

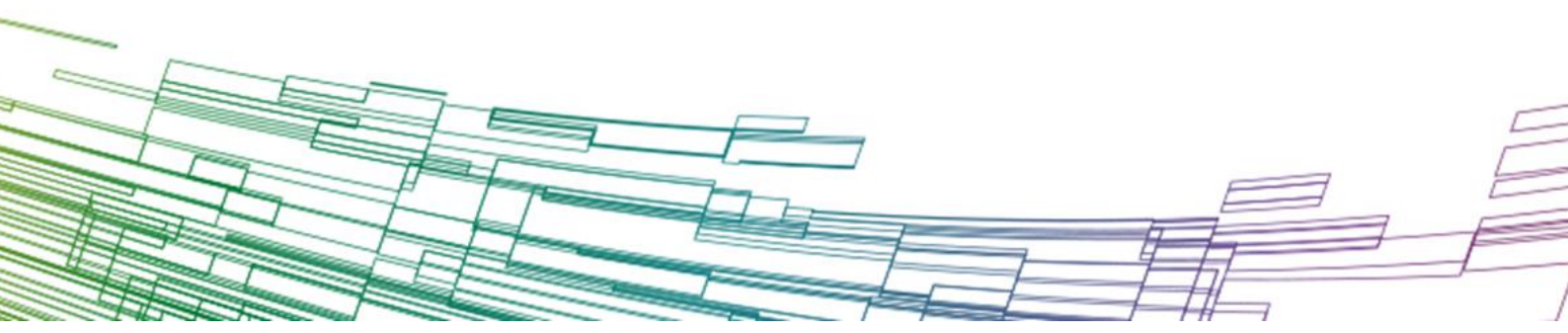
APPENDIX

# Leicestershire County Council

## Review of the Leicestershire Minerals and Waste Local Plan 2019-2031



November 2022



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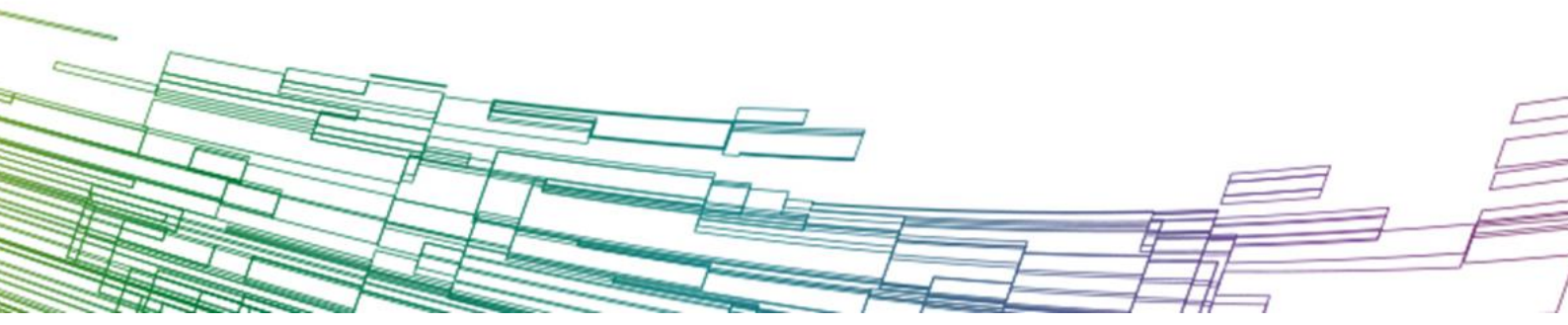
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## List of Abbreviations

AMR .....	Authority Monitoring Report
AWP .....	Aggregates Working Party
CDEW .....	Construction, Demolition and Excavation Waste
DM.....	Development Management
EfW.....	Energy from Waste
EiP .....	Examination in Public
EMRTAB.....	East Midlands Regional Technical Advisory Body on waste
HIC .....	Household, Industrial and Commercial Waste
HWDI.....	Hazardous Waste Data Interrogator
LAA.....	Local Aggregate Assessment
LACW .....	Local Authority Collected Waste
LLEP.....	Leicestershire & Leicester Enterprise Partnership
LMWMP.....	Leicestershire Municipal Waste Management Plan
LMWLP.....	Leicestershire Minerals and Waste Local Plan
MASS.....	Managed Aggregate Supply System
MCA .....	Minerals Consultation Area (in minerals safeguarding)
MRF.....	Materials Recovery or Recycling Facility
MSA.....	Minerals Safeguarding Area
RDF.....	Refuse Derived Fuel
RHWS .....	Recycling & Household Waste Sites
SCI .....	Statement of Community Involvement
VOC.....	Variation of Conditions Application
WDI .....	Waste Data Interrogator
WFD .....	European Waste Framework Directive

# **1. Executive Summary**

## **1.1 Scope**

- 1.1.1 Local authorities are required to have an up-to-date Local Plan by the National Planning Policy Framework (NPPF) and the Planning and Compulsory Purchase Act 2004. There is a requirement for all Planning Authorities to regularly monitor their Local Plans. Authority Monitoring Reports (AMRs) are prepared to report on the county council's implementation of its Minerals and Waste Local Plan. Monitoring allows for the constant review of policies to make sure that their evidence, assumptions, and targets are still relevant and the identification of any unintended consequences of policies. The council is also required to review policies in their Local Plan 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. A review does not necessarily mean that the Plan will be changed. A review is the process of looking at the Plan and deciding whether it still performs as it should. It can conclude that there is no requirement to update the Plan; or that some policies need to be changed or updated and the Plan needs to be updated in whole or in part. In order to meet the requirements of the above legislation, the LMWLP has been reviewed and the results are set out in this report.

## **1.2 Minerals and Waste Local Plan**

- 1.1.2 The Leicestershire Minerals and Waste Local Plan (LMWLP) was adopted on 25<sup>th</sup> September 2019, replacing the Leicestershire Minerals Development Framework and Leicestershire Waste Development Framework. The Plan was submitted for examination on 23<sup>rd</sup> March 2018. The Examination in Public took place between 22<sup>nd</sup> and 23<sup>rd</sup> October 2018. The Inspector's Report was published on the 21<sup>st</sup> May 2019 and set out a number of Main Modifications considered necessary to make the LMWLP sound. The adopted LMWLP includes the Inspector's recommended main modifications and additional modifications that (taken together) do not materially affect the policies.
- 1.1.3 The Plan, as well as other related policy documents, is available electronically on Leicestershire County Council's website ([www.leicestershire.gov.uk](http://www.leicestershire.gov.uk)).

## **1.3 Key Findings**

- 1.1.4 The Review explains that the LMWLP monitoring has highlighted only some indicators where movement has been away from targets or where there has been little movement. The conclusion is that, in the main, the adopted policies are performing satisfactorily.



- 1.1.5 The Strategic Objectives similarly are performing well, with the purpose of the LMWLP being achieved, this being the continued provision of sustainable minerals and waste development which meets the county's (and national in some cases) needs. Movement continues away from landfill as a solution for waste management.
- 1.1.6 The permissions which continue to be granted demonstrate that the LMWLP is working well to deliver sustainable minerals and waste development to meet needs. The monitoring of the LMWLP policies through AMRs shows no areas of major concern.
- 1.1.7 The policies are considered to continue to reflect the current policy, guidance and the latest reality in Leicestershire.
- 1.1.8 The Review concludes that the LMWLP is performing well, including at appeal, and its implementation is delivering sustainable minerals and waste development in Leicestershire as intended.

## 2. Introduction

### 2.1 Why Review the Plan?

2.1.1 As set out above, there is a requirement to regularly review Local Plans. Plans need to be up to date in order to remain effective. The LMWLP was adopted in September 2019 after examination in October 2018. 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 the opportunity to assess this situation further and consider whether an alternative policy approach may be warranted.
- The adopted LMWLP 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 LMWLP was examined against the NPPF 2012. The NPPF has been updated in July 2018, February 2019 and July 2021. Further changes to NPPF are likely, however at the time of writing there is no definitive timescale for these.
- Wider changes to the environmental legislation have taken place such as the introduction of the Environment Act. In addition, further changes to the planning system are expected and since publication of the previous AMR, the Government has published the Levelling Up and Regeneration Bill (LURB).

2.1.2 The purpose of the Review is to:

- assess the effectiveness of adopted minerals and waste planning policies;
- detail any changes to national or other guidance which needs to be taken into account;
- Set out the 'baseline' and any significant changes to it which could affect the way we plan for minerals and waste;
- Set out whether there is a need to make changes to update the Local Plan and evidence base.

2.1.3 The outcome of the review together with AMRs and other evidence will be used to establish whether the Plan needs to be updated.

