Road; land south of Gibbet Lane to the west of the plant site; land to the south west of Cotesbach village; and eastern extension adjacent to Lutterworth Road north of Shawell village.

Planning permission will be granted to extend a site subject to the extension area only being worked following cessation of mineral working within the previously permitted areas unless it has been demonstrated that there are operational reasons why this is not practicable.

- 3.27 In order to provide a degree of flexibility and reinforce the County Council's commitment to ensuring the delivery of a steady and adequate supply of sand and gravel for aggregate purposes, the ability to obtain planning permission during the plan period outside the areas identified in policy M2 (ii) is not ruled out. Thus, further proposals may come forward to extend existing operations in order to maintain their output throughout the plan period. In accordance with Policy M1, the Council's preference would be for proposals for extraction to be worked as extensions to existing site operations. There may also be instances where allocated sites cannot be developed or existing sites are lost through closure which would require the need for the release of additional reserves to be reassessed, particularly where this has led to a shortfall in the landbank. The landbank situation will be monitored annually and published in the County Council's

Local Aggregate Assessment and Annual Monitoring Report. Opportunities may also arise over the life of the plan to extract reserves outside the areas identified in Policy M2 which are more beneficial to local communities and/or the environment. Any proposals for extraction from unallocated sites will be considered against the criteria in Policy M3 and the development management policies in chapter 5.

Policy M3: Sand and Gravel Extraction (Unallocated Areas)

Planning permission will be granted for sand and gravel extraction for aggregate purposes outside allocated areas provided that the proposal:

- (i) is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank; or
- (ii) is for a new quarry that is required to replace an existing permitted sand and gravel site that is nearing exhaustion where it has been demonstrated that there are no potential extensions to that site ~~and~~ or that remaining sites cannot maintain the required level of provision; or
- (iii) would offer significant environmental benefits as a result of the exchange or surrender of existing permissions or be significantly more acceptable overall than the allocated sites.

Crushed Rock

- 3.28 A number of small outcrops of Precambrian/Cambrian igneous rocks occur in Charnwood Forest and in south Leicestershire. Within Charnwood Forest, intrusions form two main groups: a southern group around Markfield, Bradgate and Groby; and a northern group, which extends towards Shepshed. Igneous rock intrusions also occur around Mountsorrel and at a number of locations to the south-west of Leicester, including Enderby, Earl Shilton, Huncote/Croft, Stoney Stanton and Sapcote. Precambrian volcanic lavas occur in exposed masses around Bardon Hill, High Sharpley and Pedlar Tor.
- 3.29 Carboniferous limestone appears at the surface in several small isolated inliers in north-west Leicestershire near to the Leicestershire/Derbyshire border. Limestone resources of Jurassic age also occur in East Leicestershire associated with deposits of ironstone. The Jurassic deposits produce lower quality products.
- 3.30 In England, rock resources suitable for road making and building purposes are generally absent south of a line between the Humber and Exe estuaries. Rock reserves within Leicestershire are the nearest to the

major market in the South-East of England which means that they are of significant national importance.

- 3.31 Igneous rock extraction is currently taking place at 4 sites: Bardon; Cliffe Hill; Croft; and Mountsorrel. Whitwick and Groby quarries are inactive although coating and concrete plants are maintained at Groby. Extraction at Charnwood Quarry has now ceased. Two carboniferous limestone quarries are operational at Breedon on the Hill and Cloud Hill.
- 3.32 Average annual sales of aggregate from crushed rock quarries within Leicestershire over the last 10 years (2005-2014) were 13.6 million tonnes. Sales of rock aggregate within the County have remained fairly constant over the period 2005 to 2008, a period generally accepted as one of sustained economic growth, with crushed rock sales averaging 15.4 million tonnes per annum. Sales between 2009 and 2012 show the effects of the economic recession as production slowed. During this period, sales of crushed rock have fallen to an average of 11.8 million tonnes per annum. Sales for 2013 and 2014 show signs of improvement, although they still remain below levels for the period 2005-08.
- 3.33 In recent years, the four active igneous rock quarries together have produced around 11 million tonnes per annum, accounting for a contribution of around 60% of the igneous rock output in England. These quarries supply crushed rock aggregate of varying types, ranging from general purpose aggregate suitable for a wide range of end-uses including concrete production, to higher specification end-uses such as rail ballast and skid-resistant road surfacing. High-specification aggregates are resistant to polishing, abrasion and fragmentation and are most commonly measured by reference to their Polished Stone Value (PSV). There are relatively few alternative sources of such High Specification Aggregate in England.
- 3.34 In 2014, 62% of Leicestershire's crushed rock sales were exported from the County. 13% of material was distributed to other areas within the East Midlands. The main destinations for material exported beyond the East Midlands were the East of England (17% of total sales); London and the South East (12%); and the West Midlands (11%).
- 3.35 In 2014, the amount of crushed rock transported by rail was 32.5%, around 4Mt. The main destinations for material exported by rail were the East of England (40% of rail-borne sales) and London and the South East (28%). All the material exported by rail came from the four active igneous rock quarries.
- 3.36 The importance and current distribution of Leicestershire's igneous rock means that it is likely that the County's quarries will continue to supply major infrastructure both in the East Midlands and elsewhere in England. The County Council recognises however that calculating estimates of demand are increasingly uncertain when considering the period to 2031.

The level of demand will depend on the rate of economic growth and infrastructure investment within the Country.

- 3.37 In the circumstances, it is considered appropriate to base the provision of crushed rock in this plan on average sales over the last 10 years. The situation will however be carefully monitored as any increase in annual outputs very much depends on operational and economic factors outside the control of the County Council. If a higher production rate continues for an extended period, then the overall requirement will need to be re-evaluated.
- 3.38 Table 3 below provides a calculation of potential future requirements for crushed rock within Leicestershire based on average sales over the last 10 years. The requirements are derived from the latest Local Aggregate Assessment produced by the County Council. The calculation is based on making provision for the period up to 2031. The calculations take account of the level of permitted reserves as at 31st December 2014 together with the additional reserves permitted in 2015. The table indicates that there would be a surplus of crushed rock reserves over the period to 2031 of some 200 million tonnes.

Table 3: Calculation of Crushed Rock (Aggregate) Provision 2015-2031

| Calculation | | Million Tonnes |
|-----------------|--|----------------|
| A | Annual Requirement | 13.6 |
| B | Total Requirement 2015-2031 (B = A x 17 years) | 231.2 |
| Reserves | | |
| C | Total permitted reserves, excluding reserves in dormant sites, at 31/12/2014 | 412 |
| D | Additional reserves permitted in 2015 | 20 |
| Surplus | | |
| E(B-C+D) | Surplus 2015 - 2031 | 200.8 |

- 3.39 The level of permitted reserves for crushed rock in Leicestershire is sufficient for around 30 years based on average sales over the last 10 years. This is well in excess of the 10 year minimum landbank stipulated for crushed rock, and in theory would meet requirements to the end of the proposed plan period. This would suggest that there is no need for any additional provision to be made and, therefore, no justification for any allocation to be made in the plan for the extraction of crushed rock for aggregates.
- 3.40 Individual sites themselves however will not be able to maintain production over the plan period without the release of additional reserves. There are also a variety of circumstances under which proposals to extend existing sites may nevertheless come forward during the plan period.

This may be for operational reasons in terms of efficient use and recovery of resources; as a means of addressing any unforeseen circumstances affecting the landbank provision or production capacity; to enable the industry to maintain or secure productivity growth and levels of employment or to justify investment in associated infrastructure, and also to reflect the different types of crushed rock aggregates produced/supplied. Such extensions to existing quarries may be appropriate in order to ensure continuity of supply, provided that the effects of the proposed development on the environment and residential amenity can be made acceptable.

- 3.41 All of the permitted reserves for limestone are at active sites, but a significant proportion of the permitted igneous rock reserves are at inactive sites (21.5% in 2014). None of the inactive sites are now rail-connected nor is there any likely prospect of them being directly linked by rail. As at 2014, the four active igneous rock quarries (which are all rail connected) had total reserves of 278 million tonnes, a collective life of some 22 years based on average sales over the last 10 years.
- 3.42 The County Council granted planning permission for the extraction of 132 million tonnes of mineral from an area adjacent to Bardon Hill Quarry in August 2011. This has extended the life of this site by around 40 years. The stone quarried at the quarry has a high PSV (60), enabling the aggregates to be used more extensively in road surfacing applications, as well as in other asphalt products, concrete and other uses.
- 3.43 Planning permission was granted in October 2015 for the extraction of an additional 20 million tonnes of mineral from an extension to Mountsorrel Quarry. This has extended the life of the quarry to 2040.
- 3.44 Planning permission at the two other rail-linked sites at Croft and Cliffe Hill currently expire at the end of 2029 and 2032 respectively. Some 10 million tonnes of permitted reserves at Croft Quarry is constrained by structures and buildings, whilst not all of the permitted reserves at Old Cliffe Hill Quarry are under the control of the operator. Planning permission at the two operational limestone quarries at Breedon and Cloud Hill currently expire at the end of 2042 and 2025 respectively.
- 3.45 The nature of working is such that the costs of extraction rise considerably as these active quarries approach their planned maximum working depths. Other future constraints might include changing safe slope criteria or unforeseen geological factors which could reduce recovery of reserves. Limited information is available on potential rock resources within Leicestershire. The resources extend, and can be economic to extract, under thick cover from younger sediments. In the circumstances, it is not considered appropriate to identify specific areas for future rock extraction, but Policy M4 enables additional permissions to be granted in particular circumstances in order to maintain supply.

- 3.46 An approach of giving priority to proposals for crushed rock extraction to be worked as extensions to existing rail-linked site operations is considered to offer benefits due to reduced environmental disturbance (especially where access and mitigation measures are already in place), retention of existing employment and greater resource recovery. Options for the potential extension of existing sites are limited by geology, depth of overburden, bio-conservation, local amenity and other factors. Its disadvantage is the potential cumulative impact that continued extraction could have on an area if successive extensions are permitted.
- 3.47 Quarries producing rock aggregates generally will require a longer security of reserves to justify capital investment in, for example, crushing equipment. This factor coupled with the geological limitations mean that it is not considered appropriate at the current time to contemplate any new greenfield sites for rock extraction, given the potential impact that such large scale development would involve, particularly within attractive areas of the County where development is being strictly controlled.

Policy M4: Crushed Rock

The County Council will ensure a steady and adequate supply of crushed rock for aggregate purposes by:

- (i) making provision over the plan period (2015 to 2031) for the extraction of some 231 million tonnes of crushed rock;
- (ii) maintaining a landbank of at least 10 years based on the past 10 years average sales;
- (iii) giving priority to proposals for extraction to be worked as extensions to existing rail-linked site operations where they are required to ensure sustainable supply; and
- (iv) allowing proposals for new extraction sites where it has been demonstrated that the landbank and production capacity cannot be maintained from existing permitted sites.

Non-Aggregates

Brickclay

- 3.48 The important role that bricks and related products play in determining the appearance and quality of our built environment is widely recognised. The variety of brick products contributes significantly to the rich regional and local architectural heritage of mainland Britain as well as the repair of traditional brick built structures. Consumers are likely to continue to demand a wide choice of high quality, affordable bricks. In order to satisfy this demand, remain competitive and meet increasingly stringent

environmental controls, the industry requires continued access to a range of clay resources.

- 3.49 The Triassic Mercia Mudstone is the principal source of brickclay in Leicestershire. The resource occurs extensively within western Leicestershire. Presently there are 5 brickworks with adjacent clay pits, all within north western Leicestershire.
- 3.50 Modern brickmaking technology requires a high capital investment and is increasingly dependent, therefore, on raw materials with predictable and consistent firing characteristics in order to achieve high yields of saleable products.
- 3.51 The 5 brickworks in the County are at Desford, Ellistown, Ibstock, Measham and Shepshed. The current situation regarding the supply of clay to these brickworks is as follows:
- Desford Brickworks:** Hanson, who operate the site, indicated that 6.6 million tonnes of reserves remained in 2013, which would be sufficient until the end of 2030.
- Ellistown Brickworks:** the extraction of clay at Ellistown Quarry is allowed until 21st February 2042.
- Ibstock Brickworks:** the remaining clay reserves to be worked in accordance with the currently approved drawings and depth limit are sufficient to maintain production at the current rate for 26 years. Ibstock Brick has also identified other clay reserves within the current site which would provide reserves up to 2059.
- Measham Brickworks:** planning permission was granted in 2006 for an extension to Duckery Quarry which supplies material to the Brickworks. In 2006 it was anticipated that this would provide a lifespan of around 22 years.
- Shepshed Brickworks:** extraction operations at Shepshed Clay Quarry have now ceased. Michelmarsh Brick Holdings have indicated that all viable reserves within the main quarry area are exhausted and no substantial deposits exist within adjacent areas. The Company has indicated that future operations at Shepshed Brickworks will continue using imported material from elsewhere.
- 3.52 The brickworks at Heather were demolished in 2012, but permitted reserves of brick-making clay remain to be extracted from Odstone Hill Quarry, which had previously supplied the brickworks. It is estimated that the quarry contains a reserve of approximately 530,000 m³ of brick-making clay within the remaining consented area. Planning permission was granted in February 2016 for the export of these clays to other brickworks.
- 3.53 Whilst the general picture indicates that an adequate supply of brickclay can be maintained over the plan period, there may be a need to release additional reserves to meet potential shortfalls in landbank provision for particular brickworks within the County during the plan period. Local supply is generally desirable in order to reduce costs and the

environmental and social impacts of transportation of clay from the pit(s) to the works, as well as to maintain the investment in the factory and local employment. It is therefore considered that additional brickclay resources should normally be released as close as practicable to the brickworks that is to be supplied.

Policy M5: Brickclay

The County Council will ensure a steady and adequate supply of brickclay by:

- (i) allowing extensions to existing sites where they are required to maintain a landbank of at least 25 years of permitted reserves to support the level of investment required to maintain and improve existing brick-making plant and equipment;
- (ii) giving priority to proposals for extraction to be worked as extensions to existing sites with associated brickworks; and
- (iii) allowing new brickclay extraction sites where it can be demonstrated that production cannot be maintained from existing sites and appropriate extensions to existing sites.

Fireclay

- 3.54 A sequence of quality pottery, pipe and refractory clays is associated with the upper seams of the Middle Coal Measures of North West Leicestershire. Although restricted to a relatively small basin between Swadlincote and Moira, these deposits have been recognised as an important national source. Fireclays are used principally in the production of buff and pale-bodied engineering and building bricks, clay pipes and ceramics.
- 3.55 The principal source of fireclay in the County is currently the Donington Island clay stocking facility, which is located within Ashby Woulds to the south of Albert Village. The site contained around 1.3 million tonnes of clay in stockpiles at the end of 2014. Planning permission **was granted in May 2015 to extend the use of the northern part of the site** for clay stockpiling ~~facility at the site is currently due to expire at the~~ until the end of 2017 ~~20 with the southern part retained until the end of 2032.~~
- 3.56 In order to maintain a sufficient supply to serve local manufacturing works during the plan period, provision of an area for continued clay stocking and blending beyond the current permitted life of the Donington Island site is proposed within the area of the current site. Any such proposal should provide for the further rationalisation of the current site and should allow for the restoration of adjacent land together with enhanced landscaping and other necessary improvements to minimise potential impacts on the environment and local residents. Specific site

planning requirements are set out in Appendix 1, accompanying Inset Map SA5 showing the location of the site.

- 3.57 The only other viable source of fireclay is likely to be in association with surface coal mining operations. The County Council will support the recovery of fireclays where surface coal mining takes place. This may potentially reduce the need for extraction elsewhere and prevent the unnecessary sterilisation of valuable mineral resources, whilst supplying local works with necessary raw materials. The satisfactory restoration of the overall scheme, including proposed time scales will however have to be acceptable where joint working is proposed.

Policy M6: Fireclay

The County Council will ensure a steady and adequate supply of fireclay by:

- (i) allowing proposals for extraction where it can be demonstrated that the clays are required to meet a proven need, or particular qualities of clay are required that cannot be obtained from existing permitted reserves;
- (ii) establishing a temporary stocking and blending facility within the Donington Island Site, subject to the requirements set out in Box SA5; and
- (iii) supporting the recovery of fireclays associated with the extraction of surface coal.

Gypsum

- 3.58 Gypsum is mainly used in the manufacture of building products – plaster, plasterboard and cement. Demand is principally driven by activity in the construction sector. Natural gypsum is especially suitable for the manufacture of building plasters because it contains clays that improve the workability of the plaster, and is the preferred material for cement manufacture.
- 3.59 The reserves of gypsum within Leicestershire are of national importance. Gypsum occurs in north Leicestershire and is currently extracted from an underground mine at Barrow-upon-Soar, where bagged building plasters are also produced. Sufficient permitted gypsum reserves currently exist at the Barrow Mine to allow the continuation of operations at the adjacent Works for around 20 years. The existing planning permission effectively defines the viable deposit that can be extracted from the Barrow Mine.
- 3.60 The lead-in times for exploiting additional resources are between 5 and 10 years following the successful discovery of economically workable reserves. It may therefore be necessary to consider the release of

additional gypsum resources within Leicestershire within the next 20 years.

- 3.61 Potential exists for an extension of the Nottinghamshire Marblaegis Mine into Leicestershire, to the north and west of Wymeswold (as shown on Inset Plan SA6). Current permitted reserves at this mine within Nottinghamshire are sufficient until at least 2026, after which the only significant remaining option would be for the mine to extend into Leicestershire. Specific site planning requirements are set out in Appendix 1, accompanying Inset Plan SA6 showing the location of the proposed site.

Policy M7: Gypsum

The County Council will ensure a steady and adequate supply of gypsum by allowing proposals for new extraction sites and extensions to existing extraction areas where they are required to meet a proven need.

The County Council will make provision over the plan period (2015 to 2031) for the supply of gypsum from the following locations:

- (i) the extraction of remaining reserves at the existing Barrow Mine; and
- (ii) an extension to the existing Marblaegis Mine, subject to the requirements set out in Box SA6.

Building and Roofing Stone

- 3.62 Historically a wide range of indigenous stone has been used for building purposes in Leicestershire. The majority of the most important rock types found in the County have been used, including igneous rocks of the Charnwood area; metamorphic slates from Swithland; Carboniferous limestones and sandstones from north-west Leicestershire; and ironstones from east and north-east Leicestershire; but none of these sources are currently exploited solely for building stone.
- 3.63 Parts of the County have developed their own unique and locally distinctive character which in many respects depends upon locally available building materials. Stone selected for the repair of historic buildings and structures and for maintaining local distinctiveness in new buildings or alterations to existing buildings has to closely match the original stone to avoid differences in appearance. The availability of distinctive local building and roofing stone is of great importance in the restoration and repair to historic buildings within the County.
- 3.64 Building stone quarries have traditionally been significantly smaller than aggregate quarries in terms of scale of operation, and their levels of potential impacts such as noise, vehicle movements and dust, rate of

working and scale of impacts on people and the environment are generally considerably less.

- 3.65 The County Council does not have sufficient detailed knowledge of the nature and extent of suitable building stone resources to identify potentially workable materials. Historic England (formerly English Heritage) has carried out a major study of England's building and roofing stone resources (the Strategic Stone Study), working with the British Geological Survey and local geologists and historic buildings experts. A Building Stone Atlas of Leicestershire was published in April 2012. The study has established the most significant building stones in the County and identified, where possible, the original source of stone for particular buildings. In addition, the location of all quarries that produced these stones has been mapped.
- 3.66 The situation with building stone is not the same as for aggregates because there is no specific target output required. The issue with building/dimension stone is therefore not so much *where* it is extracted from as to the *quality* of the mineral and the likely end market. For this reason, the County Council intends to judge proposals on criteria related to the quality of the stone and intended markets. Policy M8 indicates the circumstances where proposals for the extraction of building and roofing stone would be acceptable.
- 3.67 Any building stone proposals will have to demonstrate that they are genuine building stone quarries. In general such proposals should demonstrate a specific need for the stone which cannot be met from existing quarries as well as reflecting the Government's view that such quarries should be small scale and of low impact. Proposals which are merely a means to extract aggregate will be discouraged.

Policy M8: Building and Roofing Stone

Planning permission for the extraction of natural building stone will be granted where it can be demonstrated that the material would primarily be used in the conservation and repair of historic buildings or structures built of the same or similar materials, or in new construction projects where use of the material is specified in order to maintain or enhance the character of the local area.

Energy Minerals

- 3.68 The Government's energy policy is to have a secure and diverse supply of energy sources. The Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.

Coal

- 3.69 Coal deposits occur in north-west Leicestershire where they both crop out at the surface and are concealed, and in north-east Leicestershire where they are entirely concealed. Shallow coal reserves suitable for extraction by means of surface mining are situated in a relatively small area. Surface coal mining operations are currently being carried out at the Minorca site, near Measham.
- 3.70 The County Council does not have the technical or commercial information relating to the quality and extent of reserves to enable the identification of specific areas for future coal working. The Coal Authority produced plans in 2008 showing surface mining potential areas within Leicestershire. These illustrate the spatial area which contains coal resources which are capable of being extracted by surface mining methods. These surface coal resource areas have been derived from current information available to the Coal Authority and British Geological Survey. The Coal Authority has recommended that these plans be used as part of the robust evidence base by Mineral Planning Authorities when defining Mineral Safeguarding Areas in their policy strategies and as such represent the up to date economic and viable surface coal resource areas for planning purposes. This area is shown on Figure N1 of document S6/20145 – Mineral and Waste Safeguarding: North West Leicestershire District.
- 3.71 Proposals for the extraction of coal will be determined in accordance with the NPPF. This states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or, if not it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission. Particular criteria against which individual proposals for coal extraction will be assessed include, amongst other matters, consideration of:
- any environmental improvements or other material planning benefits to the community likely to result from the proposals - proposals which bring about environmental improvements for example, by the restoration of previously derelict areas or by the stabilisation of unstable ground, or where landscape enhancement or a contribution to biodiversity can be achieved;
 - the employment and other economic effects of the proposals;

- the avoidance of unplanned piecemeal working of deposits – proposals should facilitate the comprehensive working of the coal deposits in a locality, subject to planning and environmental constraints and the acceptability of individual proposals;
- the efficient and economic working of other mineral deposits on the site in an environmentally acceptable way - within Leicestershire, the occurrence of potential fireclays as usually thin, widely spaced beds in close association with coal seams means that surface coal mining operations provide one of the few viable sources of the clay.

Policy M9: Coal

In assessing proposals for the extraction of coal, particular regard will be had to:

- (i) the employment and other economic benefits of the proposal;
- (ii) any environmental improvements or other material planning benefits to the community likely to result from the proposal;
- (iii) the contribution of the proposal towards the comprehensive reclamation of areas of derelict or contaminated land, or the remediation of coal mining legacy issues;
- (iv) the avoidance of the sterilisation of mineral resources in advance of development;
- (v) the avoidance of the piecemeal working of surface deposits; and
- (vi) the need for fireclay.

Conventional and Unconventional Hydrocarbons (Oil and Gas)

- 3.72 Hydrocarbons [oil and gas] remain an important part of the UK's energy mix. Oil products provide around 33% of the primary energy used. Significant reductions in demand are not expected over the next 10-15 years because the transport sector, the main consumer of oil, will continue to be heavily dependent on it over this period.
- 3.73 There are three phases to oil and gas development: exploration; appraisal and production. Exploration activities involve drilling which is often the most intrusive part of the development through visual, lighting and noise disturbance and impacts on local roads. There will be a need for night time drilling to ensure the borehole does not close up during any break in drilling which would significantly extend the period the drilling rig remained on site. The limited duration of exploratory operations will be reflected in the nature of any planning permission that may be granted.

Appraisal takes the form of longer-term testing of an exploratory well. The long-term suitability of the site of appraisal wells will be taken into account since such wells may subsequently be required for production purposes. The production phase generally involves additional facilities such as pipelines, storage facilities and export terminals.

- 3.74 There is currently one Production Licence within Leicestershire, namely PL 220 which covers 2 well sites near Long Clawson operated by Island Gas Ltd. There are currently 3 Petroleum Exploration and Development Licences (PEDL) covering parts of Leicestershire, namely PEDL 201 which is located north east of Loughborough and held by Egdon Resources UK Limited; and PEDLs 204 and 208 located within the Vale of Belvoir and held by Hutton Energy UK Ltd. Planning permission for an exploration well near Burton on the Wolds within PEDL 201 was granted in 2013. The drilling did not confirm the presence of any hydrocarbons and no further work was carried out. Since then no interest has been shown in carrying out exploratory work in the county to search for oil or natural gas deposits.
- 3.75 In August 2015, the Oil & Gas Authority (OGA) – the UK’s oil and gas regulator – announced that 27 onshore blocks from the 14th Onshore Oil and Gas Licensing Round will be formally offered to companies. Three of these blocks cover parts of Leicestershire, namely Block 43 (north of M1 Junction 24) offered to Warwick Energy Exploration Limited; Block 52a (north of Loughborough) offered to Egdon Resources UK limited; and Block 72a (north of Melton Mowbray) offered to Hutton Energy plc.
- 3.76 The spatial extent of the PL and PEDL licence areas together with the 3 onshore blocks from the 14th Onshore Oil and Gas Licensing Round are shown on the plan in Section 8 of the document.
- 3.77 Hydrocarbon resources can be broadly split into two categories: Conventional and Unconventional. ‘Conventional’ hydrocarbons are oil and gas where the reservoir is located in relatively porous rock formations such as sandstone or limestone. Conventional extraction methods generally involve drilling a borehole down to the porous rock where oil or gas has formed in a reservoir. The oil and gas resources are then pumped out of the ground using ‘nodding donkeys’ or electric pumps.
- 3.78 ‘Unconventional’ hydrocarbons refer to oil and gas which comes from sources such as shale or coal seams which act as the reservoirs. Unconventional oil and gas resources require methods for extraction which are not normally necessary in the conventional extraction of hydrocarbons. Examples of unconventional hydrocarbons include Coal Bed Methane (CBM) and Shale Gas. The Government has indicated that there is a pressing need to establish – through exploratory drilling – whether or not there are sufficient recoverable quantities of unconventional hydrocarbons present to facilitate economically viable full scale production.

