



*Meeting:* **Development Control and Regulatory Board**

*Date/Time:* **Thursday, 10 February 2022 at 2.00 pm**

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

*Contact:* **Mr E. Walters (Tel: 0116 3052583)**

*Email:* **euan.walters@leics.gov.uk**

### **Membership**

Mr. J. G. Coxon CC (Chairman)

Mr. R. G. Allen CC    Mr. L. Hadji-Nikolaou CC  
Mr. N. D. Bannister CC    Mr. P. King CC  
Mr. M. H. Charlesworth CC    Mr. B. Lovegrove CC  
Dr. R. K. A. Feltham CC    Mr. L. Phillimore CC  
Mr. D. A. Gamble CC    Mrs. A. Wright CC

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– Notices will be on display at the meeting explaining the arrangements.**

### **AGENDA**

#### **Item**

1. Minutes of the meeting held on 9 December 2021. (Pages 3 - 4)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 35.



Reports of the Chief Executive on Planning Applications - County Matter Applications.

7. BMI Group - The variation of conditions of planning permission reference 2017/1380/03 (2017/CM/0237/LCC) to allow the Tile Works to continue the manufacture of roof tiles (and associated operations, activities and uses) and import sand via the highway, for a period of up to two years (but not beyond 31 December 2030), following cessation of operations at the processing plant of the adjacent Cotesbach-Shawell Quarry processing plant - Shawell Tile Works, Gibbet Lane, Shawell. (Pages 5 - 36)

Other Chief Executive reports.

8. Revised Minerals and Waste Development Scheme for Leicestershire. (Pages 37 - 52)
9. Revised Statement of Community Involvement for Leicestershire. (Pages 53 - 88)
10. Delegated Enforcement Notices issued 1 October 2021 to 31 December 2021. (Pages 89 - 90)
11. Delegated Decisions issued 1 October 2021 to 31 December 2021. (Pages 91 - 92)

Reports of the Director of Environment and Transport on Tree Preservation Orders.

12. Delegated Decisions for works to trees protected by Leicestershire County Council Tree Preservation Orders 1 June 2021 to 31 December 2021. (Pages 93 - 100)
13. Any other items which the Chairman has decided to take as urgent.
14. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 9 December 2021.

PRESENT

Mr. J. G. Coxon CC (in the Chair)

Mr. R. G. Allen CC  
Mr. N. D. Bannister CC  
Mr. M. H. Charlesworth CC  
Dr. R. K. A. Feltham CC  
Mr. D. A. Gamble CC

Mr. P. King CC  
Mr. B. Lovegrove CC  
Mr. L. Phillimore CC  
Mr. C. A. Smith CC

44. Minutes of the previous meeting.

The minutes of the meeting held on 11 November 2021 were taken as read, confirmed and signed.

45. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

46. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

47. Urgent items.

There were no urgent items for consideration.

48. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities.

Mr. L. Phillimore CC declared a personal interest in Agenda Item 7: Bakers Waste Services Ltd as he knew the applicant but he emphasised that there were no close financial or personal ties between them.

49. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 35.

50. 2021/0091/01 (2021/CM/0108/LCC) - Bakers Waste Services Ltd - Proposed extension to the existing waste transfer and recycling operations, including the construction of 2no. steel portal frame recycling buildings and partial demolition of the existing brick built haulage depot building - Bakers Waste Services Ltd, Workshop, Granite Close, Enderby.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

The Chief Executive reported that the local member Mrs. L. Richardson CC was in support of the application on the basis that there was not proposed to be any change in operating hours or vehicular movements and more of the sorting and storage would be under cover. Mrs. Richardson CC welcomed the applicant applying for a revised permit from the Environment Agency regarding litter and dust and asked that pest control be included within that permit.

RESOLVED:

That the application be permitted subject to the conditions nos. 1-21 as set out in the appendix to the report.

2.00 - 2.18 pm  
09 December 2021

CHAIRMAN



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**10<sup>th</sup> FEBRUARY 2022**

**REPORT OF THE CHIEF EXECUTIVE**

**COUNTY MATTER**

**PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2021/0895/03 (2021/VOCM/0062/LCC)
- PROPOSAL:** The variation of conditions of planning permission reference 2017/1380/03 (2017/CM/0237/LCC) to allow the Tile Works to continue the manufacture of roof tiles (and associated operations, activities and uses) and import sand via the highway, for a period of up two years (but not beyond 31 December 2030), following cessation of operations at the processing plant of the adjacent Cotesbach-Shawell Quarry processing plant.
- LOCATION:** Shawell Tile Works, Gibbet Lane, Shawell, LE17 6AB.
- APPLICANT:** BMI Group
- MAIN ISSUES:** The acceptability of the continuation of this use in this location, for a temporary period, without the link to the adjacent quarry. The delay to restoration. Impacts upon highway networks as a result of increased HGV movements and importation of sand.
- RECOMMENDATION:** Refuse

**Circulation Under Local Issues Alert Procedure**

Mr. B. L. Pain, CC.

**Officer to Contact**

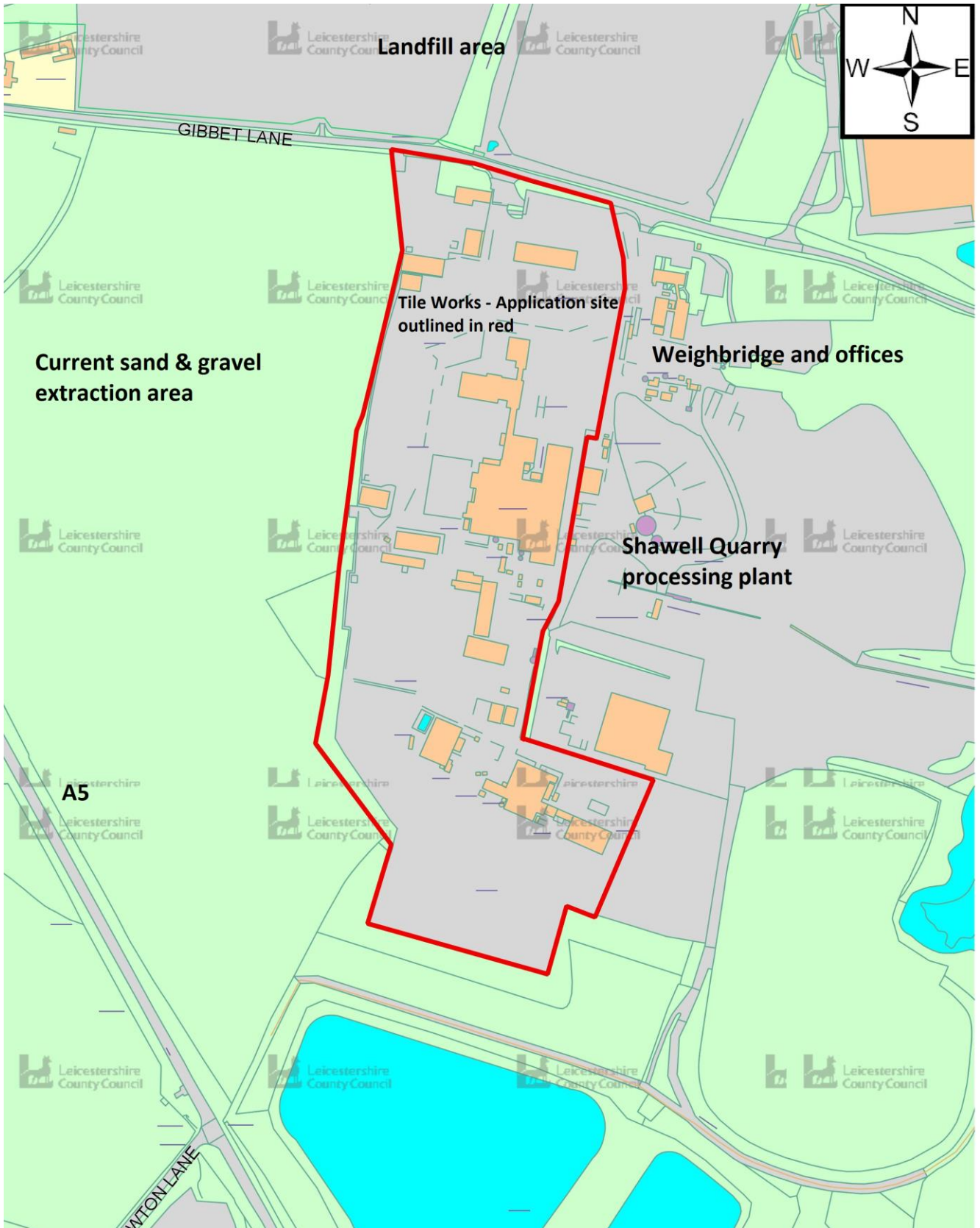
Brian O' Donovan (Tel. 0116 305 1085).  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. The application site is located on Gibbet Lane, Shawell, within the wider active Shawell/Cotesbach quarry and landfill site, which is separately owned and operated by Tarmac Trading Limited. The site extends to approximately 9.4 hectares and is approximately 750m west of Shawell and 1.3km south of Cotesbach, near Lutterworth. Gibbet Lane links Shawell with the A5/A426 roundabout junction to the west.
2. The site is on the south side of Gibbet Lane, and it is surrounded on all sides by active mineral and waste operations. To the north, on the other side of Gibbet Lane, is the landfill area which is permitted to operate until 2044. Immediately east is the main operational area of Shawell quarry comprising the weighbridge, staff offices, processing plant, stockpile and storage areas, and a disused concrete block works. To the south are silt settlement lagoons relating to the mineral extraction operations and, immediately west, mineral extraction is currently taking place under planning permission 2018/1457/03. Operations in this area commenced in July 2020 and are expected to continue until January 2023 before moving on to the next extension area located approximately 500m north-west of the tileworks (Ref: 2019/1891/03).
3. The nearest residential properties to the site are Greenacres and Gibbet House on Gibbet Lane, between approximately 350 and 500 metres west of the site, near the A5/A426 roundabout. Properties known as Holme Close Farm and Littledene are located approximately 700 and 725 metres east, also on Gibbet Lane.
4. There are no statutory ecological designations within the application site. Cave's Inn Pit, a Site of Special Scientific Interest (SSSI) is located approximately 500m south-east of the site, albeit beyond former extraction areas and the former Great Central railway line.
5. The application site falls into Flood Risk Zone (FRZ) 1, the lowest designated zone of fluvial flooding.
6. There are no Listed Buildings, Scheduled Monuments or Registered Parks and Gardens within or in close proximity to the application site. Within a 2km radius, there are two Scheduled Monuments; The Station at Tripontium (1005759) which is located approximately 500m south-west of the site, albeit beyond the A5 trunk road, and the Motte castle and associated earthwork SSW of All Saints Church in Shawell (1017549) which is located approximately 750m south-east. Shawell Conservation Area is approximately 700m east of the site boundary, and the nearest Listed Buildings are at least 750m distant, within Shawell Village.
7. There are no Public Rights of Way (PRoW) within the application site. The closest PRoW is Bridleway X27, which runs along Gibbet Lane immediately north of the site. The second closest PRoW is Footpath X23, which runs alongside the silt settlement lagoons to the south, approximately 50m from the site boundary.

8. By virtue of its location within a wider minerals site where there is provision for restoration, the proposal represents development on greenfield land in the countryside, outside of defined development boundaries.



## **Background/Planning History**

9. The applicant owns and operates a roof tile production facility ('Tile Works') on the site. The Tile Works has been present in this location, in one form or another, since the 1960s having benefitted from a series of temporary planning permissions justified by the link between the Tile Works and the adjacent sand and gravel quarry (Shawell Quarry). The facility is located here to make use of the sand extracted from Shawell Quarry, having originally been owned and operated by the same company. The Tile Works was sold off to a third-party company in 2007.
10. The principal planning permission for the operation of the site is Ref. 2017/1380/03, which was granted in October 2019. The extant planning permission allows the retention of the tile works until 31st December 2030 or on the date one year after the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant or the cessation of tile manufacturing, whichever is the earlier. The approval of this application was specific in its reasons for the acceptability of the tile works in this location:

*"The site is in a rural area where planning permission would not normally be granted for the erection of industrial or associated buildings. This permission is granted for a temporary period only and for a specific use having regard to the special circumstances relating to the close proximity to the source of aggregate raw material required in the manufacturing process. The Mineral Planning Authority is of the opinion that when that raw material is exhausted this and no other manufacturing process or storage use should be permitted on this site and the site should be restored in a timely manner to agricultural land or such other form as may be appropriate to the rural character of the locality."*

11. An application was submitted on the 15<sup>th</sup> October 2020 for the variation of conditions 1, 2, 4, 5, 6, and 8 of planning permission 2017/1380/03 (2017/CM/0237/LCC) to allow an extension of time to the operations at Shawell Tile Works until 31st December 2030 and the importation of sand via the highway in the event that sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant permanently ceases before 31st December 2030. This application was subsequently withdrawn on 02<sup>nd</sup> March 2021.

## **Description of Proposal**

### Overview

12. This planning application seeks to vary six conditions of the extant temporary Tile Works planning permission Ref. 2017/1380/03.
13. The proposal includes the variation of Condition 1 to extend the temporary nature of the areas used by the Tile Works until 31<sup>st</sup> December 2030 (as per extant permission) or two years after the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant or the cessation of tile manufacturing, whichever is the earlier.
14. Currently, the Tile Works' temporary use is permitted until 31<sup>st</sup> December 2030 or on the date one year after the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant or the



cessation of tile manufacturing, whichever is the earlier. The variations of the other conditions, out with those relating to HGV movements, are ancillary to this issue and are outlined in full in the proceeding report.

15. The buildings, structures, and manufacturing processes within the site itself would remain unchanged by the proposals, however an increase in permitted HGV movements is sought by varying Condition 4. There are two separate triggers for the increase in HGV movements on the highway. The first is an immediate change to numbers from 240 per week to 480 (240 HGVs entering the site and 240 HGVs exiting the site). The applicant has outlined that this is to rectify an issue to reflect the actual number of HGV movements which are already on the highway.
16. Following the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant, it is proposed that the number of heavy goods vehicle movements on the highway generated by the development shall not exceed 600 in any week. This would be to facilitate the proposed variation of Condition 5 to allow the importation of sand following the cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant.
17. The justification provided for the additional one year wind down period is that without approval, the applicant has great uncertainty as to when the adjacent Shawell-Cotesbach quarry processing plant (which is in third party ownership and outside of its control) will permanently cease production. It is explained that closure of this processing plant would effectively shut the Tile Works almost immediately, resulting in a sudden loss of employment and a significant negative impact on the UK's house building and construction industry.
18. The application is supported by a Planning Statement, Cover Letter, Economic Report, Closure Programme Plan and Transport Appraisal. Additional information, pertaining mainly to Highways matters, have been provided by the applicant following the consultation period for the application.
19. The proposed variation of conditions are outlined in full below. To clarify, any wording in bold is that proposed by the applicant to be added, and wording with a line through is that proposed by the applicant to be removed:

*Condition 1*

20. It is proposed that Condition 1 be varied as follows:

“This operation of the roof tile works is limited to the period expiring on 31st December 2030 or on the date ~~one~~ **two** years after the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant or the cessation of tile manufacturing, whichever is the earlier. Within one year of the expiry of that period, all buildings, structures and hardstandings on the site shown edged red on plan ‘Title Number LT461832’ received 1st August 2019 or **that have been erected on the site under any other planning permission shall be demolished and removed**, and the whole of the site shall be restored in accordance with the scheme as approved by condition 8 (eight) of this planning permission.”

*Condition 2*

21. It is proposed that Condition 2 be varied as follows:

“This permission shall relate to the temporary retention of all buildings and structures located on the site shown edged red on plan ‘Title Number LT461832’ received 1st August 2019 at the date of this permission, **or that have been erected on the site under any other planning permission.**”

*Condition 4*

22. It is proposed that Condition 4 be varied as follows:

“**Before the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant**, the number of heavy goods vehicle movements on the Highway generated by the development hereby permitted shall not exceed ~~240~~ **480** in any week (i.e. ~~120~~ **240** HGVs entering the site and ~~120~~ **240** HGVs exiting the site). **After the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant, the number of heavy goods vehicle movements on the Highway generated by the development hereby permitted shall not exceed 600 in any week (i.e. 300 HGVs entering the site and 300 HGVs exiting the site).** The operator shall keep a record of all heavy goods vehicles accessing and leaving the site. Back records shall be kept for a minimum of 12 months and access to these records shall be afforded to the Mineral Planning Authority on request.”

*Condition 5*

23. It is proposed that Condition 5 be varied as follows:

“**Until the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant**, notwithstanding condition 4 (four) above no heavy goods vehicles shall use the Highway to import sand (with the exception of silica sand) in to the site as shown edged red on plan ‘Title Number LT461832’ received 1st August 2019.”

*Condition 6*

24. It is proposed that Condition 6 be varied as follows:

“All heavy good vehicles leaving the site shall turn ~~right~~ **left** onto Gibbet Lane unless for the purposes of local tile delivery.”

*Condition 8*

25. It is proposed that Condition 8 be varied as follows:

“No later than 31st December 2030 or within **18** ~~six~~ months after the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant or six months after the cessation of tile manufacturing, whichever is the earlier a scheme of site clearance and reclamation of the site as

shown edged red on plan 'Title Number LT461832' received 1st August 2019 shall be submitted for the approval of the Minerals Planning Authority. Such a scheme shall include details of the demolition and removal of the buildings, structures and hardstanding, provisions for the replacement and/or restoration of soils, the retention and protection of the existing trees and hedgerow on the western boundary, the planting of appropriate vegetation to enable the site to be brought back into a beneficial afteruse (amenity, biodiversity, woodland, agriculture) and for a five year aftercare period, and the timescales for achieving all the details in the scheme. Works shall then be carried out in accordance with the approved scheme."

## **Planning Policy**

### **The Development Plan**

*Leicestershire Minerals and Waste Local Plan (LMWLP) (adopted September 2019)*

26. The relevant policies of the LMWLP are set out below:

- Policy M12: Safeguarding of Existing Mineral Site and Associated Minerals Infrastructure
- Policy M13: Associated Industrial Development;
- Policy DM1: Sustainable Development;
- Policy DM2: Local Environment and Community Protection;
- Policy DM5: Landscape Impact;
- Policy DM7: Sites of Biodiversity/Geodiversity Interest;
- Policy DM8: Historic Environment;
- Policy DM9: Transportation by Road;
- Policy DM10: Public Rights of Way;
- Policy DM11: Cumulative Impact;
- Policy DM12: Restoration, Aftercare and After-use.

*Harborough Local Plan 2011-2031 (adopted April 2019)*

27. The relevant policies of the Harborough Local Plan are set out below:

- Policy GD1: Achieving Sustainable Development;
- Policy GD3: Development in the Countryside;
- Policy GD5: Landscape character;
- Policy BE1: Provision of new business development;
- Policy BE3: Existing employment areas;
- Policy IN1: Infrastructure provision;
- Policy IN2: Sustainable transport.

### **National Policy**

*National Planning Policy Framework (NPPF)*

28. The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions.

29. Paragraph 8 of the NPPF identifies the three overarching objectives to achieve sustainable development – economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive way so that opportunities can be taken to secure net gains across each of the different objectives.
30. The NPPF advocates a presumption in favour of sustainable development at paragraph 11, and for decision-taking this means:
- c. approving development proposals that accord with an up-to-date development plan without delay; or,
  - d. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies.
31. Paragraph 81 of the NPPF outlines that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development
32. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
33. Section 15 of the NPPF covers conserving and enhancing the natural environment. Paragraph 174 advises that planning decisions should: contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the benefits of the best and most versatile agricultural land, trees and woodland; minimising impacts on and providing net gains for biodiversity by establishing coherent ecological networks; and preventing unacceptable levels of pollution.
34. Paragraph 211 advises that, when determining planning applications, Mineral Planning Authorities (MPAs) should ensure that: there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account any cumulative effects; any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and appropriate noise limits for extraction in proximity to noise sensitive properties are established; and restoration and aftercare are achieved at the earliest opportunity to high environmental standards.

*Planning Practice Guidance (PPG)*

35. Planning Practice Guidance (PPG) provides additional guidance to ensure the effective implementation of the national policy set out in the NPPF in relation to

mineral extraction. It identifies the principal issues to be addressed including the following relevant matters: noise, dust, air quality, lighting, landscape and visual impact, heritage features, flood risk, ecology, restoration and aftercare. The PPG seeks to implement the NPPF requirements to provide for the restoration and aftercare of mineral sites at the earliest opportunity, carried out to high environmental standards. It advises on the use of a landscape strategy, reclamation conditions and aftercare schemes to achieve the desired after-use of the site following working.

### **Consultations**

#### **36. Harborough District Council (Planning) – Comments:**

37. Harborough District Council (HDC) Development Management Officers have outlined that they are mindful of both the business needs of the tile company as well as the issues associated with the business continuing in this location once the quarry ceases to be in operation, notably in terms of sustainability. However, HDC Officers have stated that “as the County Council is best placed to understand the longevity of the quarry and whether or not any further extension to its operational life is likely, and will also have appropriate policies for assessing such proposals, the District Council defers to your judgement in respect of the principle of the development.”

38. HDC have noted local concerns about traffic issues and highway safety as outlined in the Parish Meeting’s response to the above application. They have requested that these matters be fully assessed in the determination of the application as the residents have clearly experienced detrimental effects from both the quarry, the tiles work and other activities on Gibbet Lane.

39. HDC Development Management Officers have noted that comments have been received from HDC Economy and Business Services in respect of the economic benefits of the proposal but it is requested that these will be considered separately to the comments received in respect of planning matters. It is noted that planning decisions must balance competing interests and concerns and they trust that all material planning considerations will be considered in determining the application. It should be noted that comments from HDC Economy and Business Services have been provided direct to the applicant and are contained within their submission rather than directly to the MPA.

#### **40. Harborough District Council (Environmental Health Officer) – No comments**

#### **41. Shawell Parish Council – Objection:**

42. A detailed representation has been submitted and covers a number of grounds for objection, summarised as follows:

- Non-compliance with planning policy, in particular M13, DM1, DM2, DM9, DM11, and DM12 of the adopted LMWLP (2019); GD3, GD5, BE1, BE3, BE5, GI2, CC1 and IN2 of the adopted Harborough Local Plan (2019) and paragraphs 143 and 144 of the NPPF (2019);
- There is no justification for 30,000 HGV movements – there is no suggestion in the proposed application of the operation “winding down”

given the increase of HGV movements and for two years after the quarry ceases.

- The two-and-a-half-fold increase in HGV movements at Gibbett Roundabout would contribute to severe traffic/highways issues on the local community – creating highway and pedestrian safety issues. This has not been considered within the Transport Statement and it has not adequately considered the impacts upon the local road network.
- References to Highways England plans to improve Gibbett Roundabout are not relevant to the current application as there are no current plans for these so by the time they may be implemented would not assist with the current and proposed situation.
- The applicants have wilfully contravened the HGV movements conditions on the extant planning permission and the suggestions that the current HGV movements were a mistake by LCC Officers does not stand up to scrutiny. It is requested that the Planning Authority considers how these excessive HGV movements occurred and it is noted in the Parish Council's view that the operator has outgrown the permitted capacity at the site.
- The proposal would undermine the restoration work of other companies and the reduction in HGV movements on this rural lane.
- The proposal would undermine LCC's Environment Strategy as the Parish Council contend that the applicants make a veiled admission that the proposal is an unsustainable development by offering Carbon offsetting in lieu of excessive transport by HGVs. It's not considered that this is an appropriate strategy where emissions can be avoided, and reference is made to UN Framework Convention on Climate Change and LCC Environment Strategy.
- On all previous planning applications at the site there is an absolute link to mineral extraction and decisions have emphasised the fundamental importance of co-location with the quarry.
- Other planning application which have been granted on Gibbet Lane have also emphasised the importance of co-location with minerals and waste operations. It is noted that operations that are unconnected with mineral extraction have been refused, with the planning authorities having been consistent throughout the life of the application site and those surrounding, that they are temporary and only permitted due to their links with adjacent quarry.
- The rationale for the need for the development outlined in the Planning Statement is not logical as it should be done in the shortest time possible and extending the timeframe does the opposite.
- All planning permissions associated with this facility are of a temporary nature and there are no planning permissions for permanent buildings on this site.

- The applicants are willing to accept a planning condition that would enforce them to address illumination nuisance which has been ongoing for a number of years since the installation of floodlighting. There is already a condition requiring this and if the applicant had complied with this an additional condition would not be necessary.
- There is no justification for the delay in approving a restoration plan as per condition 8 of the extant planning permission.
- There is no justification in the delay in approving a Restoration Plan as required by Condition 8 given the applicant's failure to plan appropriately for the closure of the quarry.
- The applicant contend that they are at the mercy of another organisation as to when the quarry ceases resulting in a "sudden shock" to their operations that would cease "immediately" – the Parish Council state it is the applicant have created the situation by developing a strategic facility on a site with a finite time-scale and having not adequately prepared for this. It is also not explained as to why they would have to stop "immediately". The economic arguments put forward would be immaterial if the applicant took action to relocate the operation in more appropriate, compliant timescales.

43. Following the withdrawal of National Highways objection, a further comment was received from Shawell Parish Council on 22<sup>nd</sup> November 2021. They have raised the following concerns:

*Concerns relating to National Highways Response*

- HE guidelines require an assessment of the impact of proposals on the strategic road network AND the local road network. The latter has not been done - no assessment has been made of the impact on our village roads and their use as a relief road for Gibbet Roundabout.
- The applicant's Transport Assessment already acknowledges that Gibbet Roundabout is "nearing" capacity - even as our village is taking too much of the load already. Gibbet Roundabout will always be "nearing" capacity if our village is available as a relief road for excess traffic. Adding more traffic just transfers the load directly to the village lanes. Hiding HE's excess Strategic Road Network traffic in rural Leicestershire lanes and villages is not a sustainable or acceptable solution.
- The 2019 baseline that is used to justify the additional HGV movements similarly did not take into account Strategic Network Traffic overflowing through our village. We have been highlighting this issue since our 2017 report ("Reclaiming The Village"). It was evidently not acceptable in 2019, and HE have this evidence.
- The Transport Assessment previously relied on improvements to Gibbet Roundabout resulting from Magna Park (and other) development obligations. HE pointed out that these were not viable, but the applicant has declined to address this problem, with the apparent agreement of HE.