## 2.2 How has the LMWLP Been Reviewed?

- 2.2.1 We have reviewed our minerals and waste planning policies and relevant monitoring indicators (set out in the Leicestershire Minerals and Waste Local Plan Section 6, Tables 11 to 16: Monitoring and Implementation) to answer a series of questions. We have used the Planning Advisory Service (PAS) Local Plan Route Mapper (October 2021) and the associated Toolkits and their questions and affirmations, these are contained in Appendices to this report. We have also reviewed Authority Monitoring Reports and the latest Government guidance, policy and legislation.
- 2.2.2 Primarily, we set out to establish:
- Is the LMWLP working as it should be; is the vision for minerals and waste development in Leicestershire being achieved?
  - Are we meeting targets?
  - Does the Plan need to be updated due to local or national changes?
  - Are planning applications being determined in accordance with the aims of the Plan?
  - Performance at appeal.
- 2.2.3 It is acknowledged that a new NPPF and national Development Management Policies document are currently on the horizon following the initial deposit of the Levelling Up and Regeneration Bill (LURB) in parliament on 11th May 2022. There are many changes which could have implications for the Plan approach. At the time of writing however, there is no definite timescale for these.
- 2.2.4 The evidence base of the LMWLP has also been reviewed, together with the latest relevant strategies and policies of the council and other relevant partner organisations and the Leicestershire districts where these could impact upon strategic priorities, infrastructure delivery or growth or population forecasts, where these could impact upon minerals demand or waste management provision or spatial distribution. A key question is whether the strategic objectives and vision still work with the latest reality together with the policy and strategy landscape, both locally and nationally.
- 2.2.5 The outcome of the review together with AMRs and other evidence will be used to establish whether the Plan needs to be updated.

### 3. Plan Overview

The Leicestershire Minerals and Waste Local Plan (LMWLP) forms part of the statutory development plan for the county. It was adopted in September 2019 and covers the plan period to 2031. Core policies for minerals and waste follow the spatial vision and deliver the strategic objectives. Development management policies provide the criteria against which the proposals for minerals and waste development will be assessed.

#### 3.1 Vision

3.1.1 The LMWLP started with a spatial vision based upon the aim of the Plan to provide adequate waste management and mineral extraction/processing

##### **SPATIAL VISION**

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

facilities within Leicestershire to meet identified needs.

## 3.2 Strategic Objectives

- 3.2.1 This vision is delivered by ten strategic objectives, each expanding upon elements within the Vision and giving a basis for the detailed policies which sit beneath it.

### STRATEGIC OBJECTIVES

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

- 3.2.2 These Strategic Objectives are delivered by policies for Providing for Minerals; policies for Providing for Waste and Development Management policies.

### **3.3 Providing for Minerals**

- 3.3.1 As a mineral rich county which supplies other areas and has national significance, mineral extraction is important to Leicestershire. Igneous rock (granite) is the most significant. The latest AMR shows levels of extraction in Leicestershire. At the time of writing the county has two energy mineral sites consisting of oil sites at Long Clawson A and Long Clawson C. Other mineral sites are significant, and the plan also makes provision for non-aggregates as well as energy minerals.
- 3.3.2 Minerals are essential to our quality of life and to support sustainable economic growth. Whilst many do not always recognise their presence, we would soon be aware of their absence as they contribute to many aspects of our everyday lives. As minerals are a finite natural resource and can only be worked where they are found, best use should be made to ensure sustainability of supply for future generations.
- 3.3.3 The strategy for minerals within the county is to support the appropriately located recycling and reprocessing of materials which can be used as aggregate in order to substitute primary extraction. The LMWLP also protects minerals and associated minerals infrastructure from non-mineral development by setting out Minerals Safeguarding Areas (MSAs).
- 3.3.4 Sand & Gravel occurs in two distinct types of deposit in Leicestershire – sub-alluvial and river terrace; and glaciofluvial. The sub-alluvial and river terrace deposits occur most notably in the valleys of the Rivers Trent, Soar and Wreake. Glaciofluvial occurrences are a complex series of isolated deposits in areas to the south and west of Leicester.
- 3.3.5 Leicestershire has low Sand & Gravel reserves within the County and few suitable sites were put forward by operators during the preparation of the LMWLP. This Review provides an opportunity to assess this situation further and consider whether an alternative policy approach may be warranted.
- 3.3.6 The Plan does provide for Sand & Gravel through a criteria-based approach to the assessment of applications and gives priority to extensions of existing operations. The seven-year landbank should be maintained based upon 10-year average sales and 19 million tonnes of sand and gravel should be provided for over the plan period to 2031.
- 3.3.7 In terms of crushed rock, the LMWLP makes provision over the Plan period to 2031 for the extraction of some 231 million tonnes of crushed rock and the maintenance of a 10-year landbank based on average sales. Priority is given to the extension of existing rail-linked operations where needed to ensure

sustainable supply. New extraction sites are allowed where it can be demonstrated that the landbank and production capacity cannot be maintained from existing permitted sites.

- 3.3.8 For non-aggregates, the preference is to permit extensions to existing sites or allowing sites where a proven need can be demonstrated.

### **3.4 Providing for Waste**

- 3.4.1 The LMWLP aims to deliver sustainable waste development by enabling the provision of capacity equal to waste arisings and support the delivery of the Leicestershire Municipal Waste Management Strategy (LMWMS) targets and move greater amounts of waste up the waste hierarchy and away from final disposal.
- 3.4.2 The LMWLP sets out capacity gaps for the Plan period based upon recycling targets. The LMWLP uses the target of recycling and composting 58% of Local Authority Collected Waste (LACW) by 2017 and for C&I waste the intent is to increase recycling to 54% by 2030/1. As explained above briefly, the LMWLP bases projections for LACW and C&I waste upon the delivery of the Newhurst Energy from Waste (EFW) facility by 2021. Whilst this is being constructed, it is not yet operational.
- 3.4.3 The targets are seen as a minimum and are caveated as such unless further calculations of capacity are set out in AMRs.
- 3.4.4 The strategy of the LMWLP for waste is therefore to set out a spatial vision for waste which aims to locate the majority of new waste recycling and recovery facilities in the major urban areas of the county and to locate the largest (strategic) facilities in close proximity to the main areas of waste arisings. Non-strategic waste facilities are also directed to the same broad locations for strategic waste facilities, but also in or close to Melton Mowbray or Market Harborough or major growth areas. Exceptions to the strategy include facilities for the biological treatment of waste; landfills; wastewater treatment and sewage works; or facilities which require a more dispersed location. The strategy also favours location of waste development on land with an existing waste use where transport, operational and environmental benefits can be demonstrated; the reuse of previously developed, contaminated or derelict land where this is well located; or use of existing or planned industrial/employment land; or locating on existing mineral working sites.
- 3.4.5 Following the waste hierarchy, the LMWLP sets out locational criteria for each type of facility and provides policies for energy and value recovery from waste and final disposal.
- 3.4.6 As with minerals, it is important to safeguard waste sites and ensure that development for sensitive non-waste uses does not prejudice the continued

use of waste facilities and therefore the waste strategy for Leicestershire. Equally, it is also important to ensure that where redevelopment for non-waste uses is proposed for an existing or permitted waste facility, this does not prejudice the waste strategy. For this reason, waste facilities are also included within the safeguarding maps.

### **3.5 Development Management Policies**

The development management policies of the LMWLP allow the assessment and control of issues which could make development unacceptable and also allow finer detail to be explored, following on from the Minerals and Waste policies. The aim of the policies is to ensure sustainable minerals and waste development and indeed this is the subject of the first policy within the Development Management section of the Plan. Following on are policies for the protection of the local environment and communities; strategic green infrastructure; green wedges; landscape impact; protection of soils; protection of biodiversity and sites; protection of the historic environment; transportation of material by road; protection of public rights of way; cumulative impact; and restoration, aftercare and after-use.



## 4. Changes in the Baseline

As the evidence base for the adopted LMWLP, together with evidence for its review, this baseline is important.

### 4.1 National Picture

4.1.1 The LMWLP was prepared under the ‘transitional arrangements’ in the 2018 National Planning Policy Framework (NPPF - Paragraph 214) which allowed the policies in the previous Framework to apply for the purpose of examining this Local Plan. This means that both the 2012 NPPF and its accompanying 2014 National Planning Practice Guidance (NPPG) were used, together with the National Planning Policy for Waste (NPPW) to examine the LMWLP. The current version of the NPPF is from July 2021. Further changes are likely as a result of the recently published Levelling Up and Regeneration Bill (LURB), however at the time of writing it is not known when these changes will take effect or what form they will take. It is likely that there will be changes to the NPPF and potentially also to the NPPW. A National Development Management Policies document is also on the horizon following the initial deposit of LURB in parliament. This could all affect the outcome of the Review; however it is likely to take a number of years for these changes to come into effect, and will probably be beyond the statutory 5 year review period. Therefore, this is not a reason to delay the carrying out of the Review.

4.1.2 There have also been many changes in the socio-economic situation since the adoption of the LMWLP. These include the effects of Brexit; the ongoing Covid-19 pandemic and recovery; the war in Ukraine; and the cost-of-living crisis.