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- 3.79 The Government's energy policy seeks to encourage the extraction of methane from deep coal beds as part of a strategy for clean coal technology. As the Leicestershire and South Derbyshire Coalfields have no working mines, there is no Coal Mine Methane potential in these areas. The prospects for Abandoned Mine Methane and Coal Bed Methane (CBM) in these Coalfields are also considered to be very poor. The north-east Leicestershire Coalfield is also not considered to have potential for CBM production.
- 3.80 Shale gas is methane found in rocks deep below the earth's surface. It is most commonly associated with hydraulic fracturing, which is the process of opening and/or extending existing narrow fractures or creating new ones in gas or oil-bearing rock in order to allow gas or oil to flow into wellbores to be captured. "Associated hydraulic fracturing" is defined in the Infrastructure Act 2015 as the hydraulic fracturing of shale or strata encased in shale which is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and involves, or is expected to involve, the injection of more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or more than 10,000 cubic metres of fluid in total. The Act prohibits associated hydraulic fracturing within protected groundwater source areas or other protected areas. A protected groundwater source area is any land at a depth of less than 1,200 metres beneath a relevant surface area. Other protected areas encompass land at a depth of less than 1,200 metres beneath a National Park; the Broads; an Area of Outstanding Natural Beauty; and a World Heritage Site. No such protected areas exist within Leicestershire.
- 3.81 Shale gas extraction does not currently take place in Leicestershire and it is not known if there is any potential within the County at this stage. A study conducted by the British Geological Survey related to the potential volume of shale gas in the Bowland Basin and beyond, which was published in June 2013, identifies a prospective area for gas in the lower Bowland-Holder unit within the Widmerpool basin to the northeast of Loughborough. Resource estimates for this unit have a high degree of uncertainty due to the paucity of well data so far and potentially less favourable rock formations. Until any exploratory wells are sought and drilled, the location and extent of any resource, and prospect for economic recovery in Leicestershire is unknown.
- 3.82 The regulatory process of obtaining consent to drill a well is the same whether the well is targeting conventional or unconventional hydrocarbons. The Department for Business, Energy and Industrial Strategy ~~Climate Change~~ issues Petroleum Exploration and Development Licence's (PEDL) in competitive offerings (licence rounds) which grant exclusivity to operators who receive a licence in the area. PEDL licences do not give consent for drilling or any other operations. An operator must seek planning permission from the Minerals Planning Authority to drill and carry out operations. An operator can only seek planning permission in
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areas covered by a licence. The operator must also negotiate access with affected landowners.

3.83 Policy M10 is a criteria-based policy which seeks to ensure that activities related to the exploration, appraisal and production of conventional and unconventional hydrocarbons (oil and gas) take place in an environmentally acceptable manner. Applications for energy mineral development should contain sufficient information to adequately assess the environmental implications of the proposal including field development plans. **An assessment of the reasoning for the selected location should be included in the application demonstrating that as far as practicable the least sensitive location of the potential options has been chosen.** Conditions and legal agreements will be attached, if necessary, to planning permissions to ensure that the exploration, exploitation and production operations do not have unacceptable impacts on local residents or the environment. Permission for wells will be conditioned for the life of the well.

3.84 Other key regulators for hydrocarbon extraction are:

- the **Department of Business, Energy and Industrial Strategy** ~~Climate Change~~ which issues Petroleum Licences, gives consent to drill under the Licence once other permissions and approvals are in place, and has responsibility for assessing risk of and monitoring seismic activity, as well as granting consent to flaring or venting;
- the **Environment Agency** which protects water resources (including groundwater aquifers), ensures appropriate treatment and disposal of mining waste, and manages any naturally occurring radioactive materials; and
- the **Health and Safety Executive** which regulates the safety aspects of all phases of extraction, in particular responsibility for ensuring the appropriate design and construction of a well casing for any borehole.

Policy M10: Conventional and Unconventional Hydrocarbons (Oil and Gas)

Planning permission will be granted for the **exploration** of conventional and unconventional hydrocarbons (oil and gas) provided that:

- (i) the well site and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed; and that
- (ii) operations are for a temporary length of time.

Where hydrocarbons have been discovered, planning permission will be granted to **appraise**, drill and test the resource provided that the proposal adheres to requirements (i) and (ii) above, and is consistent with an ~~overall~~ scheme for the appraisal and delineation of the resource.

Planning permission will be granted for the **production** of conventional and unconventional hydrocarbons (oil and gas) provided that the proposal adheres to requirements (i) and (ii) above, and is consistent with an ~~overall~~ scheme which would facilitate the full development of the resource.

Particular consideration will be given to the location of hydrocarbon development involving **hydraulic fracturing** having regard to impacts on water resources, seismicity, local air quality, landscape, noise and lighting impacts. Planning permission will be granted for proposals which involve the process of "associated hydraulic fracturing" for shale gas, as defined in the Infrastructure Act 2015, provided that it can be demonstrated that the proposal can accord with the above requirements and that surface and underground operations will not be undertaken in "protected groundwater source areas", as defined in the Infrastructure Act 2015 and associated Regulations.

Other Minerals

- 3.85 Leicestershire contains deposits of **ironstone**. From the late nineteenth century to the 1970s, it was extensively worked both by underground and opencast methods. There are substantial areas of land with planning permission for ironstone working in the east of the county but these areas are all dormant. Because of the decline of the steel industry in the UK and the low grade quality of the ironstone in Leicestershire, it is considered unlikely that ironstone working will take place in the foreseeable future, other than as a source of building stone.
- 3.86 Any proposals for the extraction of ironstone together with any other minerals not currently worked in Leicestershire will be considered on their merits, judged against the policies set out in Section 5, Development Management.

Minerals Safeguarding

Safeguarding Mineral Resources

- 3.87 Mineral resources of local and national importance should not be needlessly sterilised by non-mineral development. The main purpose of Mineral Safeguarding Areas (MSA) is to protect a mineral resource for the long term for future generations. An MSA is not a proposed area of extraction and does not mean that mineral extraction proposals will be permitted within the area. It should also be borne in mind that just because there may be no economic need for the minerals now that may not be the case in the future.
- 3.88 The County Council has used work carried out by the British Geological Survey (BGS) for the County Council in 2004 to assess which mineral deposits are of economic importance and where they are located. This work provided broad geological resource information for mineral resources within Leicestershire based on a combination of expert geological opinion and knowledge on the extent of mineral resources, and consultation with the minerals industry.
- 3.89 The County Council has concluded that deposits of sand and gravel, limestone, igneous rock, shallow coal, fireclay, brickclay and gypsum in Leicestershire are of current or future economic importance. The boundaries of the proposed Mineral Safeguarding Areas within the County are shown on figures B1, C1, H1, HK1, M1, M2, N1 and O1 contained within the Mineral and Waste Safeguarding documents produced for each district/borough (references S1/2015 to S7/2015).
- 3.90 Brickclay resources in Leicestershire are extensive and it is not considered that it is justified to safeguard large areas of the outcrop. MSAs have therefore been drawn around existing sites taking account of the resource and existing infrastructure and using clear physical boundaries wherever possible.
- 3.91 The County Council does not have sufficient detailed knowledge of the nature and extent of suitable building stone resources to identify potentially workable materials. The quality of stone and suitability for working as building stone is very variable. The Strategic Stone Study mentioned in paragraph 3.65 above did not assess the extent of potential future building resources within the County. It would therefore be difficult to identify potentially workable building stone resources for safeguarding. In any event, building stone resources mainly occur in countryside locations where the risk of sterilisation by other development is low.
- 3.92 Ironstone deposits in the county are not considered to have any future economic significance as a source of iron, given the decline of the steel industry in the UK and their low grade quality. Whilst they could be

worked as a source of building stone or low quality aggregate, they are not considered to be of current or future economic importance.

- 3.93 It is not proposed to define MSAs for hydrocarbons as prospects can only be identified after extensive exploration activity. In any event, oil and gas deposits are found at much greater depths than other minerals exploited within the County and are therefore less threatened by surface development.
- 3.94 Incompatible development close to a MSA may lead to sterilisation of part of the resource. The County Council proposes to extend the boundary of MSAs beyond the area of the resource to prevent residential development encroaching on a mineral extraction site or future extraction area to the extent that the amenity of residents could be affected by noise, visual intrusion or blast vibration. The proposed MSAs include a buffer zone of 200 metres around sand and gravel resources and 500 metres around limestone resources to ensure an adequate safeguarding margin. Site specific margins are provided for brickclay and igneous rock based on consultation with the minerals industry. The MSA for coal is based on plans produced by the Coal Authority in 2008 showing surface mining potential areas. The MSAs for gypsum cover the existing underground mining permission at the Barrow Mine together with the potential area for an extension to the Nottinghamshire Marblaegis Mine.
- 3.95 The prior extraction of minerals will be supported where it is necessary for non-mineral development to take place and where it can be done in an environmentally acceptable manner. In Leicestershire, such opportunities are probably limited to surface mined coal provided that operations can be completed relatively quickly and extraction and restoration are completed within a reasonable timescale, although the amount of coal that is ever likely to be won under these circumstances will probably be small scale. Other mineral resources that are present do not generally lend themselves to prior extraction in built-up areas because of the nature of their extraction methods, and the possibility of such circumstances arising seems too slim to warrant safeguarding. The proposed MSAs consequently exclude mineral deposits other than surface coal within settlements with a population in excess of 1000 and a minimum area of 20 hectares.
- 3.96 In two-tier planning areas such as Leicestershire, safeguarding of mineral resources can be achieved only through county and district planning authorities co-operating in the exercise of their respective planning functions over land with potential for mineral extraction. This can be facilitated by defining Minerals Consultation Areas (MCA). This will provide the mechanism for district planning authorities to consult the County Council before granting planning permission, on any planning applications they receive for non-mineral developments which fall within the boundary of an MCA, and which would be likely to affect the winning and working of minerals.
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- 3.97 The County will therefore define Minerals Consultation Areas (MCA) covering the resources within the Mineral Safeguarding Areas. The MCA will also cover the safeguarding of mineral sites and associated infrastructure (Policy M11). District Planning Authorities within the County will be supplied with a copy of the MCA along with the development criteria that the County Council wish to be consulted on. It will be the responsibility of the District Planning Authorities to ensure that the MCA is used when considering planning applications or proposed developments in a development plan and that the County Council is consulted on developments located within the MCA.
- 3.98 The County Council may advise the District Planning Authority that any development on or near mineral reserves should not proceed before the mineral is extracted, or that steps are taken to avoid sterilisation of the deposit. A realistic judgment about the likelihood of the mineral being worked in an environmentally acceptable manner will be made, and the County Council will not seek to prevent development where it is unlikely that extraction of the mineral would occur in the future. Where mineral deposits are believed to exist but detailed geological information is not available, the existence or otherwise of potentially workable reserves may need to be established by the developer before any application for development that might sterilise the potential deposit is determined.

Table 4: Types of development exempt from safeguarding

| Types of development exempt from safeguarding | |
|---|--|
| (a) | applications for householder development; |
| (b) | applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site; |
| (c) | applications that are in accordance with the development plan where the plan took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when development applications came forward; |
| (d) | applications for advertisement or listed building consent; |
| (e) | applications for reserved matters including subsequent applications after outline consent has been granted; |
| (f) | prior notifications (telecoms, forestry, agriculture, demolition); |
| (g) | Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD); |
| (h) | applications for works to trees; or |

- (i) development types already specified in a DPD (Development Plan Document) as exempt from the need for consideration on safeguarding grounds.

Policy M11: Safeguarding of Mineral Resources

Sand and gravel, limestone, igneous rock, surface coal, fireclay, brickclay and gypsum resources within the Minerals Safeguarding Areas shown on the figures contained within the Mineral and Waste Safeguarding documents, will be protected from permanent sterilisation by other development.

Planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if:

- (i) the applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or
- (ii) the mineral can be extracted satisfactorily prior to the incompatible development taking place; or
- (iii) the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- (iv) there is an overriding need for the incompatible development; or
- (v) the development comprises one of the types of development listed in Table 4.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

Planning permission for mineral extraction that is in advance of approved surface development will be granted where the reserves would otherwise be permanently sterilised provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure

- 3.99 The future use of mineral sites and associated infrastructure could be constrained if sensitive developments such as housing are permitted nearby. In order to ensure that the supply of minerals is not interrupted,

the County Council therefore considers that mineral sites and their associated infrastructure should be safeguarded.

- 3.100 The work carried out for the County Council by the BGS adopted a different approach to the identification of safeguarding areas for each mineral, reflecting not only their different geology but also associated infrastructure. In particular, account has been taken of the extensive infrastructure, including rail links, associated with the County's igneous rock quarries and the existing infrastructure associated with the County's brickclay operations. However, hydrocarbon developments and freestanding concrete batching plants were not included.
- 3.101 The sites and facilities to be safeguarded are identified in the Mineral and Waste Safeguarding documents produced for each district/borough (references S1/20145 to S7/20145). This includes hydrocarbon developments. Most of the concrete batching plants and other associated minerals infrastructure are co-located at quarries or producers of recycled aggregates. The safeguarded list includes those sites which carry out these activities.
- 3.102 The MCA to be issued by the County Council (see paragraph 3.97 above) will include the mineral sites and associated infrastructure safeguarded by Policy M12. Local planning authorities will be expected to consult the County Council on proposals for non-minerals development which could affect the use of such sites and facilities. The County Council may advise that development should not be permitted if it would constrain the effective operation of existing sites, or future use of land or associated infrastructure identified for mineral use.

Policy M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure

Significant infrastructure that supports the supply of minerals in the County will be safeguarded against development that would adversely affect operations at an existing mineral site and the use of associated mineral infrastructure by creating incompatible land uses nearby.

Other Mineral Developments

Associated Industrial Development

- 3.103 In addition to the plant, machinery and buildings directly associated with the working of the mineral, there are certain industrial activities which are sometimes located at mineral extraction sites. A limited range of development is permitted under the **Town and Country Planning (General Permitted Development) (England) Order ~~(GPDO)~~ 2015 (GPDO)** without the prior approval of the Mineral Planning Authority (MPA), although this may only be carried out on land that is used as a mine. It must be for purposes principally in connection with the winning and working of minerals from the mine, and includes the treatment, storage or removal of minerals and derived wastes. A wider range of development, including secondary industry is also permitted under the GPDO but subject to the prior approval of the MPA.
- 3.104 There may be benefits for certain industrial development directly associated with the processing of minerals to be located in close proximity to areas of mineral extraction, e.g. asphalt and ready mixed concrete plants, concrete products and brick manufacture. Policy M13 deals with proposals for ancillary industrial development that are beyond the scope of the GPDO. Such development will only be approved where it can be demonstrated that it is directly associated with the mineral extraction and there are clear environmental benefits in providing a close link between the industrial activities and associated mineral operation. In particular, regard will be taken of environmental effects, transportation implications, visual amenity and proposed timescales. Where planning permission is granted, conditions will be imposed to ensure that minerals supplying the development are sourced principally from the adjacent extraction site and that, upon cessation of mineral extraction, the development will be removed and the site restored unless there are overriding reasons for its retention.

Policy M13: Associated Industrial Development

Planning permission for ancillary industrial development within or in close proximity to mineral sites will be granted provided that it is demonstrated that there is a close association with the mineral site and there are environmental benefits in providing a close link with the extraction site. Where permission is granted, the operation and retention of the development will be limited to the life of the permitted reserves.

Borrow Pits

- 3.105 Borrow pits are temporary mineral workings sited adjacent to major construction projects, particularly new road schemes, and are used solely to supply aggregates for this purpose. Where possible, the void created by the extraction can be used for the disposal of unsuitable and/or surplus materials arising from the project. In certain circumstances they can have advantages over established sites by reducing the impact of concentrated flows of heavy goods traffic on the public highway and meeting peaks of demand without disrupting supplies elsewhere. They may also assist in the sustainable use of minerals by conserving resources of higher quality aggregates through the use of locally sourced materials and thereby reducing the need to make additional provision.
- 3.106 Borrow pit proposals must demonstrate that a balance can be struck between the need for the mineral and the impact on the environment and any local communities, ensuring that adequate mitigation or compensation is provided for the effects of the proposed development. It will also be necessary to demonstrate that, in overall terms, the borrow pit would result in environmental benefits over alternative sources of supply.

Policy M14: Borrow Pits

Planning permission will be granted for borrow pits to supply materials for major construction projects where:

- (i) there is a need for a particular type of mineral which cannot reasonably be supplied from existing sites, including alternative materials, or where the transport of mineral to the construction project from existing sites would be seriously detrimental to the environment and local amenities because of the scale, location and timing of the operations;
- (ii) the site is in close proximity to the proposed construction project it is to serve so that mineral can be transported to the point of use without leading to harmful conditions on a public highway; and
- (iii) the site can be restored to a satisfactory after-use without the need to import material other than that generated by the construction project itself and which can be brought to the site without leading to harmful conditions on a public highway.

Where planning permission is granted, conditions will be imposed to ensure that operations are time-limited and that all mineral extracted is used only for the specified project.

Mineral Waste

- 3.107 Mineral extraction and processing can produce substantial amounts of waste. The Local Plan encourages the reuse of these wastes. Reuse can help conserve mineral resources. In respect of sites for the disposal of mineral waste, the County Council, where applicable, will request details of the manner in which waste is to be deposited; soil stripping and storage; and the restoration and aftercare of the site.
- 3.108 In assessing remote sites for mineral waste disposal, regard for present and future uses of the land and adjoining areas will be taken into account, together with the practicalities of providing a beneficial use for the waste. In particular, the effects of the disposal on local environmental features, other adjacent sensitive land uses, and local communities will be assessed. The effects on any known mineral resources will also be considered in conjunction with the design and final treatment of the proposed disposal site. Any specific proposals for the disposal of or reworking of mineral waste requiring planning permission will be treated as mineral development, and will be judged against all relevant policies in the Local Plan.

Policy M15: Mineral Waste

Planning permission will be granted for new sites for the disposal of mineral wastes where:

- (i) it is not feasible to retain the waste materials on the extraction site; and
- (ii) it is demonstrated that the re-use of the material to be disposed of is not practicable.

Planning permission for the reworking of mineral waste will be granted where an environmental improvement results.

Mineral Exploration

- 3.109 The majority of mineral exploration activities are small-scale, temporary operations which give rise to minimal effects on adjacent land uses and the environment. Under the **Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 1995**, the drilling of boreholes (except for oil and gas exploration), small-scale excavations and seismic surveys and related ancillary development are all permitted operations. Other exploration activities are not permitted by the GPDO and require a specific planning permission.

Policy M16: Mineral Exploration

Planning permission for mineral exploration will be granted provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site is restored to a satisfactory after-use.

Incidental Mineral Extraction

- 3.110 Occasionally mineral extraction can arise away from established sites, occurring as a secondary activity to other development proposals that involve excavations. These may include the creation of water bodies but could relate to major construction projects or the extraction of other minerals. Generally the recovery of such minerals accords with the sustainable objectives for mineral development through the efficient use of minerals and preventing unnecessary sterilisation, providing that their recovery can be achieved in an acceptable manner.

Policy M17: Incidental Mineral Extraction

Planning permission for mineral extraction that forms a subordinate and ancillary element of other development will be granted provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

4. PROVIDING FOR WASTE

The Need for New Waste Management Capacity

- 4.1 It is the objective of the Minerals and Waste Local Plan to enable the delivery of sufficient new waste management capacity equal to the waste arising in Leicestershire to support the delivery of the Leicestershire Municipal Waste Management Strategy (LMWMS) targets and to allow waste management in the County to move greater amounts of waste away from disposal. The following estimated capacity requirements are derived from the latest Waste Needs Assessment produced by the County Council. It is estimated that there is some 2.5 million tonnes of waste from Leicestershire that needs managing at specialist waste facilities each year.

Local Authority Collected Waste (LACW) and Commercial & Industrial (C&I) wastes

- 4.2 Local authority collected waste (LACW) and Commercial and Industrial (C&I) wastes are managed similarly and as such it is assumed that facilities can deal with both waste streams. For the recycling (and composting) of LACW the target of achieving 58% by 2017 has been used, as set by the LMWMS. The prediction is that there is sufficient capacity to enable this target to be achieved. For C&I waste the intent is to increase recycling to 54% by 2030/1. Table 5 indicates that 3 new mid-scale recycling sites are required by 2030/31 or one large facility. Currently, two sites have extant planning permission for some 89,000tpa of recycling capacity which could accommodate the shortfalls presented in Table 5.

Table 5: Indicative scale (tonnes per annum [tpa]) and number of facilities required for the recycling of commercial & industrial waste, based on operational capacity.

| Year | Gross Requirement (tpa) | Capacity (tpa) | Shortfall/ Surplus (tpa) | New facilities required (no. & tpa) |
|-------------|----------------------------|----------------------|--------------------------------|---|
| 2020/21 | 417,273 | 411,000 | -6,273 | 1 of 6,000 ¹ |
| 2025/26 | 439,591 | 417,000 ² | -22,591 | 1 of 25,000 ¹ |
| 2030/31 | 462,532 | 442,000 ³ | -20,532 | 1 of 20,000 ¹ |
| Plan Period | 462,532 | 411,000 | -51,532 | 1 of 51,000 |

¹ Each site 1-2 hectares in size.

² Assumes 6,000 tonnes per annum (tpa) of capacity added in response to the 2020/21 requirement.

³ Assumes 25,000 tpa of capacity added in response to the 2025/26 requirement.

- 4.3 The amount of land required to cater for these facilities by 2030/31 could be in the order of 6 ha.¹ Notwithstanding the indicative numbers of sites set out in Table 5, provision may be achieved through any combination of differently sized sites. The tables provided in this section are to be used as a guide to assist in the planning for new waste management facilities. Whilst they are based on the best available information at the time they should not be seen as setting absolute requirements.
- 4.4 Once the recycling targets are reached there remains an element of LACW and C&I waste which should be diverted away from landfill. Diversion of waste from landfill after recycling can be attained by a variety of methods but principally these are anaerobic digestion, mechanical-biological treatment, autoclave or some form of thermal treatment or a combination of these. These types of processes, known as recovery, are described in detail in paragraphs 4.32, 4.43, 4.44 and 4.45 below. The requirements for the recovery of LACW and C&I wastes are displayed in Table 6. With a current operational capacity of 109,000 tonnes per annum (tpa) and a gross requirement of 207,448 tpa there is a total recovery shortfall of some 109,948 tpa to be found by 2030/31.
- 4.5 Table 6 shows the size and number of additional facilities that may be needed. At present, there are two extant planning permissions granted for the recovery of 35,000 tonnes per annum (tpa) of food waste and 350,000 tonnes of residual non-inert non-hazardous wastes, although neither is yet operational. Although sufficient capacity has been approved to accommodate the shortfall set out below, the County Council will keep provision under review and if by 2020/21 these facilities (in particular the 350,000tpa) are not operational, and no further capacity has come forward, the Council will review the Local Plan.

Table 6: Indicative scale (tonnes per annum [tpa]) and number of facilities required for the recovery of local authority collected waste and commercial & industrial waste, based on operational capacity.

| Year | Gross Requirement (tpa) | Capacity (tpa) | Shortfall/ Surplus (tpa) | New facilities required (no. & tpa) |
|--------------------|----------------------------|----------------------|--------------------------------|---|
| 2020/21 | 160,295 | 109,000 | -51,295 | 1 of 55,000 ¹ |
| 2025/26 | 183,449 | 164,000 ² | -19,449 | 1 of 20,000 ¹ |
| 2030/31 | 207,448 | 184,000 ³ | -23,448 | 1 of 25,000 ¹ |
| Plan Period | 207,448 | 109,000 | -98,448 | 1 of 100,000 |

¹ Each site 1.5 hectares in size (or one 80,000tpa facility of 4 hectares in size).

² Assumes 55,000 tonnes per annum (tpa) of capacity added in response to the 2020/21 requirement.

³ Assumes 20,000 tpa of capacity added in response to the 2025/26 requirement.

¹ Land area for potential facilities are based on 'Planning for Waste Management Facilities: A Research Study' ODPM 2004.

- 4.6 Once recycling, composting and recovery requirements have been met, an amount of residual LACW and C&I waste will remain requiring disposal. It is estimated that by 2030/31 around 360,000 tpa (355,021tpa) of this waste will need to be disposed of. Table 7 shows the indicative scale of new facilities that may be required. The minimum requirement for new landfill capacity of non inert waste, taking into account existing permitted non inert landfill capacity, is 140,000 tonnes per annum by 2020/21 and onwards. This assumes that only the minimum recovery capacity to fulfil the shortfalls of Table 6 and the minimum recycling rates of Table 5 become operational. If the permitted recovery capacity set out in paragraph 4.5 becomes operational then no further capacity is required for LACW and C&I waste.

Table 7: Indicative scale (tonnes per annum [tpa]) and number of facilities required for the landfilling of local authority collected waste and commercial & industrial waste, based on operational capacity.

| Year | Gross Requirement (tpa) | Capacity (tpa) | Shortfall/ Surplus (tpa) | New facilities required (no. & tpa) |
|---------|----------------------------|----------------------|--------------------------------|---|
| 2020/21 | 408,656 | 268,505 | -140,151 | 1 of 140,000 |
| 2025/26 | 381,974 | 408,505 ¹ | +26,531 | 0 |
| 2030/31 | 355,021 | 408,505 ¹ | +53,484 | 0 |

¹ Assumes 140,000 tonnes per annum (tpa) of capacity added in response to the 2020/21 requirement.