*Concerns about SRN traffic through the village, and HGV congestion at the roundabout and Gibbet Lane, in addition to the other concerns submitted previously:*

- The further tile factory extension contravenes NPPF, LCC and HDC planning policies.
- It prolongs and exacerbates the impacts on the local community and the environment.
- The need for an extended "wind-down" period beyond the existing generous provisions is not evident.
- Wilful breaches of existing planning conditions, to the clear detriment to the community and the environment, should not be rewarded.

44. **Cotesbach Parish Council** – No comments received.

45. **Newton and Biggin Parish Council** - Objection.

46. Newton and Biggin Parish Council have stated that their response from the previously withdrawn application Ref. 2020/VOCM/0166/LCC stands for this application.

47. Thus, Newton and Biggin Parish Council object on the basis that the co-location of the quarry and Tile works constitutes what is considered to be a sustainable relationship, and that the proposed development will break that link given they it is their understanding that the quarry will be closing in the relatively near future whereas the proposed development seeks to prolong the life of the tile works.

48. The Parish Council are concerned that given the bulk of raw materials are currently sourced from the adjacent quarry, the importation of these from elsewhere will substantially increase HGV movements on the surrounding road networks. It is also highlighted that the County Council will be aware that it has recently refused a planning application for a recycling facility in Shawell, which in part was due to the unsuitability of the road network. Particular attention should be drawn to the reference of Gibbet Lane in that decision, with the current application site also located on Gibbet Lane.

49. The Parish Council believe that given the proposal to break the link between raw material and production, the current application should be looked upon as if it were a proposal to establish a new manufacturing facility on the site. In their view such an application would likely be refused for reasons relating to National and Local Policy as well as due to the unsuitability of the road networks. It is then stated that refusal would allow restoration of the overall site to proceed.

50. The Parish Council have suggested the following three conditions in the event that the County Council were minded to grant permission:

1. A clear undertaking from the applicant, preferably in a legally enforceable format, that no further approvals seeking to extend the life of the tile works will be sought;



2. A traffic management plan that restricts all vehicle movements to and from the site to Gibbet Lane only;
3. An agreement under S106 to secure, at the applicant's expense, the improvements to Gibbet Lane and its junction with the A5 necessary to accommodate the increase in HGV vehicle movements.

51. **Member of Parliament for South Leicestershire Mr Alberto Costa MP** – It has been outlined that the Chairman of Shawell Parish Council, has contacted Mr Costa's local office to explain the nature of the submission of the application and the background including the previous withdrawn scheme and refusal of a separate application nearby.
52. Issues relating to the continual breaching of approved HGV movements to the site and the insufficient nature of BMI Redland's engagement with the local community have been raised with Mr Costa. As has, the view that the approval of the application would be contrary to the County Mineral and Waste Plan, with regard to both environmental and resource matters. It has also been mentioned to Mr Costa that the applicant has had several extensions granted and can continue to operate for an additional three years, which should be sufficient to enable a move to a more viable site in the long term.
53. Mr Costa MP has noted that whilst this is a sensitive application, he would be grateful if Planning Officers are advised of the concerns raised and take these into account in line with LCC Planning Policies and the NPPF.
54. **Mr Blake Pain CC (Bruntingthorpe ED)**– No comments received.
55. **Highways Authority** – The initial comments from the Local Highway Authority (LHA) on the 2<sup>nd</sup> June 2021 requested additional information due to the absence of junction modelling files for the Gibbett Hill roundabout. The LHA outlined that to be satisfied that the impacts upon the road network would not be severe, they would require the applicant to submit the relevant ARCADY modelling files for review. They would also require the submission of traffic flow diagrams for each of the assessed scenarios.
56. Following the submission of additional information by the applicant, including ARCADY modelling files and traffic flow diagrams, the LHA requested further additional information on 19<sup>th</sup> July 2021. This information relates to trip generation methodology, junction assessment and potential breach of Condition 4 of the extant planning permission.
57. Further information was submitted to address this in the form of a Technical Note, including trip generation data, details of staffing and operations in relation to HGV movements and updated junction modelling. The LHA provided updated comments on 05<sup>th</sup> November 2021 requesting further information to demonstrate that the base scenario traffic is evenly distributed over the AM and PM peak hours and that the use of FLAT profile is justified for the future scenario.
58. The applicant provided additional information, clarifying that DIRECT input had been used rather than FLAT profile with regard to the modelling. They have also clarified the time periods which were used within the junction modelling. This information was reviewed by the LHA and updated comments were received on 14<sup>th</sup> January 2022. The LHA have concluded that they are satisfied with the

applicant's approach to assess trips during the highway network peak hours. They are also satisfied that the proposed development does not result in any concerns on its local highway network, specifically Gibbet Lane and A426 Rugby Road, which continues to operate within capacity. Even taking into account some significantly committed developments in the area, the associated increase in traffic due to the proposal, the LHA considered it would not be significant upon the local highway network and no further modelling assessments is required. The LHA also has no objection to the amended wording to condition 6. Thus, the LHA have no objection to the proposed variation of conditions.

59. **National Highways** – Initial comments from National Highways on 2<sup>nd</sup> June 2021 requested that planning permission not be granted for a period of three months to enable the applicant and the LPA to provide additional supporting information. The additional information requested relates to clarification of HGV movement figures relating to Condition 4 in the Planning Statement, whilst it is also noted that National Highways independent check on TEMPRO growth factors resulted in higher figures than those included in the Transport Statement. It appears that only small developments were included in the modelling assessment, whilst larger developments were not included. They have also expressed concern in relation to the use of ARCADY as an appropriate modelling tool and the details included within this modelling in any event. Thus, Conditions 4 and 5 were recommended not to be varied at this time.
60. National Highways have noted that they were not consulted on the extant planning permission Ref. 2017/1380/03, therefore the rationale for Condition 6 is unclear to them. They request that this condition is not varied until they receive clarification regarding this condition. They have also stated that they have no comments to make in relation to Conditions 1, 2 and 8.
61. National Highways have reviewed the submission of additional information from the applicant in relation to HGV numbers, forecasts, volumes, management plans and hourly comparisons, details in relation to the quarry, employment and activities on site and confirmation of the wording of Condition 6. Following their review they provided comments on 26<sup>th</sup> July 2021 and 02<sup>nd</sup> September 2021 seeking additional clarification with regard to HGV movement increases between 2018 and 2019, details in relation to sand exportation thresholds, HGV routes and mechanisms to ensure there are no further breaches, staff traffic details and further clarification with regard to the error in the wording of Condition 6. It was also outlined that ARCADY modelling does not reflect the real traffic condition at the location and there was no consideration of other committed developments apart from those listed in Table 4.
62. The applicant provided a response to National Highways, seeking to clarify the points raised as per the above. National Highways have reviewed this and provided updated comments on 10<sup>th</sup> September 2021. They have outlined that notwithstanding the previously identified modelling issued, based on the updated information provided, they do not consider the traffic impact on the SRN from the proposed amendments to be significant and therefore no further modelling is required. National Highways have also stated that they have no further comments or objections to make with regard to the variation of Condition 6, as it appears to rectify an error with the original condition. Thus, National Highways have no objection to the proposed variation of conditions.

## **Publicity and Representations**

63. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
64. A total of 54 representations, identified as objecting to the proposal have been received. Reasons for objection include, in summary:

### Principle of Development

- This site is a temporary facility approved due to the adjacent quarry workings and the end of the quarry has been known for years so there has been sufficient time to plan for re-location of personnel and operations.
- The site has been granted numerous extensions due to the continued viability of the quarry, the latter which is now at the end of its viable working life.
- Previous planning decisions for this and other Gibbet Lane operations emphasise that the main reason for their approval is the co-location benefits associated with the link to the quarry. Previous extensions have been granted only because the life of the quarry was extended; a permanent operation at the application site was refused in 1987. When the quarry ceases, there is no reason for the associated businesses to remain at this rural site.
- The application site should be restored to a greenfield site at the earliest opportunity after the permission expires.
- The applicant has not produced any credible material reasons to over-ride planning policies. All the benefits claimed by the applicant can instead be realised by starting the "wind-down" process earlier rather than later - consistent with policy and existing permissions. No alternative plans have been published to show that this has been considered robustly.

### Planning Policy

- The proposal contravenes Policy DM12 of the LCC MWLP requiring the earliest restoration of the site to a greenfield location, consistent with its rural, agricultural character.
- Policy M13 of the MWLP requires that any businesses associated with the quarry (e.g. tile factory) are removed when sand extraction ceases. The applicant has known about this condition for decades and the timescales for closure for several years. Extending the permission beyond the life of the quarry would contravene Policy M13.
- The LMWLP contains a Shawell site specific planning requirement to include measures for transporting mineral to the processing plant without using the public highway.

### Traffic / Highways

- Concerns in relation to the increased volume of traffic regarding highway/pedestrian/cyclist safety
- It compounds the adverse impact of HGVs and other traffic at the congested Gibbet Roundabout, which has caused severe safety issues in Shawell village.
- Gibbet lane and A5 roundabout is already an accident waiting to happen and locals are forced to avoid this now.

- They are currently in breach of the HGV movements which are permitted under the extant planning permission.
- Increasing issues at Gibbet Lane roundabout causing vehicles to divert through the village (being used as a relief road) which will only be further compounded by the proposed increase in HGV movements.
- Concerns of HGVs blocking the road and long queues of HGVs which would render it unpassable or unsafe for all other road users causing a highway safety issue.
- HGVs pull out of the site without any concern for the local community and other road users.
- Increased HGV movements along Gibbet Lane will force roads users onto less appropriate roads through Shawell – increasing danger to pedestrian cyclists as well as increasing pollution and noise.
- The application site is located within an area with poor local transport options.
- The applicant's transport assessment has not considered that the village lanes are being used as relief roads for Gibbet Roundabout and the impacts of the increased HGV movements would have within that context.
- HGVs are causing major damage to the road network, infrastructure and environment.
- Gibbet Lane has become a no-go zone for cyclists, horse riders and pedestrians due to the HGV movements along the Lane.
- A two-and-a-half-fold increase in HGV movements would make a bad and dangerous situation worse.
- Gibbet lane always has a film of dirt from lorries exiting the quarry and the landfill site without being washed and it is not uncommon to find bricks and hardcore on the highway – this is exacerbated when it is wet as it becomes extremely muddy and slippery as it is not cleaned and storm drains become blocked.
- The country lane is vitally important to the local community as there are limited amenities in the village and it is no longer serviced by a bus route – this means the use of private cars and the lane are very important.
- HGVs are now attempting to go through the village to avoid the Gibbet Lane roundabout which will severely impact upon the bridge and is dangerous for pedestrians.
- The proposal would include more operational movements at the weekend.
- Concerns that the Transport Appraisal does not take into account the current traffic volume as it quotes older surveys which is not representative of the significant increase in volumes recently due to the redevelopment of the M6 Junction 19.
- The Transport Statement indicates that trips to and from the plant would increase however the additional trips would be approx. 40% above the 2019 levels.
- Data in relation to road accidents at the roundabout is 3 years old and the pandemic should be considered an 18-month break in the data. Also, this does not take into account the proposed increase in HGV movements – increased pressure on roundabout and reduced space between vehicles.
- Statement and model in relation to highways safety at the roundabout is also taken from 2018 levels – it does not take into account associated blockages of HGVs turning into Gibbett Lane compounded by poor visibility, a busy garage on the corner and wagons parked on the shoulder of the road.
- It is outlined in the Transport Statement that the DoT Circular 02/2013 suggests that they can be allowed within the capacity of a section of strategic

road network and development should only be prevented where the cumulative impacts of the development are severe – objectors view is that they are severe.

- Highways England have acknowledged that Gibbet Lane is already congested, whilst they also have no viable plans to make improvements.
- With the expansion of Magna Park there has been a significant increase in HGVs using the Gibbet roundabout. This junction is a primary route for HGV traffic going to and from: Magna Park and the M1 (south) Jct 18 via A5, Magna Park to M6 Jct 1 via A426, Magna Park to M1 (north) Jct20 via A426 and M6 Jct 1 to M1 (north) Jct 20 via A426.
- There is a planning permission pending at Magna Park for a new HGV facility which includes parking for 378 lorries and a refuelling station which should be taken into consideration.

### Sustainability

- The application site is an unsustainable location for developing a strategic facility - rural, Greenfield site with poor local transport options, in an area that is not designated for increasing employment opportunities.
- Unnecessary HGV journeys increase Leicestershire's carbon footprint, contrary to LCC's strategic objectives. Carbon offsetting is not a good solution where carbon emissions can be avoided.
- It would be better to relocate the tile factory to the new source of the sand rather than transporting the sand to this obsolete quarry site – importation of sand causing significant congestion on the UK road network.
- Once the quarry closes, the alternative site for importation of sand will be that which is cheapest, not closest - add unnecessary and environmentally detrimental transport activity to the entire supply chain.
- Extending the operation of the Tile Works would delay the reduction in atmospheric carbon associated with planting woodland to restore the site – any carbon offsetting should include carbon and direct emissions, and carbon that would have been removed from the air if the site had been restored as planned but remains in the atmosphere.

### Economic

- The site currently employs 41 persons living in Lutterworth and Market Harborough, with the Lutterworth area employing over 40,000 people, which represents 0.1025% (other objector outlines 0.09%) of locally available jobs, which means that site is not a significant local employer.
- The application site is not designated for increasing employment opportunities.
- The employment and other benefits claimed in the application could be achieved by a timely investment in a more appropriate location, consistent with planning policies and this proposal merely delays the winding down process that could have started already.
- Shawell Tile Works have mentioned they are an essential business due to employing over 100 workers when in reality they employ just over 40 people.
- HDC's Economic Strategy is looking for new permanent employment sites and supporting expansion of existing businesses - what's their plan for Gibbet Lane?
- The number of indirect jobs and the local multipliers are asserted without any explanation or validation of how these numbers have been calculated –

concerns over the accuracy of the figures in the Economic Report in relation to payroll and expenditure of employees.

- The projected returns on investments made in 2017 can only have been evaluated on the extant permissions and deemed profitable within the time parameters of those – should not be included as a factor in the current planning application.
- As the closure was known of well in advance, the transition for the Tile Works should be managed closely with the quarry rather than through extensions and variations.
- Transport Statement claims there will be no change in numbers of employees on site – this doesn't support the argument of the plant being a major hub of local industry. The Transport Statement also estimates based on Rugby's growth without evidence for this being comparable.
- Lack of planning by the applicant is not a reason to grant another extension to operations – there have been ample opportunities for the applicant to pursue alternative sites.
- Claim of "significant investment" in 2017 – this was a commercial decision that would have been made on 5-year window given the permission in place. Thus, investment has either paid for itself and reaped profits (no bearing on economic decision to keep plant open) and they are seeking to delay wind down process (breaking agreed planning agreements – permanency turned down in 1987), or it has not been profitable (the village is being asked to support the impact of miscalculated or unwise investment and this is not a rationale for supporting the plant on economic grounds).

#### Amenity

- Entrance to bridle way X27 is immediately opposite the entrance to the site and is already inaccessible during operating hours due to current HGV movements, whilst other footpaths and bridle ways in the area have already been compromised due to cumulative developments.
- The proposal would increase the ongoing issues of noise, air and light pollution as well as dirty roads and hedgerows from rubbish, dangerous traffic, and pollution that already blight the village.
- The number of HGVs using Gibbet Lane prevents residents accessing local green spaces, whilst the rerouted footpaths after the quarries closure would not be accessible due to the potential ongoing HGV movements on the Lane.
- Noise impacts from reversing vehicle beepers and industrial fans and light pollution from tower lighting on the application site which is highly visible from neighbouring properties and the village itself.

#### Other

- The area around the quarry is becoming a wildlife haven and this needs to be promoted by LCC as a success story of regeneration and return to its rightful rural setting rather than going against policies to extend the life of this inappropriately positioned industrial facility.
- Excellent restoration work has been carried out by other operators at this site, consistent with policy DM12's requirement to do so progressively and at the earliest opportunity. This proposal would compromise the excellent restoration work done by others.

- Concern that if this application is allowed this may enable further extensions in future – attempt to make the site permanent and could also have implications for making the recycling plan permanent.
- The application is attempting to break the conditions of the original application, go against the outcome of several previous applications and seeking to break the bond with the council, with the various policies, and with village and surrounding communities.
- The land adjacent to the A426/Cotesbach Village was permitted additionally, despite a legal agreement with local communities not to exploit that land.
- The site has already received many extensions, including a two-year extension since the announcement of the quarry closure.
- There are many brownfield sites available which should be re-developed prior to greenfield sites being extended.
- All the counties little hamlets and villages will be eaten up and nothing of the history and heritage will be left – importance of keeping our cultural identity alive.
- Redland hint at another nearby source of sand that has 20 years of reserves - will they really close or ask to continue to import sand by HGV permanently.
- External costs will be borne by the village's environment and safety and the Council through financial costs in terms of repair/maintenance and monitoring.
- The operator has a poor track record of complying with planning conditions and there is no reason to think they would during any further extended operation.

65. The issues raised are considered in the Assessment of Proposal section of this report.

### **Assessment of Proposal**

66. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to the principle of development (in particular, the proposed 'de-coupling' of the tileworks from Shawell quarry and the extended "wind-down" period), the need for the facility in this location without the link to the quarry, highways, sustainability, and restoration of the site.

### **Principal of Development**

67. The Tile Works is a form of ancillary industrial development located within the wider Shawell Quarry and Landfill site, therefore policy M13: Associated Industrial Development is the appropriate starting point for assessing this application.

68. Policy M13 states that 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.

69. There is a clear and demonstrated close association between the Tile Works and Shawell Quarry in that a substantial part of the raw materials for the production of tiles are sourced directly from quarry and transported via an internal gateway

between the two sites. This arrangement has clear environmental benefits, specifically the avoidance of a significant number of HGVs moving on the highway. Furthermore, the permitted operation and retention of the tile works is limited to the life of the permitted reserves. Therefore, provided the permitted operation continues its close association with the quarry, the use is in accordance with the requirements of policy M13.

70. The current planning application proposes a variation of Condition 1 to extend the temporary nature of the areas used by the Tile Works until 31st December 2030 (as per extant permission) or for two years following cessation of sand and gravel production, including the importation of sand and gravel via the highway following the cessation of quarrying activities. Currently, the Tile Works' temporary use is permitted until 31st December 2030 or on the date one year after the permanent cessation of sand and gravel production at the adjacent Cotesbach-Shawell Quarry processing plant or the cessation of tile manufacturing, whichever is the earlier. It does not allow for the importation of materials to the application site. As a result, this application proposes a scenario whereby the Tile Works would effectively 'de-couple' from the quarry and be able to import raw material from elsewhere. This would directly contravene the 'association' component of Policy M13.
71. Policy GD3 of the Harborough Local Plan supports mineral and waste development and therefore associated/ancillary industrial development outside of existing settlement areas. Policy GD3 outlines where development would be considered acceptable in the countryside, and this includes where it is required for minerals and waste development (criterion 'c'). The Tile Works within Shawell Quarry is not required for the quarry; the quarry is required for it, thus there is no support offered by GD3(c). Nonetheless, criterion 'e' of GD3 is considered relevant as this relates to where it is necessary for the continuation of an existing enterprise, facility or operation, which is a key supporting argument for the application. However, the stipulation here is that it must be compatible with its setting in the countryside. It is considered that, without the policy support of M13, the tile works would represent a standalone industrial facility that is not compatible with its setting in the countryside. Thus, the application does not accord with this key local policy either. Whilst it is noted that the application does not adhere to the relevant policies in this instance, the MPA do acknowledge that the proposal is not for a new permanent development. It is for a temporary time extension to an established business which does reduce some of the impacts with regard to the policy conflicts rather than a proposal for a standalone permanent industrial development in the countryside.
72. In addition, the Harborough Local Plan does not recognise the Tile Works as an existing employment area (Policy BE3) or as an area for future employment development (Policy BE1). Despite the site not being identified as an acceptable location for employment, the countryside can be an acceptable location for this form of minerals related development, i.e. an ancillary operation to mineral extraction that is making use of the mineral extracted in the immediate vicinity of the works. However, the proposed 'de-coupling' of the two sites would mean that the tile works is neither ancillary nor making use of the mineral extracted in the immediate vicinity of the works. The proposal would not strictly be in adherence to this policy either, however as noted above the MPA do recognise that the extent of the conflict is not the same as if they were proposing a new stand-alone facility with no quarry association.



73. The applicant states that:

*“if the processing plant at the Quarry continued until or beyond 2030, the Site would operate unaltered under the Permission. But in the event that the Quarry processing plant closes before 2030, the Applicant would be faced with a sudden shock – that the Tile Works would have to close almost immediately, as Condition 5 of the Permission prevents import of sand other than from the Quarry and there is no space on the Site to stockpile more than a very limited supply of sand ahead of the Quarry processing plant closing. Their position is that the intention of the Permission at Condition 1 is to allow the Tile Works a ‘wind down’ period of one year following the closure of the Quarry processing plant, but this intention is negated by Condition 5. The Permission is therefore conflicted and inconsistent with itself.”*

74. The applicants’ position is that:

*“a wind down period of one year must be considered consistent with the MWLP, including Policy M13, as that is what the County Council granted with the Permission. The proposed development now differs from the extant permission in that a longer ‘wind down’ period is sought – two years rather than one and this would also include the importation from elsewhere with associated increased HGV movements should the quarry cease prior to 31<sup>st</sup> December 2031. They consider that in the context that the Tile Works has been running since the 1960s and the Quarry since the late 1950s, to allow an additional one year ‘wind down’ period for the Tile Works is considered to remain consistent with MWLP Policy M13 in that the operation of the ‘associated industrial development’ will not extend significantly beyond the Quarry processing plant when viewed across a 60 year period. Provisions of the Permission for the restoration of the Site would remain unaltered, save for taking account of the additional one year ‘wind down’ period sought. On this basis, the principle of the Proposed Development should be accepted.”*

75. However, the applicant has also stated that if the Mineral Planning Authority were of the view that the two year wind down period would have some conflict with MWLP Policy M13, the MPA must also give full consideration as to the applicants justification (mainly economic reasons) for the extended wind down period and importation of materials via the highway. These matters shall be reviewed and considered below.

76. In relation to the points outlined above with regard to the proposed development adhering to Policy M13 given the longevity of the Tile Works at the application site, it is noted that there is no trigger in this Policy for extended periods for ancillary development or de-coupling from the mineral site on the basis of the length of time that the associated development has been in situ. The extant permission, which enabled a one year “wind down” period did not enable a de-coupling from the adjacent mineral’s operation. It was clear in the DCRB report for the extant permission Ref. 2017/1380/03 that the co-location benefits were still intrinsic in the continued use of the Tile Works:

*“The site is in a rural area where planning permission would not normally be granted for the erection of industrial or associated buildings. This permission is granted for a temporary period only and for a specific use having regard to the*

*special circumstances relating to the close proximity to the source of aggregate raw material required in the manufacturing process. The Mineral Planning Authority is of the opinion that when that raw material is exhausted this and no other manufacturing process or storage use should be permitted on this site and the site should be restored in a timely manner to agricultural land or such other form as may be appropriate to the rural character of the locality.”*

77. There is therefore a clear policy conflict resulting from the proposed variation to the extant permission with regard to Policy M13 and GD13, albeit a reduced level of harm due to the temporary nature.
78. Consideration has been given to the points made by the applicant in relation to the “sudden shock” that would result in the event of the quarry processing plant closing before 2030, whilst also not having sufficient space for stockpiling for the extant 1 year wind down period. This “wind down” period was applied for by the then applicant in 2017 as per the extant planning permission Ref. 2017/1380/03 (2017/CM/0237/LCC) in the event that the quarry ceased activities prior to 2030. It has been public information that it is likely to cease before 2030 and all recent applications for the Tile Works continuation at the application site has highlighted this is due to the existence of the quarry and the relevant policy support that accompanies this.

#### Restoration

79. Policy DM12 sets out restoration, aftercare and after-use guidance for temporary minerals and waste development. The subtext to this policy states that it is particularly important that temporary development sites such as quarries are properly restored and, to facilitate the earliest possible restoration and limit operational impacts, temporary workings should be subject to progressive restoration (para 5.81). In addition, Paragraph 211(e) of the NPPF states that mineral planning authorities should provide for restoration and aftercare at the earliest opportunity.
80. A key concern raised during the consultation period by members of the public and local parish councils was that the proposal contravenes local and national policies by preventing the earliest, progressive restoration of the wider Shawell Quarry site back to countryside.
81. Although the Tile Works itself is a temporary ancillary industrial development rather than a minerals and waste development, the application site also falls within a wider minerals planning permission (2004/1605/03) meaning the land below has permission for mineral extraction and could be worked as an extension to Shawell Quarry. Therefore, Policy DM12 is relevant.
82. It is recognised that the mineral permission on the site predates the change in ownership of the tileworks to a separate company from that which extracts the mineral, which occurred in 2007. Nonetheless, in planning terms, 2004/1605/03 is considered to be the principal permission on the application site and any temporary permission granted on the surface since the mineral’s permission is considered subservient.
83. The Mineral Planning Authority has been clear on previous decisions (including the extant permission, 2017/1380/03) that when the raw material is exhausted,

this and no other manufacturing process or storage use should be permitted on the site and the site should be restored in a timely manner to agricultural land or such other form as may be appropriate to the rural character of the locality.