#### National Planning Policy Framework

4.1.3 The NPPF was first published in 2012 and has been updated twice since the LMWLP’s examination; in February 2019 and then in July 2021. As the LMWLP was prepared under the ‘transitional arrangements’ in the 2018 NPPF (Paragraph 214) a number of changes have been made since the adoption of this Local Plan.

4.1.4 Changes to NPPF include:

- Changes to expand the definition of the United Nations Sustainable Development goals;
- Plans should include strategic policies and identify them. They should look forward over a minimum of 15 years from adoption;
- Emphasis on design and beauty; National Design Guide and the National Model Design Code;

- Importance of trees;
- Various housing section changes including housing need;
- Recognise and address the specific locational requirements of different sectors;
- Provide for large-scale transport facilities;
- Emphasis on sustainable transport and mitigation of any significant impacts from the development on the transport network;
- Efficient use of land;
- A change in emphasis on natural environment, biodiversity and net gain particularly.

4.1.5 Whilst some of the changes are more subtle changes in emphasis and therefore pose less of an issue, some are new policy requirements. Those that fall into the first category will require less consideration than completely new requirements.

#### **National Planning Practice Guidance (NPPG)**

4.1.6 NPPG was first published in 2014 and gives explanatory guidance to support the use and implementation of the NPPF. It is a 'live' web-based resource and is regularly updated. Updates since the adoption of the LMWLP are mainly in relation to the changes made to the NPPF outlined above. It is worth noting that there have been few changes to the Minerals or Waste sections of NPPG since 2014. There have however been changes to the sections cross-referenced in the Minerals and Waste sections, as per changes to the NPPF outlined. This may change with the publication of any new NPPF, but at the time of writing there are no definite timescales for this.

#### **The Planning for the Future White Paper**

4.1.7 A white paper consultation on changes to the planning system was launched in August 2020, together with accompanying consultations. Consultations included the threshold for developer contributions; permission in principle; and the standard method of calculating housing need.

4.1.8 In December 2020, the Government published its response on local housing need and an associated written ministerial statement. The standard method has been amended by adding a 35 per cent uplift to the post-cap number. This was the number arrived at after the first stages of assessment which involved assessing projected household growth using 2014-based household projections; adjusting this figure upwards in areas where house prices are higher relative to the earnings of people who work there; then capping the level of increase that any one LPA can face, depending on the status of its

existing plans. Leicester is included as one of the most populated cities and urban centres. Whilst this is not directly relevant to the LMWLP, it is pertinent to District Local Plans and could have an impact on both the waste spatial strategy and need for mineral. This is discussed further later in this Review.

### **Other changes**

4.1.9 Various changes were also made during the Covid-19 pandemic. Some of these relate to permitted development rights, and others – which were introduced through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 – create some new use classes and abolish some old ones. Changes were also made through the Business and Planning Act 2020. Changes to how consultation is carried out were also introduced during the pandemic due to the need for flexibility in the circumstances.

### **Brexit**

4.1.10 Britain's exit from the European Union has provided a great deal of uncertainty in many areas which affect minerals and waste and planning. These include trade; environmental and waste legislation; and the future of the European Directives and legislation on which many of the principles of environmental protection and waste management rely.

4.1.11 Whilst many of these uncertainties have been removed by the Withdrawal Act, and other legislation such as the Environment Act (discussed below), it is still the case that much uncertainty remains over impacts on imports and exports and effects on materials flows. There also exists uncertainty on the potential change to environmental impact legislation through the Levelling Up and Regeneration Bill (LURB), as also discussed below (Environmental Outcome Report system).

4.1.12 Uncertainties remain as to the short, medium- and long-term economic impacts of the UK's withdrawal.

### **Waste Management Plan for England 2021**

4.1.13 Published in January 2021, this policy paper provides an overview of waste management in England and supersedes the earlier Waste Management Plan for England (2013). The plan includes changes to waste management plan requirements which have been made by the Waste (Circular Economy) (Amendment) Regulations 2020 where these could be incorporated in the Plan. Three major reforms to the waste system in England introduced by the Resources and Waste Strategy for England are included in the Plan:

- a deposit return scheme for drinks containers (DRS)
- extended producer responsibility for packaging (EPR)

- consistency in household and business recycling collections

4.1.14 The national Resources and Waste Strategy also sets out how we will work towards no food waste entering landfill by 2030 and explore policies to work towards eliminating all biodegradable waste to landfill by the same date, to reduce harmful methane emissions from landfill.

### **National Infrastructure Commission report on Waste**

4.1.15 Following on from the National Infrastructure Strategy published in late 2020, the Second National Infrastructure Assessment: Baseline Report was published in November 2021. Annex E sets out issues for waste, including a sector overview; industry, governance, and regulation; funding and finance; performance; and opportunities and challenges.

4.1.16 It highlighted that greenhouse gas emissions from waste have reduced substantially since their highest point in 1996, as biological waste has been diverted from landfill, reducing methane emissions. Since around 2015, however, emissions have increased due to energy from waste emissions growing. Progress will be needed to meet carbon zero targets.

4.1.17 It also highlighted the lack of systematic data presenting issues with both monitoring performance, monitoring finance, and projecting future infrastructure requirements.

4.1.18 The Commission recommended that Circular Economy targets should be brought forward by 5 years to 2030. Clear product labelling was also recommended by 2022 although this was rejected by the Government. The Commission will examine the role of the waste sector in enabling the move towards a more circular economy.

### **The Environment Act 2021**

4.1.19 The Environment Act passed into law in November 2021. It puts into statute components of the 25 Year Environment Plan, which came out in 2018 before the adoption of the LMWLP. The Act is the biggest UK environmental law in over a decade and part of its remit is to ensure protection for nature now that the UK has left the EU. It introduces new requirements for air quality; water quality and biodiversity. It also implements the Resources and Waste Strategy for England of December 2018 with an ambition to eliminate avoidable waste by 2050 and provisions for resource efficiency and waste including a deposit return scheme, single use charges and increasing the consistency of recycling.

4.1.20 The Environment Act includes a new legally binding target on species abundance for 2030, which aims to reverse declines of iconic British species like the hedgehog, red squirrel, and water vole.

4.1.21 The Act has also established a new environmental watchdog, the Office for Environmental Protection (OEP).

### **Net Zero Strategy: Build Back Greener**

4.1.22 Also published in late 2021, the Net Zero Strategy sets out how the UK will deliver on its commitment to reach net zero emissions by 2050.

4.1.23 It outlines measures to transition to a green and sustainable future, helping businesses and consumers to move to clean power, supporting hundreds of thousands of well-paid jobs and leveraging up to £90 billion of private investment by 2030 reducing Britain's reliance on imported fossil fuels will protect consumers from global price spikes by boosting clean energy.

### **Energy White Paper**

4.1.24 Published in December 2020 the Energy White Paper builds upon the existing policy commitments of the Government's ten-point plan for a green industrial revolution and the National Infrastructure Strategy. With a focus on clean energy technologies the paper sets out the vision of how the UK can achieve the transition to net zero emissions by 2050 through the production of low carbon hydrogen, nuclear power and offshore wind enabling a move away from fossil fuels.

4.1.25 The Energy White Paper focuses on strategy in six key areas: consumers, power, the energy system, buildings, industrial energy and oil & gas. The particular areas likely to impact the LMWLP are the importance placed on the development of greener buildings, and the importance that is placed on the protection of the natural environment in order to combat biodiversity loss and adapt to climate change.

### **Energy Bill**

4.1.26 The Bill was introduced in July 2022 with provisions for energy production and security and the regulation of the energy market. These include provision about the licensing of carbon dioxide transport and storage; commercial arrangements for industrial carbon capture and storage and for hydrogen production; new technology, including low-carbon heat schemes and hydrogen grid trials; gas and electricity industry codes; heat networks; energy smart appliances and load control; energy performance of premises; resilience of the core fuel sector; offshore energy production, including environmental protection, licensing and decommissioning; the civil nuclear sector, including the Civil Nuclear Constabulary; and for connected purposes.

### **Economy**

4.1.27 Whilst not policy or legislation, and noting that other aspects are covered elsewhere in this report (e.g. Brexit; the ongoing Covid-19 pandemic and its

recovery; the war in Ukraine; and the cost-of-living crisis) the state of the economy does require consideration.