C&D wastes

- 4.7 For Construction and Demolition (C&D) waste, existing operational recycling capacity together with sites permitted for C&D recycling but not yet operational, would be sufficient to meet off-site recycling requirements throughout the plan period assuming that there will be no growth in arisings. The average amount of C&D waste going to landfill between 2008 and 2014 was 580,000 tonnes per annum. Allowing for a 70% recovery rate for C&D waste other than excavated soils, it is estimated that some 530,000tpa of inert landfill capacity is needed. Based on inert landfill capacity that is currently available, there will be a shortfall at key years of 85,000 tonnes at 2020/21, 290,000 tonnes at 2025/26, and 440,000 tonnes at 2030/31 (see Table 8).
- 4.8 The above assumes that infilling occurs at each site at the current average input rate, and none of these landfills are given either an extension in time or a physical extension. In view of the identified shortfalls, provision is made in the plan for additional inert waste disposal at three sites (see Policy W8). These allocations have the potential to provide additional landfill capacity of up to 600,000tpa. Depending on the phasing of operations and actual input rates, these sites could enable the predicted shortfalls to be met. However, there is also the possibility of a

shortfall of inert waste disposal capacity by 2030/31 of some 190,000tpa in which case an additional inert waste disposal site beyond those allocated and permitted would be needed.

Table 8: Indicative scale (tonnes per annum [tpa]) and number of facilities required for the landfilling of construction & demolition (inert) waste, based on operational capacity.

| Year | Gross Requirement (tpa) | Capacity (tpa) | Shortfall/ Surplus (tpa) | New facilities required (no. & tpa) |
|---------|----------------------------|-------------------|--------------------------------|---|
| 2020/21 | 530,000 | 445,000 | -85,000 | 1 of 100,000 |
| 2025/26 | 530,000 | 240,000 | -290,000 | 3 of 100,000 |
| 2030/31 | 530,000 | 90,000 | -440,000 | 4 of 100,000 |

Hazardous Waste

4.9 Hazardous waste is produced within all three major waste streams (LACW, C&I and C&D) and includes substances such as asbestos and oil but also more everyday items such as TVs, fridges and batteries. Data from the Environment Agency allows the quantity of hazardous waste arising in Leicestershire and being managed in Leicestershire to be ascertained. These data show more hazardous waste being created than being managed in Leicestershire and that, generally, the County is a net exporter of this waste. To move towards self-sufficiency Table 9 shows the need for a new site of some 2,000tpa. With the variety and complexity of much hazardous waste a number of smaller scale sites may be a more appropriate solution to the shortfall. The form the management of this waste might take is not prescribed but as with all waste streams the desire is to move away from disposal. Therefore, such new capacity should be either for the recycling and/or recovery of this waste stream.

Table 9: Indicative scale (tonnes per annum [tpa]) and number of facilities required for the management of hazardous waste, based on operational capacity.

| Year | Gross Requirement (tpa) | Capacity (tpa) | Shortfall/ Surplus (tpa) | New facilities required (no. & tpa) |
|--------------------|----------------------------|---------------------|--------------------------------|---|
| 2020/21 | 25,750 | 25,360 | -390 | 1 of 500 |
| 2025/26 | 26,492 | 25,860 ¹ | -632 | 1 of 1,000 |
| 2030/31 | 27,256 | 26,860 ² | -396 | 1 of 500 |
| Plan Period | 27,256 | 25,360 | -1,896 | 1 of 2,000 |

¹ Assumes 500 tonnes per annum (tpa) of capacity added in response to the 2020/21 requirement.

² Assumes 1000 tonnes per annum (tpa) of capacity added in response to the 2025/26 requirement.

Agricultural Waste

4.10 The vast majority of agricultural waste is animal matter and plant waste which is dealt with on site (often via exemptions from the Environment Agency). Only a small percentage (0.57% of the total) needs to be transferred off site for management at specialist waste facilities. Table 10 displays the estimated shortfall, however, the tonnes required may be of such a small scale that they would not justify the existence of a new specialised facility. The shortfall could be taken up by existing waste facilities, but a small scale recycling or recovery facility well located to managing agricultural wastes may be a more sustainable option than relying upon existing facilities.

Table 10: Indicative scale (tonnes per annum [tpa]) and number of facilities required for the management of agricultural waste, based on operational capacity.

| Year | Gross Requirement (tpa) | Capacity (tpa) | Shortfall/ Surplus (tpa) | New facilities required (no. & tpa) |
|--------------------|----------------------------|--------------------|--------------------------------|---|
| 2020/21 | 6,477 | 6,224 | -253 | 1 of 300 |
| 2025/26 | 6,664 | 6,524 ¹ | -140 | 1 of 150 |
| 2030/31 | 6,856 | 6,674 ² | -182 | 1 of 200 |
| Plan Period | 6,856 | 6,224 | -632 | 1 of 650 |

¹ Assumes 300 tonnes per annum (tpa) of capacity added in response to the 2020/21 requirement.

² Assumes 150 tonnes per annum (tpa) of capacity added in response to the 2025/26 requirement.

Permitted Waste Facilities

4.11 Tables 5 to 10 and associated text set out the predicted shortfalls that may arise during the timescales of this Local Plan and predict that, in the main, sufficient capacity has already been permitted to handle the waste

requiring management. The sites with planning permission that are not yet operational and would contribute to identified shortfalls are as follows:

- Coventry Road, Narborough – 75,000tpa C&I recycling;
- Newhurst Quarry, Shepshed – 350,000tpa C&I & LACW recovery;
- Sutton Lodge Farm – 35,000tpa C&I and LACW recovery; and
- Wymeswold Airfield – 14,000tpa C&I recycling.

Policy W1: Waste Management Capacity

The County Council will make provision for a sufficient range of waste facilities within the County of Leicestershire to manage the equivalent of the predicted arisings for the County up to and including 2031 and to meet the recycling, composting and recovery targets as a minimum as presented in Tables 5, 6, 7, 8, 9 and 10 at 2020/21, 2025/26 and 2030/31 subject to any new arisings forecasts published in the Council's Annual Monitoring Reports.

Low Level Radioactive Waste

- 4.12 Low level radioactive waste comes from two sources, the non-nuclear industry and the nuclear industry. Non-nuclear radioactive waste contains mainly anthropogenic radionuclides (i.e. radioactive atoms derived from human activities) and is principally from hospitals and universities. The 2008 publication *Data Collection on Solid LLW from the Non-Nuclear Sector: Final Report* indicated that Leicestershire produced 23.15m³ (155kg) of low level non-nuclear radioactive waste. The predicted trend is for amounts to fall. The report produced a list of incineration and landfill facilities which accept this waste of which none is located in Leicestershire. Therefore, all of this waste is managed outside of the County.
- 4.13 As to low level radioactive nuclear waste Leicestershire is not a source of this waste and the emphasis for managing this waste is for it to be managed as close to its source as possible. Whilst there is no indication that Leicestershire is a suitable location for managing this waste, the Plan should address this waste stream to ensure that all potential wastes are catered for. Any proposal for managing low level radioactive waste should be accompanied with a justification for its need in Leicestershire and demonstrate that the waste stream can be safely managed without any harm to those living, working and/or undertaking leisure activities in proximity to the proposed waste facility, and to the natural environment.

Policy W2: Low Level Radioactive Waste

Planning permission will be granted for low level radioactive waste management facilities where it is demonstrated that the County of Leicestershire is a sustainable location for managing such waste.

Distribution and Location of New Waste Management Facilities

- 4.14 The Minerals and Waste Local Plan will guide the development of new waste management facilities to the most sustainable locations within the County. By sustainable locations the County Council means locating the majority of new recycling and recovery waste facilities in the major urban areas of the County.
- 4.15 The Waste Core Strategy sought to change the historic pattern of waste management facilities based on disposal at landfill sites in countryside locations. The strategy was to locate large scale recovery facilities (strategic facilities) in the main urban areas of the County and City. This Local Plan does not include Leicester City and, therefore, the new spatial strategy only applies to the County.
- 4.16 The principal study used to identify suitable locations for a large scale residual treatment facility or facilities was that undertaken by Entec for Leicestershire County Council in 2007. This study modelled a number of scenarios, excluding Leicester City, using logistics and vehicle mileage. Of these scenarios the mapped outputs showed that the optimal locations (i.e. those with the lowest mileages) were Loughborough and west/south-west of the City near to the County's highest centres of population and in close proximity to the major highway network (predominantly the M1 motorway). This study remains a good starting point for assessing the best locations for large scale waste facilities.
- 4.17 Appraisal of household data for the County confirms that the Entec study identified the two largest urban conurbations in the County - Loughborough and those settlements adjoining Leicester City which help form the Leicester Principal Urban Area (LPUA). These two areas also form the focus of much of the planned residential development for the administrative areas of Blaby and Charnwood, i.e. Lubbethorpe, Birstall, Thurmaston and Loughborough/Shepshed. However, there are other urban areas within the County which have good transport links to major road networks and would be of sufficient scale to accommodate a facility of a strategic scale. Household numbers data show that Hinckley (and Burbage) and the Coalville urban area are the third and fourth largest

urban areas in the County, respectively. Hinckley has excellent direct access to the M69 and A5, whereas Coalville is well located to the M1, and the A42. Both settlements are planned to accept significant levels of new residential developments to reach household numbers of approximately 21,000 in Hinckley and 19,000 in Coalville by circa 2031.

- 4.18 Although the quantity of waste from households and the total waste collected by local authorities in Leicestershire is relatively small compared to other waste streams it can be strategically important. To the waste industry the management of local authority collected waste (LACW) offers the opportunity for reliable long term contracts; these contracts enable new facilities to be built which the market for the management of other waste streams, particularly commercial & industrial waste and construction & demolition waste, may not offer.
- 4.19 In addition to household numbers, the large urban areas of the County are also the locations for the County's principal retail and commercial areas. Similarly, the County's employment areas are also concentrated in the large urban areas, namely around Leicester, and in and around Loughborough/Shepshed, Hinckley/Burbage, and Coalville. Major new employment areas are proposed in these urban areas in existing and emerging development plans in Leicestershire, including almost 100 hectares adjacent to the Leicester Principal Urban Area, almost 100 hectares at Loughborough/Shepshed, 60 hectares mainly at Coalville and 20 hectares at Hinckley/Burbage. These new employment areas will strengthen these areas as the dominant employment areas of the County. Therefore, the main urban areas are both the main sources of both commercial and industrial wastes and the areas with the greatest opportunity to accept new waste management facilities in sustainable locations.
- 4.20 Furthermore, a benefit of locating energy recovery facilities in the main urban areas is that they are near a greater number of potential users than outside of the urban areas. The Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands: Final Report published in March 2011 not only shows that the urban districts of Leicestershire have the greatest potential for electricity generation from waste but also that heat demand coincides with the main urban areas.

Strategic Facilities

- 4.21 The aim of the Local Plan strategy is to locate the largest waste management recycling and recovery facilities in close proximity to the largest arisings, i.e. urban concentrations with populations above 30,000 around Leicester, and in and around Loughborough/Shepshed, Hinckley/Burbage, and Coalville. 'Around Leicester' relates to the urban areas within the administrative boundaries of the County Council and

within the LPUA as defined in the 2014 Strategic Housing Market Area Assessment, including the planned extensions at Narborough and Whetstone. Coalville is defined by North West Leicestershire District Council as the Coalville Urban Area. The Key Diagram towards the rear of this document indicates the areas that are deemed to be acceptable for the locating of strategic facilities.

- 4.22 The **National** Planning Practice Guidance offers indicative values for determining significant effects and whether an Environmental Impact Assessment is required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017¹. The Guidance states that waste facilities that would recover at least 50,000tpa of C&I waste and LACW would be more likely to have significant effects and require an Environmental Statement. Strategic facilities are those which will divert a significant proportion of the County's waste away from landfill either by recycling and/or recovery. The County Council is not seeking to rigidly define what a significant level of landfill diversion is but facilities of approximately 50,000tpa capacity or more are more likely to be strategic in nature. However, some smaller facilities may have a very specialist nature that gives them an important strategic function.
- 4.23 A strategic facility in its simplest form is a single large scale development. However, facilities can become of strategic importance either through an extension to an existing operation or through an agglomeration of a number of non-strategic developments upon a large scale site. Proposals that would lead to either of the two situations occurring would be assessed against the Strategic Waste Facilities policy.
- 4.24 Facilities will be considered as strategic where they have all of the following characteristics:
- A. facilities which have the capacity to make a significant contribution to LACW or C&I waste recovery by reducing the amount of residual waste going to landfill or are of a very specialist nature;
 - B. facilities that offer potential for the co-location of complimentary waste facilities and/or end users of recovered materials or energy;
 - C. facilities which have potential to deal with LACW and/or C&I waste; and
 - D. facilities of sufficient area and characteristics to deliver a strategic function.

Policy W3: Strategic Waste Facilities

Planning permission will be granted for new strategic waste facilities, including extensions to existing waste facilities which would in combination with the existing use(s) create a strategic facility, provided that they are within the Broad Locations for Strategic Waste Facilities indicated on the Key Diagram, namely in or close to the urban areas of Loughborough/Shepshed, Hinckley/Burbage and Coalville and close to the urban area of Leicester, taking into account the principles set out in Policy W5.

Non-strategic Waste Facilities

- 4.25 Notwithstanding the strategy to site the largest recycling and recovery facilities in the largest urban areas a range of medium and small scale facilities is required to allow for the sustainable management of waste within the County. Such smaller non-strategic waste facilities will be sought in the first instance within the Broad Locations for strategic waste facilities but also in other key urban areas within the County - Melton Mowbray and Market Harborough; both urban areas are seeking to accommodate over 3,000 further homes and will be the focus for new employment areas within the district/borough. The principal urban areas of the County are at the heart of the planned growth for the County; major growth areas, previously referred to as sustainable urban extensions (SUEs), adjoining these principal urban areas will meet much of the development needs of the County. Thus, most major growth areas will either be within the Broad Locations for strategic waste sites or adjacent to Melton Mowbray or Market Harborough; the exception being the planned growth for Barwell and Earl Shilton. Given the scale of the development set to occur at these locations and the inclusion of new employment land they would also be suitable for the location of new waste facilities.
- 4.26 Not all waste management facilities can or should be located in the largest urban areas. Some facilities, such as the biological treatment of waste, sewage treatment works and landfills subject to conformity with the rest of the Local Plan would be acceptable in more rural areas. Notwithstanding this, there may still be a need for waste facilities in the smaller settlements of the County (e.g. Ashby and Lutterworth) to serve a local need. The need for such a facility would have to be overriding and more sustainable than it being met in the main urban areas, justifying a more dispersed location.

Policy W4: Non-strategic Waste Facilities

Planning permission will be granted for new non-strategic waste facilities, including extensions to existing waste facilities, within the following areas taking into account the principles set out in Policy W5:

- (i) the Broad Locations for Strategic Waste Facilities, that is, in or close to the urban areas of Loughborough/Shepshed, Hinckley/Burbage and Coalville and close to the urban area of Leicester;
- (ii) in or close to the main urban areas of Melton Mowbray and Market Harborough; and
- (iii) within major growth areas.

Proposals for new waste facilities, including extensions to existing waste facilities, outside the above areas will only be granted where they are:

- (a) facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting;
- (b) the treatment of waste water and sewage;
- (c) landfilling of waste; or
- (d) facilities that require a more dispersed location to provide a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits subject to the principles set out in Policy W5. Such a proposal must demonstrate there is an overriding need for the development and that this cannot be met within the urban areas set out above in (i) to (iii).

Locating Waste Facilities

- 4.27 Waste management provision will be achieved in accordance with the spatial strategy for strategic and non-strategic facilities as expressed above. Land with an existing waste management use may be the most appropriate for extension or the siting of new facilities. Opportunities for integrated waste management will be encouraged, where various waste management options can be co-located to reduce transport requirements and assist improved levels of waste recovery within the main urban areas.
- 4.28 Certain types of modern waste management development such as waste recycling and recovery involves purpose designed buildings and structures which in most instances are suited to industrial areas. The waste industry is moving more towards utilizing and operating within existing industrial buildings. Therefore, locating new waste facilities in major existing or

new areas of development (such as sustainable urban extensions and large areas allocated for new employment) would be acceptable.

- 4.29 New waste facilities will also be acceptable on previously developed, contaminated or derelict land, with good transport connections either within urban areas or on the urban fringe but still close to waste sources.
- 4.30 Some existing mineral extraction sites may offer a good location for siting of some waste management operations due to existing infrastructure and the potential benefits of co-location. However, such sites would still have to be well located to waste arisings. Mineral sites, because they are temporary operations and will be restored after they have ceased, are classed as greenfield sites. They are typically in rural locations and as such are less favoured as locations for waste facilities as set out in Policy W4. Therefore, any new waste facilities that may be acceptable at mineral sites would only be acceptable at such mineral sites for the duration of the mineral operations.
- 4.31 In meeting the objective of achieving sustainable waste management and the wider environmental and economic benefits this brings, greenfield land should not be precluded. Greenfield land is not a preferred land use but to ensure sufficient provision is made and where it meets the intentions of other policies, in particular those intended to protect such land, development may be acceptable on greenfield land.

Policy W5: Locating Waste Facilities

Planning permission will be granted for waste facilities in accordance with the objectives of Policies W3 and W4 upon the following land:

- (i) on land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated either as a consequence of proximity to the existing waste management uses or the co-location of waste management facilities;
- (ii) on existing or planned industrial/employment land;
- (iii) on previously developed, contaminated and/or derelict land; and
- (iv) on existing mineral working sites.

Land not included in (i)-(iv) above will be considered where there is a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits, and there is an overriding need for the development which cannot be met within the urban areas set out in (i)-(iii) of Policy W4.

Biological Treatment of Waste

- 4.32 Biological treatment of biodegradable organic waste is the process by which micro-organisms are used to convert waste organic matter into, amongst other things, a liquid and/or solid to be used as a soil conditioner.
- 4.33 Composting is undertaken in the presence of oxygen, producing the by-products of carbon dioxide and water vapour and a soil conditioner. Frequently, it takes place in the open air on concrete pads and is typically located in rural or urban fringe sites. Waste taken to these sites is mainly that collected at civic amenity sites and source-segregated kerbside collected garden waste.
- 4.34 Anaerobic digestion differs from composting in that it is the biological treatment of biodegradable organic waste in the absence of oxygen. By its nature this has to be done in a controlled environment, i.e. a sealed vessel. Anaerobic digestion results in the generation of:
- **Biogas**, which is rich in methane and can be used to generate heat and/or renewable electricity;
 - **Fibre**, (or digestate) which is nutrient rich and can potentially be used as a soil conditioner; and
 - **Liquor**, which can potentially be used as a liquid fertiliser.
- 4.35 Much of the waste for these processes can arise from urban areas and, locating these sites away from these areas is less sustainable in transport terms (i.e. waste may need to travel further to be treated). However, it does provide an opportunity for agricultural wastes to be treated alongside other wastes. For example, anaerobic digestion can take poultry and bovine manures and produce a digestate which is less odorous and more readily available to plants than the untreated, raw manure. A more rural location also allows the end product, i.e. the soil improver, to be applied to land in the vicinity of the waste site thereby reducing the distance travelled by the resultant product. It is expected that proposals in rural areas will need to justify the selection of the site in terms of the opportunities for treating agricultural wastes and the spreading of the end product on adjacent land. Where operations include the spreading of compost or other residues over land, the material spread must meet the recognised quality standards to be no longer regarded as waste (BSI PAS 100 for compost and BSI PAS 110 for digestate from anaerobic digesters).

Policy W6: Biological Treatment of Waste Including Anaerobic Digestion and Open Air Windrow Composting

Planning permission will be granted for waste facilities for anaerobic digestion, open air composting, and other forms of biological treatment outside of those areas set out in (i)-(iii) of Policy W4 where the proposal is an appropriate distance from any sensitive receptors and is located on either:

- (i) land meeting the requirements of (i)-(iv) of Policy W5, or
- (ii) land associated with an existing agricultural, livestock, or food processing use where it is demonstrated that there are close links with that use.

Waste Reuse, Recycling, and Composting

Waste Reuse

- 4.36 After waste prevention, the next preferred means of managing waste in the hierarchy is reuse. This involves putting used products or materials without alteration or processing to the same use again or for a different purpose. It can result in added value and utility before final disposal. The waste stream where there is the most potential for reuse is construction & demolition (C&D) waste. Road planings can be reused without further processing and some excavated materials can be directly reused as fill in construction projects or as a site engineering material.

Waste Recycling

- 4.37 The next step down on the hierarchy is recycling (and composting). Recycling involves the separation of waste materials to put them through a process so that they can be used again either for the same or an alternative purpose. Materials commonly recycled include paper, cardboard, glass, cans, some plastics, textiles, wood, metal, brick, stone, concrete, soils and food and garden waste (by composting). In fact most things can be recycled although markets for some recycled products can be unreliable.

Waste Transfer and Materials Recovery Facilities

- 4.38 Materials Recovery Facilities (MRF) take waste and sort it either by a "dry" or a "wet" system, usually within a building. A dry MRF is dependent upon a segregated waste collection system, whereas wet MRFs are not. Both types of MRF sort and grade waste either manually or mechanically. The separated materials are then sent elsewhere for reuse, recycling, or

energy recovery. A large building is usually required with some outdoor storage space.

- 4.39 The purpose of waste transfer stations is essentially to bulk up wastes and reduce the overall transport requirements of waste collection. However, they increasingly involve an element of sorting to separate materials for recycling, recovery or treatment. Similarly recycling and household waste sites (RHWSs) operate as reception centres for the public to take their waste, but also aim to recycle as much of this as possible. These centres have successfully increased the amount of materials recycled.
- 4.40 There is a good distribution of these transfer facilities and MRFs throughout the County. However, there may be potential to extend such facilities and there is a need to keep the provision under review. It would be consistent with the aims of sustainable waste management and the need to deal with waste as close to its source as possible, to promote a widespread distribution of waste transfer stations and RHWSs to minimise transportation of waste and encourage further recycling, subject to environmental and amenity considerations.

Waste Composting

- 4.41 There are two forms of composting: open-windrow and in-vessel. With open-windrow, green waste is shredded and placed outdoors in elongated heaps, which are kept at specific moisture and oxygen levels. The windrows are turned and re-mixed on a regular basis to maintain their aerobic state, until the active composting period is finished and the final product is ready.
- 4.42 In-vessel composting refers to a group of composting systems ranging from closed halls to containers, which aim to achieve a higher degree of control over and accelerate the process. In-vessel composting can take wastes other than green waste such as food. It often also requires some form of outdoor maturation.

Energy and Value Recovery from Waste

- 4.43 Energy and value recovery is used to describe those processes which either directly burn waste to recover energy value, including heat, or produce a fuel which could be used as a fuel. These processes must not be confused with recycling facilities which only recover value. There are a number of different technologies that involve some form of energy recovery from waste. Some of these are fairly well established; whilst others are new and further technologies continue to emerge. In addition to recovering energy from waste these processes often create other by-products from the waste, which have an intrinsic commercial value, or from which value can be recovered through further treatment. In general, however, they provide a sustainable energy source.

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- 4.44 Mechanical-biological treatment (MBT) involves recovering recyclable materials from waste, then treating the remainder to create a fuel. The organic element is extracted to be treated separately, for example by anaerobic digestion, or by composting.
- 4.45 Mechanical heat treatment (autoclave) works like a pressure cooker, using high temperature steam to cook and sanitise the waste. Items such as glass and cans are cleaned by the process and can be easily sorted out for recycling. The remaining fibrous material can be used as a form of fuel or in building materials.
- 4.46 Advanced thermal treatment is the general term for combustion of waste in a controlled environment. It includes the processes of gasification and pyrolysis. Gasification is the heating of waste with air, steam or oxygen to create a gas. The process also creates ash and tar. With pyrolysis waste is heated to a high temperature in the absence of oxygen. It produces combustible gases, a combustible char and a mixture of solids and liquid effluent.
- 4.47 There are currently no major waste incinerators in the County. All clinical waste is taken for incineration outside of the County. Historically, it has tended to be local authority collected waste that is burnt in incinerators, however, increasingly more commercial and industrial (C&I) waste is managed in this manner. In achieving a sustainable waste management system, energy recovery will need to play a full and integrated part in local solutions. Where waste cannot be reused, recycled or composted, using it as a fuel incorporating combined heat and power (CHP) technology should be considered. CHP facilities use the hot water left over from producing electricity to provide heating to local communities or industries.
- 4.48 Notwithstanding the desire to treat more waste through recovery, the recovery of energy from waste must be considered in the context of an integrated approach to waste management which encourages waste prevention, reuse and recycling. Appropriately sited, designed and managed recovery facilities can help divert waste away from landfill, and may help the County manage more of its own hazardous waste. Furthermore, the technologies available for managing the recovery of waste are developing and new ways to recover waste should not be precluded from becoming established in Leicestershire. Such new or emerging recovery technologies will be expected to result in the more efficient and sustainable management of waste.

Policy W7: Facilities for Energy and Value Recovery from Waste

Planning permission will be granted for waste management facilities that would provide for energy or value recovery from waste, provided that:

- i) pre-sorting is carried out ensuring that residual waste (i.e. that which cannot be reused, recycled or composted) is recovered;
- ii) value recovery from by-products of the process is maximised;
- iii) energy recovery is maximised, where possible utilising combined heat and power (CHP); and
- iv) any residue of the process can be satisfactorily managed and or made use of.

Planning permission will be granted for waste management facilities making use of new or emerging technologies where this will lead to the more efficient and sustainable management, through recovery, of waste.