84. Any extension of time for the Tile Works granted beyond the life of the permitted reserves at Shawell Quarry (which at the time of writing is currently expected mid-2023 at its very earliest) represents a delay to restoration of the wider site and, on that basis, the proposal conflicts with DM12 and Paragraph 211 (e) of the NPPF. As has been outlined above in the report, the policy conflict is reduced to an extent due to the fact the proposal is for a temporary time extension to an established business.

### Economic Considerations

85. Notwithstanding the above policy matters, it is recognised that the development plan should be considered as a whole, and limited specific policy conflict, particularly where this is not significant, does not necessarily render it contrary to the development plan as a whole or mean that planning permission should be refused when considered against all other material planning considerations. The application is supported by an Economic Impact Report, with the main purpose of the proposed development being the applicant seeking to minimise / mitigate the economic impact of the Tile Works having to close on the site. The Economic Impact Report highlights the following economic benefits from the Tileworks:

- Is a source of significant direct (104 jobs) and indirect (171 jobs) local employment;
- provides for £2.8m annual employee household spending in local / regional shops and services;
- has a £12.1m annual turnover, which would contribute £47.4m GVA to the economy over the next 10 years;
- makes a meaningful tax contribution with £2.4m VAT and £137,000 business rates paid in 2019; and
- In terms of the production output of the site, in providing 8% of the annual supply of UK roofing tiles, it is a critical part of the Government's commitment to achieving the delivery of at least 300,000 homes per annum by the mid-2020s. Indeed, the site is the only location where specific profiles of the Redland 49 roof tile is made, as well as now the more innovative DuoPlain tile.

86. The applicant has included comments from the Economy & Business Service Manager at Harborough District Council within Appendix A of the Economic Impact Report. These include the following comments:

*“For BMI Group to suddenly have to cease production at the Tile Works would be catastrophic to its employees and the local economy that they support. We would therefore be keen to work with the Minerals and Waste Planning Team to seek to agree a longer and more orderly wind-down period of the Tile Works, once the quarry processing plan shuts”; and*

*We recognise the economic benefits of the approach that BMI Group is seeking, to secure a two-year wind-down period for its operations, so that when the Tile Works has to shut, this is done in a manner that reduces sudden unemployment and redundancy and help to lessen the economic and social shock this brings.”*

87. The applicant has also provided a letter from the Chair of the Leicester and Leicestershire Enterprise Partnership. This includes the following comments:

*“It is understood that current planning restrictions associated with the Tile Works requires the production at the site to suddenly halt as soon as the adjacent quarry processing plant, which is separately controlled by CRH Tarmac, cease. The Tile Works and its employees are consequently subject to circumstance outside of its control.*

*...Securing a two-year closure period will ensure that the process is conducted in a manner that lessens sudden unemployment for workers thereby reducing the economic and social shock this will undoubtedly bring.*

*The importance of managing any loss of employment, particularly with the severe economic impacts of the Covid-19 pandemic is a priority for the LLEP and is very much in line with the LLEP Covid 19 Economic Recovery Action Plan, which gives particular focus on employment and jobs. The LLEP is in full support of the application being made on behalf of BMI Group.”*

88. The applicant provided further details on 25 January 2022 in the form of a Proposed Shawell Closure Programme Macro Level Project Plan (dated 20<sup>th</sup> April 2021). This Closure Plan outlines the four aspects of the production operations currently undertaken at the Tile Works and that it is not possible to simply increase current production output elsewhere to compensate for its closure. It is stated that a complex programme of financial investment, engineering works and human resource management is needed to be carried out. The purpose of this project plan is establishing the quickest decommissioning process to close the Tile Works, whilst balancing issues such as redundancies, business continuity and supply chain management.
89. It further states that the utilisation of existing BMI Group sites is seen to be more effective and efficient than seeking a new alternative site. A new site, out with the control of BMI would create further unknowns and programme risks. The applicant’s view is that the modifying existing production lines at other sites and relocating one of the Shawell production lines to an existing UK site is the quickest solution with a manageable level of risk. The Closure Plan provides a high-level breakdown as to how the current operation would be wound down and relocated and accommodated elsewhere. It outlines the impacts upon the various production lines, details of decommissioning and relocation, works required to be carried out at other sites to accommodate any staffing and corporate responsibilities. The Project Plan concludes that it would take 26 months from a decision to close the Shawell operations to having those operations relocated and up and running in the new locations.
90. The MPA note that economic considerations are to be afforded weight as part of the planning balance considerations. These material considerations are included as part of the wider planning balance in the conclusion section of this report.

### Social and Economic Considerations

91. In relation to the other sustainable development objectives outlined in Paragraph 8 of the NPPF, the applicant has outlined that the social benefits of the proposed development would be the provision of a sufficient period to better address the social implications of the closure of the Tile Works.
92. The environmental benefits would include assessing the existing external lighting across the site to minimise its impacts upon local residents, regularizing the routing of HGVs away from Shawell village and ensuring the provision to demolish all existing buildings on the site once restoration is required.

### Highways

93. Highways considerations relate to the variation of conditions 4, 5 and 6 of the extant planning permission Ref. 2017/1380/03 (2017/CM/0237/LCC).
94. In relation to increased HGV trips and the impact upon the surrounding highway network, the applicant has outlined that the proposed development seeks to rectify an issue where Condition 4 of the extant permission does not provide for sufficient existing trips associated with the Tile Works (the applicant states that the limit of 240 HGV total movements referenced by the extant Permission should have been 240 movements entering the Site and 240 movements leaving the Site – i.e. 480 total movements). The proposed development is also to allow HGV trips on the highway network for the import of sand, for a period of two years after the Quarry processing plant ceases production, including an additional 120 HGV movements in any week (total HGV movements of 600 following cessation of quarrying activities). It should be noted that the MPA, National Highways and LCC Highways consider that the HGV movements as per the extant permission were considered correctly as per the submitted documentation at that time. Regardless of this position, the existing and proposed enhanced impacts upon the highways network have been considered.
95. A Transport Statement (TS) has been submitted to accompany the planning application, which identifies the existing level of HGV trips for the Site in 2019 (as per table 1 below):

Type	Max Weekly	Average Weekly
Customer Deliveries & Collections	127	89
Raw Materials (excluding sand)	79	79
<b>Total HGV</b>	<b>206</b>	<b>168</b>
<b>Total HGV in &amp; out</b>	<b>412</b>	<b>336</b>

**Table 1 – Total HGV movements in 2019 (weekly)**

96. The TS also outlines that the volume of sand imported from the adjacent quarry was equivalent to 1,898 HGV movements (3,796 two-way) during 2019. Once the Quarry ceases production and sand is imported from elsewhere via the highway, forecasts show an equivalent HGV demand of up to 2,914 movements (5,828 two-way). It is outlined that for the purposes of the submitted TS the

number of yearly HGV movements associated with the importation of sand has been rounded up to 6,000 two-way movements. Given the operations on site and HGV movements required, the TS concludes that in the event that the adjacent quarry ceases operations, the importation of sand would result in an increase of up to 11 HGVs per day during the week (22 two-way movements).

97. With regard to the forecasted traffic growth and the impacts upon the Gibbett Hill/A5 roundabout junction, the TS shows that the forecast traffic growth between 2018 and 2021 was 3% in both the AM and PM peak hours (local TEMPRO growth factors were used to calculate this). The TS has outlined that the applicant is aware of committed developments and potential future capacity constraints at the roundabout. However, in this context the TS outlines that the proposal includes a maximum potential increase of c16 HGV movements per day through the Gibbet Hill/ A5 roundabout junction. In the 2018 AM peak (07.15-08.15) the junction catered for 5,980 vehicle movements including 1,034 HGVs) in that period.
98. In relation to the Junction Assessment within the TS it is outlined that the roundabout has been modelled using ARCADY modelling files. The ARCADY assessment presents the 07:15-08:15 and the 17:00-18:00 as the AM and PM peak periods. The highest hourly assumptions for the site traffic have been tested in those peaks. The TS states that the modelling identifies that whilst the junction is nearing capacity it continues to operate within its theoretical capacity during the AM and PM peak with a potential increase in queuing on the Gibbet Lane approach of 1 passenger car unit(1 car or 0.5 HGV). It concludes that the proposed increase in the permitted number of weekly HGVs and allowing import of sand from the public highway would not result in a material impact on the local or wider highway network. Therefore, combined with the good safety record of Gibbet Lane and its junction with the A5, the proposals would not result in a severe impact on highway safety or capacity.
99. National Highways and the Local Highway Authority (LHA) have reviewed the proposed development and the submitted accompanying documents, mainly regarding the variation of conditions 4, 5 and 6. Both National Highways and the LHA requested additional information in relation to technical matters over the course of the application including traffic modelling and methodology and an understanding of operations, staffing, HGV timings.
100. The applicant provided additional information to the LHA in the form of ARCADY modelling files and traffic flow diagrams. They have also provided further details in the form of a Technical Note clarifying the robustness of the trip generation calculations, outlining the staffing levels and shift patterns and that given the scale of the proposed development modelling the impacts of the larger developments in the area would not be appropriate, given that they are intended to be mitigated by a National Highways scheme (funded by those developments). Further information was also submitted in relation to justifying the fact the modelling was based on the DIRECT input rather the FLAT approach.
101. Having reviewed all of the submitted information the LHA have concluded that they are satisfied with the applicant's approach to assess trips during the highway network peak hours. They are also satisfied that the proposed development does not result in any concerns on its local highway network,

specifically Gibbet Lane and A426 Rugby Road, which continues to operate within capacity. Even taking into account some significantly committed developments in the area, the associated increase in traffic due to the proposal, the LHA considered the impacts would not be significant upon the local highway network and no further modelling assessments is required. The LHA also has no objection to the amended wording to condition 6. Thus, the LHA have no objection to the proposed variation of conditions and are satisfied that the proposal would not have an unacceptable impact upon the highways network.

102. The applicant has also provided additional information to National Highways. This mainly pertained to clarifying points within the TS and the background/detail of the application site and its operations, including operation levels, HGV movements and times, staffing levels and booking-in systems for deliveries and collections. Further information was also provided by the applicant in relation to Tile Works production levels and outlining the HGV traffic to the application site is spread throughout the day.
103. National Highways provided their final comments on the application in September 2021 concluding that based on the updated information provided, they do not consider the traffic impact on the strategic road network from the proposed amended conditions to be significant and therefore no further modelling is required. Thus, National Highways have no objection to the proposed variation of conditions 4, 5 and 6.
104. Following the withdrawal of the objection from National Highways further comments were received from Shawell Parish Council expressing their concern at this development. Officers have also noted that the vast majority of neighbour objections highlighted concerns in relation to highways impacts. Officers sought to clarify these points raised with National Highways and it was outlined by National Highways that many of the issues raised were regarding the overflow of traffic on to the Local Road Network. However, they highlighted that it is not within their remit to undertake assessment on the LRN which falls outside their ability to manage and control and they had no additional formal comments to add following their comments from September 2021 (no objection subject to conditions).

#### *Condition 6*

105. It is proposed that Condition 6 be varied as follows: “All heavy good vehicles leaving the site shall turn ~~right~~ left onto Gibbet Lane unless for the purposes of local tile delivery.”
106. In relation to the above condition, both National Highways and the LHA sought clarification in relation to condition as neither of these bodies had requested the imposition of this condition on the extant permission Ref.2017/1380/03. Officers have reviewed this, and it is evident that the inclusion of “shall turn right” rather than “shall turn left” was included in error on the previous decision notice. Whilst the LHA did not previously request this condition, the report for application Ref. 2017/1380/03 brought before Development Control and Regulatory Board 10<sup>th</sup> October 2019 included the following:

*“The Highway Authority points out action has been taken to try and deter HGVs from using Shawell village but it is considered that a condition on any planning*

*permission to control turns out of the site would assist in reducing any issues and protecting the amenity of Shawell village”*

107. The variation of this condition would rectify this drafting error. National Highways and the LHA have reviewed this explanation and are satisfied this element would not have an unacceptable impact with regard to highways considerations.

#### Landscape and Visual Impact

108. The site is on the south side of Gibbet Lane, and it is currently surrounded on all sides by active mineral and waste operations. The Tile Works is located within the defined countryside as per Policy GD3 of the Harborough Local Plan. The application site consists of a very significant amount of built form and hard standing within the countryside. This includes numerous structures, buildings and hardstanding of varying scales, size and design. The application site is industrial in its appearance and use and this is only allowed for in this location due to the adjacent mineral operations as per Policies M13 and GD3. The existing development and associated buildings have been considered acceptable as a temporary use due to its co-location benefits with the adjacent use. However, in this case, the use is supposed to cease at the point of the cessation of quarrying activities (notwithstanding the extant 1 year “wind down” period without importation of sand from elsewhere). This application seeks to create a longer “wind down” period and de-couple the use from the adjacent quarry.
109. Without the policy support for ancillary industrial development to minerals operations, the proposed retention of these structures for a longer period will have a degree of harmful impact upon the visual amenity of the area, landscape and countryside. The extended use therefore does not comply with policy DM5, DM12 and M13 of the Leicestershire Minerals and Waste Local Plan and policy GD3 of the Harborough Local Plan.

#### Noise/Air Quality/Dust/Odour

110. No concerns have been raised by the Environmental Health Officer at Harborough District Council with regard to noise, air quality, dust or odour as a result of the proposed variation of conditions. There are therefore no concerns in this regard.

#### Conclusion

111. The applicant contends that there is no identified conflict from the proposed development with the Development Plan as a result of the proposed variation of conditions. The application seeks a two year “wind down” period if the quarry operations ceased prior to December 31<sup>st</sup> 2030, whilst the importation of sand from sources other than the adjacent quarry would be required with increased HGV movements compared to current situation. This would constitute a de-coupling of the Tile Works from the minerals site, albeit for a temporary period, and would also result in the delay to the restoration of the site. Therefore, the proposed variation of conditions 1, 5 and 8 would contravene policies M13 and DM12 of the LMWLP and policy GD3 of the Harborough Local Plan.



112. The economic benefits of the proposal, as outlined by the applicant, have been summarised in this report. Whilst it is understood that the applicant is seeking to operate their business in the most efficient and cost-effective manner, the application site has always had a finite lifespan for the use of the Tile Works and repeated decisions and planning decisions have clearly set out that its continuation is intrinsically linked to the lifespan of the adjacent quarry. The only justification for this use in planning policy terms in this location is the ongoing quarrying activities. The potential impending cessation of these activities and the remaining life of the quarry areas currently being worked (MPA are currently aware of intention to cease no earlier than mid 2023) are in the public domain. It is evident that the previous application was submitted to take account of this and given that the additional 1 year “wind down” did not lead to a de-coupling of the site, it was considered to be acceptable.
113. Whilst it is understood that the applicant is at the behest of a third party in terms of the mineral cessation, this is an established situation and is not an unforeseen issue. The support letters from HDC Economic and Business Service Manager and Leicester and Leicester and Leicestershire Enterprise Partnership which were included in the application submission are noted. However, it is unclear as to what their knowledge and understanding of the planning background to this is and naturally, their views are through the prism of economics and business. This has been further highlighted by HDC Planning Team, who outline that officers will need to consider all planning merits and policy. The Closure Programme Plan takes into account and outlines the most effective and efficient way for the site to be de-commissioned and re-located elsewhere. None of the submitted information identifies any forward planning or considerations based on the current planning permission, nor does it give any significant detail as to why it could not be located a different site (other than it is not the preferred or effective choice). It is therefore not considered that the proposed economic benefits would outweigh the harm identified with regard to policies M13, GD3 and DM12.
114. The social and environmental benefits outlined (including seeking to rectify lighting issues, ensuring restoration is carried out including demolishing all buildings, address social implications of closure and regularise condition 6) would have limited to negligible weight in the decision making process as much of this is either covered by condition, is rectifying an existing conditional issue or of low weight in general consideration.
115. The proposal would see the de-coupling of the Tileworks from the adjacent mineral operations, albeit for a time-limited period, and would represent a standalone industrial facility in an area defined as countryside as per the Harborough Local Plan. The proposal would also result in a delay to the restoration of the application site (albeit not by a significant amount of time) as per the extant permission and include additional HGV movements following the cessation of quarrying activities. Therefore, the proposal would have an unacceptable impact upon the countryside and landscape. While the proposed benefits are important considerations, they are not sufficient to outweigh the harm identified. The proposed variation of conditions 1, 5 and 8 would contravene policies M13 and DM12 of Leicestershire Minerals and Waste Local

Plan (adopted September 2019), Policy GD3 of Harborough Local Plan 2011-2031 (adopted April 2019) and the NPPF.

### **Statement of Positive and Proactive Engagement**

116. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and all valid representations that have been received. The MPA has enabled outstanding highways matters to be resolved through the provision of additional information to statutory consultees and provided opportunity for the applicant to make their case on policy related issues. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reasons for refusal.

### **Recommendation**

A. REFUSE subject to the reasons set out in Appendix A.

### **Officer to Contact**

Brian O' Donovan (0116 305 1085)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

**Reasons for Refusal**

1. The proposed continued use of the application site as a Tileworks on a temporary basis, without the co-location benefits of the adjacent Shawell-Cotesbach Quarry, would result in an unacceptable form of industrial development in a countryside location. The additional two years of operations, in the event that the quarry ceased prior to 2030, would result in the importation of materials not linked to the quarry and unsustainable HGV movements. This would result in an unsustainable form of development in a rural location. As such, the proposed variation of conditions 1 and 5 would be contrary to policies DM1 and M13 of Leicestershire Minerals and Waste Local Plan (2019) and Policy GD3 of Harborough Local Plan 2011-2031.
  
2. The proposed continued use of the application site as a Tileworks, if operations at the adjacent Shawell-Cotesbach Quarry ceased development prior to 31 December 2030, would result in restoration not taking place at the earliest opportunity. This would result in a discordant and industrial addition to the landscape and is detrimental to the character and appearance of the countryside. As such, the proposed development would be contrary to policies DM5 of Leicestershire Minerals and Waste Local Plan (2019), Policy GD3 of Harborough Local Plan 2011-2031 and paragraph 211 e) of the NPPF

## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all the preceding applications.

### **EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equality and human rights implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

### **COMMUNITY SAFETY IMPLICATIONS**

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State's power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1) : minerals discontinuance orders.



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**10 FEBRUARY 2022**

**REPORT OF THE CHIEF EXECUTIVE**

**REVISED MINERALS AND WASTE DEVELOPMENT SCHEME FOR  
LEICESTERSHIRE**

**PART A – SUMMARY REPORT**

**PROPOSAL:** Revised Minerals and Waste Development Scheme for Leicestershire

**RECOMMENDATION:** That Members endorse the Minerals and Waste Development Scheme (attached as Appendix A) ahead of it being reported to Cabinet in April seeking adoption.

**Officer to Contact**

Leo Oliver (Tel. 0116 305 9837)  
Email: leo.oliver@leics.gov.uk

## **PART B – MAIN REPORT**

### **What is the Local Development Scheme?**

1. Local authorities are required to prepare, maintain and publish a Local Development Scheme (LDS) by the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
2. The LDS establishes the programme for the production of the Leicestershire Minerals and Waste Local Plan and other complimentary planning documents and sets out the key stages for their production such as engagement with stakeholders and public consultation. This enables local communities, businesses, developers, service and infrastructure providers and anyone else with an interest in the County to know what is being prepared for their area and when they will be able to get involved.

### **Adopted LMWLP**

3. The current Leicestershire Minerals and Waste Local Plan (LMWLP) was adopted on 25<sup>th</sup> September 2019. This replaced the remaining saved policies of the Leicestershire Minerals Local Plan and the Leicestershire, Leicester and Rutland Waste Local Plan and also the more recent Leicestershire Minerals Core Strategy and Development Control Policies DPD and the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD, both of which were adopted in October 2009. Therefore, from 25 September 2019 the LMWLP became the new document for making planning decisions, including determination of planning applications.
4. This single document includes a spatial vision, 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. 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.

### **Need for LDS Review**

5. The current LDS dates from 2017 and since its publication the Leicestershire Minerals and Waste Local Plan (LMWLP) has been adopted (September 2019). The MWDS now needs to set out work on ensuring that this Plan remains up to date.
6. Planning Authorities are required by the National Planning Policy Framework (NPPF) to review policies in their Local Plans at least once every 5 years to assess whether they need updating. This means the Leicestershire MWLP needs to be reviewed prior to September 2024. The timing of the commencement of substantive work on the Review of the Plan may be impacted by the nature of the forthcoming changes to the planning system and wider environmental legislation and the requirement for review does not imply a requirement to change the Plan. It is therefore considered inappropriate to set out a detailed timetable for stages of the Plan at this stage.

7. There are a number of reasons why it is proposed to review the LMWLP in advance of the statutory 2024 deadline, including:
- Leicestershire has low Sand & Gravel reserves within the County. A review will provide opportunity to assess this situation further and consider whether an alternative policy approach may be warranted.
  - The adopted MWLP has based its Local Authority Collected Waste (LACW) and Commercial and Industrial (C&I) waste capacity forecasts on the delivery of the Newhurst Energy from Waste (EfW) facility by 2020/21. The facility is currently under construction but has not been delivered within the anticipated timescales, with it anticipated to become operational at some point in 2023. The MWLP commits to a review of the plan where the 2020/21 deadline is not met.
  - The LMWLP was examined against the NPPF 2012. The NPPF has been updated in July 2018, February 2019 and July 2021.
  - Wider changes to the environmental legislation have taken place such as the introduction of the Environment Act. In addition, changes to the planning system are expected to be announced during 2022 in response to the Planning for the Future White Paper consultation.

### **Scope and Nature of Plan Review**

8. The Review of the LMWLP will establish whether a full update of the Plan is needed, a partial update is needed, or whether the Plan will be found to not need updating at all. This will depend on a variety of factors, including Government changes to the planning system, wider environmental legislation and the performance of policies within the existing MWLP.
9. The Minerals and Waste Development Scheme (MWDS) therefore will set out the timetable for the review of the Plan itself, rather than the stages of updates or changes to the Plan. A further MWDS will be necessary upon completion of the review, and this will either plot the timetable for any changes, or to the next review.
10. The proposed MWDS is included as an Appendix to this report.

### **Recommendation**

11. That Members endorse the Minerals and Waste Development Scheme (attached at Appendix A) ahead of it being reported to Cabinet seeking adoption.

### **Officer to Contact**

Leo Oliver (Tel: 0116 305 9837)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

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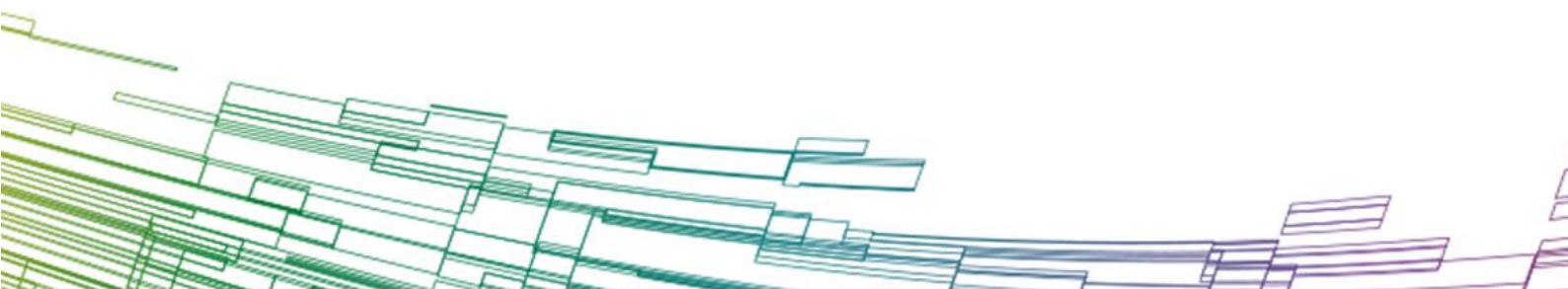


# LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN



## MINERALS AND WASTE DEVELOPMENT SCHEME

March 2022



## Planning Services, Leicestershire County Council

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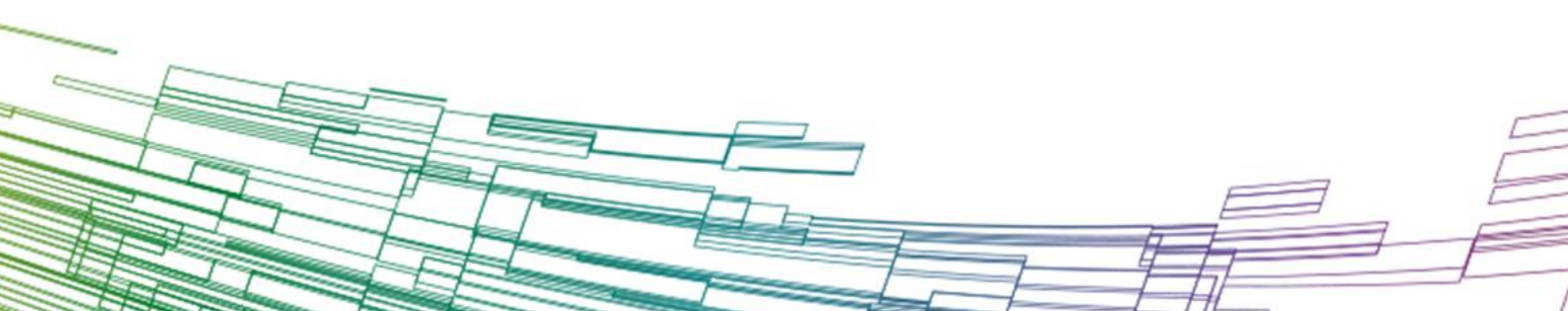
Address: Planning Historic and Natural Environment  
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Website: <https://www.leicestershire.gov.uk/environment-and-planning/planning>

## Leicestershire County Council General Enquiries

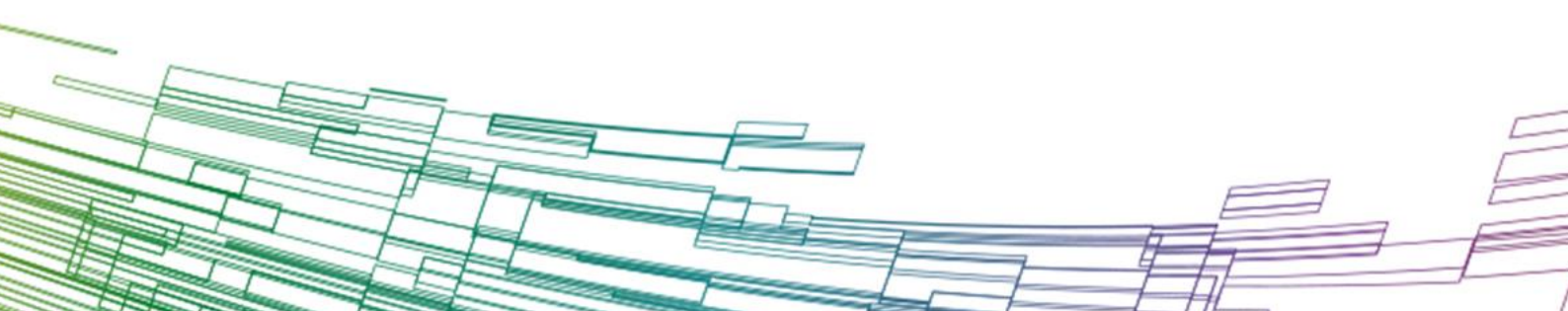
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This document can be provided in another language or format  
For all enquiries please contact the above number



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## 1. Introduction

In the County of Leicestershire there is a two tier local government structure, with Leicestershire County Council comprising the 'upper tier' and the 'lower tier' consisting of the seven district and borough councils: Blaby, Charnwood, Harborough, Hinckley and Bosworth, Melton, North West Leicestershire and Oadby & Wigston.