- 4.1.28 The UK economy is slowing as a result of high inflation, falling household real incomes and softer business confidence. Labour and skill shortages remain a major issue, pushing up wage costs although real pay growth is falling rapidly. The growth outlook for the country for 2023 has been downgraded recently, from the 1% growth forecast in the summer to a 0.3% contraction in GDP. Indeed, Ernst & Young LLP highlighted that the UK is facing the potential of a recession for the next three quarters (published 17 Oct 2022) but says the risk of a severe downturn has been reduced by the Government's intervention on energy bills. This means that the UK economy is expected to be in recession until the middle of 2023<sup>1</sup>. The picture is fast moving, and further changes cannot be ruled out and will be monitored.
- 4.1.29 Whilst all sectors are affected, a recent (Sept 2022) Minerals Product Association (MPA) presentation has highlighted the impacts upon the minerals industry. To cite some examples: the forecasts for construction are being downgraded, hit by rising mortgage costs and falling real incomes as well as declining confidence and cost pressures; aggregates producers have been hit by the removal of the red diesel exemption for most sectors; and asphalt manufacturers have been hit by rising bitumen prices. All this when general costs and uncertainty are increasing, especially extreme volatility in energy markets and changing demand.
- 4.1.30 The MPA forecast that construction demand for mineral products is expected to fall this year and next. Asphalt sales volumes are forecast to be 4% lower in 2022, 3% lower for ready-mixed concrete (RMC), and 7% lower for aggregates. Mortar sales are forecast to increase by 5% in 2022, although this reflects growth recorded in the first half of 2022, with volumes over the second half of the year expected to remain flat. Further, smaller declines are forecast for 2023 across all markets, in line with the wider expected slowdown in construction activity, with growth to resume in 2024.

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<sup>1</sup> EY ITEM Club Autumn Forecast October 2022

- 4.1.31 The MPA publication '*Aggregates demand and supply in Great Britain: Scenarios for 2035*' aims to give an indication of potential tonnages which may be required to meet future demand. Key messages include that between 3.8 and 4.1 billion tonnes of aggregates will be required to 2035. Whilst recycled aggregates are important, primary aggregates remain key. Supply mix needs to be addressed – potential need for growing supply from other resources for sand and gravel, such as marine.
- 4.1.32 The wider economic issues discussed here will also clearly affect the waste sector too (this is discussed elsewhere) and other sectors.

### **Growth Plan 2022/Autumn Statement 2022**

- 4.1.33 The Government initially unveiled a Growth Plan 2022 to Parliament on 23 September 2022. This set out a package of measures, some of which were relevant to planning, although none specifically minerals or waste related.
- 4.1.34 The aims were tackling energy costs to bring down inflation, backing business and helping households.
- 4.1.35 Since then, the Prime Minister and Chancellor of the Exchequer have been replaced, and the Autumn Statement 2022 has reversed nearly all the measures in the Growth Plan 2022. This is so that Economic stability and fiscal sustainability can be achieved by reducing national debt as a proportion of the economy over the medium term.
- 4.1.36 It is therefore understood that the Investment Zones programme will be refocused and that only a limited number of clusters will be taken forward. There is a concentration on infrastructure across the Government's portfolio, and this includes through the reforms to the planning system.

### **Waste Tracking changes**

- 4.1.37 The Environment Act has given the Secretary of State powers to make regulations to establish a digital waste tracking system in England. The idea is to bring together the separate systems that exist for different waste streams. Benefits include the ability to track what is happening with waste more easily; helping the move to a circular economy; reducing waste crime; and helping businesses comply with their responsibilities.
- 4.1.38 A variety of consultations have been carried out at the time of writing, and it is expected that a summary of the responses will be published by Government during autumn 2022.
- 4.1.39 This is a huge change for both businesses and local authorities and will take time to implement. Current delivery timescales from Government are 2023 to 2024, dependent on IT and business transition needs.

### **Revised (Draft) National Policy Statement (NPS) for Energy**

- 4.1.40 Published in February 2022, the House of Commons Committee report on the draft National Policy Statement for Energy sets out recommendations to Government on the draft NPS, and the Government has two months to respond.
- 4.1.41 The Revised NPS for Energy consultation was published in September 2021, and follows a commitment to review the existing National Policy Statement on energy infrastructure to effectively deliver net zero by 2050. It includes proposed changes to overarching NPS EN-1, as well as the technology-specific NPSs statements EN-2 to EN-6.
- 4.1.42 Although focused upon Nationally Significant Infrastructure Projects (NSIPs) national energy infrastructure, the proposed changes clearly show the direction in which the Government is travelling.

### **Russo-Ukraine War**

- 4.1.43 Russia's invasion of Ukraine in February 2022 has resulted in uncertainty in many sectors at the global and national scales, especially economic. The UK has implemented sanctions on Russia in direct response to the invasion following a degree of sanction prior to the escalation of the war in 2022.
- 4.1.44 The invasion of Ukraine has resulted in severe disruption to global markets of raw materials, particularly oil & gas products and precious metals. Economic disruption is likely to occur due to logistical issues, sanctions, business withdrawal from Russia and the devaluation of the Ruble.
- 4.1.45 Europe's reliance on Russia's energy minerals has already affected (directly and indirectly) the energy market in the UK. Potential exists for the UK to alleviate short- to medium-term impacts through increased use of indigenous energy minerals, as demonstrated by the Government's recent decision to lift the moratorium on hydraulic fracturing.
- 4.1.46 Whilst trade between the UK and Russia is relatively small, the indirect effect of economic volatility has a greater potential to affect the UK economy and mineral and waste sectors.

### **Levelling Up and Regeneration Bill (LURB) 2022**

- 4.1.47 Proposed changes to the planning system have culminated in the Levelling up and Regeneration Bill (LURB). This follows on from both the Levelling up White Paper from earlier in 2022 and the 2020 Planning for the Future White Paper. Its aim is to reduce inequality and close the gap in productivity, health, incomes, and opportunity between much of the south-east and the rest of the country. It sets out 4 broad objectives for achieving this:



- boost productivity, pay, jobs and living standards by growing the private sector, especially in those places where they are lagging;
- spread opportunities and improve public services, especially in those places where they are weakest;
- restore a sense of community, local pride and belonging, especially in those places where they have been lost;
- empower local leaders and communities, especially in those places lacking local agency.

4.1.48 It also introduces changes and improvements to the planning process and the full digitisation of the planning system.

4.1.49 It is clear that the Bill is only part of this ambitious programme, however, and that changes to regulations, national policy, guidance and wider support for councils, communities and applicants will also be needed. At the time of writing, we do not know the details of changes to the NPPF or NPPG or whether changes will also be made to the NPPW. Nor do we know the details of National Development Management Policies or the implications of devolution deals.

4.1.50 LURB gives the same weight to mineral and waste plans, neighbourhood plans prepared by local communities, and spatial development strategies produced to address important planning issues at a more strategic scale.

4.1.51 At the time of writing, the key aspects of LURB are the following:

- Replacement of the Duty to Co-operate with a new test
- 'Supplementary Plans' to replace SPDs
- Groups of authorities can collaborate to produce voluntary spatial development strategies
- Rolling 5-year housing supply to be abolished
- Regulations to be changed to set clear timetables of plan production in 30 months
- Infrastructure Levy to replace CIL
- Requirement to prepare infrastructure delivery strategies
- Every LPA must prepare a design code for its area
- Historic Environment Record (HER) will become statutory
- 'Environmental Outcome Reports' will replace the existing systems of Strategic Environmental Assessment (including Sustainability Appraisals) and Environmental Impact Assessment
- New 'Office of Place'
- Active Travel England to become a statutory consultee
- EA's role to be expanded to ensure development near waste sites is acceptable

- Compulsory purchase changes
- Enforcement changes
- NSIP improvements
- Changes to planning fees
- Infrastructure changes

4.1.52 Recent developments in Government have included the new Prime Minister and a new Secretary of State for Levelling Up, Housing and Communities. Further promises have been made throughout the leadership campaign on 'cutting red tape' and tackling issues related to planning, including the cost-of-living crisis and energy, housing and the environment among others. There have still not been any further clarifications on implementation however and any changes to the LURB to reflect promises made in the leadership campaign will likely slow the progress of the Bill.

### **Waste Market Changes**

- 4.1.53 The National Resources and Waste Strategy for England (2018) was published before the adoption of the LMWLP. There have been many changes since this time. These include market changes in recycling; lifestyle changes brought about by the pandemic; and changes in the catchment and role of landfill which is increasingly becoming a regional or even national resource as capacity levels continue to diminish as the nation moves away from landfill as a waste management option. There is anecdotal evidence that in some areas of the country there may be an oversupply of energy recovery capacity. There has been a reliance on export for reprocessing, but there is now a need to develop and invest in UK capacity.
- 4.1.54 Anecdotal evidence suggests that the effects of Brexit will mean that exports of refuse derived fuel (RDF) traditionally going to Europe for use in Combined Heat and Power plants in the EU must find another route for disposal. This could lead to more UK capacity being required. Concern exists in industry and local authorities that waste which cannot be exported may end up in landfill. Costs of transportation increasing (both from increasing costs of fuel and other issues such as Brexit and the war in Ukraine) may also lead to changes in waste flows and markets.
- 4.1.55 China's ban on imported plastics is also likely to have effects on waste markets and flows. The UK exports large quantities of its waste to China and anecdotal evidence from industry suggests that there remains a lack of capacity in the UK to appropriately manage recyclable materials.
- 4.1.56 The cost-of-living crisis may also affect the generation of waste and its composition, as people buying less or being more careful with food wastage for example will impact upon residual waste or recycling levels and levels of food waste.