Waste Disposal

- 4.49 At the time of writing the extant Waste Core Strategy the majority of waste generated was disposed of to landfill. The increase in capacity of other types of waste management facilities has resulted in the majority of the three main waste streams of the County (LACW, C&I and C&D) now being recycled or recovered and not being sent to landfill. Disposal is the least preferred option for managing waste and includes landraise and incineration without energy recovery, as well as landfill.
- 4.50 Notwithstanding the reduced reliance on landfill it is still likely to be needed for the foreseeable future, whilst further new alternative waste management facilities become established, and in the longer term for waste that is left over after a treatment process. Landfill largely takes place in holes that result from mineral extraction and is an important method of restoring mineral workings back to a beneficial use, such as agriculture, leisure, woodland or nature conservation.
- 4.51 Landfills are classified into three types: non-hazardous; hazardous; and inert. Landfill sites have to be engineered to control landfill gas and leachate, which are produced as the waste breaks down over time. Part of the process involves lining and capping individual phases of tipping within the site to seal them with impermeable material. These sealed areas are called cells and the material used is either clay or an artificial barrier or both. Such engineering systems are expensive and consequently new sites, particularly those taking non-inert waste, are likely to be large scale to be cost effective. All sites take a quantity of inert waste that is used for such purposes as construction of the cells, daily cover and in restoration. The County has a number of large scale

landfills dealing with solely inert and other wastes, and these will provide the mainstay of any capacity for waste disposal.

- 4.52 Nevertheless, small-scale proposals will continue to arise, such as landscaping proposals and construction fill. These schemes will need to be considered on their merits at the time and not be to the detriment of existing waste disposal sites. There may also be occasions where major construction works such as road projects generate large volumes of waste. In these circumstances appropriate disposal of the surplus materials near to the road line without having to transport it on the public highway, may have the advantage of preventing an otherwise significant traffic impact. Such proposals would need to demonstrate, however, that there is no viable alternative beneficial use for the surplus materials.
- 4.53 The waste needs assessment shows that there will be a need to provide further inert landfill capacity beyond that provided by existing facilities, and the development of permitted but not operational capacity (see Table 8 above). It is therefore proposed to make provision for additional inert waste capacity at 3 sites. The County Council considers that the proposed areas set out in Policy W8 would be environmentally acceptable, subject to particular issues having been satisfactorily addressed as set out in Appendix 1, accompanying Inset Plans showing the location of the proposed sites. It may also be appropriate to allow sites to be permitted where the need can be demonstrated and there is an environmental benefit to be achieved, for example in securing appropriate restoration of a mineral working, or where the development is part of an integrated waste management development proposal.
- 4.54 All waste disposal proposals will need to demonstrate it is the most sustainable option, that the development would produce an environmental benefit and it would not delay the restoration of already permitted waste disposal sites; including in particular the infilling of mineral extraction sites with waste to achieve restoration.

Policy W8: Waste Disposal

Planning permission will be granted for new or extended waste disposal facilities where:

- i) it is demonstrated that the waste cannot be managed in a more sustainable way;
- ii) environmental benefits will be secured by the development;
- iii) there is an overriding need for the development; and
- iv) the development does not delay the final restoration of existing landfill or landraise sites.

The County Council will make provision over the plan period (2015 to 2031) for the disposal of inert waste at the following locations:

(i) the remaining permitted capacity available at the following existing landfill operations: Brooksby; Ellistown; Huncote; Husbands Bosworth; Lockington; New Albion; Shawell; and Slip Inn

(ii) the following additional landfill areas as shown on the Policies Map Insets, subject to the requirements set out in Boxes SA1, SA3 and SA7: Brooksby Quarry; Husbands Bosworth Quarry; and Ibstock Quarry.”

Other Forms of Waste Management Development

- 4.55 Landfill gas produced at non-inert landfill sites is a methane rich biogas (typically 65% methane and 35% carbon dioxide) and can be used to produce energy such as electricity. Even with a level of impurities it can be used to fuel engines or turbines and as a vehicle fuel. Methane is a powerful greenhouse gas, which landfill operators are obliged to collect and at least treat by flaring. Capturing and utilising the energy potential of this gas supports a sustainable approach to waste disposal. The quality and quantity of landfill gas varies depending on the degree of decomposition and age of the site. Landfill gas plants should be located away from residential areas and other sensitive land-uses for reasons of safety and other amenity issues. Careful consideration should also be given to siting of the plant to limit visual impact.
- 4.56 Sewage undertakers have extensive rights to carry out development without the need to obtain planning permission under the Town and Country **Planning** (General Permitted Development) (England) Order 2015 (GPDO). Considerable development, involving large items of plant and machinery, can be carried out within existing operational sites without the submission and approval of a planning application. New sewage treatment works will, however, require planning permission and in some instances Environmental Impact Assessment will be required, depending on the size, nature and location of the development proposed. Given potential impacts from odour, noise and flies, in particular, they need to be relatively remote from residential areas and located on the edge of settlements.
- 4.57 The County Council will allow other forms of waste management not covered by specific policies, provided that the proposal does not cause unacceptable harm to the environment or communities when assessed against the relevant policies of the Development Plan.

Safeguarding Waste Management Facilities

- 4.58 Waste facilities are an important element of a community's infrastructure, ensuring that waste is managed without harm to the environment or the communities in which they are located. Therefore, it is important that where a waste permission has been granted that this use of the land is not prejudiced by other future land uses. The National Planning Policy for Waste directs all planning authorities, where relevant, to ensure that the

likely impact of proposed, non-waste related, development on existing waste management facilities, and on sites and areas allocated for waste management is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.

- 4.59 Consideration of the effects of new development upon existing waste management sites should be twofold: to ensure that there is regard to the need for a waste facility that may be lost through redevelopment; and to ensure that the operation of a waste facility is not affected by new development in the vicinity of the waste facility, for example, housing. Safeguarding of an existing operational waste site would only be for those activities operating lawfully.
- 4.60 In two-tier planning areas such as Leicestershire, the safeguarding of waste sites can only be achieved through county and district councils co-operating in the exercise of their respective planning powers. District Councils would be provided with details of the waste sites in the County and it would be the responsibility of the District Councils to consult the County Council as part of the determination of planning applications within or near to the boundary of a waste site. Lists of the current waste sites which could be safeguarded are included in the Mineral and Waste Safeguarding documents produced for each district/borough (references S1/2015 to S7/2015). The list will be regularly updated as sites move on and off the list, for example, sites with temporary permissions would be removed from safeguarding once restored.

Policy W9: Safeguarding Waste Management Facilities

Planning permission will be granted for the redevelopment of existing and permitted waste management facilities to a non-waste use where it is demonstrated that the loss of the facility does not prejudice the County's implementation of the waste hierarchy either through the provision of a new waste facility in the vicinity of that to be lost or that there is no longer a need for the waste facility at that location.

Planning permission will be granted for development which adjoins, is adjacent to or would locate a potentially sensitive receptor in closer proximity to an existing or permitted waste management facility where it is demonstrated that there would be no adverse effect upon amenity and the development would not prejudice the current and future operation of the facility.

5. DEVELOPMENT MANAGEMENT

The Development Management Process

- 5.1 Development management is the process of determining planning applications and monitoring and enforcing compliance with planning law. Planning applications should explain the purpose of the development, and provide details of how the operations will be managed, and any measures proposed to reduce or remove adverse effects. The County Planning Authority will consider all the community, economic and environmental issues that are relevant to each planning decision.
- 5.2 Sufficient information must be provided with planning applications to enable the likely effects of the development together with proposals for appropriate control or mitigation to be assessed. In some cases, detailed assessments of particular issues may be required.
- 5.3 Applicants need to have regard to the Council's local list of information requirements for the validation of planning applications and are encouraged to discuss their proposals with the County Planning Authority before submitting a planning application. Early discussion will help to identify potential impacts of proposals and potential measures to avoid or minimise them. Applicants will also be advised if their proposals are unlikely to be acceptable. The County Planning Authority may suggest that applicants seek advice from statutory consultees or other bodies about the need to carry out detailed assessment work. Pre-application consultation with such bodies together with the local community and local interest groups will help to establish potential impacts of a proposed development and improve the quality of decisions on planning applications. The Statement of Community Involvement provides information on how consultation on planning applications will be carried out.
- 5.4 If planning permission is granted, conditions will usually be attached to regulate the operation of the development. These can be used to agree the specific details about parts of the proposal (such as a landscape scheme) or to ensure that the effects on local communities or the environment are reduced (such as control of working hours).
- 5.5 The County Council will also seek to conclude legal agreements, known as planning obligations, where appropriate to achieve suitable control over and to mitigate and/or compensate for the effects of minerals and waste development where such objectives cannot be achieved by planning conditions. Matters to be covered by such planning obligations may include:
- highways and access improvements;
 - traffic management measures including the regulation of lorry traffic;

- long-term site management provision to establish beneficial after-use;
- improvement of the rights of way network;
- financial guarantees to ensure restoration is undertaken;
- measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of the development.

Environmental Impact Assessment

- 5.6 Environmental Impact Assessment (EIA) is often required for major developments that are likely to have significant impacts on the environment. Most proposals for large scale mineral extraction and waste developments are likely to fall within this category. An EIA will identify the likelihood of significant impacts occurring as a result of a development, how these could be mitigated, and alternative ways in which the development could be carried out.
- 5.7 All mineral and waste planning applications that meet the appropriate thresholds and criteria set out in the EIA Regulations (2017~~1~~) will be screened to determine whether or not they require an EIA. Applicants can formally request such a screening opinion. The screening process determines whether the proposal is likely to have significant environmental effects. If requested, the County Council will provide a scoping opinion which sets out the issues which the EIA assessment should address. An Environmental Statement must accompany a planning application for EIA development.

Review of Mineral Permissions

- 5.8 Mineral planning permissions are subject to review in accordance with the legislative requirements of the Planning and Compensation Act 1991 and the Environment Act 1995. Such reviews provide an opportunity for the County Council to ensure mineral sites continue to work under modern conditions which reflect sustainability aspirations and offer appropriate environmental protection.
- 5.9 Subject to certain legal provisions, the review determination process is conducted in a similar way to the processing of a planning application, and may be subject to Environmental Impact Assessment in the same way as a planning application. However, review submissions cannot be refused, and compensation liabilities can arise if working rights are unreasonably affected. Applicants submitting review schemes should have regard to the requirements of policies contained in this document, and ensure that all the environmental issues are satisfactorily addressed.

Material Considerations

- 5.10 Every planning application for development is decided on its merits, and should be determined in accordance with the Development Plan unless material considerations indicate otherwise. When planning applications are determined, all the relevant policies in the Development Plan will be taken into account, and used as the basis for decision-making.
- 5.11 Material considerations include issues such as the impacts on local communities, national planning policy/guidance, and the need for the development. There are no firm rules about the range and type of material considerations, or about the weight that should be attached to them in individual decisions. This is because:
- material considerations are subject to change in the light of government guidance and court judgements;
 - the Development Plan cannot explain which considerations will be material to a particular planning decision because the circumstances of each application will be different; and
 - the weight given to material considerations when making decisions on planning applications will be affected by individual circumstances.

Monitoring and Enforcement

- 5.12 The effective monitoring of operational sites to ensure compliance with planning permissions and conditions is very important. Requirements for the monitoring of impacts such as noise and dust may be imposed on the site operator through planning conditions. However, there is an important role for the County Council to monitor its permissions and, where appropriate, enforce planning requirements. The County Council will need to work closely with other regulators and statutory bodies, such as the Environment Agency, in monitoring and exercising appropriate control over mineral and waste sites. Efficient and effective monitoring and enforcement can often identify potential problems early, before they are perceptible to local residents, and ensure that they are resolved satisfactorily. In undertaking its monitoring and enforcement responsibilities, the County Council will have regard to the Minerals and Waste Local Plan and its Enforcement Plan.

Sustainable Development

- 5.13 Sustainable development is development that seeks to improve the economic, social and environmental status of Leicestershire, and beyond without compromising the ability of future generations to meet their own needs. This includes the prudent use of extracted minerals, minimising waste creation and locating new development in the right places. Waste

and minerals industries contribute significantly to the Leicestershire economy and their growth and innovation ensures local jobs creation and diversification. Development should however be well designed and create a high quality built environment avoiding unsustainable impact upon finite and vulnerable natural and historic resources. Opportunities to enhance biodiversity and contribute towards the objectives of the local Biodiversity Action Plan should be taken.

- 5.14 Sustainable development is also about moving to a low carbon economy and safeguarding the County from the effects of climate change, through mitigation and adaptation. The emission of greenhouse gases from activities undertaken in Leicestershire contributes to climate change. Therefore, curbing such emissions and maximising the use of renewable energy sources will reduce the County's carbon footprint. Transportation of minerals and waste is a significant source of carbon emissions so to help achieve sustainable development new mineral extraction and waste management facilities should be located in close proximity to markets for mineral materials and waste arisings in order to minimise the need to transport minerals and waste; and where possible rail/water transport should be secured for the movement of minerals and waste in order to maximise the potential use of alternative means to road transport.
- 5.15 Waste management can reduce greenhouse gas emissions through the diversion of waste from landfill and the production of energy from renewable or low carbon sources. New waste and minerals developments should be designed so that greenhouse gas emissions are reduced, and water, energy and material consumption is minimised.
- 5.16 The Plan is based on the principle of delivering sustainable minerals and waste development in Leicestershire and is subject to a separate sustainability appraisal. Therefore, any development that accords with the Plan is sustainable and the County Council will aim to progress it without delay. Development management will be the main means by which the Plan will deliver sustainable minerals and waste development in Leicestershire.

Policy DM1: Sustainable Development

When considering proposals for minerals and waste development Leicestershire County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Proposals should contribute to the three dimensions (economic, environmental and social) of sustainable development, as well as providing clear evidence of how a proposal would make a positive contribution to reducing its effects on climate change. The County Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the County of Leicestershire.

Planning applications that accord with the policies in this Minerals and Waste Local Plan will be approved unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the County Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- (i) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- (ii) Specific policies in ~~that~~ the National Planning Policy Framework indicate that development should be restricted.

Managing Impacts on the Local Environment and Communities

Local Environment and Community Protection

Health and Amenity

- 5.17 Minerals extraction and waste management facilities by their nature are likely to have some negative effects on local communities. Minerals can only be worked where they exist and this can lead to the development of quarries in close proximity to communities. The Council's waste strategy is to locate most waste sites near to the largest concentrations of population to maximise sustainability potential and the principles of

proximity and self-sufficiency. It will consequently be necessary to overcome unacceptable impacts on the local communities affected through appropriate mitigation measures.

- 5.18 Proposals which may give rise to pollution and health issues should be submitted with details of these issues, and where applicable the relevant health and pollution control authorities will be consulted. Likewise, amenity issues will be addressed in consultation with the local authority environmental health officer (EHO) and other appropriate advisers. Pollution control authorities such as the Environment Agency and local Environmental Health authorities are responsible for regulating and controlling polluting processes and not the planning authority. However, pollution and health issues are a legitimate planning consideration, which can be taken into account when considering development proposals. As such, proposals should include appropriate measures to protect against any detrimental impacts on the amenity and health of people and the environment.
- 5.19 Possible impacts include: noise and vibrations from minerals/waste traffic, processing plant and site activity; visual intrusion; dust during dry periods; debris on the roads & litter; odour; run off from sites to controlled waters; and the impact of Heavy Goods Vehicles (HGVs). Such impacts can cause understandable concern from communities living near these types of development. It is important to ensure that measures are taken to protect against unacceptable impacts.
- 5.20 It is possible for mineral and waste operators to take measures that can lessen the impact on those living near a mineral/waste site, for example, by using well designed landscaping to create bunds making the most of natural landscape character, topography and vegetation that may help in visually screening the activities and reduce noise. There are also various controls that can be used to manage dust, litter and odour impacts. Wheel washing and sheeting of lorries can prevent debris from being deposited on the road network. Where adverse effects cannot be adequately controlled or prevented, planning permission will not be granted.

Air Safeguarding

- 5.21 Buildings and structures which exceed certain heights might endanger the safety of aircraft. Because of its nature or location, a building or structure can interfere with the operation of navigational aids, radio aids and telecommunication systems. The lighting elements of development also have the potential to distract or confuse pilots.
- 5.22 Mineral extraction (especially where water areas form part of the restoration proposals) together with facilities for the handling, compaction, treatment and disposal of household or commercial wastes, and sewage disposal and treatment plant can also attract a variety of bird species and can create a bird strike hazard on or near aerodromes, including bird

flightlines across aircraft flightpaths. It may be possible however to overcome bird strike issues through careful and considered design of the development.

- 5.23 Air safeguarding is a particularly important issue for minerals and waste sites in proximity to East Midlands Airport. In the event that, following consultation with the appropriate authorities, the nature of the proposal is considered to give rise to new or increased risks to aircraft, planning permission should not be granted.

Flooding

- 5.24 Rivers and floodplains are very important features within the overall water environment. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. However, mineral working in floodplain areas can have both beneficial and detrimental effects. For instance, although there may be some flood risk during operations, subsequent restoration and use of the land may help to provide flood alleviation. Therefore, both short and long term impacts will be considered in the determination of planning applications.
- 5.25 Applications for planning permission for proposals with an area greater than 1 hectare, or within Flood Zones 2 and 3, have to be accompanied by a Flood Risk Assessment. Flood Risk Assessments will be considered as part of the determination of the application and the advice of the Environment Agency and the Local Lead Flood Authority will be sought as appropriate. Failure to submit a Flood Risk Assessment, where one is required, will usually result in the application not being validated. The assessment must demonstrate that ~~that~~ the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.26 The aim of the County Council is to locate new development in areas with the lowest probability of flooding (Flood Zone 1). Mineral working and waste treatment (except landfill and hazardous waste facilities) are classified as "less vulnerable" and are consequently considered appropriate in Flood Zones 1, 2 and 3a. Sand and gravel working is classified as a "water-compatible" use and is acceptable within the functional floodplain (Flood Zone 3b) provided that the operation is designed and constructed to remain operational and safe for users in times of flood; results in no net loss of floodplain storage; does not impede water flows; and does not increase flood risk elsewhere. Where flood risk is identified, proposals will only be approved in exceptional circumstances subject to meeting the Exception Test in the National Planning Policy Guidance (NPPG). Where it is considered acceptable for development to take place within a flood risk area, any buildings should be designed to be flood resilient in order to reduce the consequences of flooding and facilitate recovery from the effects of flooding.

- 5.27 Proposals should include appropriate measures to mitigate fully against any increase in flood risk. Increased risks of flooding associated with mineral workings and waste management developments can be avoided through a number of measures, which include:
- locating all buildings on land at a lower risk of flooding within the site;
 - locating site bunds, ancillary structures and stockpiles of materials so as not to prevent flood water flowing through the site or prevent water flowing on the functional floodplain;
 - ensure that de-watering and surface water disposal will not increase the risk of flooding;
 - providing additional flood water storage areas, reducing flood risk in the surrounding area; and
 - the use of “sustainable drainage systems” (SuDS) including the need to conserve water resources.
- 5.28 The flood risk vulnerability of mineral and waste management sites as indicated in the NPPG has been taken into account in allocating land within this plan and will be taken into account in determining planning applications for development outside Flood Zone 1.

Separation Distances

- 5.29 In some circumstances, proposals for new or extended minerals and waste sites close to residential or other sensitive property may not provide adequate protection to its amenity. In such cases, it may be justified to consider adequate separation distances. Any such distance should be effective but reasonable, taking into account:
- the nature of the mineral/waste activity (including its duration);
 - the need to avoid undue sterilisation of mineral resources;
 - location and topography;
 - the characteristics of the various environmental effects likely to arise; and
 - the various amelioration measures that can be applied.

Notwithstanding this, operations in proximity to residential property may be necessary where there are clear, specific achievable objectives such as the removal of instability and preparing land for subsequent development. Such operations should be for a limited and specified period, without scope for extension.

- 5.30 Other land uses apart from residential areas may also be affected by mineral and waste operations such as hospitals, schools, farms and other places of employment. In such cases, it may also be appropriate to consider the use of separation distances depending on the sensitivity of the use or facility affected.

Policy DM2: Local Environment and Community Protection

Planning permission will be granted for minerals and waste development where it is demonstrated that the potential effects from birdstrikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses and users and those in close proximity to the proposal would be acceptable. Where appropriate, separation distances between a development and other land uses will be applied.

Strategic Green Infrastructure

- 5.31 A Green Infrastructure Strategy for the 6C's area (The Counties of Leicestershire, Derbyshire and Nottinghamshire and the Cities of Leicester, Derby and Nottingham) was launched in July 2010. The 6Cs Green Infrastructure Strategy is a long term vision to protect, enhance and extend networks of green spaces and natural elements in and around the three cities, connecting with their surrounding towns and villages.
- 5.32 The Strategy identifies important green infrastructure corridors, encompassing Strategic River Corridors, Forests and Woodlands, and Regional Parks. Within Leicestershire, the following specific corridors are identified:
- Trent Strategic River Corridor and River Leen, Grantham Canal, Trent & Mersey Canal and Beeston Canal;
 - National Forest and Charnwood Forest;
 - Soar Strategic River Corridor;
 - Wreake Strategic River Corridor;
 - Sence Strategic River Corridor and Grand Union Canal;
 - Leighfield Forest; and
 - Welland Strategic River Corridor.

Charnwood Forest

- 5.33 The landscape of **Charnwood Forest** is of special quality because of the combination of its ecology, geology, archaeology and visual appearance. It is highly valued in particular for its scenic beauty and has been identified as a priority area for protection and enhancement of natural and heritage landscape assets. The underlying rocks have resulted in a varied, hilly landform with exposed crags and rocky knolls and fast-flowing

streams. It is the most wooded part of the County and has a high concentration of mixed deciduous and coniferous woodland, including many ancient woodland sites and a significant proportion of the County's wet woodland habitat. The area is attractive to visitors and has 3 country parks.

- 5.34 The 6Cs Green Infrastructure Strategy identifies Charnwood Forest as being of significant biodiversity, cultural, recreational and landscape value. The County Council is working with a range of local partners to manage and promote the unique cultural and heritage features of Charnwood Forest, through the Charnwood Forest Regional Park. The distinctive landscape character of Charnwood Forest is identified in the Leicestershire Leicester and Rutland Landscape and Woodland Strategy. The aim will be to control development strictly within Charnwood Forest, with proposals needing to prove that they will either conserve or enhance its character and that in terms of siting, scale and design they complement the surrounding landscape. The Leicestershire and Rutland Wildlife Trust has been developing, in partnership with Aggregate Industries, a landscape-scale nature conservation initiative over the last few years, known as the Charnwood Forest Living Landscape Project. This aims to conserve and enhance the unique wildlife, geology and character of Charnwood Forest.
- 5.35 The boundary of the Charnwood Forest area indicated on the Key Diagram is based on the landscape character area boundary recommended by the Charnwood Forest Landscape and Settlement Character Assessment (2008) which has subsequently been agreed as the working boundary for the Charnwood Forest Regional Park. The boundary of Charnwood Forest will be defined as part of the preparation of Local Plans for Charnwood Borough, North West Leicestershire District and Hinckley & Bosworth Borough Councils.

National Forest

- 5.36 In 1987, the Countryside Commission announced proposals for a long-term project to create a new **National Forest** in lowland England. In 1990, an area of 200 square miles was chosen spanning Leicestershire, Derbyshire and Staffordshire. Linking the ancient forests of Needwood and Charnwood, it is an area that at the outset possessed only 6% tree cover and included tracts of land that had been stripped bare by mining and clay working, leaving dereliction and economic decline.
- 5.37 The ultimate goal for the National Forest is to achieve the overall vision of the National Forest Strategy, which sets an overarching aim for a third of all land to be wooded. As of 2015, 20% of the land within the National Forest boundary was covered by woodland. Overseeing the project is the National Forest Company, which leads the creation of the Forest and is a Non-departmental Public Body sponsored by the Department for the Environment, Food and Rural Affairs. Part of its brief is to forge innovative partnerships with local authorities, farmers, landowners, companies and local communities. The National Forest Company has also published a

Guide for Developers and Planners, which includes planting guidelines, and a *Design Charter*, which sets out how development is expected to reflect the character of the National Forest through the use of visible timber in construction, the use of green roofs and through sustainable design.

- 5.38 Approximately two-thirds of Charnwood Forest lies within the designated area of the National Forest. The National Forest beyond the boundary of the Charnwood Forest is recognised as providing opportunities for a range of leisure and tourist facilities, including noisy sports, and as a significant example of sustainable development, as it addresses social, economic, recreational and environmental issues as well as bringing derelict land back into use. In implementing the sustainable tourism vision and action plan for the National Forest beyond the boundary of the Charnwood Forest, the multipurpose objectives of the National Forest can best be addressed through a range of high quality facilities to be provided with priority given to areas that are currently derelict or subject to mineral workings. These sites should predominantly be those that attract large numbers of visitors. In considering proposals for the Forest, it is also important that due regard is given to nature conservation and cultural heritage sensitivities and opportunities.

Strategic River Corridors

- 5.39 **Strategic River Corridors** form the 'backbone' of the proposed 6Cs Sub-Regional Strategic Green Infrastructure Network, providing continuous and interconnected corridors for the dispersal of wildlife and movement of people between the urban centres of the Three Cities and the surrounding countryside. Land adjacent to these rivers forms part of the floodplain and comprises grasslands which support some of the richest wildlife in Leicestershire. River corridors offer some of the best opportunities to restore and enhance lost habitats and wetland landscapes and can also provide a focus for regeneration and the delivery of Green Infrastructure. They are also important in terms of the historic landscape character and intrinsic archaeological interest, the latter including the potential for well-preserved buried remains and associated organic (palaeoenvironmental) deposits. Measures are proposed within the Strategic River Corridors to protect the floodplain, enhance biodiversity, strengthen landscape character, improve access and encourage, where appropriate, recreation and tourism. The Leicestershire and Rutland Wildlife Trust has been developing a Living Landscape scheme aimed at restoring wildlife and wild places to the floodplains of the Soar and Wreake - two of the most significant rivers in Leicestershire. The goal is to enable the floodplain to function more naturally, which has huge benefits for nature and for people.
- 5.40 Charnwood Forest, the National Forest and Strategic River Corridors are represented schematically on the Key Diagram towards the rear of this document.