In this two-tier system, the district and borough councils are the planning authorities responsible for most types of development, with Leicestershire County Council responsible for planning matters relating to minerals and waste development. This is a distinct area of planning dealt with by county councils and unitary authorities.

Part of Leicestershire County Council's responsibility as the Minerals and Waste Planning Authority is the preparation and adoption of policy to assess the minerals and waste needs of the county, guide it to appropriate locations and form the basis for the assessment of planning applications. This existing policy is set out in the Leicestershire Minerals and Waste Local Plan (LMWLP), which was adopted in September 2019.

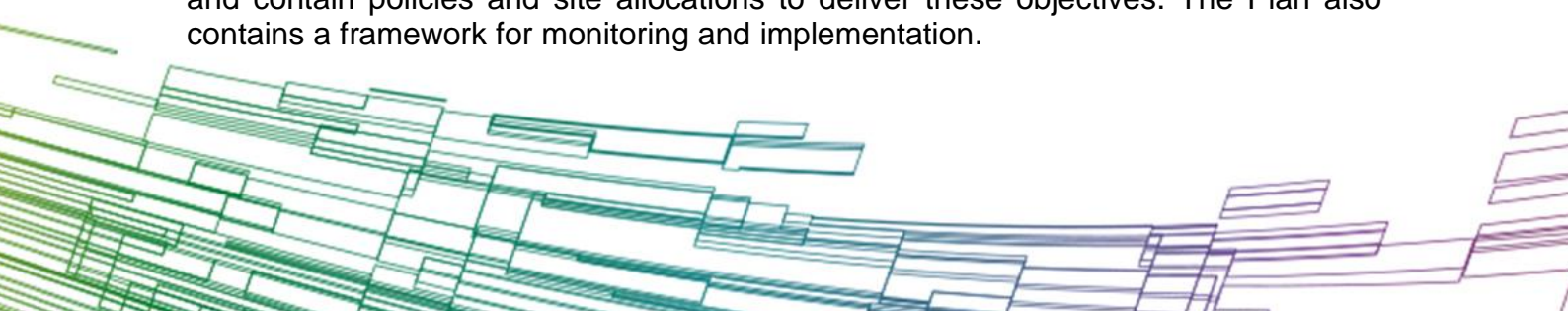
Section 16 of The Planning & Compulsory Purchase Act 2004 (as amended) requires the County Council to produce a Minerals and Waste Development Scheme (MWDS) setting out a timetable for the preparation and revision of the LMWLP, and the various stages that it will have to go through to reach adoption. An equivalent document called a Local Development Scheme (LDS) is required for district and borough councils and the two titles are often used interchangeably. Indeed, the County's previous Scheme was referred to as an LDS.

The current Local Development Scheme (LDS) was prepared for the development of the existing LMWLP and dates from 2017. It is now necessary to set out a new timetable for work on the review of the adopted LMWLP.

In contrast to the existing LDS, this new MWDS will not detail stages in the preparation of MWLP documents but will instead set the timetable for the review of LMWLP, so as not to pre-empt the results of the Plan review process. A report setting out the results of the review, together with a further LDS will be prepared once the review of the Plan has been completed.

## 2. What is a Local Plan?

Local Plans guide decisions on future development proposals and address the needs and opportunities of the area. For the County Council, this relates specifically to minerals and waste matters. Local Plans are at the heart of the planning system and are the main framework in which decisions on particular proposals are taken locally. Local Plans set out the spatial vision and strategic objectives for future development and contain policies and site allocations to deliver these objectives. The Plan also contains a framework for monitoring and implementation.





## 2.1 Stages in Plan Making

The diagram below summarises the main stages in the preparation of a Local Plan. This usually starts with the gathering of evidence in a pre-production stage. This stage allows the preparation of a report on the main issues and options, outlining the challenges, opportunities which face the area and suggested solutions and ways of maximising these opportunities.

This stage is followed by consultation with industry on suggested sites; consultation with stakeholders on suggested policies; and then publication of submission document for further consultation.

Plan-making is an iterative process, and planning authorities are required by legislation and guidance to involve all stakeholders who may have an interest. This is known as the 'Duty-to-Cooperate'. Consultation is an important part of the process and is built into plan-making timetables.

An Examination in Public (EiP) of the Local Plan is undertaken by an independent Inspector to assess its soundness and legal compliance. Following the EiP the Inspector issues a binding report on their findings and whether the plan is 'sound'. The Inspector will often suggest changes (as part of their report) to be made in order to make the Plan sound. Once any changes have been made the Council can formally adopt the plan for use.

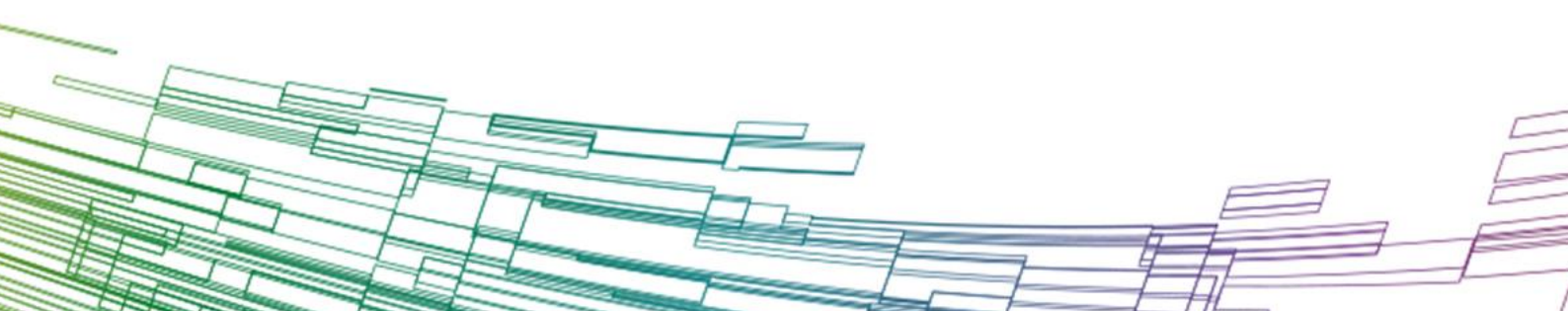
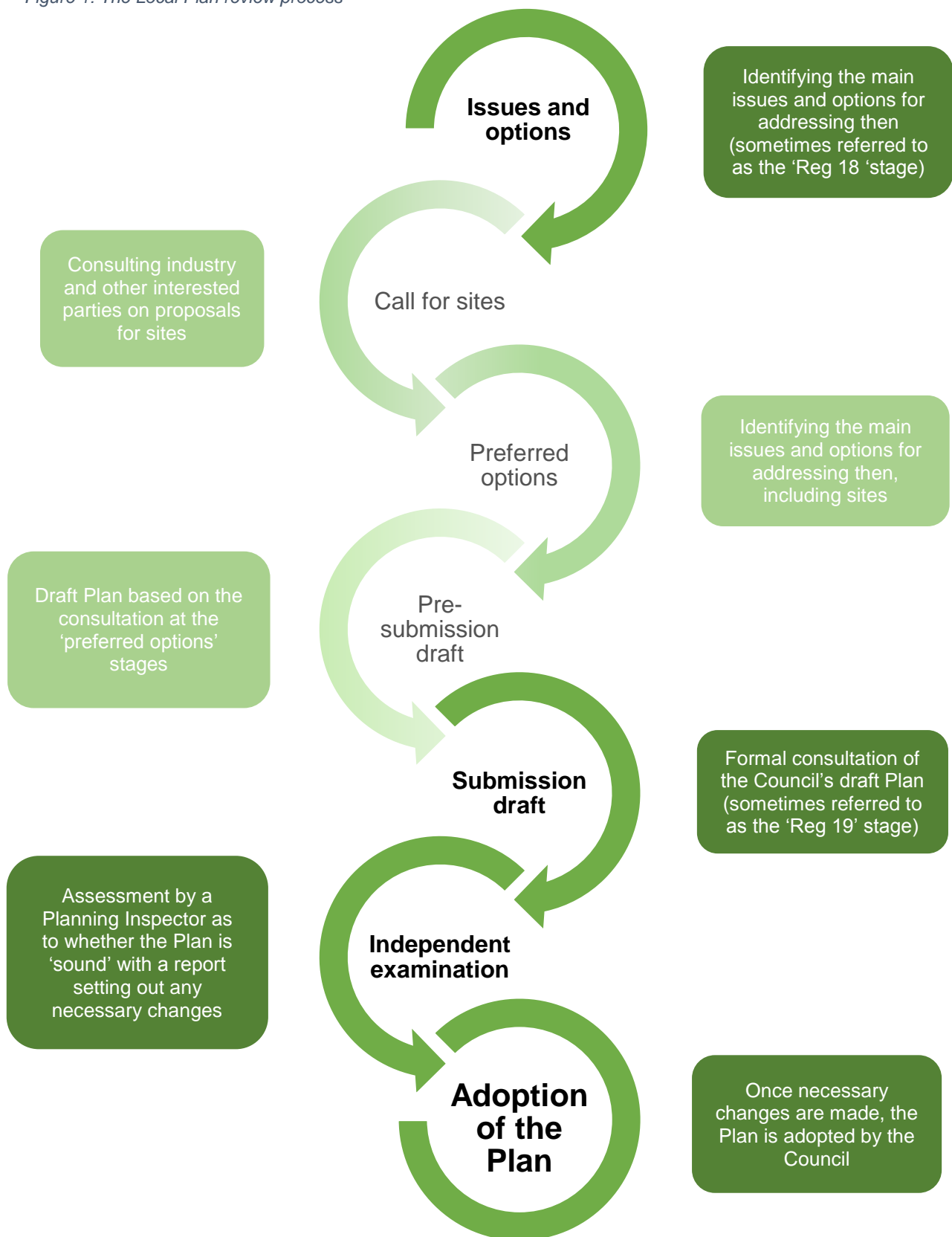


Figure 1: The Local Plan review process



## **3. Supporting Evidence and Appraisals**

### **3.1 Supporting Documents**

A variety of supporting documents provide the evidence base, assessments and methodology behind the Local Plan. These are produced, or commissioned, by the County Council and vary depending on the nature and content of the Local Plan, and the stage of preparation.

Examples of supporting evidence base documents include Local Aggregate Assessments (LAAs) and technical studies and topic papers, such as a Waste Needs Assessment.

### **3.2 Sustainability Appraisal and Strategic Environmental Assessment**

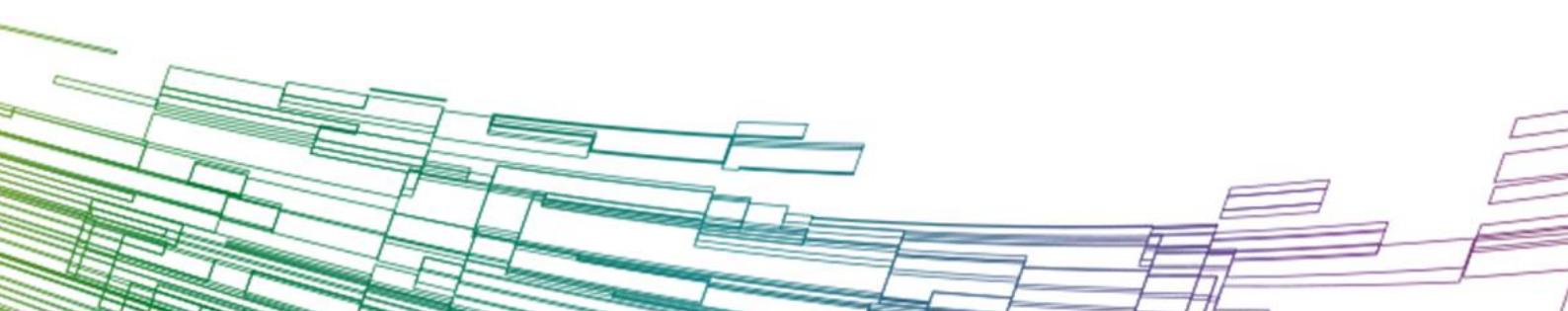
Plans, programmes and policies are required to go through a process of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). The purpose of SA is to ensure sustainable development through the integration of social, environmental and economic considerations into the preparation of planning policy. The aim is to think about ways in which it can improve conditions, as well as ways to mitigate any negative effects. The SA incorporates an SEA carried out under the Environmental Assessment of Plans and Programmes Regulations 2004. SA and SEA is undertaken as an integral part of preparing Local Plans. It is carried out at key stages of preparation and the results are published.

### **3.3 Habitats Regulations Assessment**

Appropriate Assessment, also known as Habitats Regulation Assessment, is the means by which plans are assessed for their impacts upon 'European Sites' and is required under the Conservation of Habitats and Species Regulations 2017 (as amended). European Sites are sites which are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community. Whilst the UK has left the EU, this requirement has been transposed into and remains part of British law.

### **3.4 Human Rights and Equalities Impact Assessment**

All Local Plans are also subject to an Equalities and Human Rights impact assessment (EHRIA) to ensure that new policies do not discriminate against certain groups with protected characteristics and that all opportunities to promote equality and protect rights of individuals are sought in plan preparation.



## **4. The Adopted Leicestershire Minerals and Waste Local Plan**

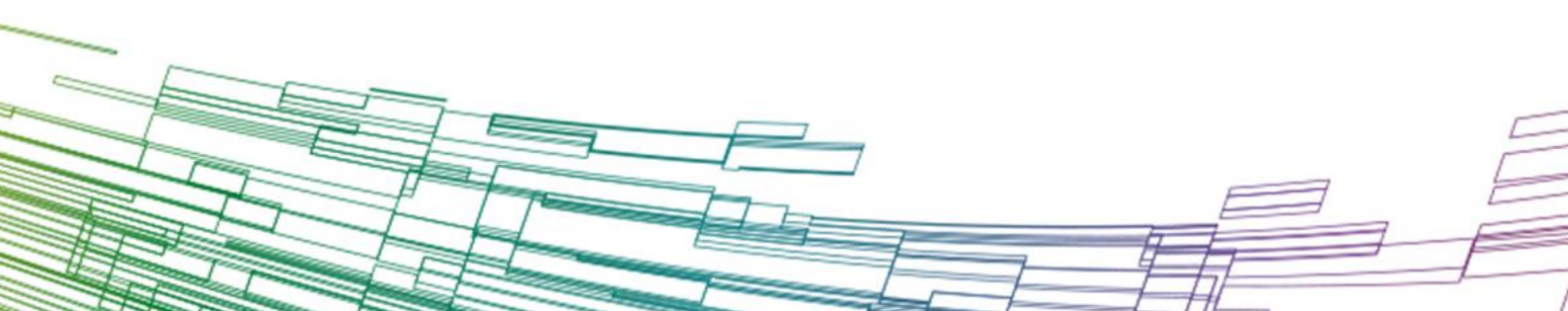
The current Leicestershire Minerals and Waste Local Plan (LMWLP) was adopted on 25<sup>th</sup> September 2019. This replaced the remaining saved policies of the Leicestershire Minerals Local Plan and the Leicestershire, Leicester and Rutland Waste Local Plan and also the more recent Leicestershire Minerals Core Strategy and Development Control Policies Development Plan Document (DPD) and the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD. Both of which were adopted in October 2009. From the date of adoption, the LMWLP became the new document for making planning decisions.

This LMWLP includes a spatial vision, 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 Leicestershire over the period to the end of 2031. Development Management Policies set out the criteria against which planning applications for minerals and waste development are to be considered. A monitoring framework is included to examine the efficacy and effects of the policies on an ongoing, regular basis.

## **5. Monitoring and Review**

Monitoring of the LMWLP takes place annually through the production of an Authority Monitoring Report (AMR) which assesses progress of plan preparation or the effectiveness of adopted policies against the timescales and targets set out within the document.

Separately, the County Council is also required to carry out a Local Aggregates Assessment (LAA) which is an annual assessment of the demand for and supply of aggregates in a mineral planning authority's area. Data from the LAA feeds into the review of the effectiveness of adopted policies in the AMR.



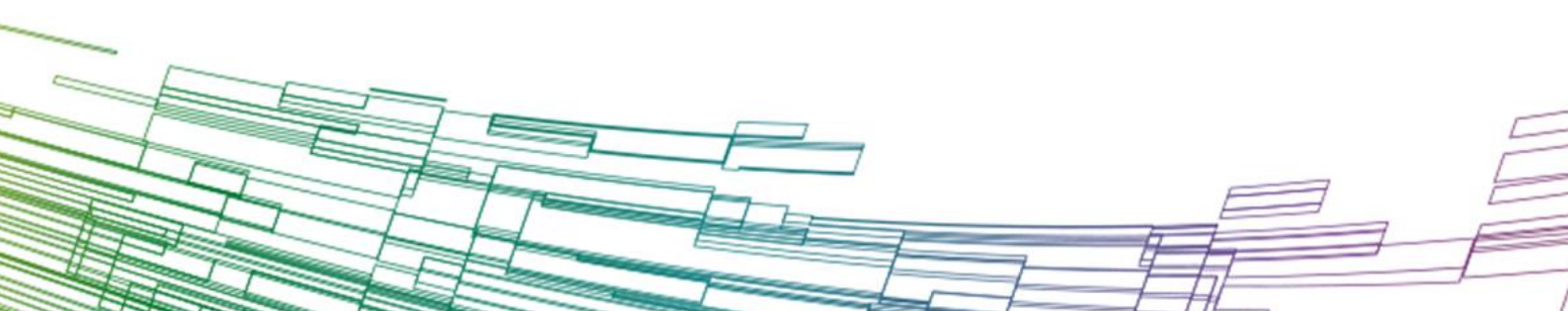


## 5.1 Need for Review of LMWLP

To be effective plans need to be kept up-to-date. The National Planning Policy Framework (NPPF) states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. As the LMWLP was adopted in September 2019, this means that the County Council is required to undertake a review by September 2024.

The Council has taken the decision to review prior to 2024 due to a variety of factors:

- Leicestershire has low Sand & Gravel reserves within the County. A review will provide opportunity to assess this situation further and consider whether an alternative policy approach may be warranted.
- The adopted MWLP has based its Local Authority Collected Waste (LACW) and Commercial and Industrial (C&I) waste capacity forecasts on the delivery of the Newhurst Energy from Waste (EfW) facility by 2020/21. The facility is currently under construction but has not been delivered within the expected timescales, with it anticipated to become operational at some point in 2023. The current LMWLP commits to a review of the plan where the 2020/21 deadline is not met.
- The MWLP was examined against the NPPF 2012. The NPPF has been updated in July 2018, February 2019 and July 2021.
- Wider changes to the environmental legislation have taken place such as the introduction of the Environment Act. In addition, changes to the planning system are expected to be announced during 2022 in response to the Planning for the Future White Paper consultation.



## 5.2 Scope, Timetable and Nature of Review

For the reasons set out above and to ensure that the LMWLP remains current and valid, a review will be undertaken. The Review will cover the entire Plan and will consider whether it is still in line with current guidance and regulations.

The review will include a variety of factors including the existing evidence base; any changes in local circumstances; external factors (such as the Government's changes to the Planning System and environmental legislation); the performance of the Plan itself and any trigger points identified in the existing Plan.

Whilst there is a requirement to review the Plan, any subsequent updating of the plan will only take place if necessary, based on the outcome of the review process. Therefore, at present the MWDS sets out the intended timescales for the review and not beyond. If the Review does identify a need to update the LMWLP, then the MWDS will be updated. Table 1 below sets out the timetable for the review of the LMWLP.

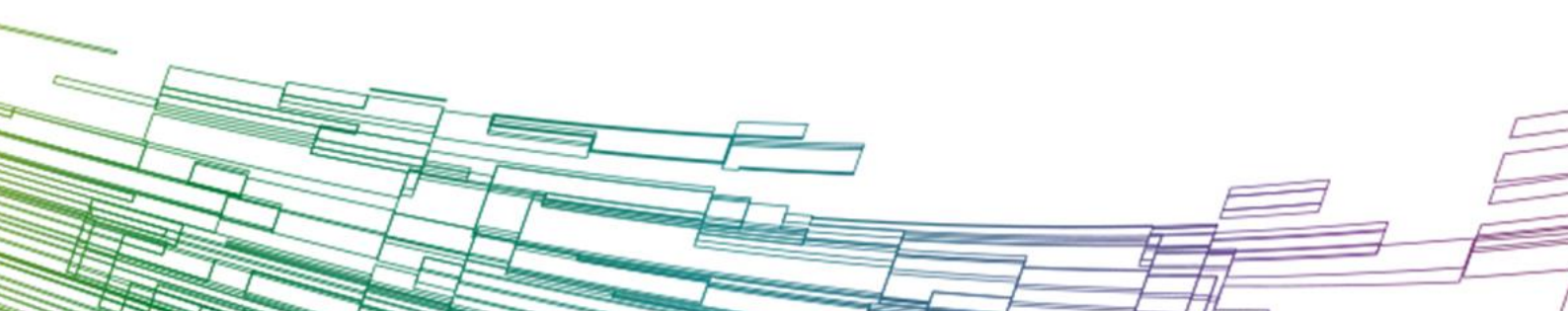
**Table 1 – Leicestershire Minerals and Waste Local Plan review timetable**

<b>Stage</b>	<b>Dates</b>
Early evidence gathering and document review	Sept 2021-Mar 2022
Assessment of Scope of Review	Mar 2022-July 2022
Conclusion of review and next steps	August – October 2022
Present report on findings of review and any recommendations to DCRB for endorsement	November 2022
Following endorsement from DCRB, present findings of review and recommendation to Cabinet	December 2022
If the findings of the review result in a need to update the MWLP new MWDS to DCRB and then Cabinet	Spring 2023.

## 6. Managing Risk and Uncertainty

Whilst setting out the timetable for work on the LMWLP review (or any work on Local Plans and Policy), it is important to consider possible issues which may arise, and ensure that any timescales are both realistic and achievable. A number of variables and unknowns can impact upon the achievement of the timetable. The main areas of risk and uncertainty are in relation to the following:

- Changes to National Policy and Guidance – this is particularly relevant as a review of the planning system is being carried out by the Government and the outcome of the ‘Planning for the Future’ consultation is expected at some point in 2022. It is expected that any changes can be reflected in the LMWLP review process.
- Consultation responses – Consultation will be necessary on any updates to the LMWLP itself. Outcomes of consultation could mean that new issues and options emerge, or the scale of opposition to certain approaches could significantly increase workloads. This is primarily a factor if the review results in the LMWLP needing to be updated.
- Other external factors – other changes to local circumstances and issues such as the changes to the housing calculations and major regeneration projects which could have impacts upon mineral needs or waste provision needs.
- Planning Inspectorate capacity – the availability of Planning Inspectors, their workload and the possibility of delays and Modifications can affect Plan progress and timescales. This is primarily a factor if the review results in the LMWLP needing to be updated.
- Co-operation – any updates to the LMWLP will require co-operation with other authorities which may give rise to previously unidentified issues. Again, this is primarily a factor if the review results in the LMWLP needing to be updated.
- Staff resources – Staff may be required to change priorities and react to unexpected tasks, or priorities may change as a result of workloads or staffing changes.