4.1.57 A report of progress on the national Resources and Waste Strategy was published by the Government in November 2021, following on from the first Monitoring Progress document in August 2020 which set a baseline and defined indicators. This second report shows that resource decoupling (resource consumption growth being less than economic growth) has occurred between 2001 and 2018.

#### **Establishment of Active Travel England**

4.1.58 The Government published Gear Change: a bold vision for cycling and walking in 2020, and within the plan announced Active Travel England, the new government agency for walking, wheeling and cycling. One of Active Travel England's core responsibilities will be its role in the spatial planning system as a statutory consultee within the development management process. This status will be established via the Development Management Procedure Order (DMPO) Statutory Instrument, within the Town and Country Planning Act 1990.

## 4.2 Local Picture

- 4.2.1 There have been a number of regional and local changes since the adoption of the LMWLP and it is useful to detail these. Local Plans should address the spatial implications of economic, social and environmental change and therefore it is important to consider how the baseline has changed.
- 4.2.2 The Covid-19 pandemic has affected the nation and its effects have been unprecedented. These have been seen on the labour market in Leicestershire and the changes in the local economy. Businesses have been severely affected in the county and some sectors have suffered more than others. Since March 2020, the claimant rate for Job Seekers Allowance in Leicestershire has increased from 1.6% to 3.9% of the working age population. Whilst Leicestershire districts have shown a strong recovery, they have also been affected by the third national lockdown.
- 4.2.3 These changes will have also affected waste generation and composition (as more people are working from home and less are in town, village, and city centres), and the demand for minerals and related products has been affected by the slowdown in the economy and construction. The recovery from Covid-19 and growth aspirations will affect requirements for minerals and could affect the need for waste management facilities. Waste management will similarly be affected by the Government's changes to the housing provision targets and their distribution. This could affect not only the requirements for sites, but also their spatial distribution.
- 4.2.4 More recently, the cost-of-living crisis and the war in Ukraine have also affected the population and economy of Leicestershire. As well as the effects on prices (such as fuel), there have also been more positive changes such as the welcoming of migrants fleeing the war. These additions to the population are not considered to have a strategic impact on mineral demand and the provision of waste infrastructure at present, as current data<sup>2</sup>

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<sup>2</sup> Data Source: Operational data, Home Office (HO) and Department for Levelling Up, Housing and Communities (DLUHC) Homes for Ukraine Sponsorship Scheme. Data as received from the Home

suggests 944 arrivals in the UK by sponsor location in Leicester and Leicestershire. Whilst it is hoped that these issues are short-term in nature, there remains uncertainty over how long these effects will go on and their influence on aspects that the LMWLP can control or influence.

4.2.5 Since the adoption of the LMWLP, the 2021 census has been carried out. The results show that the overall population of Leicestershire has risen from 650,500 in the 2011 census to 712,300 in the 2021 census (rounded to the nearest 100). This is an increase of 61,800, which equates to an increase of 9.5%. The table below shows results by Leicestershire districts and the City Council area.

4.2.6 The final column of the table shows that all districts recorded an increase in population. The percentage increase varies significantly from 2.7% in Oadby & Wigston, to 14.3% in Harborough. The latter result is the highest percentage increase in the East Midlands. The Leicester City population increased by 11.8% over the same period.

Table 1: Population Trends across Leicestershire

<b>Local Authority</b>	<b>2011 Census</b>	<b>2021 Census</b>	<b>Difference to 2011 Census</b>	<b>% Difference to 2011 Census</b>
Blaby	93,915	102,900	8,985	9.6%
Charnwood	166,100	183,900	17,800	10.7%
Harborough	85,382	97,600	12,218	14.3%
Hinckley and Bosworth	105,078	113,600	8,522	8.1%

Local Authority	2011 Census	2021 Census	Difference to 2011 Census	% Difference to 2011 Census
Melton	50,376	51,800	1,424	2.8%
North West Leicestershire	93,468	104,700	11,232	12.0%
Oadby and Wigston	56,170	57,700	1,530	2.7%
<b>Leicestershire</b>	<b>650,489</b>	<b>712,300</b>	<b>61,811</b>	<b>9.5%</b>
Leicester City	329,839	368,600	38,761	11.8%

- 4.2.7 Trends across England show that the population is aging with more over 65s than ever before and the largest age group in the East Midlands was those aged 50 to 54 years.
- 4.2.8 Population increases are more directly relevant to the district councils in terms of provision of housing and other services. There are implications for minerals and waste planning, too, however. Clearly, increased population will require further housing and infrastructure which will require minerals. Similarly, increases in population will require measures to deal with additional waste generated.
- 4.2.9 Comparing these estimates with the figures which were included in the LMWLP, the population for Leicestershire is slightly higher than originally anticipated (a 2.5% increase on the projected figures). The figures in the LMWLP projected a slow and steady rise to 695,000 in 2021 according to the Office for National Statistics 2012 based population projections (published May 2014). A further rise was projected by 2031 to 735,000 (a further rise of 6% from 2021). The most up to date population projections were published by the Office for National Statistics in March 2020 and are based on the 2018 mid-year population estimates. The projected population for Leicestershire in 2031 is currently 794,958. These projections will be recalculated in light of the 2021 census results, and the ONS website suggests these will be published in 2023. The latest projections therefore show slightly more residents in 2021 than was anticipated when the LMWLP was prepared and 8% more in 2031 than anticipated in the LMWLP also. This forecast change, if correct, is unlikely to have any significant impact on waste arisings and would not necessitate a revision of the waste treatment capacity requirements identified in the Plan. These figures will also not have a significant impact upon minerals demand or other mineral issues and there is an existing system in place to deal with aggregate mineral supply. It is considered that the most pertinent issue for the LMWLP is the issue of minerals safeguarding as minerals can only be worked where they occur.

This has been discussed below in relation to housebuilding and the distribution of Leicester's unmet need through the Statement of Common Ground (SoCG). This is something which will need to be taken into account in the future distribution of housing and its assessment through the Local Plan process in the Districts.

### Minerals and Waste Local Plans

4.2.10 The county council has commented upon other Minerals and Waste Local Plans where it has felt that there were issues which required highlighting. The latest AMR 2019-21 highlights where Leicestershire County Council has considered it useful to provide comments.

Table 2: Duty to co-operate responses during the monitoring period 2019-21

Authority/Organisation	Consultation	Date
South London	Waste Plan Issues and Preferred Options	31/10/2019
Greater Manchester, Merseyside and Warrington	LAA	26/05/2020
Hampshire County Council	Waste Movements	21/09/2020
Hertfordshire County Council	Waste Movements	10/01/2020
Norfolk County Council	Waste Movements	23/11/2020
East Riding of Yorkshire and Kingston upon Hull	Waste Movements	22/02/2021
Leicester City Council	Waste Movements	04/03/2021

4.2.11 Since this time, further consultations have been received including from Nottinghamshire and Nottingham on their Waste Local Plan. We have replied to these where it was considered necessary to do so. There are no major concerns on neighbouring plans that would require a change of approach or affect the spatial strategy for either waste or minerals in Leicestershire. In line with the NPPF, Leicestershire County Council prepare an annual Local Aggregate Assessment (LAA) and participate in the East Midlands Aggregates Working Party (EMAWP), taking part in regional discussions, reviewing the LAAs of other East Midlands authorities and seeking advice to ensure a steady and adequate supply of aggregates, as well as liaising with AWP's nationally.

## Other Regional Minerals and Waste Issues

4.2.12 A number of regional developments with potential cross-boundary importance have taken place since the adoption of the LMWLP. Recent developments include:

- The East Northamptonshire Resource Management Facility Western Extension Development Consent Order Examination completed on 2 August 2022. This proposal involves the alteration of existing and the construction of new facilities for the recovery, treatment and disposal of hazardous waste and disposal of low level radioactive waste. This comprises construction of new landfill void and the alteration of restoration profile and completion timescale.
- Nottinghamshire County Council has resolved to grant planning permission for a new energy recovery facility to be built on land within the Ratcliffe-on-Soar power centre. This is further capacity (around 500,000tpa) close to the border with Leicestershire and therefore is potentially available, whilst it should be noted that waste movements are controlled by the market. Anticipated to be operational by December 2024. Leicestershire CC officers have engaged with Nottinghamshire CC officers on the development of the Nottinghamshire Waste Local Plan, as detailed elsewhere.

## District Local Plans

4.2.13 As part of the two-tier system of local government in Leicestershire, the district and borough councils are responsible for the production of Local Plans for their respective administrative areas. The table below shows the progress of the Local Plans in the county as at November 2022.