Policy DM3: Strategic Green Infrastructure

Planning permission will be granted for minerals and waste development where proposals do not compromise the integrity of strategic green infrastructure corridors in connecting locations of natural and cultural heritage, green spaces, biodiversity or other environmental interest in urban and countryside areas.

The design and layout of new development should take account of and provide opportunities to create and enhance green infrastructure provision, and improve accessibility to these assets.

Planning permission will be granted for minerals and waste development within or adjacent to **Charnwood Forest** where:

- (i) proposals include measures to protect and enhance the character of the area, including its landscape, biodiversity, geodiversity, cultural heritage, built heritage and recreational value; and
- (ii) the siting, scale and design of the development together with the materials to be used reflect and complement the character of the surrounding landscape and minimise any harm.

Planning permission will be granted for minerals and waste development within the **National Forest** where proposals reflect the National Forest Strategy by making provision for the planting of woodlands, habitat creation, the creation of new leisure and tourism facilities and/or for public access, in accordance with the Planting Guidelines as set out in the National Forest Company's Guide for Developers and Planners, and are designed to reflect the character of The National Forest as set out in the National Forest Company's Design Charter.

Planning permission will be granted for minerals and waste development within **Strategic River Corridors** where proposals include measures to protect and enhance:

- (a) the capacity of the river corridor to function as a natural floodplain;
- (b) the habitat connectivity, habitat quality, function and viability of the river wildlife corridor; and
- (c) the form, local character and distinctiveness of the natural, historic and built environment.

Proposals which provide improved access, recreation and tourism facilities within the Strategic River Corridors will be encouraged where they do not have an unacceptable effect on the above interests.

Green Wedges

- 5.41 The County has a number of Green Wedges around urban areas. Their aim is to protect important open land between settlements so it remains an amenity and recreational resource for urban residents and prevents coalescence of distinct urban areas. Any proposal within these designated areas should also seek to enhance the character of the area and improve access to it by members of the public. The extent of the current Green Wedges is a matter for the local borough and district councils, and their boundaries will be reviewed as part of each authority's local plan production.
- 5.42 Mineral developments would be acceptable in a Green Wedge provided that appropriate measures are taken to ensure that such development does not adversely affect the Green Wedge's strategic planning function. Waste developments are, in the main, less appropriate in Green Wedge locations. However, there may be benefits of siting facilities close to the waste arising or the particular locational requirements of certain types of waste development means that they may best be placed away from sensitive urban uses. In these instances land on the urban fringe may provide the most sustainable option. Nevertheless, any proposal for waste management development in the Green Wedge would still need to comply with appropriate policies in section 4, Providing for Waste.

Policy DM4: Green Wedges

Planning permission will be granted for minerals and waste development within Green Wedges where it is demonstrated that the proposal would:

- (i) maintain the strategic planning function of preventing the coalescence of settlements and guiding development form;
- (ii) retain the current level of leisure/amenity value for surrounding communities;
- (iii) protect and enhance the open and undeveloped character of the Green Wedge;
- (iv) improve public access to the Green Wedge, especially for recreation; and
- (v) in the case of waste development, have a particular need to be located in the Green Wedge.

Landscape Impact

- 5.43 The nature of mineral extraction is that it will almost inevitably have to take place beyond the existing and planned limits of built-up settlements. New waste facilities are being sought principally in the main urban areas of

Leicestershire, however, such facilities may be required or best placed in the countryside where this is consistent with communities taking more responsibility for their own waste, subject to the locational considerations of Policies W3, W4, W5 and W6. Notwithstanding this there may be proposals within urban areas which could have an effect upon locally important open spaces, such as common land, village greens, Local Wildlife Sites and recreational land. Proposals must be sympathetic to the character and quality of the landscape, including local distinctiveness and take account of local landscape strategies and any other relevant designation, such as the Leicestershire Historic Landscape Character Assessment, the relevant National Character Assessment and the National Forest Design Charter.

- 5.44 Applicants should consider the potential visual impact of their proposals and design accordingly; this may include appropriate design in keeping with the locality or prior landscaping and planting work. Assessment of any impacts should include consideration of the potential impacts or enhancement of the landscape both during and after working, the duration of any adverse impacts, and mitigation and/or compensatory measures to replace losses and the provision of any long-term asset enhancement through restoration proposals.
- 5.45 The Landscape and Woodland Strategy encourages measures to improve the management of woodlands and to increase the total woodland cover of the County where appropriate whilst respecting and enhancing local landscape character and local biodiversity.
- 5.46 Provided that the proposal meets the requirements of other policies in this plan, the County Planning Authority will endeavour to agree appropriate design, screening and other mitigation measures to allow the development to go ahead. Maintenance of landscaping will be normally required for a minimum period of 10 years from implementation of each phase of planting and restoration

Policy DM5: Landscape Impact

Planning permission will be granted for minerals and waste development where it is demonstrated that the proposal is well designed, contributes positively to the character and quality of the area in which it is to be located, and (where appropriate) contains sufficient provision for new woodland planting.

In granting planning permission for minerals and waste development, screening (including planting in advance of the commencement of the development) will be required, where appropriate.

Soils

- 5.47 Agricultural land quality, and whether a valuable resource would be permanently lost in developing the site, will be important factors in determining whether the site is a sustainable option. The presence of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) will be taken into account alongside other sustainability considerations when determining planning applications. Where significant development of agricultural land is unavoidable use of poorer quality land should be sought in preference to that of higher quality, except where this would be inconsistent with other sustainability considerations.
- 5.48 Minerals development will, in most cases, be on agricultural land. The preference is to locate new waste management facilities on previously-developed land, derelict and contaminated land, and land already used for waste management or industrial uses (all in sustainable locations); but greenfield sites may have to be considered.
- 5.49 Where development would affect best and most versatile agricultural land the long-term impact on soil resources, agricultural land quality and farming, and other established rural land uses will be taken into account. This assessment should be informed by a soil and land quality survey and a soil handling and replacement strategy, where appropriate. The approach to the long-term protection of best and most versatile soils could potentially allow for the movement of such soils off-site to be used on lower quality agricultural land, for example, where mineral extraction is below the water table and wetland habitat would be the most appropriate restoration option. Biodiversity-led restoration also provides an opportunity to protect soils, enabling habitat creation in addition to soil conservation for future agricultural needs.

Policy DM6: Soils

Planning permission will be granted for minerals and waste development that would result in the significant loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) where it is demonstrated that:

- (i) there is an overriding need for the facility;
- (ii) there is no suitable alternative site of lower agricultural quality that provides the same benefits in terms of sustainability; and
- (iii) in the case of temporary uses, the land could be restored to its previous agricultural quality or better or another beneficial after-use can be secured which outweighs any loss.

Sites of Biodiversity/Geodiversity Interest

Biodiversity

- 5.50 A system of designation is used as the basis for protection for land with important features relating to the landscape and nature conservation. Sites are protected by statute and planning policy according to their level of designation; ranging from sites which are of international or national importance to those that are recognised at a local level. Protection of these sites should be commensurate with their status and give appropriate weight to their importance and the contribution that they make to wider ecological networks.
- 5.51 The only internationally important (or European) site within Leicestershire is River Mease Special Areas of Conservation (SAC). This site is afforded specific statutory protection and any proposal within or in proximity to the river's catchment would need to show that there would be no adverse effects on its integrity as a result of the development. An Appropriate Assessment will identify whether a proposed development is likely to have a significant effect, either alone or in combination with other plans or projects, on the River Mease SAC. The HRA Scoping Report related to this document provides guidance as to when the need for project level assessments are likely to be triggered in respect of proposals for minerals and waste developments.
- 5.52 Development will only be permitted if an Appropriate Assessment indicates the proposal(s) will not adversely affect the integrity of the site. Where development will adversely affect the integrity of the site, it will only be permitted if there are no suitable alternatives and it is necessary for reasons of overriding public interest which could be of social or economic nature, sufficient to override the harm to the site. In such cases, where permission is granted, planning conditions or agreements may be used to protect the biodiversity interests of the designated site (including providing mitigation and/or compensation as necessary). The River Mease SAC Developer Contributions Scheme currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.
- 5.53 Some 75 Sites of Special Scientific Interest (SSSIs), 3 National Nature Reserves (NNRs) (Charnwood Lodge, Cribbs Meadow and Muston Meadows) and some irreplaceable habitat (ancient woodlands, such as Charnwood Forest, and geological features, including fossils which are of international importance) are located in Leicestershire. These nationally important sites should be afforded high protection, with proposals likely to have an adverse effect on a SSSI or a NNR or resulting in the loss or deterioration of irreplaceable habitats, normally being refused. Exceptions would only be made if the need for, and benefits of, the development in that location clearly outweigh the impacts, and with mitigation would result in a net-gain to biodiversity.

- 5.54 Natural England have identified Impact Risk Zones (IRZs) around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The SSSI IRZs can be used to consider whether a proposed development is likely to affect a SSSI and determine whether Natural England need to be consulted to obtain advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated.
- 5.55 Locally important sites are those designated in recognition of their significance at the local level and, as such, do not normally carry the weight of statutory protection. The level of protection afforded, nevertheless, reflects their significance to the fabric of the local natural, historical and built environment, as well as the important role that they can provide as a local community facility.
- 5.56 Local Wildlife Sites (LWS) are important reservoirs of rare, local and declining native species and are the best examples of typical habitats in the County. LWS may also be areas of ecological interest that provide people with the opportunity to learn about, appreciate and experience habitats and species of the natural world.
- 5.57 At a local or county-wide level, linear features such as watercourses, canals, disused and active railways, roadside hedges, and roadside verges are important components of the wider ecological network of Leicestershire, often linking together associated habitats and providing corridors and stepping stones between important ecological sites. Severance of or damage to any of these local corridors can affect the ability of species to disperse through the landscape, affecting their resilience to environmental change and preventing colonisation of new habitats. Clusters or 'hotspots' of associated habitats are also important as stepping stone habitats in the landscape, aiding dispersal of species. It is likely that the robustness of these local ecological networks will be an important factor in climate change adaptation, and it is important to ensure that all components of the network are protected, conserved and enhanced.
- 5.58 In the first instance development should be located where harmful effects on a locally designated site are avoided. If an alternative location cannot be found, despite all reasonable efforts to find one, there may be measures that can be put in place to prevent the harm occurring. In some circumstances, there may be other material factors that are sufficient to override preservation of or harm to the features. Where adverse effects cannot be avoided, provision for the creation of new and enhancement of the existing areas of interest may be required in compensation. Compensatory habitat creation should reflect national or local BAP priorities; should be informed by recent surveys of the site and understanding of the site's local environmental conditions and position within the ecological network; and should provide newly created or restored habitats in compensation for the area of habitat lost. If

significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission will be refused.

- 5.59 The County Council recognises, however, that there is also the opportunity for minerals and waste development to bring about major biodiversity benefits and provide important amenities for residents and visitors. Restoration can provide opportunities to contribute to meeting targets set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan and national biodiversity targets. Such opportunities will be sought in line with Policy DM12. Notwithstanding the large scale benefits that the restoration of former waste sites (usually landfills) can achieve, most developments present an opportunity to obtain an improvement to the biodiversity of an area. Buildings in urban areas could provide bird and/or bat boxes and instead of amenity grassland the same area could be a source of food for nectar and pollen feeding invertebrates by the provision of an area of wildflowers or nectar rich shrubs. As such, all minerals and waste developments should take all opportunities available to provide a net gain to biodiversity.

Geodiversity

- 5.60 Proposals for minerals and waste development may lead to the loss or degradation of important local areas that are rich in geodiversity. Therefore, minerals and waste development will only be permitted once due regard has been given to the likely effects of the proposed development on Local Geological Sites (LGS) or sites meeting the LGS criteria. However, the County Council recognises that minerals and waste development can provide opportunities for geodiversity enhancement through the restoration of sites.
- 5.61 In the absence of alternatives, the County Council will ensure that, before development commences, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to geodiversity interests which cannot be prevented or adequately mitigated against, appropriate compensation measures will be sought. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission will be refused.

Policy DM7: Sites of Biodiversity/Geodiversity Interest

Proposals for minerals and waste development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and taking all opportunities to provide a net gain in biodiversity.

Internationally Important Sites of Biodiversity Conservation Value

Proposals for minerals and waste development that are likely to have significant effects on any Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site should be supported by sufficient information for the purposes of an appropriate assessment of the implications of the proposal, alone or in-combination with other plans and projects. The conclusions of the assessment, in accordance with Council Directive 92/42 EEC and the Conservation of Habitats and Species Regulations 2017~~0~~, must show that a proposal can be delivered without any adverse effects on the integrity of any SAC, SPA or Ramsar site.

Nationally Important Sites of Biodiversity Conservation Value

Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) and irreplaceable habitats, including ancient woodland, will be safeguarded from inappropriate minerals and waste development. Planning permission will only be granted for minerals and waste development on land within or outside a SSSI where: the status and quality of the SSSI or National Nature Reserve is retained and protected; the loss or deterioration of irreplaceable habitats is unlikely to occur; or the benefits of developments likely to impact on SSSIs, NNRs or irreplaceable habitats clearly outweigh such impacts and loss. In such circumstances, developments should follow the mitigation hierarchy outlined in the National Planning Policy Framework, and the development will be required to deliver a net-gain in biodiversity through the creation of priority habitat(s).

Locally Important Sites of Biodiversity Conservation Value

Planning permission will be granted for minerals and waste development where the status and quality of locally designated sites of biodiversity conservation value and sites meeting Local Wildlife Site criteria, and priority habitats and species identified in the Local Biodiversity Action

Plan is retained and protected, and where the development cannot reasonably be located to an alternative site with less harmful impacts. If the benefits of the development outweigh the likely impact, the harm should be adequately mitigated or, as a last resort, compensated for, and the development will be required to deliver a net-gain in biodiversity through the creation of local BAP priority habitat.

Locally Important Sites of Geological Conservation Value

Planning permission will be granted for minerals and waste development where the development is unlikely to have any adverse effects on locally designated sites of geological conservation value, cannot reasonably be located to an alternative site to avoid damage to the geological feature, or where the merits of development outweigh the likely impact and the proposal results in geodiversity enhancements.

Historic Environment

- 5.62 When considering the impact of a proposed development on the significance and/or setting of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset planning permission should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.63 Designated heritage assets include scheduled monuments, listed buildings, conservation areas, historic battlefields, registered parks and gardens. Non-designated heritage assets which are demonstrably of equivalent significance to a scheduled monument will also be considered as designated as part of this policy. Assets of this type include locally listed buildings, Areas of archaeological interest; Unregistered Parks and Gardens; and buildings, monuments, places, areas or landscapes positively identified as having significance in terms of the historic environment.
- 5.64 Leicestershire's identity and sense of place is closely linked with its rich heritage, an irreplaceable resource that can be vulnerable to damage from development. Conflicts may arise between protecting our heritage and meeting the need for minerals or providing important waste facilities. Proposals for minerals and waste development should therefore include appropriate measures to minimise the impact of development on Leicestershire's heritage, historic environment and archaeology.

- 5.65 By addressing heritage considerations before planning applications are submitted, there is greater scope to avoid or minimise any potential adverse impacts. The Council will advise on the need for applicants to discuss their proposals with in-house officers and bodies such as Historic England. Local history groups and societies can also be a source of useful information.
- 5.66 An appraisal of archaeological features including, where relevant, the results of field evaluation and proposals for protecting and recording them will normally be required. The County Historic Environment Record should be consulted as part of this process, together with the analysis and recommendations of the Leicestershire Aggregate Resource Assessment. The latter provides a consolidated archaeological appraisal of Leicestershire's aggregate (sand & gravel and crushed rock) producing landscapes, and offers generic recommendations on the character and scope of archaeological evaluation. In addition to this assessment more detailed evaluation is likely to be required dependent on site specific details.

Policy DM8: Historic Environment

Planning permission will be granted for minerals and waste development where it is demonstrated that the proposal would retain and protect heritage assets, including their setting.

There will be a presumption against minerals and waste development that will be detrimental to the significance of a heritage asset. Any harm to heritage assets will require clear and convincing justification.

Where a proposal would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset (including archaeological features) and its significance.

Proposals for minerals and waste development affecting heritage assets or their setting will be expected to:

- (i) identify and determine the nature, extent and level of the significance of the heritage asset, the contribution of its setting to that significance, and the potential impacts on the asset or its setting;
- (ii) include an appropriate desk-based assessment and field evaluation where a site includes or has the potential to include heritage assets of archaeological interest setting out proposals and justification for the preservation in situ or excavation; and
- (iii) identify the requirement for a programme of post-permission

works including any mitigation measures, long-term monitoring and recording of any affected heritage assets or archaeological remains.

Where appropriate, proposals should provide for the enhancement of specific features of the historic environment, including individual heritage assets or historic landscapes, as part of their restoration.

Transportation

- 5.67 Minerals are a high bulk, low value commodity which generally restricts their use to locally based markets accessed by road based transport. However, the close geographical relationship between certain minerals (such as brickclay and gypsum) and their associated manufacturing plant does mitigate the transport issue in respect of some raw materials. All movements to and from waste management operations in Leicestershire are currently by road. Considerable work has been undertaken in Leicestershire, through the development of the Lorry Route Network, to concentrate goods vehicles on the most suitable roads available in the County.
- 5.68 Road haulage is likely to remain the predominant mode of transport for minerals and waste for the foreseeable future. Nevertheless, planning applications for mineral and waste development will be expected to show that potentially more sustainable non road-based options for transporting minerals or waste have been considered.
- 5.69 The transportation of minerals by rail and water is generally only economic over longer distances and is dependent on network capacity and adequate loading and reception facilities. In 2009, around 4.2Mt of igneous rock was transported by rail from Leicestershire quarries (36% of total igneous rock sales). The main destinations for material exported by rail were the East of England (32% of rail-borne sales) and London (28%). In 2013, the amount of crushed rock transported by rail was 39.6%, around 4.7Mt. The main destinations for material exported by rail were the East of England (34 % of rail-borne sales) and London (20%). All the material exported by rail came from the four active igneous rock quarries, namely Bardon, Cliffe Hill, Croft and Mountsorrel.
- 5.70 The location of mineral extraction areas, unlike waste sites, is determined by the existence of the resource and is thereby restricted in achieving more sustainable transport options. However, the Council will seek to locate operations in close proximity to markets and the County's lorry route network, where road traffic can avoid residential and minor roads, and where rail/water transport could be secured.
- 5.71 To maximise the opportunities for improving the sustainability of the transportation of waste in Leicestershire the Council will seek to locate

most waste sites in close proximity to arisings, i.e. in or around the main urban areas. This would allow for a reduction in the distances waste is transported to waste management facilities and improve the opportunities for traffic, particularly HGVs, to utilise the County's lorry route network.

- 5.72 Where road traffic is unavoidable all attempts should be undertaken to avoid residential and minor roads. It would not be desirable to allow proposals which could exacerbate any existing transport impacts or create unacceptable new impacts. The transport implications of the proposed development will be taken into account including the suitability of the road network to accommodate the traffic that would be generated and the effect on highway safety.
- 5.73 Developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Therefore, unless the number of lorry movements is insignificant, all planning applications should be accompanied by a transport impact assessment and a site transport plan. The level of traffic which is considered to be significant will depend on the characteristics of the site including the integrity of the local highway network, proximity to sensitive properties and, if applicable, current HGV movements from the site. The County Planning Authority will advise applicants of the need to discuss proposals with the Highway Authority and of any specific access issues to be considered as part of their application.
- 5.74 Developments which generate significant amounts of movement may also be required to provide a Travel Plan as a condition to gaining planning consent. A travel plan is a package of measures aimed at reducing reliance on the private motor vehicle and encouraging sustainable travel (such as promoting walking and cycling).
- 5.75 It is important to ensure that the effects of traffic generated by minerals and waste developments are minimised, particularly in relation to the effects on local communities, the environment and the local road network. On a site by site basis the impacts of transporting materials by road on local communities can be reduced by:
- the use of conveyor belt systems which provide the inter-site movement of material within or to other nearby sites for further processing;
 - internal haul roads on sites reducing the use of local roads by HGVs; and
 - the use of voluntary site transport plans in consultation with local communities, relating to issues such as routeing, hours of movement and considerate driving can help reduce the worst impacts of road freight.
- 5.76 The County Council may also seek further mitigation measures to control the impact of road haulage by controlling the operation of sites through routeing agreements, output limits and hours of operation.

Policy DM9: Transportation by Road

Planning permission will be granted for minerals and waste development involving the transportation of material by road where it is demonstrated that:

- (i) road transport is the only practicable and environmentally preferable alternative;
- (ii) the proposed access arrangements would be safe and appropriate to the proposed development and the impact on road safety of the traffic generated would be acceptable;
- (iii) the highway network is able to accommodate the traffic that would be generated and would have an acceptable impact on the environment of local residents;
- (iv) the proposal is in close proximity to the County's lorry network and would not result in unnecessary impact on residential areas and minor roads; and
- (v) in the case of new waste management facilities, the proposal is in close proximity to the waste arisings that would be managed to minimise the transportation of waste.

Public Rights of Way

- 5.77 The public rights of way network is both an important recreational resource and a sustainable transport option. Local authorities have a statutory duty to protect the rights of the public to use and enjoy the rights of way in their area. Ideally, therefore, new developments should not adversely affect the integrity of the established rights of way network. There may, however, be circumstances where in the interests of providing for sustainable minerals and waste developments, disruption of a public right of way is unavoidable. In such cases, some form of mitigation would be sought, such as, either diverting the route in a satisfactory manner, creating an alternative route and/or providing for additional routes to increase access opportunities. Mitigation may also include ensuring an existing route does not suffer from reduced amenity.

Policy DM10: Public Rights of Way

Planning permission will be granted for minerals and waste development where it is demonstrated that the proposal would protect public rights of way. Where disruption of a right of way is unavoidable, convenient and safe diversion or the creation of an alternative route both during operations and following restoration of the site will be required. The opportunity will be taken, wherever possible, to secure appropriate, improved access into the countryside.

Cumulative Impact

- 5.78 The cumulative impact of several minerals and/or waste management operations either on one site or in close proximity to each other may be a factor that needs to be assessed; as well as the effects of these types of developments in conjunction with other developments in an area.
- 5.79 It is important to consider the suitability of granting permission for sites which would be in close proximity to other minerals or waste sites. Proposals for simultaneous and/or successive operations at a number of sites in a wider area of commercially-viable deposits may impact on the amenity of communities and localities over an extended period, depending on the nature, age and size of the site(s). Such cumulative impacts can occur in a number of ways:
- the cumulative impact of a number of separate effects from a single site;
 - the cumulative effects from two or more active sites, including sites being restored or used for waste disposal;
 - the combined effect on the landscape and ecology from the working, re-working and restoration of a number of sites; or
 - the cumulative impact on the quality of life of local communities from a relatively unbroken sequence of working and restoration.
- 5.80 Adverse cumulative impacts could include increased levels of noise, vibration, dust, odour and artificial lighting. The local highway network could also be affected by increased HGV movements with additional hazards related to road safety.

Policy DM11: Cumulative Impact

Planning permission will be granted for minerals and waste development where it is demonstrated that cumulative impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively, are acceptable.

Restoration, Aftercare and After-use*Restoration*

- 5.81 It is particularly important that temporary development sites such as quarries and landfill sites are properly restored and the measures taken to achieve this are appropriate. To facilitate the earliest possible restoration and limit operational impacts, temporary workings should be subject to progressive extraction (where relevant) and restoration. The phased sequence of extraction and/or restoration should be provided at the application stage. The aim should be to achieve phased restoration to minimise the area of land disturbed and the total period of mineral working and/or landfill operations. Phased restoration also helps to gauge the initial success of the restoration scheme by observing which aspects have worked well, as well as identifying which aspects have been less successful.
- 5.82 The effective restoration of a temporary site will often depend upon the identification and proper management of soil resources, prior to operations taking place, as well as during the restoration and aftercare phases. To establish the quality and quantity of the soil resource the findings of a detailed survey will be required with the application.
- 5.83 To achieve satisfactory restoration to agricultural or forestry uses, topsoil and subsoil in sufficient quantities are required. In cases where insufficient soils exist on site, the applicant will need to make provision to ensure that adequate soils or soil making materials are available to restore the site satisfactorily. The manner in which soil materials are handled is also a key element of successful restoration, and details of the management of soils, including storage methods, timing and means of soil movements, and machinery to be used will be required.
- 5.84 Separate stripping and storage of topsoils and subsoils will generally be required to ensure that reinstatement of the soil profile is completed

correctly. Where possible the direct replacement of soils should be undertaken, to facilitate the restoration of previously worked areas of the site and prevent unnecessary damage to the soil structure. Soil storage mounds will be subject to controls relating to their positioning, dimensions, treatment and protection to ensure the soil quality is maintained.

- 5.85 Restoration operations and works to secure the approved after-use may in some circumstances be subject to delay. To mitigate any environmental impacts and provide some certainty in such circumstances, measures to secure an interim restoration scheme will generally be imposed. Also, where sites undertaking mineral extraction and/or restoration works cease prematurely and the cessation is of a more permanent nature, a derelict landform may result. To safeguard against this the County Council will seek to impose controls to secure an alternative restoration scheme. Financial guarantees to ensure the restoration of temporary sites should only be sought in exceptional circumstances.

Aftercare

- 5.86 Following the final restoration of any land it should be placed in aftercare. The statutory minimum time for an aftercare period is 5 years but the County Council will seek to negotiate longer periods where this is necessary. Aftercare measures are required to ensure that the restoration is sustained and the site is returned to a beneficial use. These measures involve improving the structure, stability and nutrient value of soils, ensuring adequate drainage is available, maintenance of public rights of way, and securing the establishment and management of newly seeded and planted areas together with such other maintenance as may be necessary to bring the land back to its approved after-use. These provisions are as applicable to small-scale infilling operations as they are to large-scale quarries and will be sought in all cases.