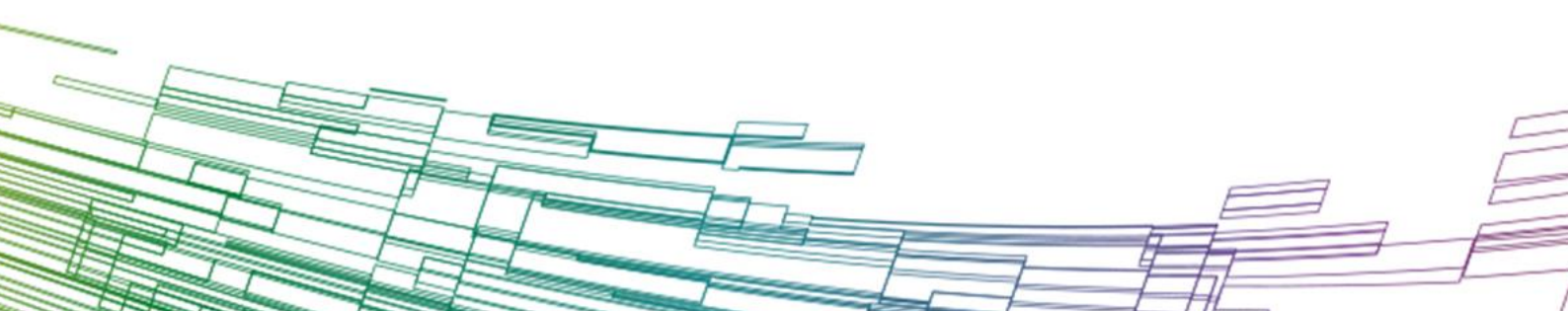


## 7. Other Documents

A review of the Statement of Community Involvement (SCI) is being undertaken to ensure it is up to date and takes into account current circumstances and guidance, as well as to align with the LMWLP review. This sets out how we will aim to engage with the community in the planning process.

## 8. Further Information

If you require further information in relation to this Minerals and Waste Development Scheme or any of the work or documents mentioned, please contact Planning Services on the contact details at the front of this document, or through the e-mail address: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk). Information on the MWLP can also be found on the County Council website at: <https://www.leicestershire.gov.uk/environment-and-planning/planning/minerals-and-waste-local-plan/local-plan-adoption>





**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**10 FEBRUARY 2022**

**REPORT OF THE CHIEF EXECUTIVE**

**REVISED STATEMENT OF COMMUNITY INVOLVEMENT FOR  
LEICESTERSHIRE**

**PART A – SUMMARY REPORT**

**PROPOSAL:** Revised Statement of Community Involvement (SCI) for Leicestershire

**RECOMMENDATION:** The Development Control and Regulatory Board is asked to comment on the draft Statement of Community Involvement (attached as Appendix A) ahead of it being reported to Cabinet seeking adoption.

**Officer to Contact**

Becky Knighton (Tel. 0116 305 1576)  
Email: [becky.knighton@leics.gov.uk](mailto:becky.knighton@leics.gov.uk)

## **PART B – MAIN REPORT**

### **What is a Statement of Community Involvement?**

1. Planning authorities are required to adopt, and regularly review, a Statement of Community Involvement (SCI) by Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended).
2. The purpose of the SCI is to explain how and when the community will be able to take part in the production of planning policy, how they will be consulted on applications for planning permission, and how the planning authority will assist communities which make or modify a Neighbourhood Plan.
3. The current SCI was adopted in 2015.

### **Review of the SCI**

4. The Planning and Compulsory Purchase Act 2004 requires planning authorities to review their SCI every five years.
5. This review was an opportunity to take account of the various developments since the current SCI was adopted in 2015, including:
  - a. Changes to the regulations which require an SCI;
  - b. Current progress of the Development Plan review process;
  - c. Strategies introduced across the wider Council; and
  - d. Changes to society and technology use.
6. Website traffic statistics suggest that the current SCI is not a well-used document, and this review considered how it could be more useful, current and accessible for prospective applicants, members of the community, and County Council officers.

### **Regulatory Changes**

7. In 2018, a requirement was introduced for SCIs to include the planning authority's approach to supporting communities with Neighbourhood Planning. This review provided an opportunity to comply with this change by adding a new section.

### **The Development Plan**

8. The Council adopted the current Minerals and Waste Local Plan in September 2019 and officers are now looking ahead to its review. In light of this, improvements have been made to the way the SCI presents the Local Plan review process to improve understanding and enable effective community involvement.

### **Council-Wide Developments**

9. Since the adoption of the current SCI, the County Council has published Engagement Principles. This review provided an opportunity to align the commitments made in the SCI with these organisation-wide standards.

10. The County Council's adoption of the Environment Strategy 2018-2030, and declaration of a Climate Emergency, led to consideration of how the commitments made in the SCI could align with the County Council's net zero ambitions. This has resulted in the introduction of sections which address how the County Council will consider the environment when it involves the community in planning matters.

#### Societal and Technological Changes

11. The Covid-19 pandemic required many organisations to rapidly adapt and evolve the way they use technology, and this has highlighted different ways of working. This review provided an opportunity to ensure the SCI captures the additional tools officers now have at their disposal, for example virtual meetings, and the flexibility this offers for members of the community.

12. The use of social media continues to grow, and this review looked at ways the County Council could use these platforms to involve the community in planning functions. The result is a commitment to use social media to publicise key stages of the Local Plan review process.

#### Usefulness and Utilisation of the SCI

13. Planning officers are often approached by prospective applicants for their advice on carrying out pre-planning application community engagement. In order to standardise advice and save officers time, a section has been added to the SCI to provide guidance and best-practice examples for community consultation, and an indicative list of consultees.

14. To improve the interconnectedness of the SCI with other information on the County Council website (and its pages on other platforms), more hyperlinks have been embedded in the text to allow readers to find and access related and up-to-date information.

#### Consultation on the SCI Review

15. There is no statutory requirement to carry out a consultation exercise during an SCI review, however given the nature of the document it is appropriate to allow members of the community and those with engagement expertise to have a input into the review process. As such, both internal and external consultation has been carried out.

##### Internal

16. During early stages of the review process, county planning officers engaged with colleagues in related services, for example the Communities team, to ensure commitments made within the SCI are consistent with their work and that Council-wide strategies are represented correctly.

17. The draft revised SCI has been shared with officers in related Services across the organisation to read and consider.

##### External

18. An external consultation period began on 10 January 2022, and will run for six weeks until 21 February 2022.
19. A wide range of organisations have been contacted for their comments on the draft revised SCI, included national organisations who could be statutory consultees on planning applications, minerals and waste operators with sites in the county, and local interest groups.
20. In addition to making direct contact with potentially interested parties, the draft revised SCI has been uploaded to the planning pages of the Council's website with instructions for how to make comments. Links have also been included on the County Council's 'Have Your Say' webpage and the Leicestershire Communities website, and the consultation has been publicised by a newsletter distributed to all town and parish councils in Leicestershire.

### **Next Steps**

21. Following the end of the consultation period, officers will review the comments received and make any necessary amendments. Once the amendments have been completed, the SCI will be reported to Cabinet seeking adoption. This is scheduled to take place in April or May 2022.
22. Once adopted, all relevant planning functions will be carried out in accordance with the SCI.

### **Recommendation**

23. The Development Control and Regulatory Board is asked to comment on the Statement of Community Involvement (attached at Appendix A) ahead of it being reported to Cabinet seeking adoption.

### **Officer to Contact**

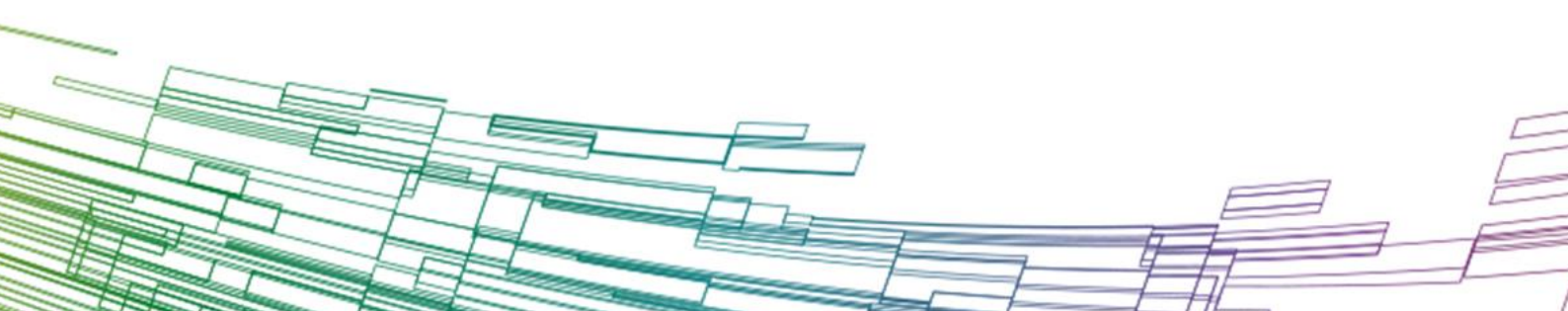
Becky Knighton (Tel. 0116 305 1576)  
Email: becky.knighton@leics.gov.uk



# Leicestershire County Council Statement of Community Involvement



DRAFT January 2022



## Planning Service Contact Details

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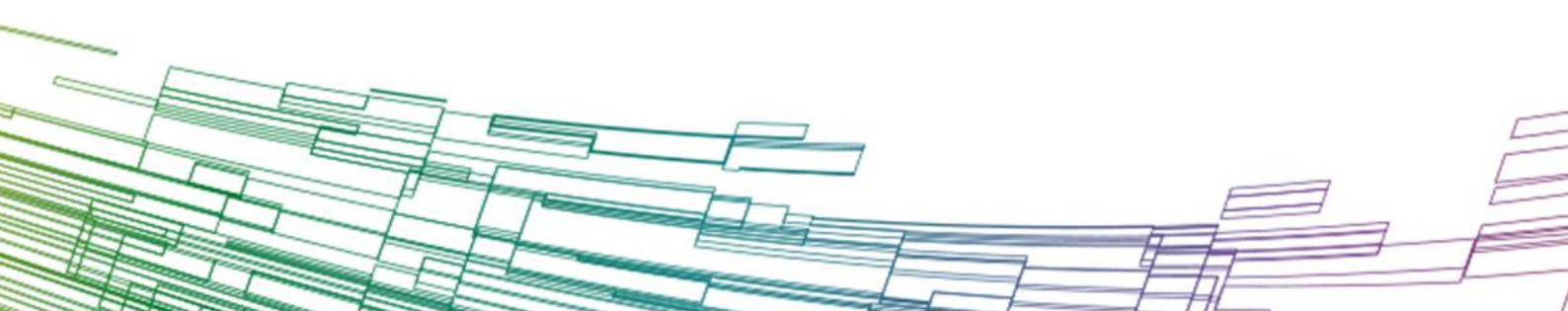
Address: Planning Historic and Natural Environment  
Chief Executive's Department  
Glenfield  
Leicester  
LE3 8RA

Website: <https://www.leicestershire.gov.uk/environment-and-planning/planning>

## Leicestershire County Council General Enquiries

Phone: 0116 232 3232

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# 1 Introduction

## 1.1 Planning in Leicestershire

In the County of Leicestershire there is a two tier local government structure, with Leicestershire County Council comprising the 'upper tier' and the 'lower tier' consisting of the seven district and borough councils: Blaby, Charnwood, Harborough, Hinckley & Bosworth, Melton, North West Leicestershire and Oadby & Wigston.

In this two-tier system, the district and borough councils are the planning authorities for most types of development, with Leicestershire County Council responsible for planning matters relating to minerals and waste development. This is a distinct area of planning dealt with by county councils and unitary authorities.

All authorities are also responsible for determining planning applications for their own development. In Leicestershire County Council's case this would include, for example, applications for roads and some schools.

The 'Development Plan' is a set of formally adopted documents which outline the vision and framework for the future development of an area. When deciding if a development should be granted planning permission, local planning authorities consider whether it is in accordance with the planning policies which form the Development Plan, and whether there are any other *material considerations* which might be relevant to the decision making, such as Government guidance, and relevant issues raised by consultees or the public.

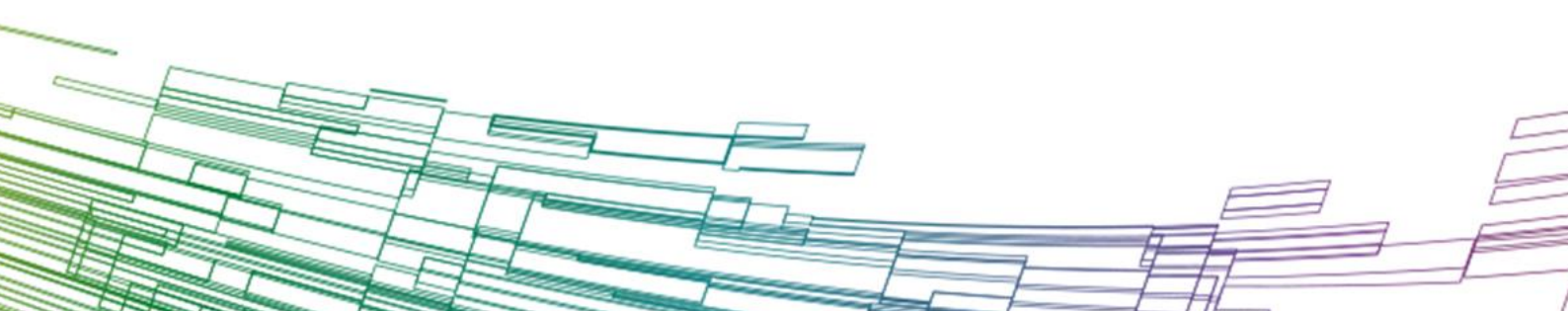
This means that the community has two main opportunities to shape the development of their local area: during the formation of the Development Plan, and during the decision making process.

## 1.2 Plan making

Each Leicestershire district and borough council has a Local Plan for their area, and Leicestershire County Council has a Minerals and Waste Local Plan for the whole of the county, excluding Leicester City.

Local Plans set out a vision for the future development of the area and provide a framework of policies and proposals setting out how that local authority's area should be planned and developed.

Some communities also have a Neighbourhood Plan, which has the same legal status as a Local Plan. A Neighbourhood Plan sets out policies that relate specifically to development in that community, often a parish or area of equivalent size.



The Development Plan is formed of the Leicestershire Minerals and Waste Local Plan, the relevant district or borough's Local Plan, as well as the relevant Neighbourhood Plan.

To be effective Local Plans need to be kept up to date, so all local planning authorities monitor their Plans, undertaking a review at least once every 5 years and updating it if the Plan and the policies are no longer effective.

Where changes to the Plan and its policies are necessary, the community has the opportunity to be involved and help shape any new Plan coming forward.

The Planning Inspectorate is involved at the later stages of Plan Making, with Plans having to go through an Examination in Public process to make sure it complies with legal and procedural requirements and is 'sound'. Being 'sound', means a Plan must be positively prepared, justified, effective and consistent with national policy.

### **1.3 Decision making**

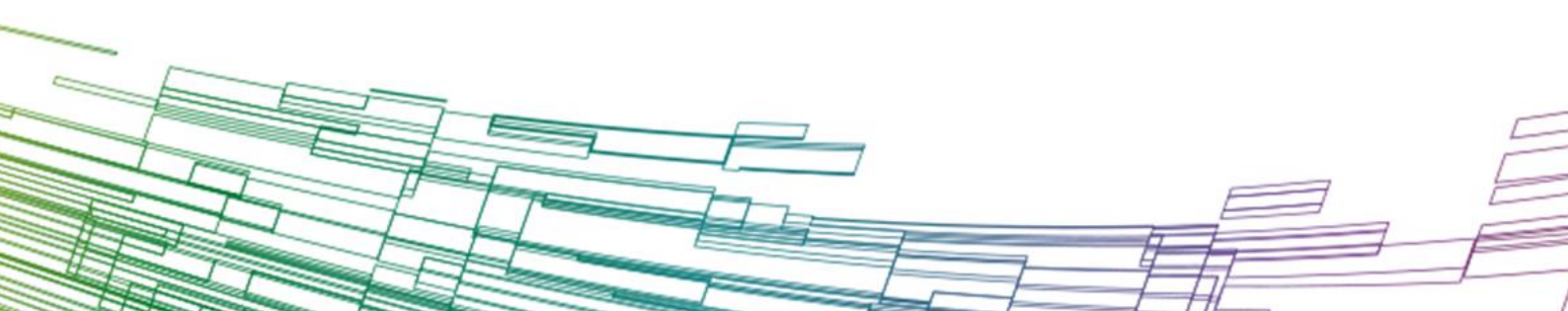
When a planning application is submitted to the County Council, it is validated to ensure it contains all the necessary information before consultation begins.

This consultation period seeks views from organisations with technical expertise, such as the Environment Agency and the Local Highway Authority. The application is also publicised to seek the views of the local community and other interested people.

Planning Officers consider whether the development is compliant with policies in the Development Plan and, taking into account any relevant considerations (including those raised by consultees), make a recommendation about whether the planning application should be granted planning permission.

The County Council has two routes through which planning applications can be determined: by officers under delegated powers, or by the Development Control and Regulatory Board (DCRB) which is made up of elected Members. The County Council identifies which types of applications may be determined by officers within its Constitution. Generally, it is the most sensitive and complex cases which are considered by DCRB.

In addition to making decisions about planning applications, the County Council also monitors developments that it has granted planning permission for; investigates and takes action (either formal or informal) relating to minerals and waste development which should have planning permission but does not, or is operating in breach of its planning permission; and works on planning appeals that have been lodged with the



Planning Inspectorate. Collectively, this work is referred to as Development Management.

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## 2 Community Involvement in Planning

### 2.1 Statement of Community Involvement

It is a legal requirement for planning authorities to prepare a Statement of Community Involvement (SCI) which sets out their policy on involving the community as they exercise relevant parts of their statutory planning function, and to review their SCI regularly.

The purpose of the SCI is to explain how and when the community will be able to take part in the production of planning policy and how they will be consulted on applications for planning permission. It also sets out how local planning authorities will provide advice or assistance to communities which make or modify a Neighbourhood Plan.

Community means any individual, organisation or group that appears to the County Council as having an interest in a development.

### 2.2 What this update includes

Leicestershire County Council's last SCI was published in 2015, and there are some aspects of it which need updating to reflect recent developments in the Development Plan, the wider Council, and society more generally.

In 2018, the regulations which require an SCI to be adopted and reviewed were amended to include reference to neighbourhood planning. A section about the role of Leicestershire County Council in the neighbourhood planning process and the County Council's approach to this has now been added.

In May 2019, Leicestershire County Council declared a Climate Emergency. The County Council published its Environment Strategy 2018-30, which was revised in 2020, and made a commitment to achieve carbon neutrality from its own operations by 2030. More recently, the County Council has pledged to reach a revised target of achieving 'net zero' across the County by 2045. The impact of consultation on the climate is considered in this SCI and a section has been included to set out how climate change will continue to be taken into account.

In September 2019 Leicestershire County Council adopted the current Minerals and Waste Local Plan which plans for development up to 2031. The County Council is now looking ahead to the review process: considering how well are policies are working; whether they reflect the latest national policy context; and how the economic, social, and environmental context of development in Leicestershire is evolving.





During the last five years, the County Council's use of social media has grown, and the value of these platforms to engage with the people of Leicestershire is recognised. The County Council will update the way communities are involved in the planning process to reflect this.

Since early 2020 the global spread of Covid-19 led to fundamental changes to the way everyone lives and works. Whilst some of these changes are expected to be temporary, the pandemic has seen the County Council rapidly adapt and evolve the way it uses technology, and this has opened up different ways of working. An example of this is the use of virtual meeting software which offers an efficient way of engaging with people without the need to travel. The value of meeting in person is recognised, and Planning Officers intend to continue to do this, but it is acknowledged that virtual meetings offer flexibility and are considered an effective new tool for engagement.

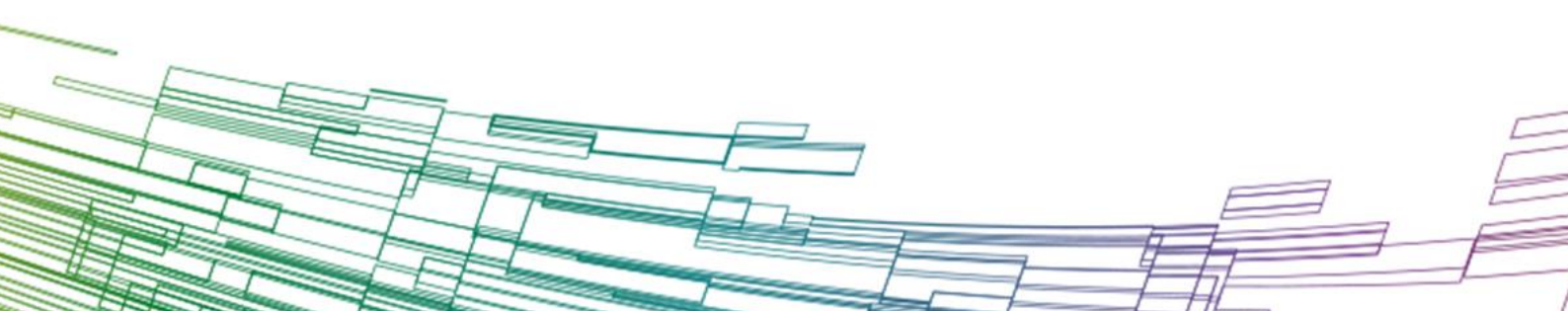
Planning Officers are often approached by prospective applicants for their thoughts on how pre-planning application community engagement should be carried out, and who should be involved. The County Council has therefore included some advice about how to carry out effective community consultation, and a non-exhaustive list of potential consultees, in this SCI review.

The SCI, which relates solely to the County Council's planning function, has been aligned with Leicestershire County Council's Engagement Principles. These are the central considerations for all the engagement and consultation activities that the County Council carries out.

### **2.3 Leicestershire County Council's Engagement Principles**

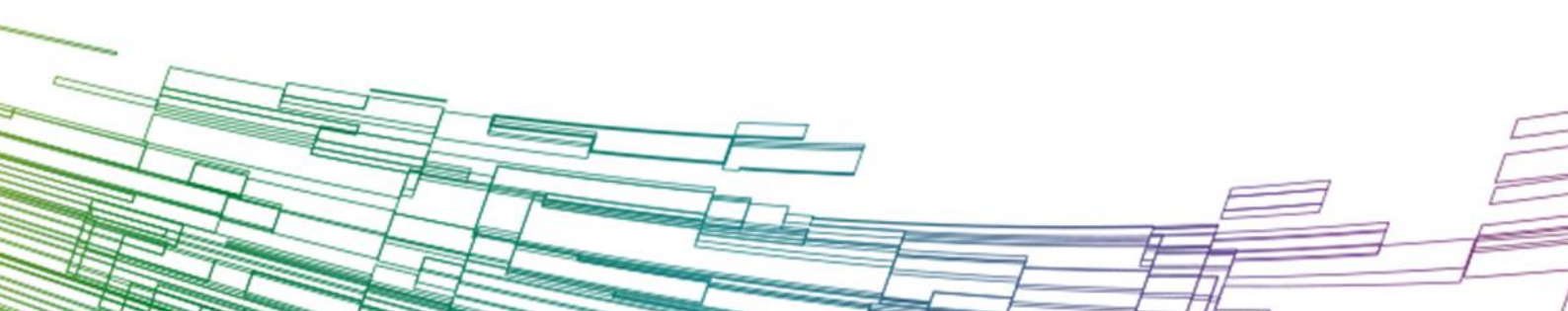
Leicestershire County Council's Engagement Principles, which state the most fundamental characteristics of the council's engagement activity, are:

- **Inclusive:**  
*We involve all those who have a stake on an issue by understanding our communities, actively reaching out to different groups, and tailoring our approach effectively.*
- **Transparent**  
*We build trust with citizens by being open and clear about our thinking and decision-making.*
- **Meaningful**  
*Our engagement activity is sufficiently well defined and well executed such that local people are able to participate fully and effectively influence our decision-making.*



These principles, in addition to the legal requirements the County Council must adhere to as a planning authority, will be central to decisions made about informing the community, facilitating their feedback, and taking that feedback into account on planning matters.

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## 3 Plan Making

### 3.1 Community involvement in plan making

#### 3.1.1 The Minerals and Waste Local Plan

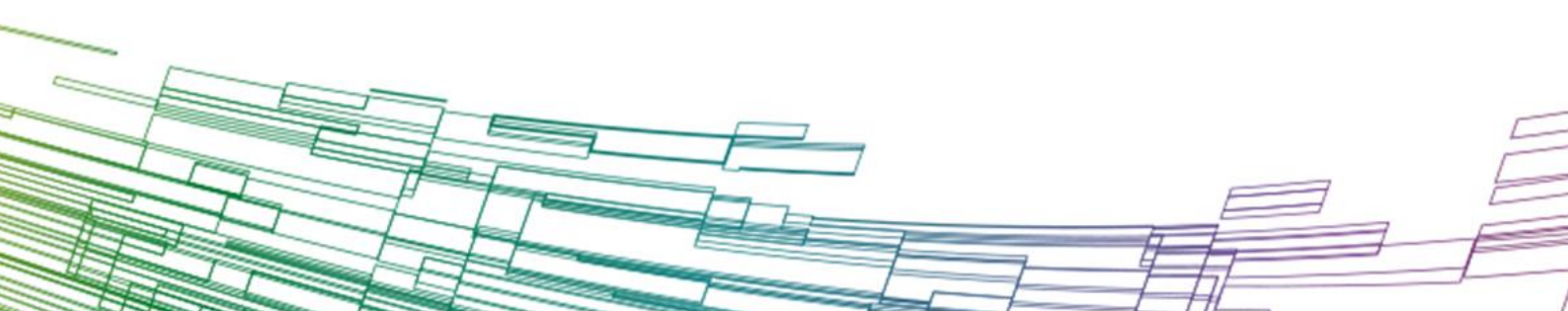
The planning system in the UK is 'Plan-led', which means all planning decisions should be in line with the Development Plan unless material considerations indicate otherwise. It is a statutory requirement for minerals and waste planning authorities (either county councils or unitary authorities) to have an adopted plan, or plans, which covers minerals and waste development.