Table 3: District Local Plan Production in Leicestershire

Local Plan	Stage
Blaby District Council	The current adopted development plan for Blaby District is the Core Strategy (2013) and the Delivery DPD (Part 2 Plan) (2019). The most recent consultation on the emerging Local Plan was a regulation 18 Options Consultation in January 2021. The next stage will be the regulation 19 Publication draft currently expected to take place in summer 2023.
Charnwood Borough Council	The current adopted development plan for Charnwood Borough is the Core Strategy (2015) and the saved policies of the Borough of Charnwood Local



Local Plan	Stage
	Plan (2004). The new Charnwood Local Plan 2021-2037 was submitted for examination in December 2021.
Harborough District Council	The current Local Plan was adopted in April 2019 covering the plan period 2011-2031. A regulation 18 consultation is expected to take place in Autumn 2023, with adoption of a new plan not anticipated until 2026.
Hinckley & Bosworth Borough Council	The adopted development plan for Hinckley & Bosworth is the Core Strategy (2009), the Hinckley Town Centre Area Action Plan (2011), the Earl Shilton and Barwell Area Action Plan (2014) and the Site Allocations and Development Management Policies DPD (2016). A revised Local Development Scheme is expected to be considered in December 2022. A new regulation 19 consultation will not take place prior to 2024.
Melton Borough Council	The Melton Local Plan 2011-2036 was adopted in 2018. A plan review commenced April 2022 and a revised Local Development Scheme is expected to be published in late 2022.
North West Leicestershire District Council	A partial review of the local plan was adopted in March 2021, whilst a substantial review is now underway. A Development Strategy Options and Policy Options consultation was undertaken in early 2022. The Local Development Scheme is being reviewed.
Oadby & Wigston Borough Council	The Local Plan was adopted in April 2019 and covers the period 2011-2031. A New Local Plan Issues & Options consultation was undertaken in autumn 2021.

- 4.2.14 The County Council as Minerals and Waste planning authority will continue to follow progress closely and make representations where appropriate on the above Plans.
- 4.2.15 Whilst not directly relevant to the review of the LMWLP, there are implications for the review due to cross-boundary issues which could impact on minerals and waste as well as the development and implementation of a strategy for the uplift in housing provision which is required to be distributed between the districts of Leicestershire.
- 4.2.16 Work is ongoing to consider alternatives for Leicester's unmet need to 2036.

### **Leicester City Council**

- 4.2.17 As a unitary authority, Leicester City Council makes its own policy and strategy, including for minerals and waste. The current Development Plan Documents for Leicester are the Leicester LDF Core Strategy (adopted originally Nov 2010 revised 2014) and the Leicester and Leicestershire Waste Development Framework Core Strategy & Development Management Policies Document (adopted in October 2009). It is currently envisaged that the new City of Leicester Local Plan will be adopted by March 2024 and a replacement Waste Local Plan by mid 2026. Whilst not directly relevant to the review of the LMWLP, there are again implications for the review due to cross-boundary issues and the development and implementation of a strategy for the uplift in housing provision mentioned above.
- 4.2.18 The County Council will continue to co-operate closely with the City Council where appropriate.

### **LLEP Economic Growth Strategy 2021-2030**

- 4.2.19 Following on from 'Leicester & Leicestershire 2050: Our Vision for Growth' the (non-statutory) Strategic Growth Plan for the region produced in December 2018, the Economic Growth Strategy 2021-2030 summarises the LLEP's broad ambitions for Leicester and Leicestershire and will be used as a framework for seeking funding together with making decisions on what to prioritise over the coming years.
- **Productivity** – The LLEP aims to increase the region's existing output and productivity as it continues to develop a leading science and technology-led economy.
  - **Innovation** – The LLEP will work closely with Leicester and Leicestershire's three universities and local businesses building on the region's existing strengths in R&D to become a global leader in innovation. While simultaneously transferring knowledge to SMEs.

- **Inclusivity** – the LLEP will create a resilient and adaptive workforce in which all residents have access to skills and career progression while being paid at least the living wage.
- **Sustainability** – LLEP will become a leader in zero carbon, with principles of sustainability built into everything it does.

### **Publication of Statement of Common Ground relating to Housing and Employment Land Needs**

- 4.2.20 The National Planning Policy Framework (NPPF) requires local plans, as a minimum, to provide for the objectively assessed need for housing and other uses, as well as any needs that cannot be met within neighbouring areas (unless the NPPF provides a strong reason for restricting development or the adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the NPPF). Plans should be informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where practical and sustainable to do so and based on effective cross-boundary joint working under the Duty to Cooperate, as evidenced in a Statement of Common Ground (SoCG).
- 4.2.21 Leicester City Council declared an unmet (and unquantified) housing need in February 2017 and following a period of evidence gathering, Leicestershire authorities were made aware of the potential scale of the unmet need in December 2019 (7,742 homes and 23 hectares of employment land for the period 2019 to 2036). The City considered it would not be possible to meet National Policy obligations of a sound and deliverable local plan, and that it would be necessary to seek to agree a SoCG to deal with the increase in housing need.
- 4.2.22 The City Council undertook a Draft Local Plan consultation in September 2020. However immediately after the consultation closed in December 2020, the Government announced changes to the Standard Method for calculating housing need. Whilst the need in the districts remained largely the same, an uplift of 35% to the housing need for each of the 20 largest cities including Leicester, resulted in a need of 9,712 additional homes between 2020 and 2036 (607 homes per year).
- 4.2.23 The Members' Advisory Group, comprising elected members from the seven district and borough councils in Leicestershire, Leicester City Council and Leicestershire County Council, considered that the change in Leicester's housing figure was so significant that it required additional evidence to be assembled to inform a revised SoCG dealing with the apportionment of the increased unmet need arising from the City. This commissioned evidence work included a Sustainability Appraisal (SA) and Housing and Economic Needs Assessment (HENA).

4.2.24 The SA sets out the environmental, social and economic effects of a number of different spatial options for distributing unmet need for homes and employment, across Leicester and Leicestershire. The HENA considers a range of elements including housing, demographic and economic dynamics, potential future development needs and the need for different types of homes, including affordable homes and those of different groups. The HENA includes distribution papers on Housing and Employment to provide an evidence base for addressing the issue of the redistribution of unmet needs from Leicester City, informing the SoCG.

4.2.25 The final SA, HENA and SoCG were published in June 2022, reflecting the latest calculated unmet need figures of 23 hectares of employment land and 18,700 homes to be accommodated in the Leicestershire districts. The potential distribution of housing provision across Leicester and Leicestershire over the period to 2036 is as set out below:

<b>Authority</b>	<b>Housing Provision 2020-36</b>	<b>Annual Average Housing Provision</b>
Leicester	20,720	1,295
Blaby	10,985	687
Charnwood	19,025	1,189
Harborough	10,515	657
Hinckley and Bosworth	10,542	659
Melton	4,800	300
NW Leicestershire	10,976	686
Oadby and Wigston	3,840	240
<b>Leicester and Leics. Total</b>	<b>91,404</b>	<b>5,713</b>

4.2.26 In terms of employment, the Employment Distribution paper concludes that Charnwood is best able to meet Leicester's unmet need of 23 hectares to 2036.

4.2.27 The SoCG is currently being determined through partners' respective governance processes and as of November 2022, the SoCG has been agreed by Blaby District Council, Charnwood Borough Council, Leicester City Council, Leicestershire County Council, Melton Borough Council, North West Leicestershire District Council, and Oadby & Wigston Borough Council. Harborough District Council are due to determine the SoCG in early 2023,

whilst Hinckley & Bosworth Borough Council have no timetable for determining the SoCG and do not agree with the final apportionment of housing in their Borough.

- 4.2.28 The Local Planning Authorities are not bound by these numbers (even when/if it has been signed by all partners). They will still be testing their housing and economic capacity through their respective Local Plan processes. This will include through public consultation and examination and therefore the suggested figures could well change. If a Local Plan examination were to demonstrate that an authority could not accommodate its own needs and the apportionment of unmet need from Leicester in full, all authorities would then be required to jointly review and update the SoCG.
- 4.2.29 As a signatory of the SoCG and 'upper tier' authority, the County Council wishes to see the positive outcome of work on the apportionment of the housing uplift and also economic need for Leicestershire in order to deliver the LLEP Economic Growth Strategy. The County Council has a lead role in developing strategies to deliver the aspirations for Leicestershire.
- 4.2.30 Any requirement for further infrastructure can have an impact on the need for construction materials and this will include minerals. Similarly, additional homes will need to be serviced in terms of waste. Even with 'green growth' aspirations it is clear that further waste will be generated. The distribution of new housing and employment has potential impacts on the waste spatial strategy.
- 4.2.31 The SA for the SoCG also identified that one risk was the effect on mineral resources and the potential for sterilisation. It identified that it is important to protect resources from sterilisation and support sustainable extraction. There was potential for sterilisation of minerals at strategic development sites and the amount of development within Mineral Safeguarding Areas (MSAs) needed to be monitored.
- 4.2.32 Until the final distribution is known, it is not possible to say what the implications are for minerals and waste planning. In addition, this may change in any event through the Local Plan process of the Districts.