After-use

- 5.87 The restoration of mineral workings and landfill sites provides an opportunity to return land either to its original use, or an alternative use of benefit to the local or wider community. A wide range of possible options exist for suitable after-uses following the completion of mineral working and waste activities. These include:
- creation or enhancement of biodiversity and geodiversity, in particular delivery of the Leicester, Leicestershire and Rutland Biodiversity Action Plan (BAP) targets;
 - improvements to the landscape;
 - provision of recreational facilities and public open space;
 - creation of new woodland, including community woodlands;
 - creation of new water environments;

- improved public access, including new public footpaths and bridleways; and
 - agriculture and food production.
- 5.88 The focus of the County Council is for this Local Plan to contribute towards the national target of *Biodiversity 2020: A strategy for England's wildlife and ecosystem services* for the creation of 200,000 hectares of new priority habitat by 2020. Natural England has identified the potential habitat creation that should be created through mineral site restoration for each National Character Area. 'Space for Wildlife', the Leicester, Leicestershire and Rutland Biodiversity Action Plan (BAP) 2016-2021, identifies 19 habitats of national and local importance as priorities for conservation and restoration and it is important that the planning process helps to maintain and enhance these wildlife resources. However, restoration options are not mutually exclusive, for example, where sites are restored to agriculture, provision can still be made for biodiversity gains and habitat features that support the Leicestershire BAP. Indeed, all developments should seek to attain a net gain in biodiversity through the creation of one of the priority habitats set out in the Leicestershire BAP. For small-scale or predominantly agricultural sites this could be as basic as the provision of increased lengths of hedgerow, creation of a field pond or small, new copses of native broadleaved woodland. It is frequently the small-scale non-mineral related infill operations (less than 10 hectares) where opportunities for biodiversity improvement have been missed and this policy is seeking to improve this situation.
- 5.89 Sites differ in their characteristics, constraints and opportunities; through geology, topography and historic land uses specific parts of the County are more suited to certain after-uses. Therefore, it is important that restoration and after-use is tailored to the site and its surroundings and where possible incorporate the local community's aspirations. The local BAP is the key resource for the priority habitats of Leicestershire and the areas of the County where provision of particular habitats are more appropriate. Thus, the intent is that sites in identified broad areas of the County should prioritise restoration to the priority habitats set out in Policy DM12. It should be noted that this does not prohibit sites within the broad areas creating a range of priority habitats or sites outwith those habitats listed.
- 5.90 Site after-use should be guided by Natural England's National Character Areas (NCAs) for the County and the local landscape characterisation so that new landforms and habitats are not incongruous to their surroundings. Sites within NCA94: Leicestershire Vales have the opportunity to reintroduce 'Midlands-style' hedge laying to manage retained hedgerows. The County's historic landscape characterisation project attempts to characterise the historic dimension of the existing landscape. Linking restored sites with the surrounding landscape also provides the opportunity for enlargement or linking together of existing habitats helping to offset the effects of habitat fragmentation and creating an ecological network. Therefore, the Council will encourage larger blocks of habitat creation, as they deliver greater ecological benefits.

- 5.91 Restoration schemes need to be resilient to future **climate change** impacts. Habitat creation can act as a living carbon sink and well-designed schemes, in appropriate locations, may also offer benefits in terms of provision of climate change mitigation measures such as greater flood storage capacity allied to recreational or biodiversity after-uses. Furthermore, the restoration of mineral sites to BAP habitats can help wildlife adapt to climate change, creating 'stepping stones' and increasing the permeability of the landscape enabling climate change induced range shifts.
- 5.92 Restoration can provide opportunities to secure a net gain in accessible geodiversity and address past losses. The restoration of mineral extraction sites offers significant opportunities for accessible geodiversity interest, in particular for educational use. Where restoration could assist or achieve the creation of geodiversity features, thereby improving overall geodiversity levels in the County, the relevant geodiversity after-use should be incorporated within the restoration scheme.

Woodland

- 5.93 Leicestershire is one of the worst counties in England for woodland cover, with about half the national average in 2008 (4.3% compared to around 8.5%). There is an opportunity to increase this ratio by planting of new woodland as part of the restoration of mineral workings and landfill sites. In addition, afforestation can make a potentially significant contribution to the achievement of carbon sequestration targets. Any additional woodland planting should respect and enhance the local landscape character and local biodiversity.
- 5.94 Forestry uses will be particularly appropriate within the Charnwood Forest and the National Forest, the latter a major new multi-purpose forest that is being established over 200 square miles of Leicestershire, Derbyshire and Staffordshire. Further guidance on the creation of woodlands and other habitats within the National Forest is available from the National Forest Company's Guide for Developers and Planners.
- 5.95 Forestry after-use may be appropriate even on the best and most versatile agricultural land if the methods used in restoration and aftercare enable retention of its potential as an agricultural resource. The nature of landfill sites is such that planting woodland may not be appropriate in all cases. Woodland planting requires a greater depth of restoration material to ensure establishment and to prevent adverse impact on the cap over the landfill. It is often the case that there is a shortage of inert restoration materials in the market to secure woodland restoration.

Floodplain Habitats

- 5.96 Floodplain wetland is identified in the Leicestershire BAP as a good choice of habitat for restoring sites used for sand and gravel extraction, the ideal locations being in the Soar and Wreake Valleys where new sites can link into an increasing network of similar sites, and to a lesser extent the Welland Valley. On a wider scale wet woodland has been identified as appropriate for creation in floodplains in Leicestershire.

Heath Grassland

- 5.97 Heath grassland was once widespread in northwest Leicestershire, but following land use changes in the 19th century it has become almost entirely confined to Charnwood Forest. Heath grassland contains a high proportion of Leicestershire Red Data Book species, which is a reflection of the rarity and importance of this habitat locally. Heath grassland will only be successful when the substrate is acidic. Where suitable conditions exist, the opportunity should be taken to create new heath grassland adjacent to existing sites, particularly within the Charnwood Forest area.

Calcareous Grassland

- 5.98 In Leicestershire, calcareous grassland is largely confined to the Jurassic Oolitic limestone in northeast Leicestershire. There are important calcareous grasslands in old quarries, roadside verges, and churchyards. There are (as at December 2010) only 38 hectares of calcareous grassland in Leicestershire and Rutland. Large numbers of scarce species are associated with this habitat, particularly flowering plants, beetles and other invertebrates. The best sites to create this habitat are usually on former limestone workings where soils are thin and nutrient poor. Limestone operations provide opportunities to create limestone grassland habitat and to expose features of geological interest. This would help meet the objectives for calcareous grassland within the Leicestershire BAP as well as providing accessible natural greenspace and contributing to green infrastructure.

Priority Species

- 5.99 Having regard to the nature of the local surroundings and replacing or increasing a site's connectivity to those surroundings improves not only its visual appeal but the natural colonisation of newly restored sites. It is extremely difficult for mineral workings and landfills to actively increase the population of priority species in Leicestershire but opportunities should be taken where possible to encourage their presence. Three priority species within the local BAP could be provided for: Barn Owl and Bat boxes, and Sand Martin colonies. Of course, provision should be relevant to the habitat being provided. The sustainability appraisal highlighted that

the bird species that have suffered the greatest losses in the East Midlands are Yellow Wagtails and Willow Tits. These are priority UKBAP species and habitat creation of native woodland and wet woodland should provide suitable habitat for colonisation.

Agriculture

- 5.100 Restoration to agricultural use is only likely to be appropriate where the agricultural quality of the original land is high. Such restoration is dependent in many cases on the availability of suitable fill material. There is, however, an increasing shortage of inert fill material with which to restore former mineral workings. The main reason for this is that an increasing majority of potential inert material is now being re-used as a substitute for primary aggregate. This has important implications for the restoration of sites where workings extend below the water table. This means that the majority of fill material that becomes available will have to be directed to sites where restoration to dry after uses is most critical.
- 5.101 Whilst best and most versatile agricultural land should be restored with the objective of reaching a similar standard, other uses, some in combination, could be considered in order to provide a net gain in biodiversity. The County Council will not always expect agriculture to be the main after-use on best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification), but will expect it to be restored to a condition and quality such that, if required, the land and soil would be in a state capable of supporting agriculture.
- 5.102 The Leicestershire, Leicester and Rutland Historic Landscape Characterisation (HLC) Project, completed in 2010, maps and describes the present day landscape of Leicestershire and Rutland and records significant changes that can be observed through the study of historic mapping and aerial photography. The HLC Report includes detailed information on field patterns throughout the County. This is useful for schemes with an agricultural element to guide the field pattern and size that would be more in keeping with the local landscape.

Green Infrastructure

- 5.103 The restoration of worked-out sites can provide opportunities to add to the County's Green Infrastructure, assist in creating a network of green infrastructure in the East Midlands and provide opportunities for enhanced public access, including the provision of informal recreation and green networks for walking, cycling and horse riding. Therefore, efforts should be made to increase public access within a restored site and to improve the rights of way network through the upgrading of existing routes and the dedication of new links. However, there are circumstances where public access may not be compatible with other land uses, such as where a site is proposed to become a nature reserve or where it might cause an unacceptable level of disturbance to nearby sensitive properties.

5.104 Water-based recreational activity could be provided for as part of the restoration scheme for an appropriately sited mineral development. Some water areas resulting from the restoration of mineral development may have the potential to be linked to nearby navigable waterways in appropriate circumstances. The restoration of some mineral sites in areas of flood risk could also provide flood attenuation and storage areas that have the potential to reduce the areas prone to flooding. But, proposals for the creation of large open water bodies in proximity to airports or flight paths will need to be closely scrutinised to avoid bird strike hazard to aircraft. Reedbed and wet woodland habitats can help alleviate the problem of bird strike by creating less open water while forming a barrier between any open water and potential grazing sources, making it less attractive to geese, for example.

Hard Rock Quarries

5.105 There are distinct differences between shallow, short-lived operations (such as sand and gravel, and surface coal mining) and deep, long-life operations (such as hard rock quarries). For shallow operations, progressive restoration is usually possible on a phased, 'field-by-field', basis. For the deeper rock quarries, the nature of operations means that restoration of the quarry void (other than perhaps the treatment of upper faces) is usually not feasible until the completion of mineral extraction. During the life of the operations, the extraction void forms part of the operational quarry. The size of many of these hard rock quarries and the timescale over which they are worked can present difficulties for effective restoration.

5.106 Restoration opportunities for hard rock quarries are limited by the low proportion of mineral waste and overburden to final void, particularly with regards to the deep quarries. Landfilling of these quarries is currently unlikely because the shape and depth of the remaining void would be technically prohibitive; landfill is not a favourable way to manage waste; and the reducing amounts of waste available for landfill means restoration of these hard rock quarries to former ground levels is increasingly difficult. Therefore, many of the quarries will become largely water-filled on completion once pumping has stopped. Disused hard rock quarries, even when filled by water, can however provide an important biodiversity resource. For example, cliff-faces can support safe breeding areas for Peregrine and Raven, and the rock habitats and thin soil on benches and ledges can support naturally regenerated woodland, species-rich grassland and pioneer plant communities with associated invertebrates.

5.107 Historically, detailed restoration plans for rock quarries within Leicestershire have not been provided, the requirement being to submit final restoration proposals on the cessation of operations. More recently, restoration concept plans have been provided, with final details to be submitted at a specific stage or time prior to the completion of operations.

- 5.108 Restoration concept plans have been approved for Bardon, Cliffe Hill, Whitwick, Breedon and Cloud Hill Quarries. These all involve the creation of water bodies. No restoration schemes currently exist for Croft, Mountsorrel and Groby Quarries. The planning permissions for Cliffe Hill, Mountsorrel and Whitwick require the submission of a detailed scheme of restoration every 5 years for parts of the site which will become exhausted during the following 5 year period.
- 5.109 Most of Leicestershire's hard rock quarries are located within the Charnwood Forest area. Charnwood is a highly valued landscape and area, and the County Council is working with a range of local partners to manage and promote the unique cultural and heritage features of Charnwood Forest, through the development of the Charnwood Forest Regional Park. A Regional Park Vision Statement and working boundary were agreed in June 2009. The Vision Statement states that minerals sites should be restored to biodiversity, geodiversity, sustainable leisure and tourism, and woodland uses.
- 5.110 The County Council is keen to pursue restoration of some of these quarries to uses beyond just a water-filled void. Although, in some circumstances such a water body could be a useful reservoir for clean water or provide an ark site for white-clawed crayfish the opportunities may exist to create a different use for the site; Charnwood Forest is a popular destination for recreational pursuits such as walking and cycling and these quarries could supplement existing destinations. Such sites would be expected to be multi-use with educational, recreational and ecological functions, for example mountain bike and walking trails, with areas for nature conservation and information boards on the geology and history of the site.

Policy DM12: Restoration, Aftercare and After-use

Planning permission will be granted for temporary minerals and waste development where satisfactory provision has been made to ensure high quality, progressive restoration of the site (where practicable) and a minimum five year programme of aftercare.

Site restoration shall attain a net gain in biodiversity. Sites of less than 10 hectares shall create a minimum of one of the priority habitats set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan. Sites greater than 10 hectares shall provide for a mosaic of priority habitats set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan to attain a significant net gain in biodiversity.

The priority habitats specified below will be sought as after-uses in the following broad areas of Leicestershire:

- Charnwood Forest (within and adjoining) – Heath grassland

and/or native deciduous woodland;

- National Forest – Native deciduous woodland;
- Soar, Wreake and Welland Valleys – Floodplain wetland;
- North East Leicestershire – Calcareous grassland; and
- River Floodplains – Wet woodland.

All opportunities should be taken to provide new Barn Owl and Bat boxes, and Sand Martin colonies.

Sites should be restored with consideration to its setting so that opportunities are taken to create, protect and enhance biodiversity, green and blue infrastructure networks, heritage assets, and the restored landscape reflects the local character of the area.

Sites in the Leicestershire Vales National Character Area shall be expected to manage retained mature hedgerows in the traditional 'Midlands-style' hedge laying technique.

Where restoration is to an agricultural use the final landscape and field pattern shall reflect the historic landscape character of the site and its surroundings.

Restored sites will be expected to take all possible opportunities to maximise public access and improve the public rights of way network.

Innovative restoration of the hard rock quarries in Charnwood Forest which would provide for biodiversity, public access, educational activities and recreational pursuits will be sought by the County Council.

6. MONITORING AND IMPLEMENTATION

Monitoring

- 6.1 Developing a monitoring system is a key means of assessing the effectiveness of this plan and whether the spatial vision, and objectives are being delivered. It will aim to determine:
- whether policies and related targets or milestones have been met or progress is being made towards meeting them or, where they are not being met or on track to being achieved, the reasons why;
 - what impact the policies are having in respect of national and local policy targets and any other targets identified in the plan;
 - whether the policies need adjusting or replacing because they are not working as intended; and
 - if policies or proposals need changing, the actions needed to achieve this.
- 6.2 *Should the AMR, or alternatively the statutory requirement to undertake every 5 years an assessment of whether the plan remains up to date, determine that the plan is no longer effective, a review of it will be triggered. The review process could relate to the whole plan or to specific sections only, as appropriate.*
- 6.3 In order to monitor the effectiveness of the plan, it is necessary to compile performance targets linked to output indicators, which provide a benchmark for measuring policy implementation. These are set out in Tables 11 – 16 below. The monitoring framework also includes provision to monitor the Sustainability Appraisal (SA) Objectives and these are also included in these tables. The Council's Annual Monitoring Report (AMR) will report on the effectiveness of the policies and identify any changes needed if a policy is not working or the targets are not being met. Therefore, the monitoring will assist the Council in ascertaining if there is any need to review the Plan.

Implementation

- 6.4 Leicestershire County Council as mineral and waste planning authority will take the lead role in the implementation of the objectives and the policies of this plan in a variety of ways, including:
- determine planning applications in accordance with the Development Plan, government policy and guidance and other material considerations;
 - attach conditions to planning permissions;
 - seek legal agreements with developers where appropriate;
 - enforce breaches of planning control as necessary;

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- maintain a dialogue with the minerals and waste management industry and local communities through participation in local liaison committees and other means;
 - liaise and co-operate with other departments within the Council and bodies such as District Councils, Parish Councils, adjoining mineral and waste planning authorities, the Environment Agency, Natural England, Historic England, Health and Safety Executive (HSE), Department for Environment, Food and Rural Affairs (DEFRA), Highways England, and interest groups;
 - work with the minerals and waste management industry and others to identify and develop suitable initiatives and sites; and issue advice or supplementary planning documents if appropriate.

Table 11: Monitoring of objectives and policies relating to mineral provision.

| Minerals Provision | | |
|---|--|--|
| Policy M1: Supply of Sand and Gravel Aggregate | | |
| Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites | | |
| Policy M3: Sand and Gravel Extraction (Unallocated Areas) | | |
| Policy M4: Crushed Rock | | |
| Policy M5: Brickclay | | |
| Policy M6: Fireclay | | |
| Policy M7: Gypsum | | |
| Policy M8: Building and Roofing Stone | | |
| Policy M9: Coal | | |
| Policy M10: Conventional and Unconventional Hydrocarbons (Oil and Gas) | | |
| Objective 1: To make sufficient provision of minerals in the County of Leicestershire to meet national and local requirements. | | |
| Objective 3: To provide mineral sites and waste management facilities in the most sustainable locations so that movement other than by road is maximised, untreated waste transportation is minimised, the development of previously developed land is encouraged and the needs of local communities and industry are met. | | |
| Objective 4: To co-ordinate and work with all relevant organisations, in particular Leicester City Council and Leicestershire Local Authorities, to ensure that the Local Plan addresses planning issues that cross administrative boundaries. | | |
| Objective 7: To reduce the impact of minerals and waste developments upon climate change. | | |
| Sustainability Objective 10: To promote sustainable economic growth and employment. | | |
| Monitored Topic | Indicator | Target |
| M1, M4, Obj 1, Obj 4, Obj 7 | Sales of primary land won aggregates. | Sales at identified annual requirement in Local Aggregates Assessment. |
| M1, M4, Obj 1 | Landbanks for sand & gravel and crushed rock. | 7 years for sand & gravel, and 10 years for crushed rock based on past 10 years average sales. |
| M2, M6, M7, Obj 3, Sus Obj 10 | Planning permissions granted for allocated mineral sites. | All allocated sand & gravel sites to be granted planning permission by 2021, Donington Island by 2017, and Marblaegis by 2026. |
| M2, M3, M4, M5, M6, M7, M8, M9, M10, Obj 3 | Percentage of permissions granted in accordance with the criteria set out in the relevant policy for that mineral. | 100%. |

Table 12: Monitoring of objectives and policies relating to ancillary minerals development.

| Ancillary Minerals Development | | |
|--|---|---------------|
| Policy M13: Associated Industrial Development | | |
| Policy M14: Borrow Pits | | |
| Policy M15: Mineral Waste | | |
| Policy M16: Mineral Exploration | | |
| Policy M17: Incidental Mineral Extraction | | |
| Objective 8: To protect people and local communities, and the natural, built and historic environment (particularly the River Mease Special Area of Conservation) from unacceptable effects of minerals and waste developments. | | |
| Sustainability Objective 1: To protect the natural resources of the County – including water, air, soil and minerals. | | |
| Sustainability Objective 9: To protect people and local communities from the effects of minerals development and waste management. | | |
| Sustainability Objective 10: To promote sustainable economic growth and employment. | | |
| Monitored Topic | Indicator | Target |
| M13, M14, M15, M16, M17, Obj 8, Sus Obj 1, Sus Obj 9, Sus Obj 10 | Percentage of permissions granted in accordance with the criteria set out in the relevant policy. | 100%. |

Table 13: Monitoring of objectives and policies relating to waste management provision.

| Waste Management Provision | | |
|---|--|---|
| Policy W1: Waste Management Capacity | | |
| Policy W2: Low Level Radioactive Waste | | |
| Policy W3: Strategic Waste Facilities | | |
| Policy W4: Non-strategic Waste Facilities | | |
| Policy W5: Locating Waste Facilities | | |
| Policy W6: Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Windrow Composting | | |
| Policy W7: Facilities for Energy and Value Recovery from Waste | | |
| Policy W8: Waste Disposal | | |
| Objective 2: To make sufficient provision of waste facilities in <i>the County of Leicestershire</i> with capacity equal to the waste generated within <i>the County of Leicestershire</i> . | | |
| Objective 3: To provide mineral sites and waste management facilities in the most sustainable locations so that movement other than by road is maximised, untreated waste transportation is minimised, the development of previously developed land is encouraged and the needs of local communities and industry are met. | | |
| Objective 5: To attain the maximum possible reuse, recycling, composting and recovery of <i>value from</i> waste within <i>the County of Leicestershire</i> and thereby minimising the disposal of waste. | | |
| Objective 7: To reduce the impact of minerals and waste developments upon climate change. | | |
| Sustainability Objective 4: To minimise minerals and waste management's contribution to climate change through reduced greenhouse gas emissions by less reliance on primary minerals, and increased reuse, recovery, recovery and recycling. | | |
| Sustainability Objective 5: To maximise the sustainable transportation of minerals and waste, through the use of non-road alternatives and the reduction of the distance travelled by untreated waste. | | |
| Sustainability Objective 10: To promote sustainable economic growth and employment. | | |
| Monitored Topic | Indicator | Target |
| W1, Obj 2, Obj 5, Sus Obj 4, Sus Obj 10 | Tonnes per annum (tpa) of new waste management capacity granted, categorised by type, waste stream managed and current status. | To meet minimum recycling, composting and recovery targets by 2024/25, subject to any new forecasts in AMR. |

Table 13 - continued

| Monitored Topic | Indicator | Target |
|---|---|--|
| <i>W1, Obj 2, Obj 5, Sus Obj 4, Sus Obj 10</i> | <i>Quantity of waste arising and its management by broad waste stream.</i> | <i>To increase percentage of waste recycled, composted and recovered from baseline used for the Local Plan, and thus, amount landfilled to decrease.</i> |
| <i>W3, Obj 3, Obj 5, Obj 7, Sus Obj 4, Sus Obj 5, Sus Obj 10</i> | <i>Percentage of new strategic waste management capacity granted within Broad Locations.</i> | <i>100%.</i> |
| <i>W4, Obj 3, Obj 5, Obj 7, Sus Obj 4, Sus Obj 5, Sus Obj 10</i> | <i>Percentage of new non-strategic waste management capacity granted within Broad Locations, main urban areas, or within or adjacent to existing waste sites.</i> | <i>100% (excluding permissions granted as exceptions to Policy W4).</i> |
| <i>W5, Obj 3, Obj 7, Sus Obj 5</i> | <i>Percentage of new waste management capacity sites granted on brownfield land.</i> | <i>90% (excluding permissions granted as exceptions to Policy W5).</i> |
| <i>W2, W6, W7, W8, Obj 2, Obj 3, Obj 5, Sus Obj 4, Sus Obj 10</i> | <i>Percentage of planning permissions granted for new waste facilities in accordance with the criteria set out in the relevant policy for that facility.</i> | <i>100%.</i> |
| <i>W1, W8, Obj 2, Obj 5, Sus Obj 4, Sus Obj 10</i> | <i>Allocated inert waste disposal sites granted planning permission.</i> | <i>Planning permissions granted for allocated inert waste landfill sites Brooksby and Husbands Bosworth to be granted planning permission by 2021 and Ibstock by 2026.</i> |

Table 14: Monitoring of objectives and policies relating to climate change, amenity and the environment.

| Climate Change, Amenity and the Environment | | |
|---|--|---------------|
| <p>Policy DM1: Sustainable Development Policy DM2: Local Environment and Community Protection Policy DM9: Transportation by Road Policy DM10: Public Rights of Way Policy DM11: Cumulative Impact</p> | | |
| <p>Objective 3: To provide mineral sites and waste management facilities in the most sustainable locations so that movement other than by road is maximised, untreated waste transportation is minimised, the development of previously developed land is encouraged and the needs of local communities and industry are met. Objective 7: To reduce the impact of minerals and waste developments upon climate change. Objective 8: To protect people and local communities, and the natural, built and historic environment (particularly the River Mease Special Area of Conservation) from unacceptable effects of minerals and waste developments.</p> | | |
| <p>Sustainability Objective 1: To protect the natural resources of the County – including water, air, soil and minerals. Sustainability Objective 2: To avoid or reduce flood risk as a result of minerals and waste development. Sustainability Objective 4: To minimise minerals and waste management’s contribution to climate change through reduced greenhouse gas emissions by less reliance on primary minerals, and increased reuse, recovery, recovery and recycling. Sustainability Objective 5: To maximise the sustainable transportation of minerals and waste, through the use of non-road alternatives and the reduction of the distance travelled by untreated waste. Sustainability Objective 9: To protect people and local communities from the effects of minerals development and waste management.</p> | | |
| Monitored Topic | Indicator | Target |
| DM1, Obj 7, Sus Obj 4 | Percentage of new mineral extraction areas and waste management capacity granted which makes a positive contribution to reducing climate change effects. | 100%. |
| DM2, DM9, DM10, DM11, Obj 8, Sus Obj 1, Sus Obj 2, Sus Obj 9 | Percentage of new mineral extraction areas and waste management capacity granted in accordance with the relevant policy. | 100%. |

Table 14 - continued

| Monitored Topic | Indicator | Target |
|---|--|--|
| <i>DM9, Obj 3, Obj 7, Obj 8, Sus Obj 5, Sus Obj 9</i> | <i>Number of new mineral extraction areas or waste management capacity operating with alternative means of transportation than road.</i> | <i>To improve from the situation in 2015.</i> |
| <i>DM10</i> | <i>Length and type of new public rights of way created.</i> | <i>To improve current levels by a net increase in the length of dedicated public footpaths and bridleways.</i> |

Table 15: Monitoring of objectives and policies relating to the historic and natural environment.