The purpose of the Leicestershire Minerals and Waste Local Plan is to guide minerals and waste development in the county by allocating sites for new development, guiding certain types of development to appropriate areas, setting out criteria for assessing planning applications on new and existing sites, and using policies to support local, countywide, or nationwide strategies e.g. responding to climate change or protecting and enhancing the National Forest.

When planning for minerals development, geology is a key consideration as minerals can only be extracted where they naturally occur. Mineral reserves vary significantly within Leicestershire, in type and viability, and this will be reflected in policies which allocate sites for new development. The geology of the UK is diverse and Leicestershire is particularly rich in mineral reserves. The county's hard rock reserves are national strategic importance due to their quality and quantity, and the wide variety of end uses they are suitable for including road construction and house building.

The aim is sustainable minerals and waste development - this means providing adequate minerals and waste management facilities for identified needs whilst protecting, the environment, the amenity of the people of Leicestershire, and what is unique and special about the local area.

Plans are reviewed regularly and updated if needed. There can be several stages in the preparation of a new, or updated, Plan, some of which are legally required, as shown in the flowchart on page 12.



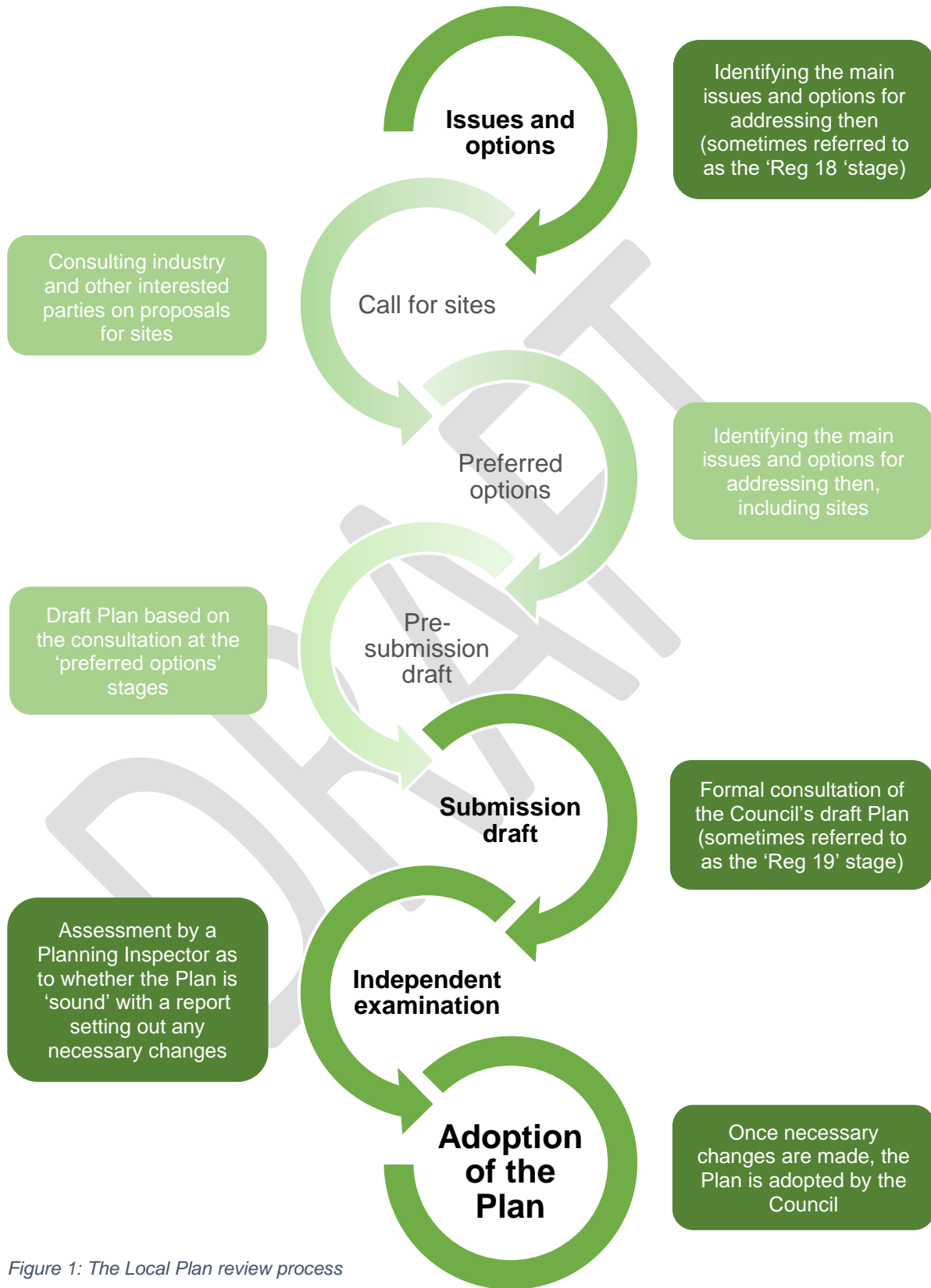
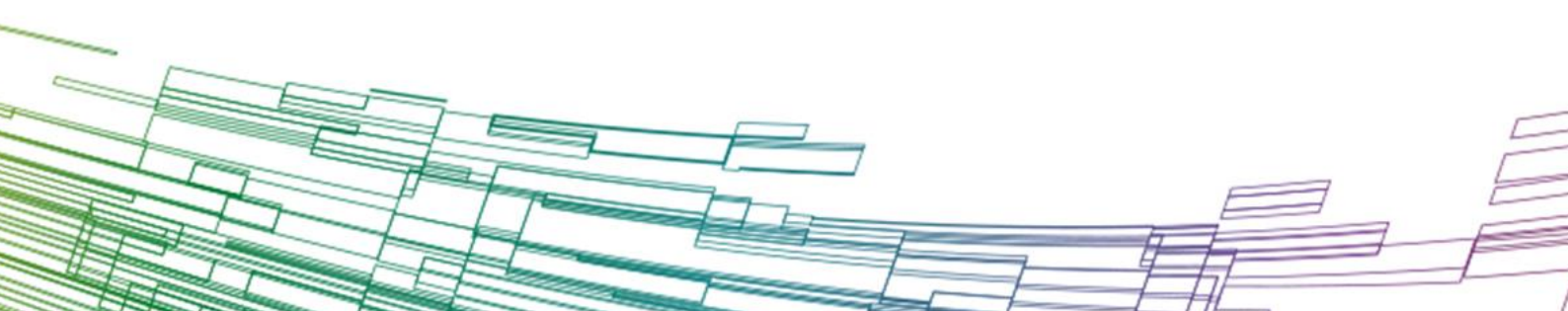


Figure 1: The Local Plan review process



Based on the views of the community and other evidence, such as the volume of the different waste types managed in the County and the provision of minerals to meet the needs of the County and beyond, the County Council will look at what the strategic objectives of the Plan will be and the policies need to achieve those objectives.

When changes are made to the Plan, the County Council also need to make sure it conforms with national planning policies and consider whether any new social, environmental, or economic priorities may have arisen.

### 3.1.2 Community Consultation

The County Council will carry out a minimum of six weeks of community consultation at each stage of the Plan making process until it is submitted to the Planning Inspectorate for their Independent Examination. After each consultation stage, the comments received will be taken into account before progressing onto the next stage.

The County Council will publish an assessment of the comments received and an explanation of how they have been addressed.

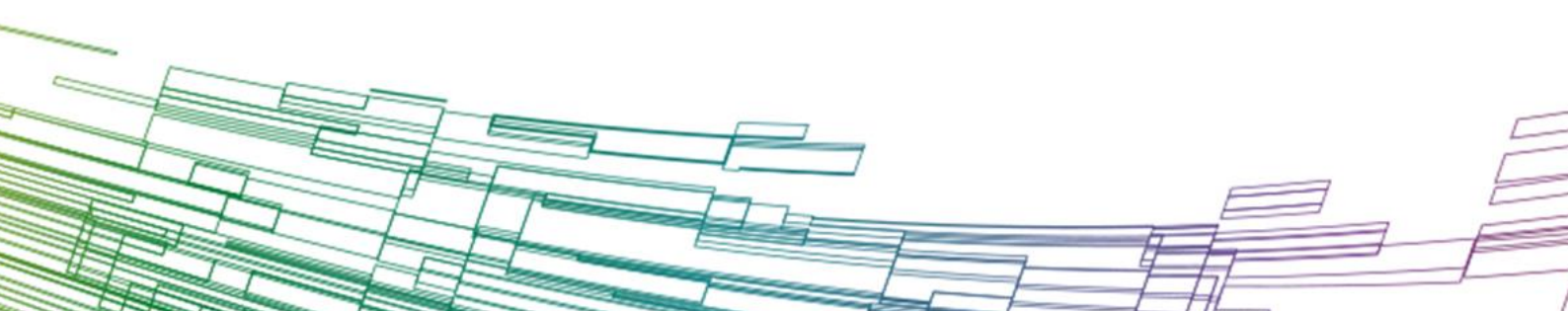
## 3.2 **Keeping the community updated**

Planning authorities have a duty to prepare, publish, and maintain a Local Development Scheme (LDS) which sets out the timetable for preparing the planning documents. to keep communities up to date during this process. The County Council will publish the LDS on their website. This will also be accessible by contacting the Planning Team by email, phone, or visiting County Hall. All the methods of contacting the Council, including through the website, are included at the start of this document.

The County Council will make use of its social media platforms to update people on any changes to the Local Plan and how to get involved. Comments made directly through these forums will not be able to be taken into account, but social media users will be directed to the correct consultation channels to make representations.

## 3.3 **Who will be involved?**

Anyone can make comments during the plan making process. The County Council will contact some organisations for their comments and they will fall into two distinct groups - those whom the government says must be involved (neighbouring





authorities, and those known as prescribed bodies) and those whom the County Council chooses to consult, for instance because they have a known interest.

Examples of prescribed bodies would be district, borough, and parish councils (or their equivalent), and specific government agencies such as the English Heritage. Neighbouring authorities will include adjoining County, district, borough and unitary authorities.

Local Planning Authorities are required by law *to engage actively, constructively and on an ongoing basis* with one another. The aim is to maximise the effectiveness of local plan preparation on cross-boundary matters. This requirement was brought in by the Localism Act 2011 and is known as the 'duty to cooperate'.

Beyond prescribed bodies, the County Council has discretion to decide which organisations to involve. Those that are consulted will be based on Planning Officer's professional judgement of likely interest in the review process, and are likely to be drawn from the following categories:

- The waste and minerals industries;
- Topic specific interest groups such as the RSPB or the Ramblers' Association;
- Area specific interest/action groups;
- Communities known to be affected by specific proposals; and
- People who have expressed a particular interest.

The County Council regularly engages with regional and national networks relating to its statutory planning function, and during the Plan review process. These groups may be consulted for their input on technical or strategic matters. Examples include:

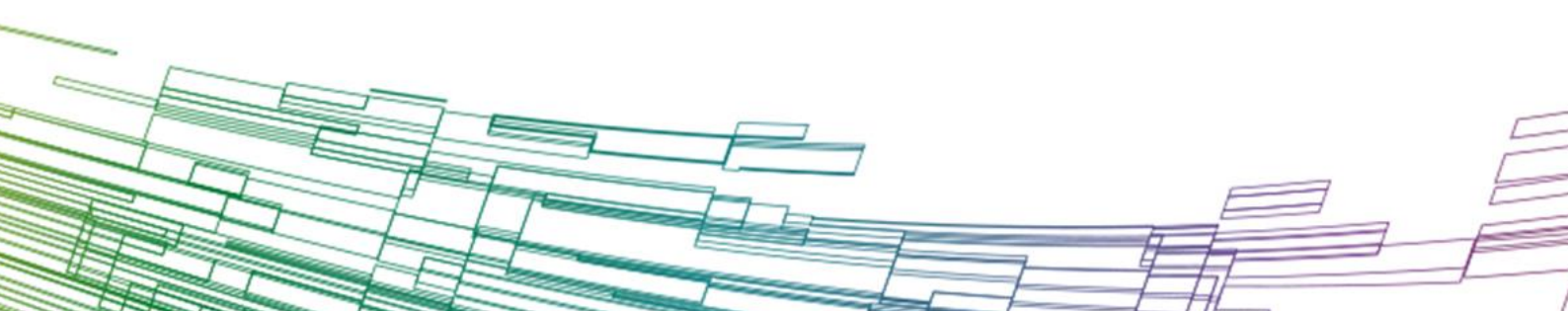
- East Midlands Aggregate Working Party (EMAWP);
- East Midlands Regional Technical Advice Board (EMRTAB); and
- Leicestershire Development Management Forum (DM Forum).

A non-exhaustive list of groups and organisations that may be consulted is included at Appendix 1, which includes some commentary about when they may be consulted.

### **3.4 How will the community be involved?**

The County Council will use a range of methods during consultation periods. Which are used will depend on what is considered most appropriate for effectively engaging with the community at the different stages.

In the first instance, the communications will be through the County Council's website and by email. The indicative list below presents other techniques that may be used:



- Advertisement in local press;
- Correspondence and/or documents sent directly to organisations and individuals;
- Liaison committees;
- Newsletters and questionnaires through Parish Councils/Meetings and libraries;
- One-to-one meetings, either in person or using virtual conferencing software;
- Press releases and articles in County Council publications;
- Printed material in public buildings such as County Hall, libraries, community centres and town halls;
- Public exhibitions;
- Social Media; and
- Workshops.

Upon request the County Council will endeavour to make documents available in different formats (e.g. Braille, large print, different languages) or help people with additional needs or disabilities to access documents and facilitate responding to consultations.

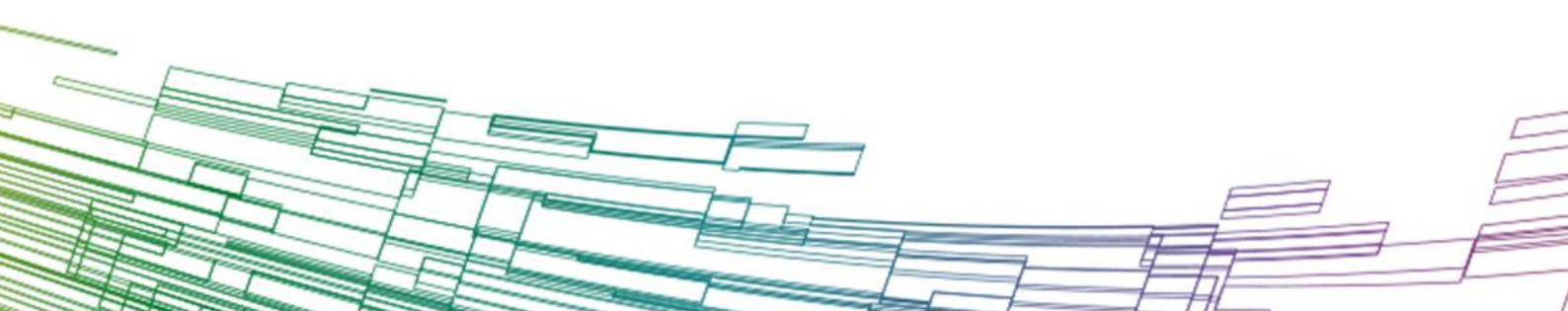
### **3.5 When will the community be involved?**

There are opportunities to be involved many stages of the preparation of the Minerals and Waste Local Plan. Whilst the County Council hope that consultees will get involved as early as possible and will remain involved throughout the process, they can drop in and out throughout. The earlier people become involved, the greater the opportunity to help influence policy direction.

### **3.6 How will community involvement influence planning policy?**

All comments made to the County Council during the Local Plan consultation stages will be taken into account in producing each subsequent stage of the Local Plan, but it is important that the community understands the reality of what the County Council needs to achieve and the importance of having a Local Plan which is balanced and effective.

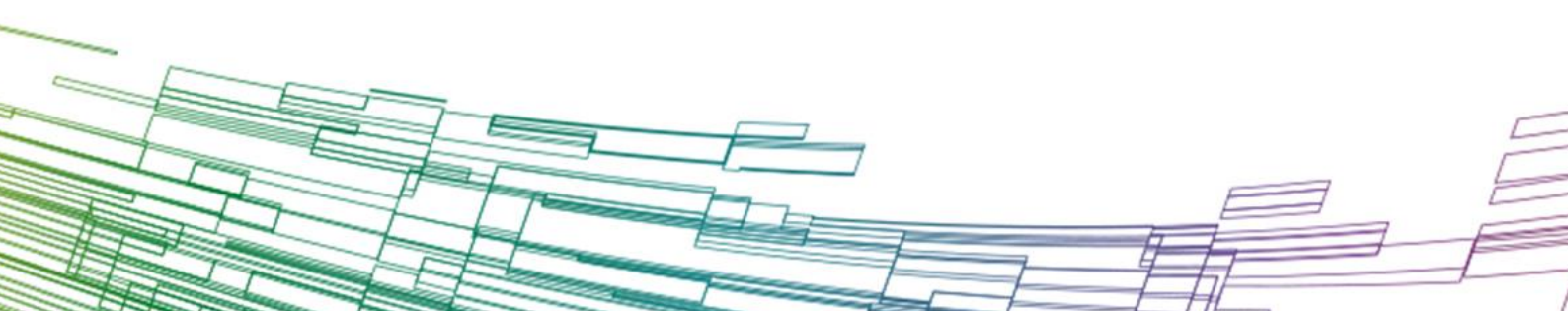
Whilst Leicestershire County Council is bound to consider all representations properly, proposals do not need to be changed as a result. When people make opposing comments, for instance about where development should be located, it may be impossible to resolve the conflict. Nevertheless, the County Council will use a robust evidence base and professional judgement and will justify the decisions that are made.



As a local planning authority, the County Council has a responsibility to deliver the Local Plan and make decisions for the good of everybody, so policy cannot always be swayed by individual arguments.

The County Council will publish the comments received at each stage and will provide reasons for any changes made and any representations rejected.

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## 4 Development Management

### 4.1 Community involvement in development management

#### 4.1.1 Planning applications

Leicestershire County Council determines all planning applications relating to minerals and waste development, as well as any development the County Council is carrying out itself.

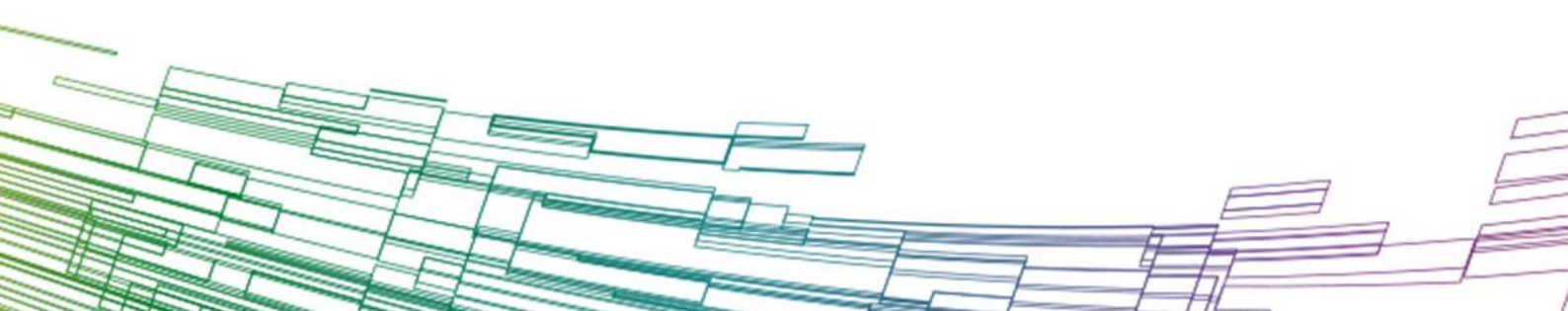
Minerals development includes complex applications such as new, or extended, quarries, as well as any smaller development being carried out on mineral sites, such as new portacabins for quarry offices. Similarly, the scale of waste development can vary from strategic scale projects such as energy from waste plants, to much smaller scale and smaller impact schemes for new equipment (e.g. a weighbridge) at an existing waste site.

The types of development the County Council carry out itself can relate to facilities run in the capacity as a County Council, for example new schools or developments at country parks, as well as proposals that the County Council operates commercially, such as business parks.

The law sets out how consultations on planning applications must be carried out once a planning application is registered and different regulations can apply to different sorts of development. For example, additional consultation is required when an Environmental Statement is necessary under the Environmental Impact Assessment Regulations. The County Council must comply with any relevant minimum requirements for statutory consultees and timescales.

In all cases the County Council will meet the statutory minimum requirements for consultations and in many cases will exceed them, to ensure that all those who wish to comment can do so. Decisions on non-statutory consultation depend on the nature, scale and setting of a proposed development. Planning Officers will use professional judgement when considering this.

Some types of application submitted to the County Council have no prescribed consultation requirements, generally because they are simple or relate solely to technical details. The County Council has discretion to consult those considered appropriate in these instances and this generally means organisations with technical expertise on the matter in question. An example of this is where the County Council Ecologists Team would be consulted when a Protected Species Survey is submitted.



#### 4.1.2 Sites with Planning Permission

Planning Officers work hard to maintain ongoing and effective communication with the operators of mineral and waste sites in the County and other key stakeholders. Efforts are made to allocate each site to a specific officer within the Planning Team so there is a consistent point of contact. If the community raises concerns with the County Council; about a site, Officers will speak directly with the operators and try to find solutions.

The County Council conducts monitoring visits to ensure sites are working in compliance with their planning permission. The frequency of visits depends on how complex or sensitive a site is, in addition to the stage of the development (i.e. whether they are operational, undergoing restoration or in aftercare) in the case of quarries and landfill sites.

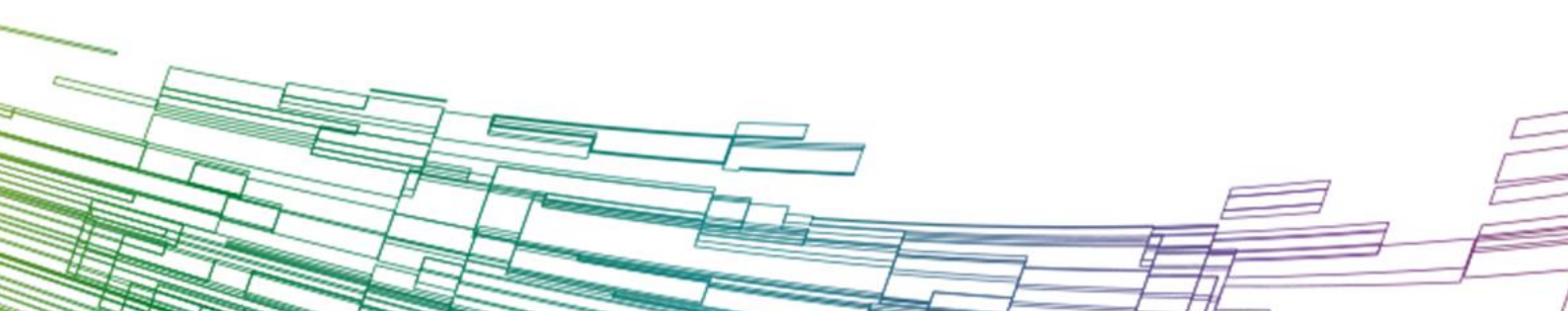
Liaison Committees are often set up for more complex and long running sites, particularly where they are located close to a community. Meetings are organised by the site operators and attended by various stakeholders, such as Parish, District and County Councillors, local residents, Environmental Health Officers, representatives from the site, and Planning Officers from the County Council. They provide an opportunity for the operator to update stakeholders on progress and future plans, listen to local concerns, and find solutions together. The County Council encourages members of the community to engage with representatives of Liaison Committees as an established and effective method to identify and address local concerns.

#### 4.1.3 Unauthorised development

Where breaches of planning control have taken place, the County Council is entitled to take enforcement action when necessary. Unlike planning applications, there is no statutory consultation requirement for enforcement action.

#### 4.1.4 Appeals

If an appeal is lodged in relation to a planning application or formal enforcement action, all bodies and individuals who were consulted on the original matter or who made written comments will be informed. Any appeal made against a Council decision will be determined by the Secretary of State, who often delegates powers to the Planning Inspectorate.



## 4.2 Who will be involved?

Consultation on planning applications generally involves two groups: those who, by virtue of their location, would be affected by the proposal, and those whom the County Council looks to provide specialist comment and advice.

For planning applications there are bodies within either group which the County Council is legally required to consult. These are known as statutory consultees and include relevant district, borough and parish councils and other organisations with specific technical expertise or legal function where certain thresholds are met. The County Council may also consult neighbouring authorities where a proposed development could impact upon their area.

The organisations and individuals that are consulted on a given application will depend upon the nature, scale and setting of a proposed development, and Planning Officers will use their professional judgement when considering this.

A non-exhaustive list of groups and organisations that may be consulted is included at Appendix 1.

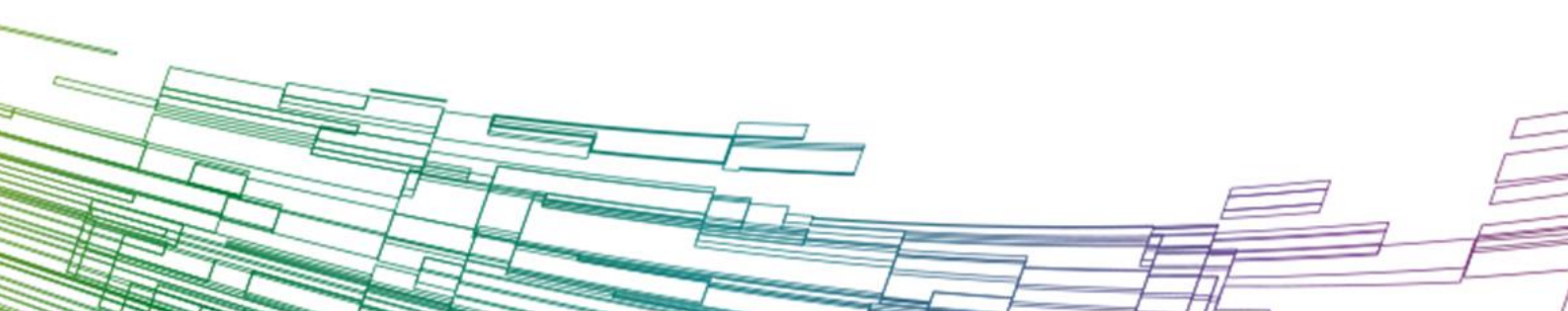
## 4.3 How will the community be involved?