### **Strategic Plan 2022-26**

4.2.33 The Strategic Plan 2022-2026 sets out the Council's long-term vision and priorities for the next four years and is based upon five strategic outcomes:

- Clean and Green
- Great Communities
- Improved Opportunities
- Strong Economy, Transport and Infrastructure

- Safe and Well

4.2.34 The strategic plan seeks to provide a 'clean and green' future building on the commitments made in the environment strategy.

4.2.35 A framework of aims and actions are provided under each strategic outcome. This is supported by a section on 'how we will measure success' for each.

4.2.36 The strategic plan seeks to provide a 'clean and green' future building on the commitments made in the environment strategy. Particularly relevant are the aims in relation to the environment and health and low carbon economy and infrastructure. These include sustainable use of resources and waste reduction as well as addressing air pollution.

### **Our Communities Approach 2022-26**

4.2.37 Sets out the Council's approach to engagement centred on an asset-based approach and the value of social action and builds upon and incorporates the Priorities of the Communities Strategy 2017-21.

### **Environment Strategy 2018-30**

4.2.38 The strategy, which was revised in 2020, followed on from the Climate Emergency which the council declared in May 2019 and made a commitment to achieve carbon neutrality from the Council's own operations by 2030.

4.2.39 First published in May 2018 the Leicestershire County Council Environment Strategy sets out the aims of the council in both its own operations and also where it has control and influence within the county of Leicestershire. Although the Environment Strategy was in place when the current LMWLP was produced it was revised in May 2020 to consider the commitments made in the climate emergency declaration.

4.2.40 The Strategy includes the legal and statutory duties the County Council must fulfil regarding the environment, what is required to embed environmental sustainability into the effective and efficient running of the Council and what is needed in creating a better environment, improving the health and wellbeing of people and contributing to the sustainable economic development of the county.

### **Leicester and Leicestershire Strategic Transport Priorities 2020-2050**

4.2.41 The publication of this Leicester and Leicestershire Strategic Transport Priorities (LLSTP) document in November 2020 sets out priorities for both Local Transport Authorities.

4.2.42 It seeks to identify and address the significant challenges over the following years, including the recovery from the covid-19 pandemic. More specifically

this means meeting the area's future housing needs, tackling the threats posed by climate change and delivering healthier and safer communities.

### **East Midlands Freeport**

4.2.43 Freeports are special areas within the UK's borders where different economic regulations apply, including tax, business rates, customs and planning. Freeports in England are centred around one or more air, rail, or seaport, but can extend up to 45km beyond the port(s).

4.2.44 Freeports will provide a supportive planning environment for the development of tax and customs sites through locally led measures such as Local Development Orders or permitted development right development.

4.2.45 East Midlands Freeport, selected by UK Government in March 2021, comprises three sites across Derbyshire, Leicestershire and Nottinghamshire, with the East Midlands Airport and Gateway Industrial Cluster in North West Leicestershire.

### **East Midlands Development Corporation (EM DevCo)**

4.2.46 Another emerging initiative is the EM DevCo which is a partnership of public and private sector organisations including five local authorities who share a vision for the area's regeneration.

4.2.47 Supported by the Midlands Engine, it is driving the transformation of three sites:

- The East Midlands Airport area (in North West Leicestershire)
- The Ratcliffe-on-Soar Power Station area (in Rushcliffe, Nottinghamshire)
- Toton and Chetwynd East Midlands Hub (in Broxtowe, Nottinghamshire)

4.2.48 This partnership is working to benefit the whole East Midlands, providing a direct line of communication with central Government and increasing opportunities to bring investment and funding to the region.

4.2.49 By working closely together the scale of vision, investment and unlocking growth at a regional scale can be increased. This means new homes, new jobs, new businesses and new infrastructure.

### **The Leicestershire Resources and Waste Strategy**

4.2.50 The (Draft) Resources and Waste Strategy for Leicestershire 2022-2050 examines what happens to the County's waste and recycling and how this can help reduce climate change and save raw materials. It focuses on Local Authority Collected Waste (LACW), which is waste which comes under the possession or control of the local authority and includes household waste and other wastes collected by a waste collection authority. It uses

partnership working to continue to promote changes to the ways waste is managed and generated. It sets out the vision for what will happen to the County's waste and will help deliver current thinking on net zero and the changes which are being brought in by Government through national policy and legislation changes.

- 4.2.51 At present it is not known exactly what format the national changes will take, but these have the potential to result in the need for further waste management provision and potential changes to the way in which management of waste is undertaken. It is therefore important to monitor these changes. A key change will be the introduction of separate food waste collections, for example. Currently, it is considered that changes to the LMWLP are not required as a result of the Strategy, as it does not set out any additional requirements for infrastructure. Whilst the Strategy may result in the need to provide further capacity as part of its commitments (e.g. recycling sites or for food waste collections), it is considered that the LMWLP provides the framework for the delivery of these through the planning system and that as details of changes are unknown at present and the Strategy is draft it is premature to conduct further work to change the LMWLP. The objectives of the Strategy broadly fit with the objectives of the LMWLP, and this includes the management of waste through circular economy principles and carbon emission reduction.
- 4.2.52 The Strategy is supported by objectives and pledges that sit alongside national policy changes - setting the direction for long term management of material resources. The focus is on waste prevention (avoiding waste generation in the first place) and developing more initiatives on reuse of goods. The Strategy also sets out pledges to provide more recycling services and divert more waste away from landfill including a pledge to reduce waste sent to landfill to less than 5% by 2025, well in advance of the 10% national target by 2035.
- 4.2.53 If the national 65% recycling rate is to be met the amount of residual waste (all general mixed 'rubbish') managed by Councils will need to fall from around 620kg per household to around 360kg per household by 2035. This is likely to change however as new projections are awaited. Furthermore, the management of residual waste in Leicestershire is also set to change with a pledge to reduce the amount of waste landfilled from current levels (of around 30%) to less than 5% by 2025. This is substantially ahead of the new national target of 10% landfilled waste by 2035.

### **Net Zero Carbon Leicestershire 2045 Strategy and Action Plan**

- 4.2.54 The Net Zero Carbon Leicestershire 2045 Strategy and Action Plan builds upon our progress on reducing our emissions by 75% since 2009 and the declaration of a climate emergency in 2019. The Strategy and Action Plan



set out how we will achieve our long-term vision to be a net zero carbon emissions county by 2045.

### **Value of Trees**

- 4.2.55 This is a project which aims to get trees (and hedges) back on (or near) the highway and is supported by Association of Directors of Environment, Economy, Planning and Transport (ADEPT). Aims to develop an approach for local authorities to adopt when re-establishing trees on the highway within both urban and rural landscapes. This work will comprise a toolkit which will include species selection and planting guidance and a mechanism for assessing the costs and benefits (in terms of ecosystem services) of trees.
- 4.2.56 Stage 1 output was a toolkit including valuation matrix, species selection guide, design guide and lifecycle costing.
- 4.2.57 This can be used to complement the Leicestershire Highway Design Guide which is undergoing review at the moment.

### **Changes in Waste Management Capacity**

- 4.2.58 Since the adoption of the Plan, and as shown in the AMR 2019-21, the waste capacity in Leicestershire has changed. Not only have more sites been permitted and changes made to existing sites, but the amount of landfill capacity available has also reduced.
- 4.2.59 As shown in the AMR 2019-2021, the monitoring period saw four new developments permitted generating 130,000 tonnes per annum of capacity. This comprised 30,000 tonnes of inert recycling and 100,000 tonnes of transfer capacity. Around 250,000 cubic metres of inert landfill were also granted permission.

Table 4: New Waste Capacity in the monitoring period 2019-21

<b>Application Reference</b>	<b>Location</b>	<b>WasteType/ Site Type</b>	<b>Tonnage</b>

Application Reference	Location	WasteType/ Site Type	Tonnage
2020/Reg3Ma/0111/ LCC	Part Plot 6, Interlink Way	New WTS	100,000tpa
2019/CM/0113/LCC	Leicester Rd, Ibstock	Inert landfill	Around 250,000m <sup>3</sup> per annum until 2067
2019/CM/0125/LCC	Croft Quarry	Inert landfill	Around 14 million m <sup>3</sup> (total) <sup>3</sup>
2019/CM/0184/LCC	The Old Piggery	Inert recycling	30,000 tpa

4.2.60 Since the AMR 2019-21 monitoring period, there have also been other waste planning proposals determined. Within the period to March 2022 (which will be the period of the next AMR), a further five waste applications were determined. Of these, one was refused on amenity grounds and location (Old Dalby Business Park); a redevelopment of the RHWS at Kibworth was approved but did not create new capacity; a Variation of Conditions application at Greens Lodge Farm resulted in 18,000tpa additional capacity for Anaerobic Digestion; an application to alter internal arrangements at Bakers Waste was approved but resulted in no increased throughput; and up to 300,000 tonnes per annum of Construction Demolition and Excavation Waste (CDEW) recycling capacity was created at Bardon Hill.

