

REPORT OF THE CABINET

A: LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN

Introduction

1. This report seeks approval for the Minerals and Waste Local Plan (MWLP), its publication for consultation and subsequent submission to the Secretary of State for Communities and Local Government for Examination by the Planning Inspectorate.

Background

2. The Planning and Compulsory Purchase Act 2004 requires planning authorities to produce and keep up to date local plans. The National Planning Policy Framework sets out the Government's policy on preparing local plans and emphasises the importance of plans being up to date for the purpose of determining planning applications.
3. On 12th June 2013, the Cabinet agreed the commencement of the review and replacement of the adopted Minerals and Waste Development Plan documents with a single MWLP to cover Leicestershire for the period up to 2031. On 16th June 2015, the Cabinet approved the draft MWLP to be published for consultation. On 18th November 2015, the Cabinet agreed an updated timetable for the preparation of the MWLP.
4. At its meeting on 18th November 2015, the Cabinet updated the timetable for the preparation of the Minerals and Waste Local Plan. The timetable agreed was for pre-submission consultation to take place in spring 2016 and submission to the Secretary of State to undergo the Examination by the Planning Inspectorate in summer 2016. The adoption of the Plan was proposed in the summer of 2017 subject to the Examination and public hearing being completed successfully and the document found sound. This timetable has been subsequently modified slightly in the revised Local Development Scheme to enable the pre-submission draft to be considered by the Environment and Transport Overview and Scrutiny Committee, the Cabinet, and Council before it is published for consultation.
5. The MWLP will eventually replace the Leicestershire Minerals Core Strategy and Development Control Policies Development Plan Document (DPD), the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD (both of which were adopted in October 2009), together with remaining saved policies in the Leicestershire Minerals Local Plan (1995) and the Leicestershire, Leicester and Rutland Waste Local Plan (2005).
6. Leicester City Council is preparing a new Local Plan for the City of Leicester and is dealing with mineral and waste planning issues within the City in that document. This has enabled minerals and waste issues within the County to be addressed in one plan.

Scope and Nature of the Plan

8. The Plan includes a spatial vision, strategic objectives, and core policies which set out the key principles to guide the future extraction of minerals and the form of waste management development in the County over the period to the end of 2031. It also includes Development Management Policies which set out criteria against which planning applications for minerals and waste development will be considered.
9. The Plan addresses the need to provide protection to the environment and the amenity of local residents, whilst ensuring a steady supply of minerals and the provision of waste management facilities in accordance with Government policy and society's needs. It aims to maximise the use of alternative materials in order to reduce the reliance on primary-won minerals, to significantly increase levels of reuse and recovery of waste, and move away from landfill as a means of disposal. It also provides controls relating to the beneficial reinstatement of land following mineral working and landfill operations.

Minerals

10. Leicestershire currently produces in the order of 17 million tonnes of mineral per year. Sufficient permitted reserves exist to meet future demand for 231 million tonnes of crushed rock over the plan period. For sand and gravel, the Plan indicates that provision should be made for some 19 million tonnes over the plan period. Permitted reserves exist to cater for 9.5 million tonnes which leaves a shortfall of 9.5 million tonnes of sand and gravel to be provided.
11. The strategy for the location of future sand and gravel operations is to give priority to extensions to existing operations. Specific areas for future extraction are identified in respect of Brooksby, Cadeby, Husbands Bosworth, and Shawell Quarries which will contribute 7.2 million tonnes towards the tonnage required. These include 3 additional sites put forward in response to the draft consultation MWLP, namely: Cadeby Quarry (east of Newbold Road); Shawell Quarry (land to the south west of Cotesbach village); and Shawell Quarry (eastern extension adjacent to Lutterworth Road north of Shawell village). The Plan allows for additional provision to be made from unallocated areas provided certain criteria are met.
12. For other minerals, specific provision is proposed to establish a temporary clay stocking and blending facility at the Donington Island site in Ashby Woulds and an extension of the Nottinghamshire Marblaegis Gypsum Mine into Leicestershire, to the north and west of Wymeswold.
13. In the light of national policy guidance, the Plan proposes a positive policy towards oil and gas and unconventional hydrocarbons subject to an appropriate assessment of its impact. The process of hydraulic fracturing, or 'fracking' associated with unconventional hydrocarbon developments such as shale gas exploitation, is covered in more detail than in the draft consultation MWLP and a plan showing the extent of licenced areas within the County is included within the document. A study undertaken by the British Geological Survey (BGS) identifies a prospective area for gas within the Widmerpool

basin to the north east of Loughborough. Whilst there may be some potential for the exploitation of shale gas within Leicestershire, data is poor and resource estimates uncertain and it is understood that it is not considered as favourable as other areas of the country.

14. A key issue for mineral planning is safeguarding mineral resources of local and national importance from needless sterilisation by non-mineral development. The Plan sets out policies on how safeguarding will work and safeguarding documents for each District have been prepared showing areas of land within Mineral Safeguarding Areas. District and Borough Councils will be expected to consult the County Council on proposed developments that fall within mineral consultation areas as previously defined by the County Council.