All planning applications submitted to the County Council will appear on the Statutory Planning Register held by the respective district and borough councils, and all public documents submitted as part of the application will be available on the County Council's website.

If someone has difficulty viewing documents at home, for example if they do not have an internet connection, they can contact the Planning Team and they will consider how the County Council can help, for example inviting them to County Hall to access a computer. As part of the County Council's commitment to lessening its impact on the environment, enabling digital access will be considered in the first instance before printing anything off.

There are different legal requirements to publicise planning applications depending on the type of development, and Planning Officers may decide to use additional methods as appropriate. In addition to the website and Statutory Register, the main ways the County Council publicises planning applications are:

- Neighbour notification letters (the extent of this depends on the complexity of the proposed development and could be extensive);



- Press notice(s); and
- Site notice(s).

For applications where there are complicated matters or issues of concern, a more extensive consultation approach may be required including working with key stakeholders:

- Organisations and individuals with a special interest in the application;
- District or borough council;
- Parish councils/meetings;
- Site liaison committees; and
- Other community groups, as appropriate, to disperse information to the community where possible.

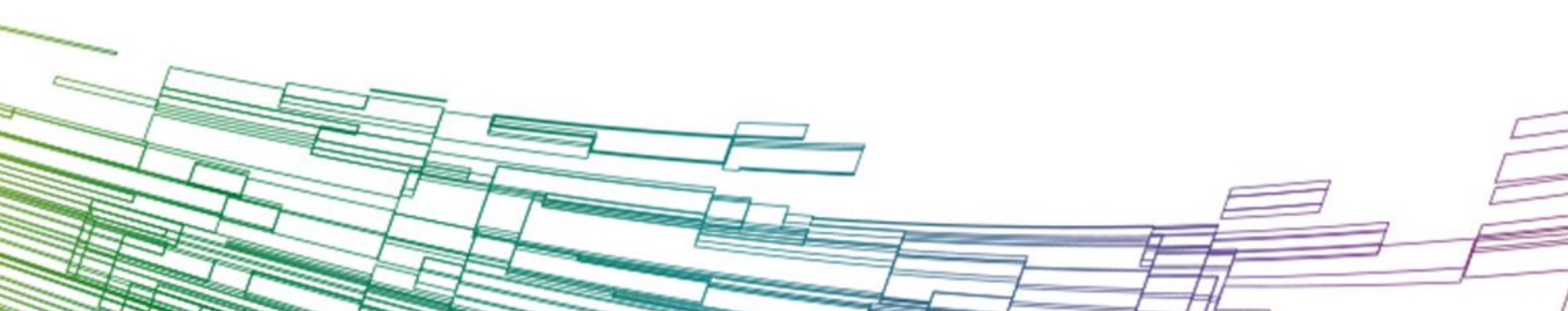
For the most contentious applications, which are likely to attract a considerable number of representations and have the potential to significantly impact on communities, the County Council may hold public meetings and exhibitions. These events will generally be held at the nearest suitable and available venue to the application site. This is likely to be a village or church hall, community centre, or school. Details of the venue will be advertised in the local area as widely and as far ahead as possible.

For applications that are likely to be contentious, the County Council strongly encourages applicants to organise and carry out public events prior to submitting a planning application as part of their pre-application engagement – see Chapter 7 of this document.

For applications which attract press attention, the County Council may also work with the local media to help to ensure balanced coverage.

Anyone interested in speaking to a Planning Officer about a particular application may do so within working hours, by phone, virtual meeting, or at the County Council offices. It is advisable to make an appointment before visiting the County Council offices to obtain information about a specific application. Contact details are included at the start of this document.

Members of the public may also wish to make use of Planning Aid England, which provides free independent, professional advice and support on planning issues to people and communities who could not otherwise afford it. Further information can be found at [www.rtpi.org.uk/planning-aid/](http://www.rtpi.org.uk/planning-aid/).





Where an application meets the criteria to be decided by the Development Control and Regulatory Board (DCRB), members of the public and applicants may request to speak during the relevant meeting. Anyone who has made written comments will be sent details of how to do this.

Details about speaking at DCRB, and the criteria for when planning applications are decided by DCRB, is available on the County Council website:

<https://www.leicestershire.gov.uk/environment-and-planning/planning>.

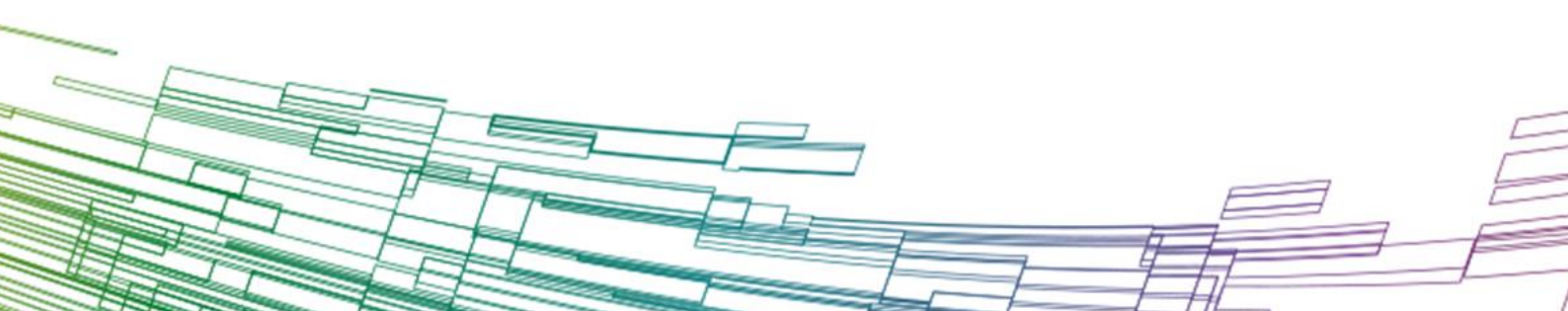
DCRB meetings are broadcast live and saved on the publicly accessible 'Committee Meetings - Leicestershire County Council' YouTube channel: [www.youtube.com/leicestershirecc](http://www.youtube.com/leicestershirecc).

#### **4.4 When will the community be involved?**

The County Council encourages prospective applicants, particularly those proposing complex schemes or development in sensitive areas, to engage with the community early in the process, prior to the submission of the planning application. This allows potential issues to be identified early and for an iterative process to refine the development having engaged with the public. For some types of development, and when certain regulations apply, this is a legal requirement. Further advice for prospective applicants is included at Chapter 7.

Once submitted and validated, the consultation period for planning applications is usually a minimum period of three weeks. In some specific instances a longer period is required by law. After consultation, a determination can be made, so the County Council encourages all comments to be submitted within the specified consultation period to ensure that they can be taken into account.

When significant changes are made to a planning application, the County Council may re-consult, i.e. go through the publication and consultation process again, the time for comments in this instance is shortened. Where further information is submitted which relates a development's potential environmental effects, it will normally be directed towards the relevant technical consultee(s) rather than undertaking another full consultation exercise. The exception to this is where there is a statutory requirement to do so, for example in relation to planning applications that are subject to the EIA regulations.



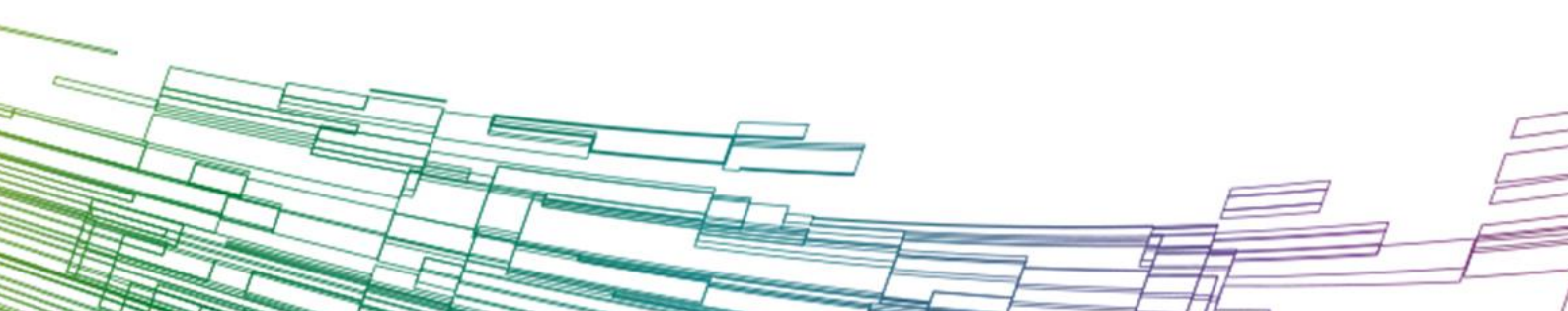
#### 4.5 How will the community influence planning decisions?

In addition to effective pre-application consultation undertaken by an applicant, which is covered in further detail in chapter 7, consultation on planning applications is the main way the community can influence planning decision making.

The County Council is bound to record and consider any representations it receives during the official consultation period but it is important to be aware that not all comments made on planning applications raise issues that are material considerations to planning decisions. A common example of something which will not be taken into account is the impact a proposed development might have on the value of property.

Where technical and material comments are made, the County Council might decide to contact the applicant to ask that more information is provided, or amendments are made. If these changes are significant, it may be appropriate to re-consult.

All representations from consultees and the public are part of the 'planning file' and available for public inspection. However, careful consideration has been given to what is actively published on the County Council's planning website. In order to meet the County Council's values of openness and transparency, all representations from technical and statutory consultees are published on the County Council website. However, due to the volume of public representations that can be received and the need to review each one before publication to ensure there is no inadvertent breach of data protection regulations, public representations are not routinely published on the website. Public representations will be available to upon request. A report is written for every planning application the County Council determines and this is published online. All representations made on an application are summarised in these reports.



## 5 Neighbourhood Planning

### 5.1 Neighbourhood planning

Neighbourhood planning gives communities the opportunity to develop a shared vision for their neighbourhood and to shape the development and growth of their local area by providing a set of tools for local people to plan for the types of development to meet their community's needs. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use.

Local communities can choose to:

- Set planning policies through a neighbourhood plan which is approved by the community at a referendum and then forms part of the Development Plan.
- Grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

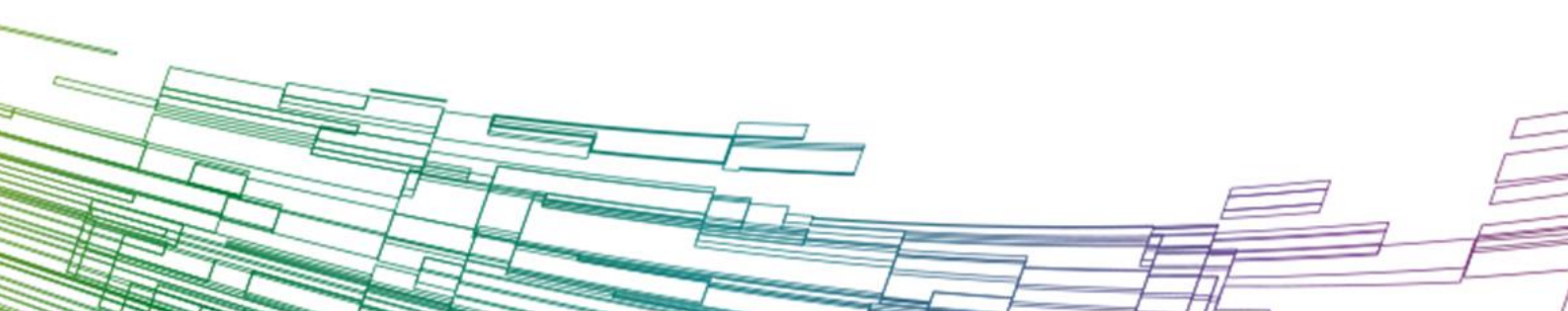
It is a legal requirement for a Statements of Community Involvement to include policies for advising and assisting in the neighbourhood planning process, but different types of councils have distinct roles.

### 5.2 Leicestershire County Council's role

District, borough, and unitary councils (e.g. Charnwood Borough Council or Leicester City Council) are the relevant local planning authority for neighbourhood planning and have a significant role in the process, including deciding whether the plan complies with all the relevant statutory requirements and is ready to go to a referendum.

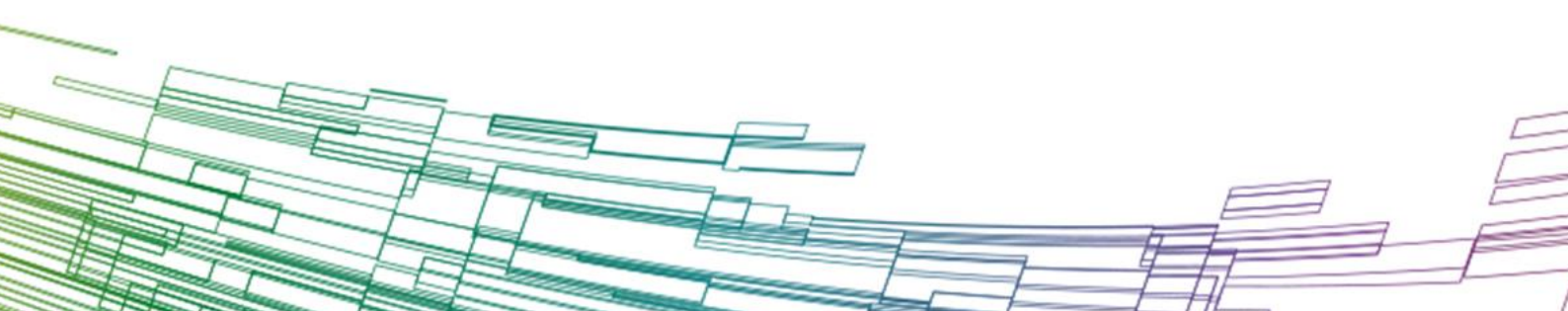
As statutory consultees, county councils are consulted during the process but are not legally obliged to provide comments, advice, or assistance.

As a consultee for all neighbourhood plans which relate to areas wholly or partially within Leicestershire, the County Council is legally required to be consulted at two points. Firstly, the group preparing the plan must consult the County Council whilst they are drafting the plan, and then once the plan is submitted to the respective local planning authority then they must consult the County Council before a decision is made about the neighbourhood plan's compliance.



The County Council endeavours to provide meaningful, constructive feedback when consulted, and seek views from multiple departments within the Council to ensure that the Council's wide range of functions are represented within responses.

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## 6 Climate Change

### 6.1 Climate emergency

Leicestershire County Council declared a climate emergency in 2019. The Council is committed to addressing climate change through becoming a net zero council by 2030 and working with Leicestershire people and organisations to become a net zero county by 2045 or before.

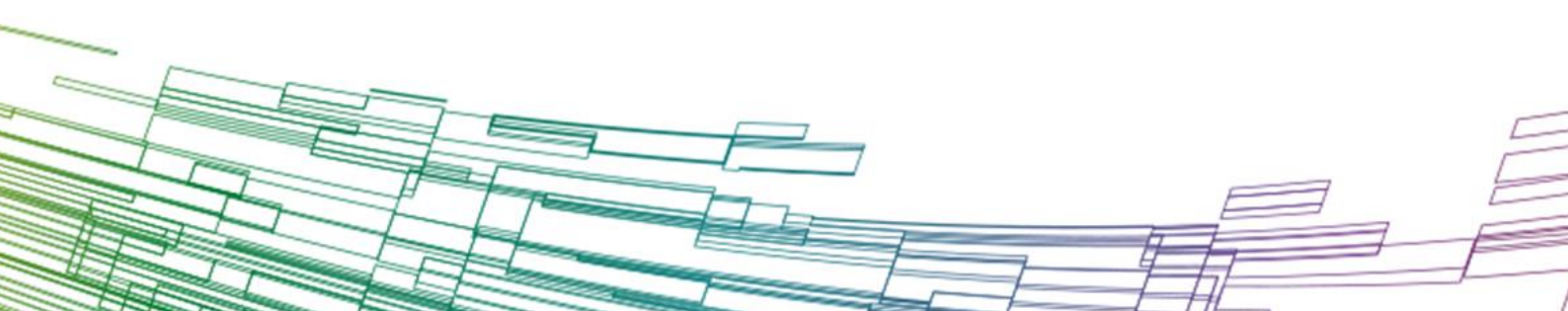
### 6.2 Leicestershire County Council's response

All council departments have a role to play in reaching net zero, and in the context of the County Council's consultation work as a local planning authority this means balancing its legal duties to consult on and publicise planning applications and policies, with the changes which need to make to reduce the County Council's impact on the environment.

The County Council is already making substantial progress with the transition from paper based to digital working and, in all instances, will endeavour to reduce the need to print. In practice, this may mean facilitating access for a local resident to use a computer at County Hall to view planning application documents, or making sure Officers have the IT equipment they need to view multiple documents on screen at once. Sometimes printing is essential to keep people informed about planning applications or policy, and is required by law, for example site notices.

The County Council's use of online meeting software has, like many others, increased enormously since the start of the Covid-19 pandemic. Whilst it is acknowledged that virtual meetings do have their limitations, i.e. some people do not have access to the internet, it is also recognised that by reducing the need for people to travel around Leicestershire, the carbon footprint is reduced. The County Council will therefore retain virtual meetings as a tool for meeting with members of the community, as far as they are not a barrier to community involvement.

Development Control and Regulatory Board meetings are streamed and saved Leicestershire County Council's on YouTube (the live and recorded content provider may change in time). This enables members of the public who may otherwise have travelled to County Hall to attend the meetings to observe online instead, therefore saving the carbon impact of their return journey.



## 7 Pre-application Engagement Advice

### 7.1 Benefits of pre-application community involvement

The County Council strongly encourages prospective applicants to engage with the local community, statutory and non-statutory consultees, before submitting their applications. This is especially important when the proposed development is large, complicated, in a sensitive area, or likely to have an impact on the local community. Planning applications that are subject to an Environmental Impact Assessment can be an indication of this.

Effective pre-application engagement should allow for an iterative process which sees proposals evolve and develop as they take into account the views of consultees. If issues are identified and resolved prior to the submission of an application, the determination process will be more efficient.

### 7.2 Leicestershire County Council's Engagement Principles

These principles should be the starting point for prospective applicants when they consider how to:

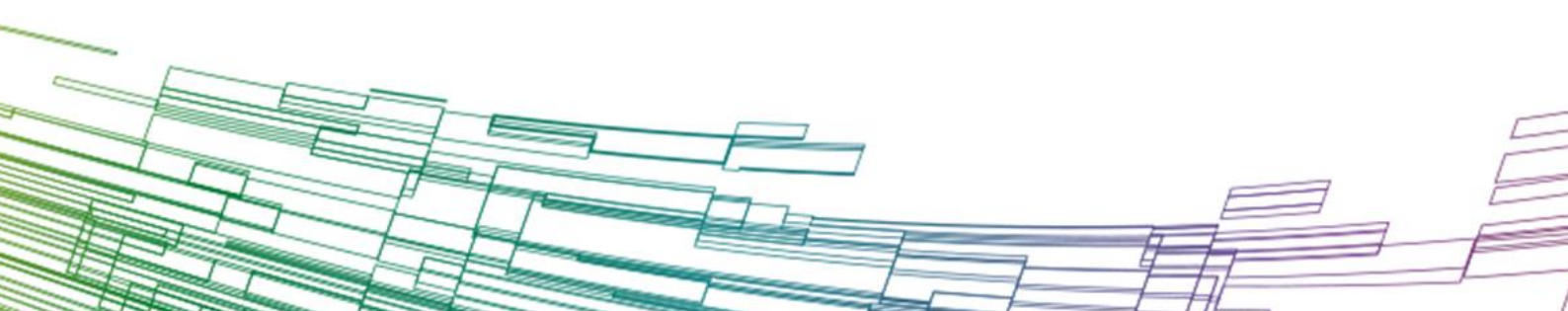
- Inform the community about a development proposal;
- Facilitate feedback from the community; and
- Take into account the feedback that is provided.

#### ***Meaningful***

Developers should define, plan, and execute their pre-application engagement in a way that all members of the community are able to fully take part in, and ensure it provides genuine opportunities for the community to influence development proposals.

#### ***Inclusive:***

Developers should work to understand the community that may be affected by their proposals, and efforts should be made to ensure any events, platforms or feedback channels do not exclude any members of the community with different access requirements.



### ***Transparent***

Developers should ensure the community have realistic expectations of their role in the pre-application engagement process, what parts of the proposal are still being evolved and the impact their comments have had.

### **7.3 Legal requirement for pre-application consultation**

Whilst pre-application consultation is considered best practice and is strongly encouraged by Leicestershire County Council, for some types of development there is a certain level of engagement that is legally required to be carried out by developers.

At the time of the adoption of this SCI, for wind turbine development comprising either two turbines, or any wind development over 15m high, a developer must conduct a consultation exercise which meets specific criteria.

Prospective applicants must ensure they meet the most up-to-date relevant legal or procedural requirements for consultation that apply to specific types or development.

### **7.4 Submitting details**

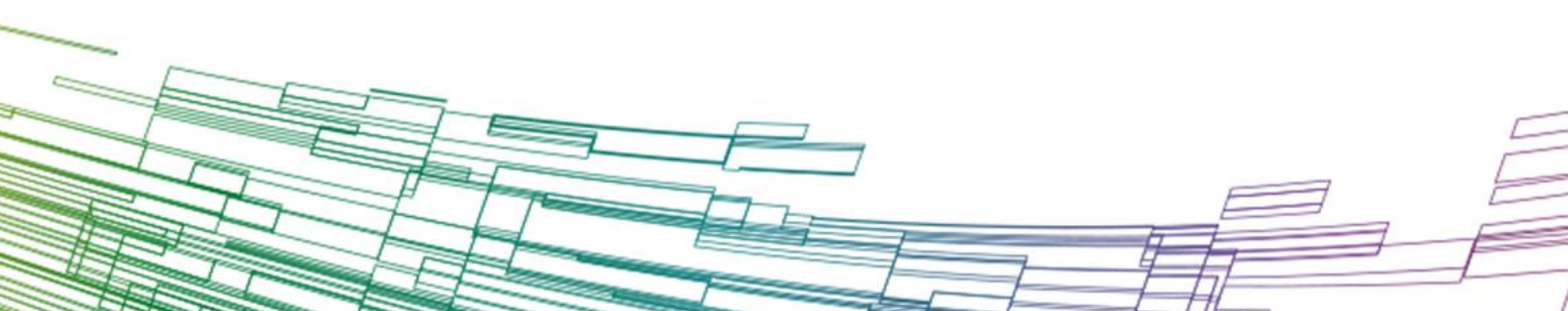
Applicants should include details any pre-application consultation that has taken place in a Statement of Community Involvement and submit this as part of their planning application. The Statement should show how the views of the local community have been gathered and how they were taken into account in the formulation of development proposals.

### **7.5 Examples**

Pre-application community consultation should be proportionate and tailored to the development proposal and its context, taking into account not only the nature of the proposed development, but also the characteristics of those that may wish to get involved in the process. Some examples of effective methods include:

#### Understanding the community

- Reaching out to existing groups and community figures to understand the characteristics and dynamics of a community to inform engagement and consultation methods.



- Establishing a liaison committee prior to seeking formal pre-application advice or submitting a planning application (for particularly complex and/or contentious proposed development).

#### Reaching different stakeholders

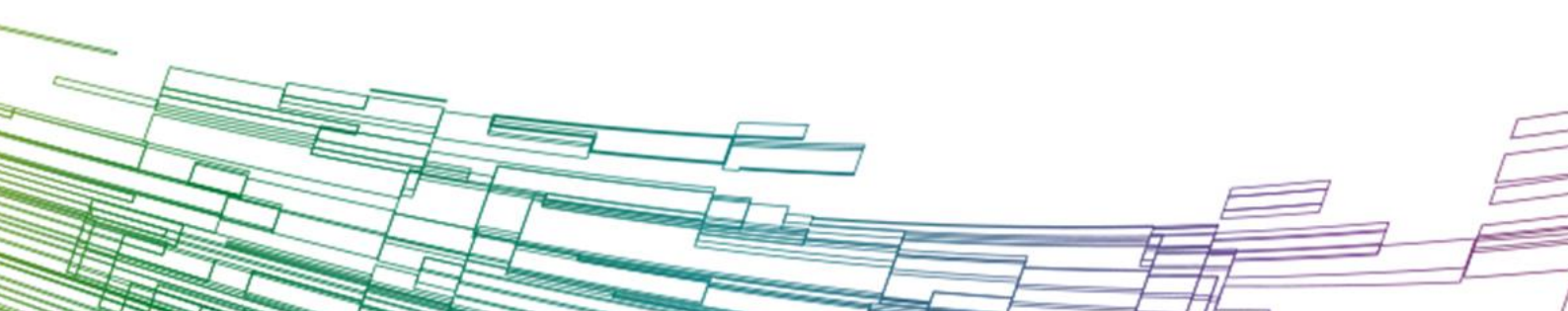
- Involving end users of a development in the design process e.g. children for a new school proposal.
- Using local notice boards to supplement traditional letter drops to cater for interested parties who live outside the distribution area but work or spend leisure time within it.