| Historic and Natural Environment | | |
|---|--|---------------|
| <p>Policy DM3: Strategic Green Infrastructure Policy DM4: Green Wedges Policy DM5: Landscape Impact Policy DM6: Soils Policy DM7: Sites of Biodiversity/Geodiversity Interest Policy DM8: Historic Environment Policy DM12: Reclamation Restoration, Aftercare and After-use</p> | | |
| <p>Objective 8: To protect people and local communities, and the natural, built and historic environment (particularly the River Mease Special Area of Conservation) from unacceptable effects of minerals and waste developments. Objective 9: To ensure that land with a temporary use is subsequently restored, managed and maintained to an after-use of high quality at the earliest opportunity which respects the local area's character, helps to provides a net gain in biodiversity and allows greater public access whilst affording opportunities for recreational, economic and community gain in mitigation or compensation for the effects of development where possible. Objective 10: To complement and support wider strategies including the Leicester and Leicestershire Economic Growth Plan, green infrastructure projects and strategies such as the National Forest and Charnwood Forest Regional Park.</p> | | |
| <p>Sustainability Objective 1: To protect the natural resources of the County – including water, air, soil and minerals. Sustainability Objective 3: To conserve biodiversity and geodiversity conservation interests, avoiding damage to or fragmentation of major features of importance for fauna and flora. Sustainability Objective 6: To conserve the quality of the countryside and landscape. Sustainability Objective 7: To protect the significance of heritage assets of archaeological, cultural and historic value. Sustainability Objective 8: To enhance biodiversity, natural resources, landscape or the significance of heritage assets. Sustainability Objective 9: To protect people and local communities from the effects of minerals development and waste management. Sustainability Objective 10: To promote sustainable economic growth and employment.</p> | | |
| Monitored Topic | Indicator | Target |
| DM3, Obj 8, Obj 10, Sus Obj 1, Sus Obj 3, Sus Obj 6, Sus Obj 8, Sus Obj 9 | Percentage of new mineral extraction areas or waste management capacity granted in the areas listed in policy DM3 with the measures set out in the policy as being required. | 100%. |

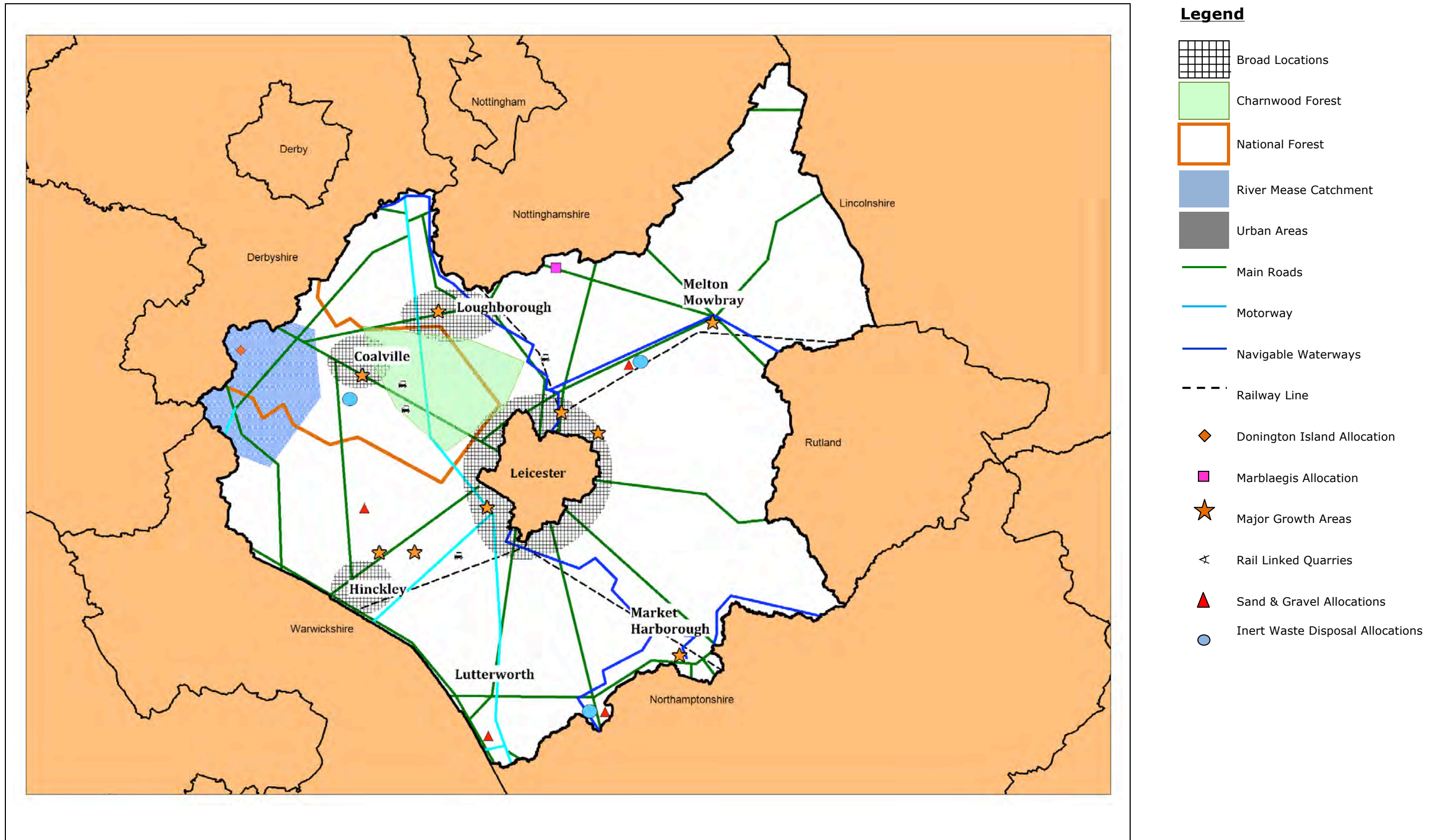
Table 15 - continued

| Monitored Topic | Indicator | Target |
|---|--|--|
| <i>DM4, DM5, DM6, DM7, DM8, Obj 8, Obj 10, Sus Obj 1, Sus Obj 3, Sus Obj 6, Sus Obj 7, Sus Obj 8, Sus Obj 9</i> | <i>Percentage of new mineral extraction areas or waste management capacity granted in accordance with the relevant policy.</i> | <i>100%.</i> |
| <i>DM12, Obj 8, Obj 9, Obj 10, Sus Obj 1, Sus Obj 3, Sus Obj 6, Sus Obj 7, Sus Obj 8, Sus Obj 9</i> | <i>Number of sites where enforcement action taken against unsatisfactory restoration.</i> | <i>Zero.</i> |
| | <i>Percentage of permissions with restoration proposals with a minimum of 5 years aftercare.</i> | <i>100%.</i> |
| | <i>Size and type of new habitats created.</i> | <i>All temporary permissions to provide one priority habitat of the local BAP and, where applicably located, one of the priority habitats listed in policy DM12.</i> |

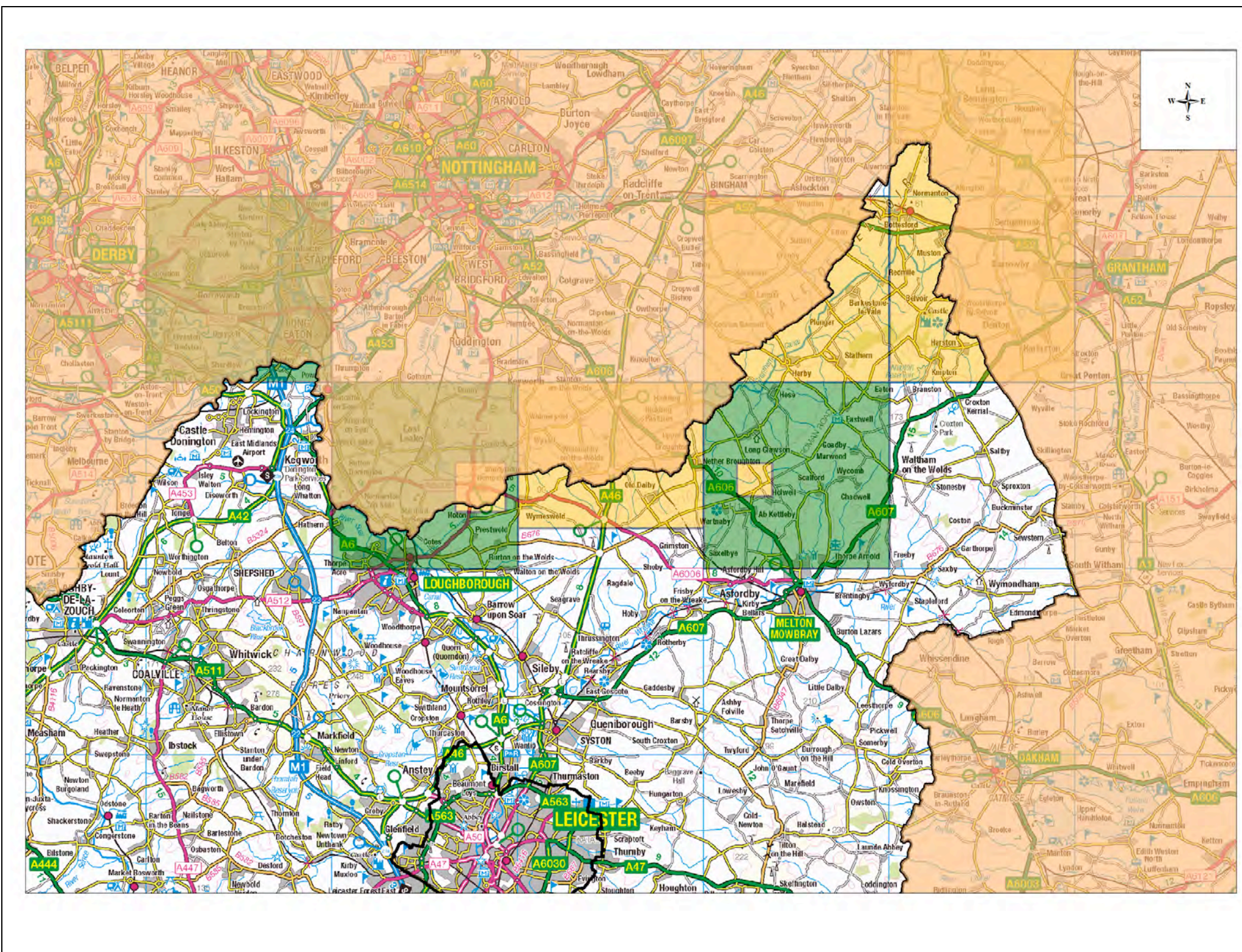
Table 16: Monitoring of objectives and policies relating to resource management.

| Resource Management | | |
|---|--|---------------|
| Policy M11: Safeguarding of Mineral Resources | | |
| Policy M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure | | |
| Policy W9: Safeguarding Waste Management Facilities | | |
| Objective 4: To co-ordinate and work with all relevant organisations, in particular Leicester City Council and Leicestershire Local Authorities, to ensure that the Local Plan addresses planning issues that cross administrative boundaries. | | |
| Objective 6: To safeguard mineral resources, mineral sites and associated infrastructure, and waste management facilities from inappropriate development. | | |
| Objective 8: To protect people and local communities, and the natural, built and historic environment (particularly the River Mease Special Area of Conservation) from unacceptable effects of minerals and waste developments. | | |
| Sustainability Objective 1: To protect the natural resources of the County – including water, air, soil and minerals. | | |
| Sustainability Objective 9: To protect people and local communities from the effects of minerals development and waste management. | | |
| Sustainability Objective 10: To promote sustainable economic growth and employment. | | |
| Monitored Topic | Indicator | Target |
| M11, M12, Obj 4, Obj 6, Obj 8, Sus Obj 1, Sus Obj 9, Sus Obj 10 | Percentage of planning applications granted within Mineral Safeguarding Areas which do not needlessly sterilise mineral resources or existing mineral infrastructure. | 100%. |
| W9, Obj 4, Obj 6, Obj 8, Sus Obj 1, Sus Obj 9, Sus Obj 10 | Percentage of planning applications granted in proximity to waste management facilities which do not affect amenity or prejudice the current and future operation of the facility. | 100%. |
| W9, Obj 4, Obj 6, Obj 8, Sus Obj 1, Sus Obj 9, Sus Obj 10 | Percentage of non-waste planning applications granted on existing waste management facilities in accordance with Policy W9. | 100%. |

7. KEY DIAGRAM



8. OIL AND GAS LICENCES



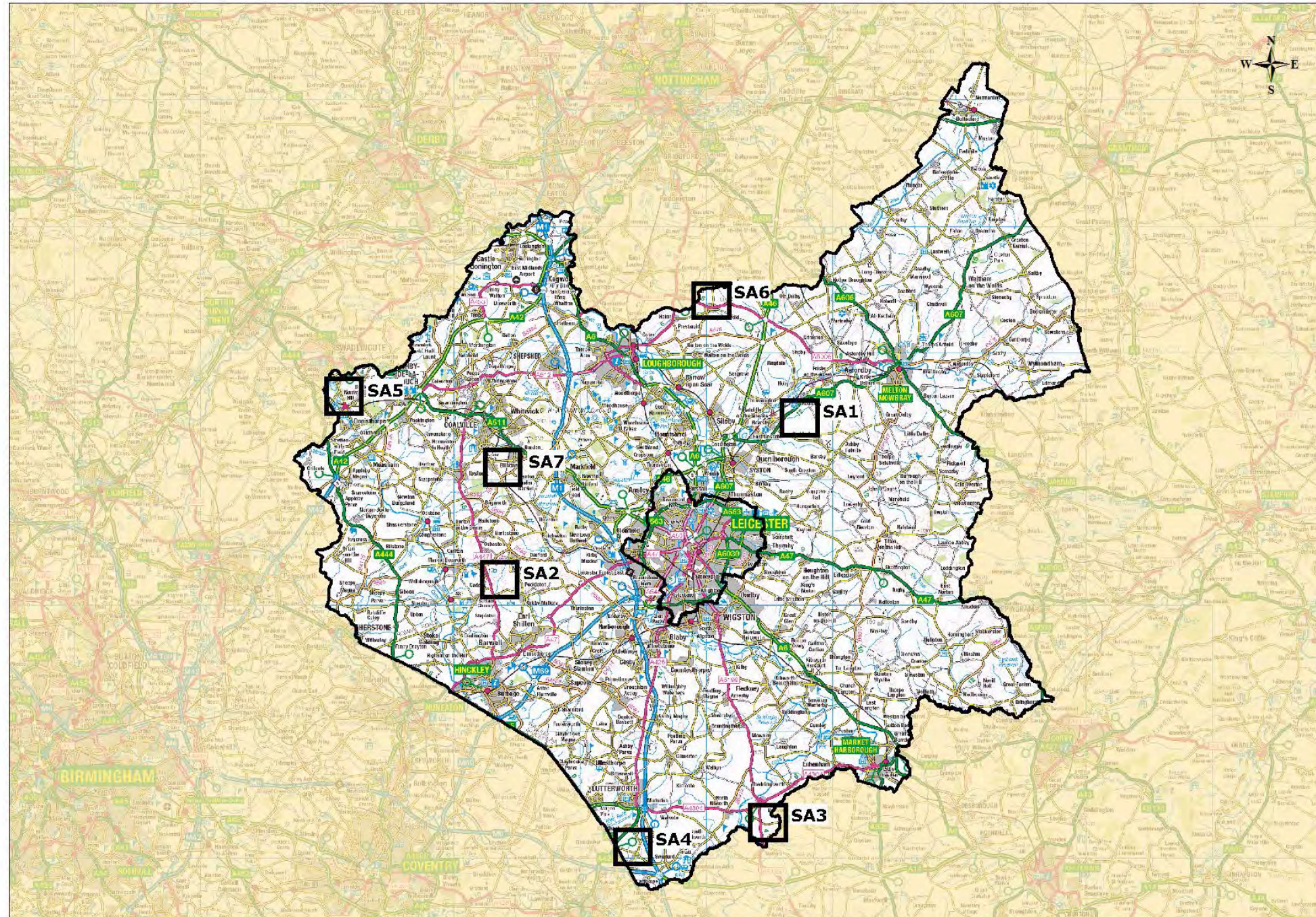
Legend

- Current Licensed Blocks
- 14th Round Blocks Offered for Award

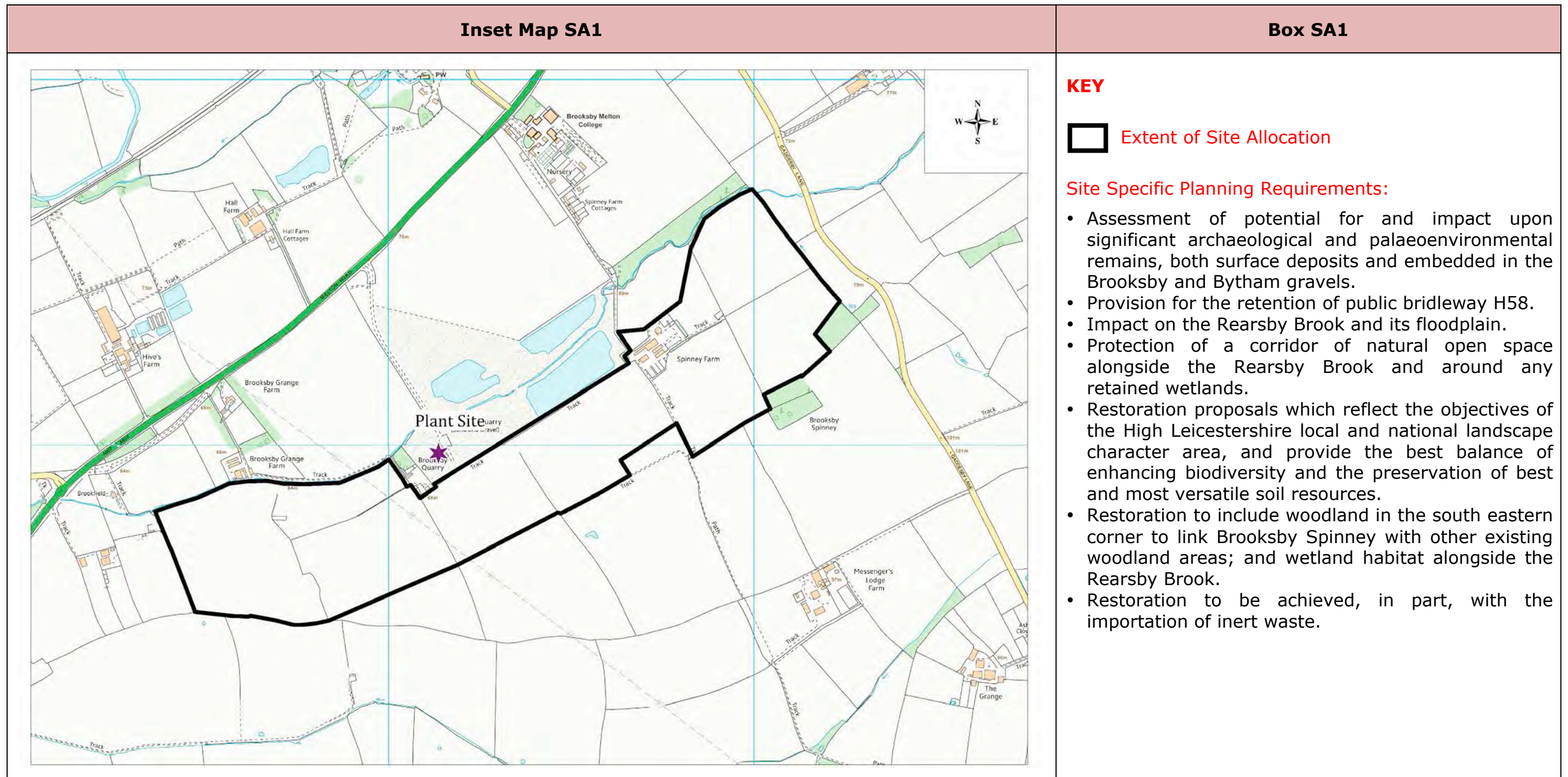
APPENDICES

Appendix 1: Allocated Sites

County Plan



Brooksby



Cadeby

| Inset Map SA2 | Box SA2 |
|---------------|--|
| | <p>KEY</p> <p> Extent of Site Allocation</p> <p>Site Specific Planning Requirements:</p> <ul style="list-style-type: none"> • Provision for the retention of Footpaths S24 and S26. • Provision for the planting of additional hedgerow along the western boundary of the allocated area adjacent to Newbold Road south of Beech Spinney. • Provision of buffer zone to Beech Spinney. • Details of the routes for transporting mineral from the allocated areas to the existing processing plant, which shall be carefully sited where they cross any restored land. • Restoration proposals which reflect the objectives of the Upper Soar local landscape and Leicestershire and South Derbyshire Coalfield national landscape character areas, and provide the best balance of enhancing biodiversity and the preservation of best and most versatile soil resources. • Restoration to include provision of improved public access. • Restoration to be achieved without the importation of inert waste. • Provision of an appropriate stand-off distance from the watercourse adjacent to the site. |

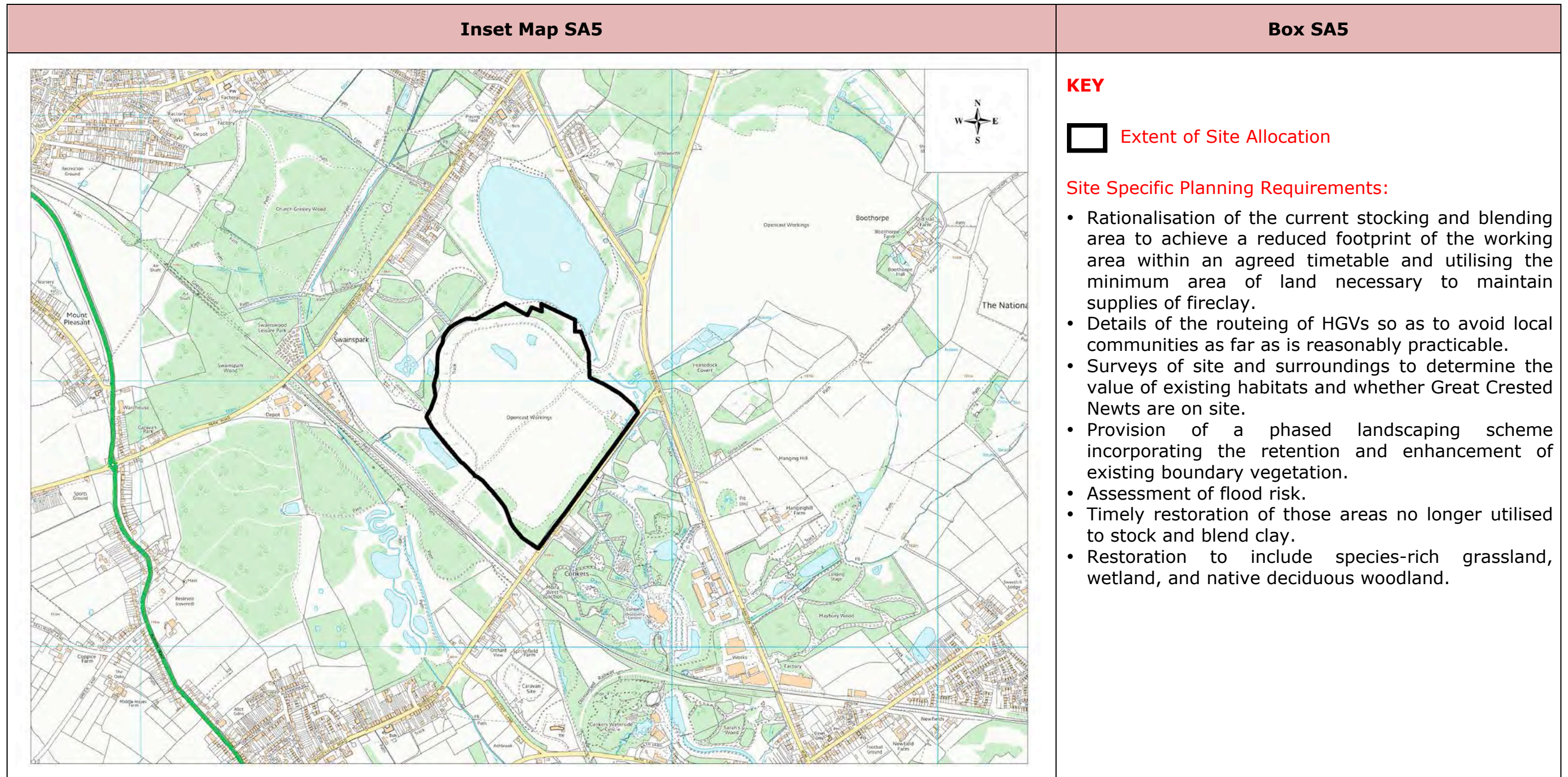
Husbands Bosworth

| Inset Map SA3 | Box SA3 |
|---------------|---|
| | <p>KEY</p> <p> Extent of Site Allocation</p> <p>Site Specific Planning Requirements:</p> <ul style="list-style-type: none"> • Extension to existing extraction area shall be limited to the cross-hatched area (Policy M2 refers) • Impact on the River Welland and its floodplain. • Protection of a corridor of natural open space alongside the River Welland and around any retained wetlands. • Assessment of the effect on the setting of Bosworth Hall. • Appropriate management of non-designated heritage assets. • Assessment of the ecological value of the unnamed woodland within the site. • Retained hedgerows should incorporate an element of traditional hedgerow management, where not already being so managed. • Restoration proposals which reflect the objectives of the Laughton Hills local landscape and Leicestershire Vales national landscape character areas, and provide the best balance of enhancing biodiversity and the preservation of best and most versatile soil resources. • Restoration to include woodland to link Gravel Pit Spinney to existing woodland adjacent to the River Welland and provide for a net gain to biodiversity above that currently consented on those areas already subject to restoration requirements. • Restoration to be achieved with the importation of inert waste within the area outlined in red (Policy W8 refers). |