Waste

15. Forecasts indicate that waste generated will be in the region of 3.5 million tonnes per annum at the end of the plan period. Taking into account existing facilities to meet future waste recycling and recovery, there will be some 400,000 tonnes of capacity shortfall. A range of waste facilities may be required to deal with the treatment of waste over the plan period although much of the requirement has been met by existing planning permissions which are not yet operational. Whilst the exact number or type of facilities are not identified, the document indicates the following potential range of sites depending on the size of facility for which provision may be needed: 1-3 facilities for recycling commercial and industrial waste; 1-3 waste recovery facilities; 1 facility for landfilling of construction and demolition (inert) waste; and 1 small hazardous waste treatment facility. No site specific proposals for waste facilities are included.
16. The strategy for the location of new waste facilities is in and around the main urban areas within the County. A limited number of facility types would however be acceptable outside these areas, such as facilities for the biological treatment of waste, including anaerobic digestion and open-air windrow composting; the treatment of waste water and sewage; and landfilling of waste.
17. A new waste policy specifically relating to low level radioactive waste is included in the Plan. National waste planning policy requires that this waste stream is addressed. There is however no indication that Leicestershire is a suitable location for managing low level radioactive waste. Any proposal for managing low level radioactive waste should be accompanied with a justification for its need in Leicestershire and demonstrate that the waste stream can be safely managed without any harm to people and the environment.
18. Safeguarding of waste infrastructure is also an important element for the Plan and safeguarding documents for each District (as referred to in the mineral section above) contain information about where and how existing waste infrastructure should be protected from other development.

Supporting Documents

19. The Plan has to be subject to Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). An SA and HRA Scoping Report of the emerging policies has been undertaken, the findings of which have been taken into account in preparing the Plan.
20. Other evidence base documents will also be made available alongside the plan during the consultation period. These include: Local Aggregates Assessment; Waste Needs Assessment; Consultation Statement and Duty to Co-operate Report.

Comments of the Environment and Transport Overview and Scrutiny Committee

21. The Committee noted that there had been little change to the pre-submission draft previously considered; some amendments to the section on Shale Gas exploration had been made, and to the location of waste sites (to address concerns raised in the earlier consultation).
22. Members expressed some concern regarding the policy on location of waste sites, proposed as 'in' or 'close to' residential locations, and suggested that 'in' should be removed. The Committee was advised that waste sites should be located as close as possible to where waste was generated, reducing transport time, costs, and pollution. It was recognised that certain sites, e.g. landfill or composting, were unlikely to be sited in urban areas. Members noted several areas which had been identified for strategic waste facilities, including near the city boundary, and that proposed policies also allowed for sites to be located elsewhere in the County.

Minerals and Waste Development Scheme

23. Local Planning Authorities are required to produce a Local Development Scheme that sets out the progress of the Local Plans that they are statutorily required to provide. In the case of the County Council, this relates to the MWLP. A Minerals and Waste Development Scheme was approved by the Cabinet in March 2007 and now needs updating to reflect the proposed preparation of the MWLP and the anticipated timetable for its production. A revised Minerals and Waste Development Scheme is attached as Appendix B.

Consultation

24. Subject to approval, the MWLP will undergo public consultation in July and August 2016 and, after any necessary consequent changes being made, submitted to the Government to go through an Examination process, undertaken by a Planning Inspector, who will test its 'soundness'. The consultation will be advertised using press notices and the Council's website. All organisations and individuals consulted previously or who have expressed a wish to be consulted will be contacted directly. Organisations that will be consulted include Parish, District, Borough and adjoining County Council's and other statutory consultees. Organisations and individuals who make

representations to the Council on the Plan will have the opportunity to take part in the Examination which will include a Public Hearing. Adoption of the Plan is proposed to take place in 2017 subject to the Examination and public hearing process being completed successfully and the document being found sound.

25. The anticipated timetable for delivery for the remaining stages of the Plan is as follows:
- Pre-submission consultation: July/August 2016
 - Submission to Government: October 2016
 - Examination: November 2016 – April 2017
 - Adoption: July 2017

Decision of the Cabinet

26. The Cabinet at its meeting on 9th May approved the revised Minerals and Waste Development Scheme as set out in Appendix B to this report and its recommendations to the Council in relation to the Leicestershire Minerals and Waste Local Plan is set out in the motion below.

(Motion to be moved:-

- a) **That the Leicestershire Minerals and Waste Local Plan (MWLP) – Pre-Submission Document attached as Appendix A to the report be published for consultation as the document to be submitted to the Secretary of State for Communities and Local Government in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequently to be submitted to the Secretary of State;**
- b) **That the Chief Executive be authorised to undertake the statutory publicity and consultation required prior to submission to the Secretary of State and complete the preparation of the documents necessary to accompany the Submission Plan and comply with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- c) **That the Head of Planning following consultation with the Cabinet Lead Member to make such minor adjustments to the Pre-Submission Plan or accompanying documents as he considers necessary, including changes considered appropriate in response to the Pre-Submission consultation and issues raised by the Planning Inspector post submission.**

Background Papers

Report to the Environment and Transport Overview and Scrutiny Committee - 7th
April 2016 – Minerals and Waste Local Plan

<http://ow.ly/fNlc301mArb>

Report to the Cabinet – 9th May 2016- Leicestershire Minerals and Waste Local Plan

<http://ow.ly/ijVR301mABu>

Appendices

Appendix A – Minerals and Waste Local Plan: draft Pre-Submission document.

Appendix B – Revised Local Development Scheme