#### Effective use of established methods

- Using a familiar 'real world' format for online consultation websites to make them more accessible and interesting, e.g. virtual village hall layout with boards for information, TV screen for video and comments box for providing feedback.
- Ensuring dates and times chosen for events do not conflict with key events that may inhibit some members of the community from attending, e.g. religious festivals.
- Making consultation events family friendly by including activities for children, e.g. colouring.

#### Facilitating feedback

- Providing material to access online or take away from an exhibition to give attendees more time to understand and formulate feedback.
- A dedicated email address for feedback has practical advantages, as well as allowing the number of responses to be monitored and reported on in the submission's Statement of Community Involvement.



## 8 Potential Consultees

This section includes a non-exhaustive list of individuals, groups and organisations who could potentially be consulted in Leicestershire County Council's planning functions. Depending on the type of development or planning policy that the County Council is consulting on, it could be a legal or procedural requirement to consult some of those listed.

This list should also be used by prospective applications who are considering their pre-application engagement work and who should be involved.

### 8.1 County Council services

- Ecology
- Heritage
- Highways Authority
- Landscape
- Lead Local Flood Authority (LLFA)
- Public Health
- Public Rights of Way

### 8.2 District Council services

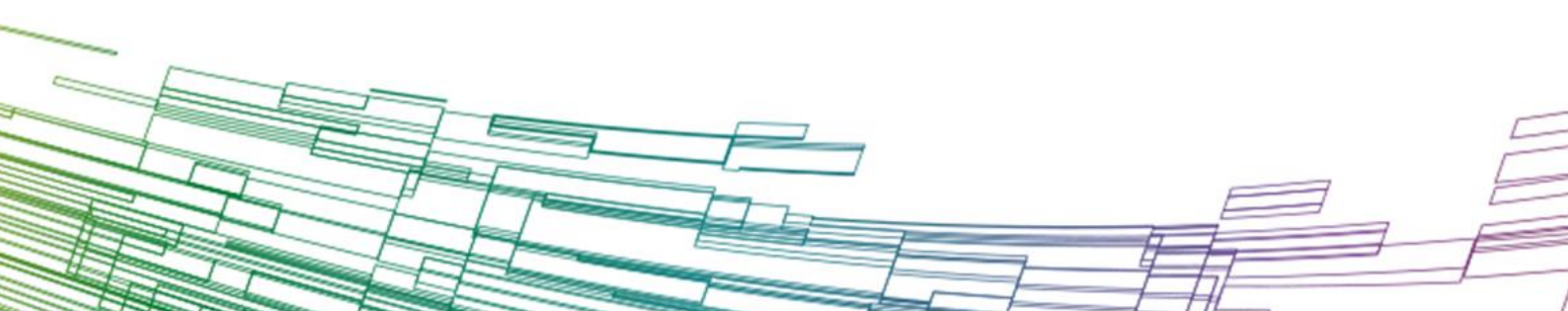
- Environmental Health (noise, vibration, air quality (inc. dust and odour), contamination)
- Planning
- Urban Design and Design Guides

### 8.3 Elected officials

- County Councillors
- District Councillors
- Members of Parliament
- Parish Councillors

### 8.4 Organisations involved in planning

- Neighbouring Planning Authorities





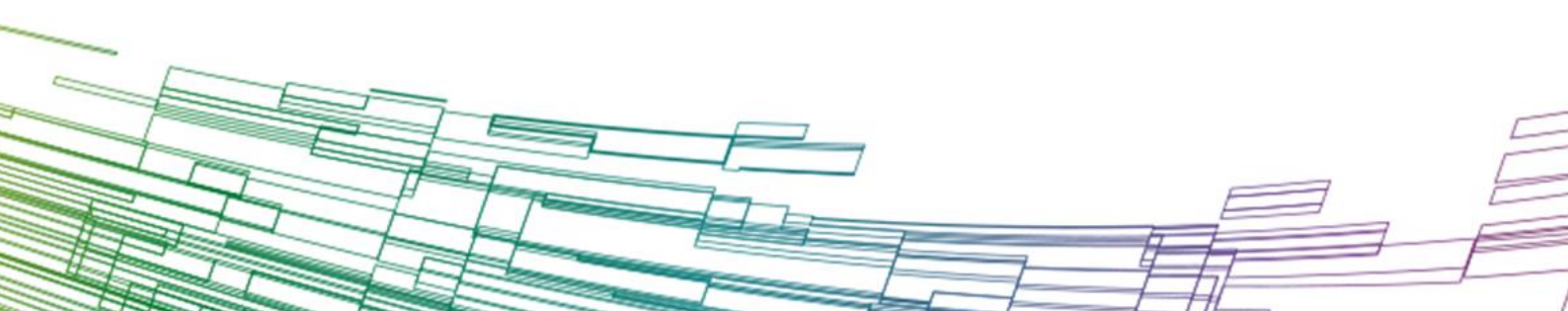
- Parish Councils and Neighbourhood Forums
- Secretary of State Planning Casework Unit

### **8.5 Organisations with specific technical expertise**

- British Waterways Board
- Canal & River Trust
- Coal Authority
- Environment Agency
- Health and Safety Executive
- Historic England (Formerly English Heritage)
- Leicestershire Fire & Rescue Service HQ
- Leicestershire Police Designing Out Crime Team
- National Highways (formerly Highways Agency)
- Natural England
- Sport England
- The Garden History Society
- The Office for Nuclear Regulation
- The Theatres Trust
- UK Health Security Agency and Office for Health Improvement and Disparities (previously Public Health England)
- Water or Sewerage Undertakers

### **8.6 Local or national interest, action, or campaign groups**

- British Horse Society
- Chamber of Commerce
- Community Specific Residents' Associations
- Council for the Protection of Rural England
- Friends of Charnwood Forest
- Inland Waterways Association
- Leicester Civic Society
- Leicestershire & Rutland Sport
- Leicestershire & Rutland Wildlife Trust
- Leicestershire Bridleways Authority
- Leicestershire Footpaths Association
- Local action groups with specific concerns
- National Amenity Societies



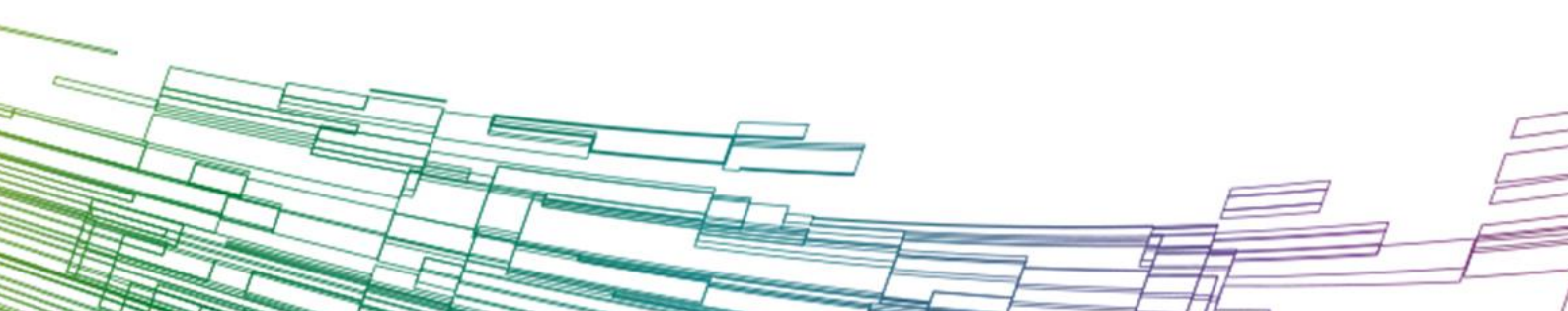
- National Forest Charitable Trust
- National Forest Company
- Ramblers Association
- Site-Specific Liaison Committees
- The Woodland Trust

### **8.7 Infrastructure providers**

- Cadent Gas Limited
- High Speed Two (HS2) Limited
- Network Rail
- Severn Trent Water Ltd.

### **8.8 Planning, minerals and waste networks**

- East Midlands Aggregate Working Party (EMAWP);
- East Midlands Regional Technical Advice Board (EMRTAB); and
- Leicestershire Development Management Forum (DM Forum).



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**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**10 FEBRUARY 2022**

**REPORT OF THE CHIEF EXECUTIVE**

**DELEGATED ENFORCEMENT NOTICES ISSUED**

**1<sup>st</sup> October 2021 to 31<sup>st</sup> December 2021**

Enforcement Reference	Details of person notice was served on	Description	Delegated
2021/BoC/0001/ENF	<u>Welland Waste Management Limited</u> Pebble Hall, Theddingworth Road, Lutterworth, LE17 6NJ	Breach of Condition Notice (BCN) requiring an Automatic Traffic Counter at the entrance to the site to be in place and fully operational at all times during the life of the development.	Notice Served: 2 <sup>nd</sup> December 2021

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**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**10<sup>th</sup> FEBRUARY 2022**

**REPORT OF THE CHIEF EXECUTIVE**

**DELEGATED DECISIONS ISSUED**  
**1<sup>st</sup> OCTOBER 2021 – 31<sup>st</sup> DECEMBER 2021**

<b>Application</b>	<b>Applicant and Location</b>	<b>Description</b>	<b>Delegated</b>
2021/2088/02 (2021/VOCRM/0136/LCC)	<b><u>Leicestershire County Council</u></b> Iveshead School, Forest Street, Shepshed, LE12 9DB	Variation of Condition 2 (approved drawings) of planning approval Ref. 2020/2421/02 (2020/Reg3Ma/0174/LCC) to enable the creation of a hardstanding play area to the south of Iveshead School	<u>Received:</u> 17/09/2021 <u>Resolution:</u> 17/12/2021 <u>Decision Date:</u> 17/12/2021 <u>Decision:</u> Approved <u>Total weeks For Determination:</u> 13
2021/0883/04 (2021/VOCRM/0094/LCC)	<b><u>Leicestershire County Council</u></b> Part Plot 6, Interlink Way South, Bardon Industrial Estate, Bardon Hill, Leicestershire. LE67 1PG.	S73 Planning Application to vary the site layout previously approved under Condition 2 of planning permission ref. 2020/1191/07	<u>Received:</u> 28/06/2021 <u>Resolution:</u> 19/10/2021 <u>Decision Date:</u> 19/10/2021 <u>Decision:</u> Approved <u>Total weeks For Determination:</u> 16

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**DEVELOPMENT CONTROL AND REGULATORY BOARD****10 FEBRUARY 2022****REPORT OF DIRECTOR OF ENVIRONMENT AND TRANSPORT****DELEGATED DECISIONS (number 49) FOR WORKS TO TREES PROTECTED  
BY****LEICESTERSHIRE COUNTY COUNCIL TREE PRESERVATION ORDERS****June 1<sup>st</sup> – December 31<sup>st</sup> 2021**

<b>Application (District Reference)</b>	<b>Applicant and Location</b>	<b>Description</b>	<b>Delegated</b>
2021/TPO/0076/LCC 21/00565/TPO	<b>Wightman</b> 135a The Park, Market Bosworth, CV13 0LP	Sycamore – raise canopy to 6m over carriage way	Date rec'd: 2/6/2021 Notice sent: 16/7/2021 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0080/LCC 21/0741/TPO	<b>Hefford</b> 13 The Fairway, Kirby Muxloe, LE9 2EU	Ash – removal of tree due to Ash dieback	Date rec'd: 15/6/2021 Notice sent: 2/8/2021 <u>Determination: 7 weeks</u> <u>Decision: Approved</u>
2021/TPO/0084/LCC 21/00566/TPOCM	<b>Finch</b> 18 Ribble Way, Melton Mowbray, LE13 0HG	Sycamore – removal of 2 trees to ground level	Date rec'd: 15/6/2021 Notice sent: 5/8/2021 <u>Determination: 7 weeks</u> <u>Decision: Approved with amendments.</u>
2021/TPO/0085/LCC 07/01444/CTPO	<b>Kemp</b> 17 The Chase, Markfield, LE67 9XF	Ash – remove lower branch that overhangs neighbouring property	Date rec'd: 16/6/2021 Notice sent: 2/8/2021 <u>Determination: 7 weeks</u> <u>Decision: Approved</u>
2021/TPO/0086/LCC 2021/0086/07/TPO	<b>Culver</b> 12 St Michaels Close Ashby de la Zouch, LE65 1ES	Horse Chestnut – remove tree due to leaning heavily over neighbour's property	Date rec'd: 21/6/2021 Notice sent: 5/8/2021 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0089/LCC 09740224	<b>Bradbury</b> 53 Nanpantan Rd, Loughborough, LE11 3ST	Pine – removal of tree due to subsidence damage to property	Date rec'd: 25/6/2021 Notice sent: 2/9/2021 <u>Determination: 9 weeks</u> <u>Decision: Approved</u>
2021/TPO/0090/LCC 10/00288/CTPO	<b>Coventry</b> 6 Sketchley Hall Gardens, Burbage, LE10 3JP	Ash – Fell to ground level due to proximity to buildings and drains	Date rec'd: 25/6/2021 Notice sent: 10/8/2021 <u>Determination: 7 weeks</u> <u>Decision: Approved</u>
2021/TPO/0091/LCC	<b>Armitage</b> 2Trinity Close,	Ash T1 – Fell to ground level	Date rec'd: 28/6/2021 Notice sent: 6/8/2021

21/01247/TCA	Ashby de la Zouch, LE65 2GQ	AshT2 / T4 / T5 – remove dead defective branches	<u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0097/LCC PP09966152	<b>Davis</b> 7 Wyvern Close, Burbage, LE10 2GG	Oak – reduce limbs growing over properties	Date rec'd: 5/7/2021 Notice sent: 5/8/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0098/LCC 21/01182/TPO	<b>Robinson</b> 42 Hollies Way Thurnby Le7 9RJ	Lime – re-pollard	Date rec'd: 6/7/2021 Notice sent: 11/8/2021 <u>Determination: 5 weeks</u> <u>Decision: Approved</u>
2021/TPO/0100/LCC 21/01259/TPO	<b>Creedy</b> 8 Newstead Avenue, Bushby, Le7 9QE	Cherry – Remove as dead Maple – crown raise to 5m Horse chestnut- raise to 5m	Date rec'd: 19/7/2021 Notice sent: 2/9/2021 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0102/LCC 21/0907/TPO	<b>Patel</b> Two Hoots, Linden Lane, Kirby Muxloe, LE9 2EG	T3A Birch - Remove to construct port T4 Lime - Remove for access to the car port T15 Copper Beech - Remove for construction of the patio and pergola T19 Oak - Cut back low level branches to allow for construction of car port T25 Lime Tree - Pollard to improve light conditions to the front garden and house	Date rec'd: 26/7/2021 Notice sent: 20/9/2021 <u>Determination: 8 weeks</u> <u>Decision: Approved</u>
2021/TPO/0103/LCC 21/01415/TCOM	<b>Mansfield</b> 22 Upper Packington Rd, Ashby de la Zouch, LE65 1EF	Lime – reduce crown to lessen overhang over driveway and house	Date rec'd: 26/7/2021 Notice sent: 9/9/2021 <u>Determination: 7 weeks</u> <u>Decision: Approved</u>
2021/TPO/0105/LCC	<b>Sykes</b> 17 Charnwood Drive,	Cedar – reduce crown spread and remove	Date rec'd: 27/7/2021 Notice sent: 9/9/2021 <u>Determination: 7 weeks</u>

P/21/0666/2	Woodhouse Eaves, LE12 8QT	dead branches	<u>Decision: Approved</u>
2021/TPO/0107/LCC 21/01533/TCOM	<b>Cain</b> 24 Upper Packington Road, Ashby de la Zouch, LE65 1ED	Lime trees G1 – crown raise to 5m  Remove branches that interfere with the overhead utilities; the BT cabling	Date rec'd: 2/8/2021 Notice sent: 9/9/2021 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0109/LCC	<b>Parkinson</b> 9 Brendon Way, Ashby de la Zouch, LE65 1 EY	Lime – reduce crown to lessen the weight due to cavity in main stem	Date rec'd: 4/8/2021 Notice sent: 9/9/2021 <u>Determination: 5 weeks</u> <u>Decision: Approved</u>
2021/TPO/0110/LCC 21/01398/TPO	<b>Dawson</b> 1 Peveril Rd Ashby magna Le17 5 NQ	Sycamore – prune branches away from overhead utilities such as the BT cabling	Date rec'd: 5/8/2021 Notice sent: 13/9/2021 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0111/LCC 21/00677/TPOCM	<b>Rutter</b> 14 Spring Lane, Wymondham, Le14 2AY	T1 Large Poplar to be pollard to 20ft T2 - Redwood to have 1 limb reduced to take limb way from leaning on the house T3 and T4 2 x Sycamores to be reduced in height by 8m	Date rec'd: 10/8/2021 Notice sent: 20/9/2021 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0113/LCC 21/1008/TPO	<b>Murdock</b> 7 Towers Drive, Kirby Mallory, LE9 2EW	T1 - Beech – Removal Reason - Infected with Phytophora  T2 & T3 Yew Trees - Work-Crown reduce by 1.2m from the tips and reshape.	Date rec'd: 13/8/2021 Notice sent: 9/9/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0114/LCC 21/1007/TPO	<b>Geddes</b> 20 Towers Drive, Kirby Muxloe, LE9 2EW	Yew - Work - Remove  T2 - Giant Redwood - Work- Reduce spread towards house by 2.5m  T3 – Yew	Date rec'd: 13/8/2021 Notice sent: 14/9/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>



		Crown Reduce by 20% approx.	
2021/TPO/01116/LCC	<b>Davis</b> 12 Wyvern Close, Burbage, LE10 2GG	Oak – crown reduce by 3m	Date rec'd: 12/8/2021 Notice sent: 14/9/2021 <u>Determination: 5 weeks</u> <u>Decision: approved</u>
2021/TPO/0121/LCC 21/01307/TPO	Weir 32 Main St Houghton on the Hill LE7 9GD	T1-Poplar tree Pollard to 8m T2-Poplar tree Pollard to 8m T3- Monterey Cypress Prune back overhanging branches from neighbours garage roof	Date rec'd: 2/9/2021 Notice sent: 5/10/2021 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0123/LCC p/21/1575/2	<b>Prince</b> 113a Swithland Lane, Rothley, LE7 7SH	Sycamore – remove the two lowest branches on south west side. Lift to 5.2 m over the highway	Date rec'd: 6/9/2021 Notice sent: 4/10/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0125/LCC No district ref	<b>Butterfield</b> Donnington Hall, Castle Donnington, DE24 2SG	First Phase of Arboricultural works which will be required because the site is being brought back under active management.	Date rec'd: 6/9/2021 Notice sent: 18/10/21 <u>Determination: 6 weeks</u> <u>Decision: Approved</u>
2021/TPO/0128/LCC 21/01466/TPO	<b>O'Brien</b> 11 Lakeside Court, Thurnby, LE67 9PY	T1- Yew remove T2- Scots Pine - remove	Date rec'd: 13/9/2021 Notice sent: 11/10/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2121/TPO/0129/LCC No district ref	<b>Minkley</b> 47 Church Road, Kirkby Mallory, LE9 7QE	Oak- Crown thin and remove deadwood	Date rec'd: 13/9/2021 Notice sent: 18/10/2021 <u>Determination: 5 weeks</u> <u>Decision: Approved</u>
2021/TPO/0130/LCC 21/01587/TCA	<b>Seville</b> 20 Main Street, Thurnby, LE7 9PN	Silver Birch – Crown reduce by 30%	Date rec'd: 14/9/2021 Notice sent: 12/10/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0131/LCC 21/01380/TPO	<b>Environmental Services</b> 101 Fairfield Road, Market Harborough, LE16 9QH	G1- 2x Large Corsican Pine – remove due to subsidence damage	Date rec'd: 15/9/2021 Notice sent: 11/10/2021 <u>Determination: 5 weeks</u> <u>Decision: Approved</u>

2021/TPO/0133/LCC 21/01609/TPO	<b>Blanshard</b> The Coppice, Main Street, Tilton on the Hill, LE7 9LF	Ash - remove due to Ash Dieback	Date rec'd: 16/9/2021 Notice sent: 14/10/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0134/LCC 21/1070/TC	<b>Nemorin</b> 1 Roundhill, Kirby Muxloe, LE9 2DY	Laburnum – remove as unsafe	Date rec'd: 16/9/2021 Notice sent: 14/10/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0138/LCC 21/1115/TC	<b>Everitt</b> 2 Towers Drive, Kirby Muxloe, LE9 2EW	Lawsonia – remove  Yew- remove due to subsidence damage	Date rec'd:20/9/2021 Notice sent:18/10/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0147/LCC 21/1239/TC	<b>Emery</b> 10 Towers Drive, Kirby Muxloe, LE9 2EW	T1- Cedar – crown reduce by 2m.  T2 – Lawsons Cypress fell.	Date rec'd: 7/10/2021 Notice sent: 4/11/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0151/LCC 21/1199/TPO	<b>Hales</b> The Old Vicarage, Enderby Road, Whetstone, LE8 6JH	T1- Sycamore - fell due to poor health	Date rec'd: 15/10/21 Notice sent: 15/11/21 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0152/LCC 21/1162/TPO	<b>Lenton-Lever</b> Anna's Way Whetstone LE8 6LR	T1 - Lime - remove major deadwood and epicormic growth. T2-T7 - Lime - crown lift the trees to 2.5m T8 - Lime - remove epicormic growth T9 - Lime - re- pollard T10 - Lime - re- pollard T11 - Cherry - crown reduce by 1.5 m	Date rec'd: 13/10/2021 Notice sent: 15/11/2021 <u>Determination: 5 weeks</u> <u>Decision: Approved</u>
2021/TPO/0154/LCC 21/1274/LCC	<b>Vernon</b> 17 Ellis Drive, Kirby Muxloe, LE9 2LT	T1- Horse Chestnut Crown reduce by 25%	Date rec'd: 22/10/2021 Notice sent:16/11/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0156/LCC 21/1295/TPO	<b>Black</b> Cutter Close Coppice, Coventry Road,	Clear deadwood and inspect mature Oak and	Date rec'd: 27/10/2021 Notice sent: 25/11/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>

	Narborough,	Sycamores. Fell 2 Dead/Dying Hawthorne trees.	
2021/TPO/0159/LCC pp-10351786	<b>Blunt</b> 31 Ellis Drive, Kirby Muxloe, LE9 2LT	T1 – Lime rise canopy to 5m.  T2 – Horse Chestnut reduce weight and spread of primary leader by 40%	Date rec'd: 2/11/2021 Notice sent: 30/11/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0160/LCC 21/01875/TPO	<b>Creedy</b> 9 Bennion Road, Bushby, LE7 9QF	T1 – Lime raise the crown to 6 m and remove epicormic growth and branch growing over the property.	Date rec'd: 2/11/2021 Notice sent: 30/11/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0161/LCC 21/1182/TPO	<b>Hardingham</b> All Saints Churchyard, Church Street, Sapcote, LE9 4FG.	T1 – Ash reduce by 10 m to reduce weight on the decayed limbs.  T9 – Norway maple- Fell due to main stem split.	Date rec'd: 3/11/2021 Notice sent: 2/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0162/LCC 21/01874/TPO	<b>Jones</b> Horseshoe Cottage, The Stableyard, North End, Hallaton, LE16 8UJ	Yew – crown raise to 5m  Lime - crown raise to 5m	Date rec'd: 3/11/2021 Notice sent: 31/11/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0163/LCC 21/01926/TPO	<b>Caunt</b> The Vicarage, 12 Saddington Road, Fleckney, LE8 8AW	Fell Sycamore due to poor health	Date rec'd: 10/11/2021 Notice sent: 8/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0165/LCC No district ref	<b>Capewell</b> 6 Tower Gardens, Ashby, LE65 2GZ	Beech – Crown reduce by 2.5m	Date rec'd: 15/11/2021 Notice sent: 13/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/01666/LCC p/21/2305/2	<b>Popat</b> 85 Swithland Lane, Rothley, LE7 7SH	2 Oak trees on front of property. Crown reduce by 3m	Date Rec'd: 15/11/2021 Notice sent: 13/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved with amendments.</u>
2021/TPO/0167/LCC	<b>Black</b> 3 Albert Hall	T1 – Oak deadwood and	Date rec'd: 16/11/2021 Notice sent: 13/12/2021

pp-10345667	Place, Coalville, LE67 4TX	remove the branch over the porch.  T2 – Oak Deadwood removal	<u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0171/LCC p/21/1909/2	<b>Wright</b> 16 Swithland Court, Brand Hill, Woodhouse Eaves, LE12 8SS	Corsican Pine: reduce by 25% to reduce the sail effects of the wind	Date rec'd: 18/11/2021 Notice sent: 14/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0172/LCC p/21/2221/2	<b>Doyle</b> 43 park Road, Birstall, LE4 3AX	T1 - Acacia: remove two heavy lateral branches  T2 -Lime: Crown reduce and remove the overhanging heavy branches.	Date rec'd:18/11/2021 Notice sent:16/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0173/LCC 21/1370/TPO	<b>Froggart</b> 15 Cedar Crescent, Narborough, LE19 2 GZ	Beech tree – remove due to extensive Meripilus giganteus fungi at the base of the tree.	Date rec'd: 18/11/2021 Notice sent: 15/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>
2021/TPO/0175/LCC p/21/2235/2	<b>Ritchie</b> 25 Swithland lane, Rothley, LE7 7SG	Reduce Lime tree by 50%	Date rec'd: 24/11/2021 Notice sent: 20/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved with amendments.</u>
2021/TPO/0176/LCC	<b>Howarth</b> Aylesham Court, Hinckley Rd, Kirby Muxloe, LE3 3PH,	Removal of ivy from the trees. Clear trees from lamp column. Clear trees from buildings	Date rec'd: 24/11/2021 Notice sent: 21/12/2021 <u>Determination: 4 weeks</u> <u>Decision: Approved</u>

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