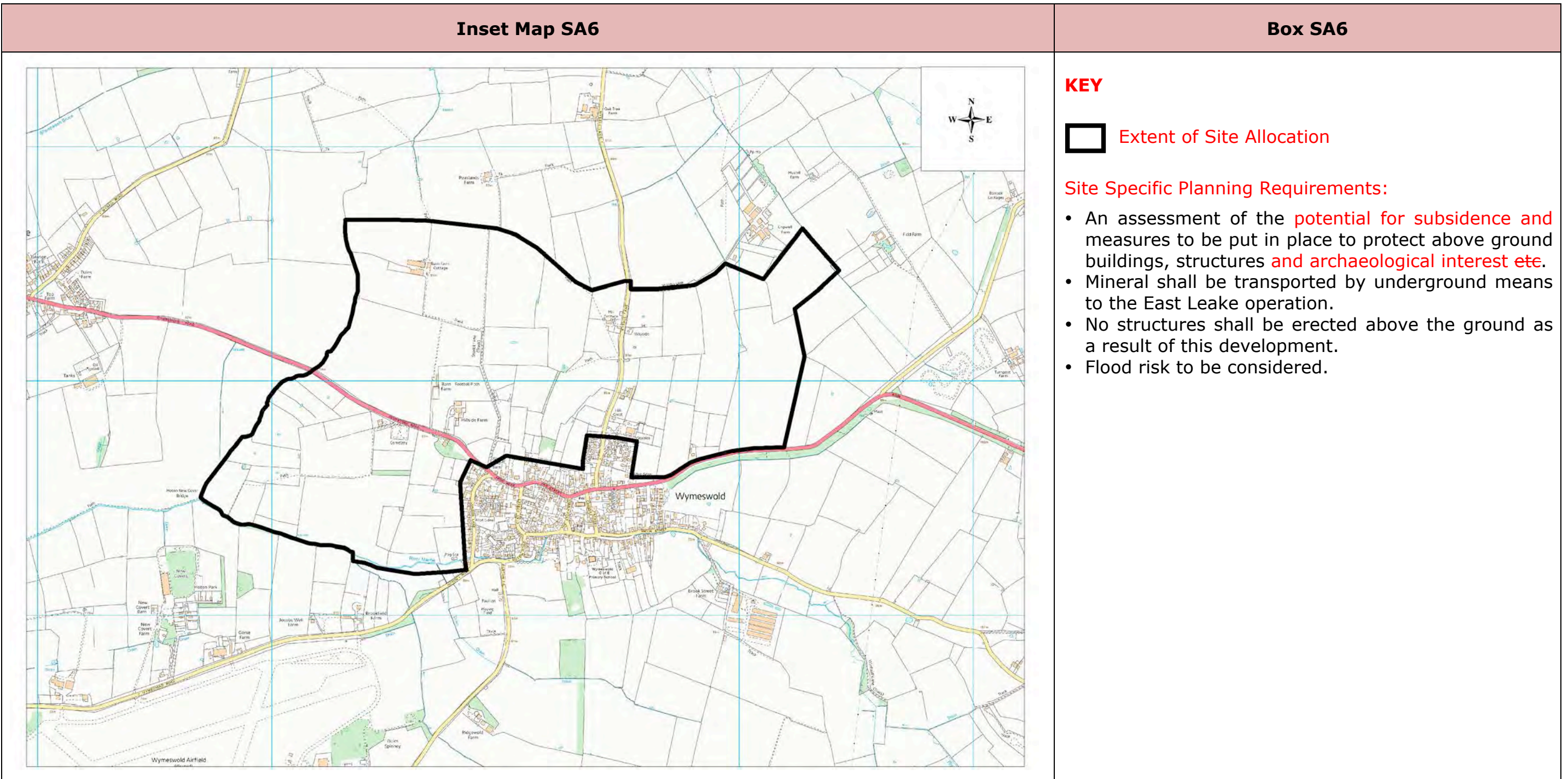
Shawell

| Inset Map SA4 | Box SA4 |
|---------------|--|
| | <p>KEY</p> <p> Extent of Site Allocation</p> <p>Site Specific Planning Requirements:</p> <ul style="list-style-type: none"> • Measures for transporting mineral to the processing plant without using the public highway. • The provision of suitable measures to protect and where appropriate enhance the special features of interest of Cave's Inn Pits SSSI. • Provision for the retention of Bridleways X27 (as currently diverted) and X28, and Footpaths X18 and X30. • Appropriate management of non-designated heritage assets. • Assessment of potential for and impact upon significant archaeological remains, including evidence associated with the Tripointum (Caves Inn) Roman settlement and the Roman Road. • Retained hedgerows should incorporate an element of traditional hedgerow management, where not already being so managed. • Retention of the woodland belt between the current extraction area and Rugby Road (A426). • Restoration proposals which reflect the objectives of the Lutterworth Lowlands local landscape and Leicestershire Vales national landscape character areas, and provide the best balance of enhancing biodiversity and the preservation of best and most versatile soil resources. • Restoration to include woodland to link existing woodland areas between Gibbet Lane and the A5. • Restoration to include provision of improved public access, particularly between Gibbet Lane and the A5. • Restoration to be achieved without the importation of inert waste. |

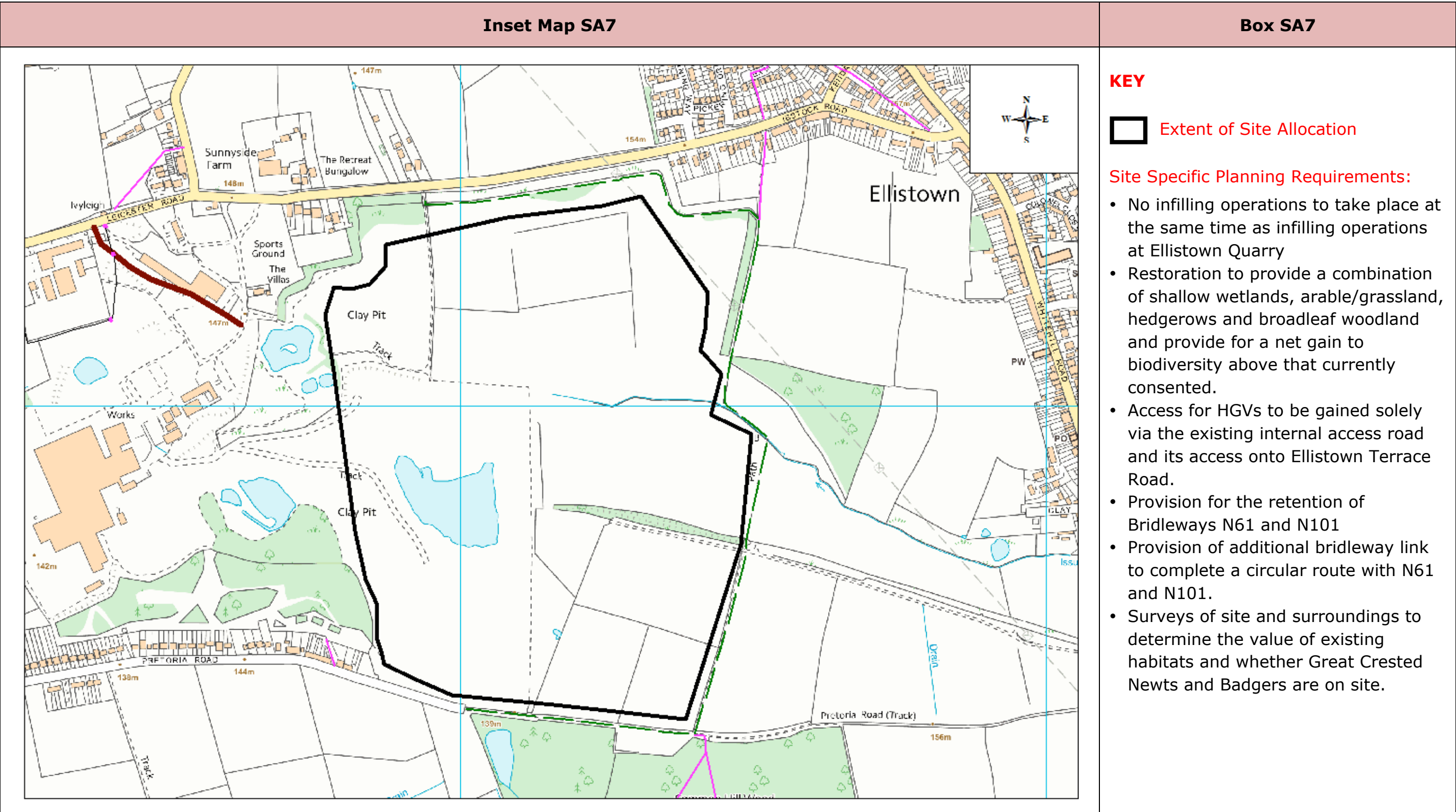
Donington Island



Marblaegis



Ibstock



Appendix 2: Relationship between extant minerals and waste policies and the policies in this document

| Extant Policies | Minerals and Waste Local Plan Policies |
|---|--|
| Minerals Core Strategy | |
| Policy MCS1: supply of minerals | Replace by Policy M1: Supply of Sand and Gravel Aggregate, Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites, Policy M3: Sand and Gravel Extraction (Unallocated Areas), Policy M4: Crushed Rock, Policy M5: Brickclay, Policy M6: Fireclay, Policy M7: Gypsum, Policy M8: Building and Roofing Stone, Policy M9: Coal, and Policy M10: Oil and Gas |
| Policy MCS2: aggregate minerals | Replace by Policy M1: Supply of Sand and Gravel Aggregate, Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites, Policy M3: Sand and Gravel Extraction (Unallocated Areas), and Policy M4: Crushed Rock, |
| Policy MCS3: brickclay | Replace by Policy M5: Brickclay |
| Policy MCS4: fireclay | Replace by Policy M6: Fireclay |
| Policy MCS5: gypsum | Replace by Policy M7: Gypsum |
| Policy MCS6: building and roofing stone | Replace by Policy M8: Building and Roofing Stone |
| Policy MCS7: coal | Replace by Policy M9: Coal |
| Policy MCS8: oil and gas | Replace by Policy M10: Oil and Gas |
| Policy MCS9: new energy production technologies | Replace by Policy M10: Oil and Gas |
| Policy MCS10: resource management | Replace by Policy M11: Safeguarding of Mineral Resources, and Policy M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure |
| Policy MCS11: environmental protection | Replace by Policy DM2: Local Environment and Community Protection |
| Policy MCS12: Strategic River Corridors | Replace by Policy DM3: Strategic Green Infrastructure |
| Policy MCS13: Charnwood Forest | Replace by Policy DM3: Strategic Green Infrastructure |
| Policy MCS14: National Forest | Replace by Policy DM3: Strategic Green Infrastructure |

| | |
|---|--|
| Policy MCS15: Green Wedges | Replace by Policy DM4: Green Wedges |
| Policy MCS16: transportation of minerals. | Replace by Policy DM9: Transportation by Road |
| Policy MCS17: reclamation and future use of mineral sites | Replace by Policy DM12: Restoration, Aftercare and After-use |
| Minerals Development Control Policies | |
| Policy MDC1: Sustainable Mineral Development | Replace by Policy DM1: Sustainable Development |
| Policy MDC2: Sustainable Design | Replace by Policy DM1: Sustainable Development |
| Policy MDC3: Sites of National Historic Importance | Replace by Policy DM8: Historic Environment |
| Policy MDC4: Sites of Regional and Local Importance | Replace by Policy DM7: Sites of Biodiversity/Geodiversity Interest |
| Policy MDC5: Countryside | Replace by Policy DM5: Landscape Impact |
| Policy MDC6: Landscaping and Woodland | Replace by Policy DM5: Landscape Impact |
| Policy MDC 7: Archaeology | Replace by Policy DM8: Historic Environment |
| Policy MDC8: Safeguarding Mineral Resources | Replace by Policy M11: Safeguarding of Mineral Resources |
| Policy MDC9: Extraction in Advance of Surface Development | Replace by Policy M11: Safeguarding of Mineral Resources |
| Policy MDC10: Agricultural Land | Replace by Policy DM6: Soils |
| Policy MDC11: The Water Environment | Replace by Policy DM2: Local Environment and Community Protection |
| Policy MDC12: Health and Amenity | Replace by Policy DM2: Local Environment and Community Protection |
| Policy MDC13: Cumulative Impact | Replace by Policy DM11: Cumulative Impact |
| Policy MDC14: Transportation of Minerals | Replace by Policy DM9: Transportation by Road |
| Policy MDC15: Public Rights of Way | Replace by Policy DM10: Public Rights of Way |
| Policy MDC16: Air Safeguarding | Replace by Policy DM2: Local Environment and Community Protection |
| Policy MDC17: Information in Support of Planning Applications | Delete |
| Policy MDC18: Planning Conditions | Delete |
| Policy MDC19: Planning Obligations | Delete |
| Policy MDC20: Reclamation and Aftercare | Replace by Policy DM12: Restoration, Aftercare and After-use |

| | |
|--|---|
| Policy MDC21: After-use | Replace by Policy DM12: Restoration, Aftercare and After-use |
| Policy MDC22: Aggregate Recycling | Replace by Policy W4: Non-strategic Waste Facilities |
| Policy MDC23: Associated Industrial Development | Replace by Policy M13: Associated Industrial Development |
| Policy MDC24: Disposal of Mineral Waste | Replace by Policy M15: Mineral Waste |
| Policy MDC25: Reworking of mineral waste | Replace by Policy M15: Mineral Waste |
| Policy MDC26: Borrow Pits | Replace by Policy M14: Borrow Pits |
| Policy MDC27: Mineral Exploration | Replace by Policy M16: Mineral Exploration |
| Policy MDC28: Incidental Mineral Extraction | Replace by Policy M17: Incidental Mineral Extraction |
| Minerals Local Plan | |
| Policy 2 Assessment of Proposals | Replace by Policy DM2: Local Environment and Community Protection, Policy DM7: Sites of Biodiversity/Geodiversity Interest Policy, DM8: Historic Environment, Policy DM9: Transportation by Road, and Policy DM10: Public Rights of Way |
| Policy 12 After Use (part (g)) | Replace by Policy DM12: Restoration, Aftercare and After-use |
| Policy 15 Sand and Gravel Sites (Extensions) | Replace by Policy M2: Supply of Sand and Gravel Aggregate from Sites |
| Policy 16 Sand and Gravel (New Sites) | Delete |
| Policy 21 Brickclay (parts a-c) | Replace by Policy M5: Brickclay |
| Policy 28 Mineral Exploration | Replace by Policy M16: Mineral Exploration |
| Waste Core Strategy | |
| Policy WCS1: waste management capacity | Replace by Policy W1: Waste Management Capacity |
| Policy WCS2: strategic waste sites | Replace by Policy W3: Strategic Waste Facilities |
| Policy WCS3: non-strategic waste sites | Replace by Policy W4: Non-strategic Waste Facilities |
| Policy WCS4: locating waste sites | Replace by Policy W5: Locating Waste Facilities |
| Policy WCS5: reuse, recycling, waste transfer and composting facilities | Delete |
| Policy WCS6: anaerobic digestion (AD), incineration, mechanical-biological treatment (MBT) and other | Replace by Policy W6: Biological Treatment of Waste Including Anaerobic Digestion and Open Air |

| | |
|---|---|
| energy/value recovery technologies | Windrow Composting, and Policy W7: Facilities for Energy and Value Recovery from Waste |
| Policy WCS7: non-inert landfill | Replace by Policy W8: Waste Disposal |
| Policy WCS8: inert waste landfill | Replace by Policy W8: Waste Disposal |
| Policy WCS9: other forms of waste management | Replace by Policy W2: Low Level Radioactive Waste, Policy W4: Non-strategic Waste Facilities, and Policy W8: Waste Disposal |
| Policy WCS10: environmental protection | Replace by Policy DM2: Local Environment and Community Protection |
| Policy WCS11: National Forest | Replace by Policy DM3: Strategic Green Infrastructure |
| Policy WCS12: Charnwood Forest | Replace by Policy DM3: Strategic Green Infrastructure |
| Policy WCS13: Green Wedges | Replace by Policy DM4: Green Wedges |
| Policy WCS14: transportation of waste | Replace by Policy DM9: Transportation by Road |
| Waste Development Control Policies | |
| Policy WDC1: Sustainable Design | Replace by Policy DM1: Sustainable Development |
| Policy WDC2: Sites of National Historic Importance | Replace by Policy DM8: Historic Environment |
| Policy WDC3: Sites of Regional and Local Importance | Replace by Policy DM7: Sites of Biodiversity/Geodiversity Interest |
| Policy WDC4: Archaeology | Replace by Policy DM8: Historic Environment |
| Policy WDC5: Countryside | Replace by Policy DM5: Landscape Impact |
| Policy WDC6: Agricultural Land | Replace by Policy DM6: Soils |
| Policy WDC7: Landscaping and Woodland | Replace by Policy DM5: Landscape Impact |
| Policy WDC8: Health and Amenity | Replace by Policy DM2: Local Environment and Community Protection |
| Policy WDC9: Cumulative Impact | Replace by Policy DM11: Cumulative Impact |
| Policy WDC10: Transportation of Waste | Replace by Policy DM9: Transportation by Road |
| Policy WDC11: Public Rights of Way | Replace by Policy DM10: Public Rights of Way |
| Policy WDC12: The Water Environment | Replace by Policy DM2: Local Environment and Community Protection |

| | |
|---|--|
| Policy WDC13: Air Safeguarding | Replace by Policy DM2: Local Environment and Community Protection |
| Policy WDC14: Information in Support of Planning Applications | Delete |
| Policy WDC15: Reclamation and Aftercare | Replace by Policy DM12: Restoration, Aftercare and After-use |
| Policy WDC16: After-use | Replace by Policy DM12: Restoration, Aftercare and After-use |
| Policy WDC17: Planning Conditions | Delete |
| Policy WDC18: Planning Obligations | Delete |
| Waste Local Plan Policies | |
| Policy WLP 1 – Waste Minimisation | Delete |
| Policy WLP 7 – Assessment of Proposals | Replace by Policy DM2: Local Environment and Community Protection, Policy DM6: Soils, Policy DM7: Sites of Biodiversity/Geodiversity Interest Policy, DM8: Historic Environment, Policy DM9: Transportation by Road, and Policy DM10: Public Rights of Way |
| Policy WLP 15 – Waste Disposal Site for Household/Civic Amenity/Industrial/Commercial Wastes (New Site) | Delete |
| Policy WLP 19 – Disposal of Waste from Major Construction Projects | Replace by Policy W8: Waste Disposal |

The policy of this Local Plan relating to the safeguarding of waste management facilities (Policy W9) has no relationship with any policies in the extant development plan. Therefore, this policy is not present in the above table.

GLOSSARY

Aftercare: An agreed programme of work designed to bring a restored mineral or waste site to a satisfactory standard for agriculture, amenity or nature conservation use. Normally imposed in the form of a planning condition once a site has been granted permission to operate.

After-use: The use to which a mineral or waste site is put to on completion of restoration and any aftercare provisions e.g. agriculture, forestry, amenity (including nature conservation). Planning permission will be required to develop more formal uses of land (e.g. change of use of land to create a leisure facility).

Aggregates: Materials used in construction work or as fill consisting of rock crushed by nature (sands and gravels) or crushed by man (quarried rock, such as limestone which is then crushed on site).

Alternative (Secondary) Aggregates: The re-use of construction materials e.g. from demolition or road maintenance or the use or reprocessing of waste materials from other industries such as power station ash or colliery spoil, to replace primary aggregates.

Ancient Woodland: An area of woodland which has had a continuous history of tree cover since at least 1600.

Apportionment: The County's share of aggregate provision.

Appropriate Assessment: A process required by the Habitats Directive 92/43/EEC- the Conservation of Natural Habitats and Wild Flora and Fauna to avoid adverse effects of plans, programmes and projects on Natura 2000 sites and thereby maintain the integrity of the Natura 2000 network and its features.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Biodiversity: Summarises the phrase biological diversity – the variety of life on earth around us (mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi and microorganisms)

Biodiversity Action Plan (BAP): A strategy for conserving, restoring, enhancing and creating habitats of importance.

Borrow pit: A temporary mineral working to supply material for a specific construction project.

Coal Bed Methane: Clean coal technology and a potential long-term source of indigenous natural gas which can be extracted from underground coal seams.

C&I Waste (Commercial and Industrial Waste): Waste produced by commercial and industrial premises, including places such as factories and offices.

C&D Waste (*Construction and Demolition Waste*): Waste produced by the construction and demolition of houses, roads, factories etc.

Core Strategy: Sets out the key elements of the planning framework for the area, including a long term spatial vision, the spatial objectives, and the strategic policies to deliver that vision.

Development Framework: The terminology used for Local Plans before the introduction of the Localism Act 2011. A local development framework was the spatial planning strategy introduced by the Planning and Compulsory Purchase Act 2004. The Development Framework comprised a portfolio of development plan documents and other local development documents.

Development Management Policies: A suite of criteria-based policies which are required to ensure that all development within the area meets the vision and strategy set out in the core strategy.

Development Plan: Sets out policies and proposals for the development and use of land within the area of the application. The statutory development plan will be the starting point in the consideration of planning applications (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

Development Plan Documents (DPD): The development plan documents which local planning authorities must prepare include a core strategy; generic development control policies; site specific allocations and policies (where relevant); and a policies map (with inset maps, where necessary). They may also include area action plans (AAP). A DPD may form one document covering a range of policy areas or a number of individual documents. They will be spatial planning documents subject to independent examination and will have 'development plan' status (please see the explanation of 'the development plan' above).

Exempt Sites: a site which undertakes low-risk activities which are considered to be easily controlled and only create low risks of pollution and can be regulated by the Environment Agency through an exemption rather than an environmental permit.

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Hazardous Waste: Hazardous waste includes materials such as asbestos, oils, solvents, healthcare wastes and everyday items such as fluorescent tubes, televisions, computer monitors and scrap cars.

Inert Waste: Waste that is biologically, chemically and physically unreactive with the environment.

Key Diagram: Schematic diagram.

Landbank: A stock of planning permissions (permitted reserves) for the winning and working of minerals generally expressed in 'years worth of supply'.

Local Aggregate Assessment (LAA): A County Council produced document which sets out the current supply of, demand for, and needed provision of aggregates in Leicestershire.

Local Authority Collected Waste (LACW): principally, waste from households or recycling and household waste sites

Local Development Scheme (LDS): Describes the Local Development Documents which the authority intends to prepare and the timetable for their preparation.

Mineral Planning Authority (MPA): The Local Planning Authority responsible for overseeing all aspects of mineral operations. In the case of the County of Leicestershire, these powers rest with the County Council.

National Landscape Character Areas: areas that share similar landscape characteristics.

National Planning Policy Framework (NPPF): The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Permitted Reserves: Mineral reserves for which planning permission has been granted (usually expressed in million tonnes). The MPA will not release details of reserves for individual quarries or quarry operators to ensure 'commercial confidentiality'.

Planning and Compulsory Purchase Act 2004: The legislation that introduced the new development planning system. The Act commenced in September 2004.

Principal Urban Area: The continuous built up area of Leicester. It includes 13 settlements outside the city boundary.

Reclamation: The combined processes of restoration and aftercare following completion of mineral working.

Recovery: The management of waste by means other than disposal (principally landfill) and includes value recovery (recycling and so forth) and energy recovery. In this document the Council uses recovery to describe that fraction of the waste stream that is not reused, recycled or disposed of.

Recycled Aggregates: Aggregates produced from recycled construction and demolition wastes such as crushed concrete, road planings etc.

Reserves: Mineral deposits which have been tested to establish the quality and quantity of material present which could be economically and technically exploited. Permitted reserves are those with benefit of planning permission for extraction.

Restoration: The return of land following mineral extraction to an acceptable condition, whether for resumption of its former land use or for a new use.

Secondary (Alternative) Aggregates: Aggregates derived from by-products of the extractive industry, e.g. china/ball clay waste, colliery spoil, blast furnace slag, pulverised fuel ash, etc.

Sites of Special Scientific Interest (SSSIs): Sites that are notified and protected under the Wildlife and Countryside Act 1981 on account of their flora, fauna, geological or physiographical characteristics.

Special Area of Conservation (SAC): An SSSI considered being of international importance designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora.

Statement of Community Involvement (SCI): Statement of the local authority's proposed standards and approach to involving the local community and stakeholders in the preparation, alteration and review of all Local Development Documents and development control decisions.

Sterilisation: Where minerals cannot be extracted because of surface level development.

Strategic Environmental Assessment (SEA): The European SEA Directive requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment, including those in the field of planning and land use. Local authorities are advised to take an integrated approach towards Sustainability Appraisal and Strategic Environmental Assessment to avoid unnecessary duplication and confusion. Together they will play an important part in testing the soundness of Local Development Documents, ensuring that they contribute towards sustainable development.

Sustainability Appraisal (SA): Local Planning Authorities are bound by legislation to appraise the degree to which their plans and policies contribute to the achievement of sustainable development. The process of Sustainability Appraisal is similar to Strategic Environmental Assessment but is broader in context, examining the effects of plans and policies on a range of social, economic and environmental factors. To comply with Government policy, Leicestershire County Council will be producing a Sustainability Appraisal that incorporates a Strategic Environmental Assessment.

Sustainable Development: Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Untreated Waste: Waste which has not entered a waste management facility.

Waste Needs Assessment: A County Council produced document which sets out the predicted waste arisings, capacity and shortfalls for Leicestershire.

Waste Planning Authority (WPA): The Local Planning Authority responsible for land-use planning control for waste management. In the case of the County of Leicestershire, these powers rest with the County Council.

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