4.2.61 These changes in capacity can be verified by cross-referencing with internal monitoring spreadsheets and the Environment Agency's Waste Data Interrogator (WDI) Active Sites List in order to establish which sites are active and therefore contribute to current operational capacity. It is worth noting however that no extensive Waste Needs Assessment or similar calculations have been carried out since the adoption of the Plan. Whilst the

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<sup>3</sup> Although not a waste application, this reclamation and restoration makes significant waste capacity.

AMR sets out changes in capacity in Leicestershire, the need for management facilities for different streams has not been extensively tested through the updating of any modelling or the calculation of new waste needs or capacity.

### **Changes in Waste Production**

- 4.2.62 When the LMWLP was prepared, the projections for waste arisings were based upon EA data from 2014 and estimated capacity requirements were derived from the Waste Needs Assessment (WNA - Dec 2015 and April 2017). It was estimated that some 2.5m tonnes of waste were produced within Leicestershire each year.
- 4.2.63 For the recycling (and composting) of LACW the target of achieving 58% by 2017 was used, as set by the Leicestershire Municipal Waste Management Strategy (LMWMS). The prediction was that there was sufficient existing capacity to enable this target to be achieved. For C&I waste the intent of the LMWLP was to increase recycling to 54% by 2030/1.
- 4.2.64 As demonstrated in the AMR 2019-21, 2,775,325 tonnes of waste were received in Leicestershire in 2019 and in 2020, 2,213,995 tonnes of waste were received in Leicestershire. As can be seen, the figure for 2019 is slightly higher than the average figure in the LMWLP and the 2020 figure is significantly less. These figures are a proxy for arisings and are from the Environment Agency's Waste Data Interrogator (WDI). These figures comprise all the main waste streams, these being Inert (Construction, Demolition and Excavation Wastes - CDEW); Commercial and Industrial; Municipal (LACW, which includes household) and Hazardous. Because of the way in which the Environment Agency's WDI reports, Household, Industrial and Commercial (HIC) waste is combined.
- 4.2.65 Since the LMWLP was adopted, no new methodology on the calculation of waste need or waste forecasts has been developed nationally.
- 4.2.66 This being the case, there have however been annual updates by Government through the Environment Agency to the national waste data and statistics. These 'Statistical Releases' show that UK biodegradable municipal waste (BMW) sent to landfill fell from approximately 6.6 million tonnes in 2019 to around 6.1 million tonnes in 2020. Provisional figures for 2021 show that 63.2% of UK packaging waste was recycled, similar to 2020. The latest estimates for England only, indicate that C&I waste generation was around 33.8 million tonnes in 2020.
- 4.2.67 In May 2022, a guidance note was prepared on assessing levels of recycled aggregates by representatives from the National Waste Technical Advisory Board Chairs and Aggregate Working Party Chairs.

- 4.2.68 As highlighted elsewhere and in the AMR 2019-21, the Covid-19 pandemic has had an effect on waste composition and also on the operation of sites, both in the public and private sectors. As discussed elsewhere, the cost-of-living crisis will also have effects. The duration and magnitude of these is currently unknown, however as can be seen from the figures above, the waste received (proxy for arisings) in 2020 is a lot lower than the figure in 2019. These figures also compare favourably to the projections in the LMWLP/WNA, being generally lower than projections. However, these figures are treated with a degree of caution as movement from one year to the next does not necessarily indicate a trend.
- 4.2.69 The most recent WNA was published in April 2017, and this is the WNA on which the projections in the LMWLP are based. The WNA took three growth scenarios and projected them to the end of the Plan period (2031). It chose the middle scenario to predict LACW arisings, i.e. a 1% increase to household numbers and the waste each household produces does not change.
- 4.2.70 LACW projections in the WNA indicate steadily increasing arisings, with a management requirement within Leicestershire of 361,140 at 2020/21 and 407,121 at 2030/31.

Table 5: LACW Arisings at key years in Plan period (from LMWLP)

Key years	LACW arisings (tonnes)
2020/21	361,140
2025/26	383,205
2030/31	407,121

- 4.2.71 As can be seen in the AMR 2019-21, LACW arisings were 398,909 tonnes in the period October 2019 to the end of 2020. This is a 10% increase on the projected 361,140 in the 2017 WNA. It is worth noting however, that as the first AMR since the adoption of the Plan this figure includes from October 2019 as data is by month. The AMR therefore reports 2020 as the first full year of data. This shows that arisings are in fact significantly below the projected 361,140 tonnes at 323,603 for 2020.
- 4.2.72 Tables 5 to 10 in the LMWLP set out the requirements for the main waste streams (LACW; C&I; C&D; Hazardous and Agricultural) in the county at the 3 key years of 2020/21; 2025/26 and 2030/31.
- 4.2.73 Needs for facilities for LACW are however combined with Commercial and Industrial (C&I) waste, as it is assumed that these facilities can handle both types of waste due to their similarities. The WNA sets out that for the key years, there was a requirement for 100,000 tonnes of capacity for the



2020	58,359	83,923	204	16,034	89,331	75,752	323,603
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Source: LCC Data

- 4.2.78 The LMWLP indicates that the target of recycling (and composting) 58% of LACW by 2017 in line with the current LMWMS was used. It explains that C&I and LACW are assumed to be managed at the same facilities due to the similarities in the streams' management. For C&I waste the intent is to increase recycling to 54% by 2030/1.
- 4.2.79 As can be seen in Table 7 above (and the AMR), the recycling (and composting) rate for LACW in 2020 is 26% (43% with composting). However, the rate of landfilling was still 27% of the total. Incineration still accounted for 23% of final waste destination. The tables in the AMR similarly show that for HIC the recycling rate is 55% in 2020. It is not easy to estimate the percentage of C&I recycling because of the way in which HIC is combined in reporting on WDI.
- 4.2.80 The LMWLP set out that a single facility of 140,00 tonnes was required for the landfilling of LACW and C&I at 2020/21 and none for the rest of the Plan period.
- 4.2.81 As set out in the Plan itself, the tables set out the predicted shortfalls and predict that in the main there has been sufficient capacity already permitted to handle the waste requiring management. Since the LMWLP was written, more capacity has been permitted (as set out above) and the effects of the pandemic have changed waste generation and composition. As set out in the AMR, this has included that there are less people in town and village centres and more online shopping for example which has changed levels of cardboard packaging in household waste.
- 4.2.82 The AMR 2019-21 shows that arisings of inert waste reduced between 2019 and 2020. This is also likely to be due to the Covid-19 pandemic and reduced levels of construction and demolition. A total of 1,162,598 tonnes of inert waste were received in 2019 and 789,347 tonnes were received in 2020 (WDI). During the AMR period monitoring shows that the majority of the inert waste in Leicestershire continues to be landfilled. This may however be unrepresentative of the true picture of arisings, as frequently construction, demolition and excavation waste (CDEW) is recycled on the site where it arises using mobile plant and therefore never enters the waste stream or passes through a registered site. It is also worth noting that as described above, CDEW recycling capacity and landfilling capacity has been permitted since the adoption of the LMWLP.
- 4.2.83 The LMWLP suggests that by the end of the Plan period, 4 new facilities of 100,000 tonnes per annum could be required for the landfilling of inert waste. This is shown here in Table 8.

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Table 8: Inert waste management requirements at key years

Year	Gross requirement	Capacity	Shortfall/Surplus	New Facilities required
2020/21	530,000	445,000	-85,000	1 of 100,000
2025/26	530,000	240,000	-290,000	3 of 100,000
2030/31	530,000	90,000	-440,000	4 of 100,000

4.2.84 Hazardous waste arisings reduced from 23,948 tonnes received in Leicestershire in 2019 to 19,233 tonnes received in 2020. The figure of 25,750 gross requirement for 2020/21 in the LMWLP is slightly higher even than the 2019 figure.

Table 9: Hazardous waste management requirements at key years

Year	Gross requirement	Capacity	Shortfall/Surplus	New Facilities required
2020/21	25,750	25,360	-390	1 of 500
2025/26	26,492	25,860	-632	1 of 1,000
2030/31	27,256	26,860	-396	1 of 500
Plan Period	27,256	25,360	-1,896	1 of 2,000

4.2.85 Agricultural waste is mostly animal matter and plant waste which is dealt with on site. Despite comparatively small tonnages over the Plan period, the LMWLP sets out that a small-scale recycling or recovery facility well related to managing agricultural waste arisings may be a more sustainable option than relying on existing facilities.

Table 10: Agricultural waste management requirements at key years

Year	Gross requirement	Capacity	Shortfall/Surplus	New Facilities required
2020/21	6,477	6,224	-253	1 of 300
2025/26	6,664	6,524	-140	1 of 150
2030/31	6,856	6,674	-182	1 of 200
Plan Period	6,856	6,224	-632	1 of 650



- 4.2.86 As can be seen, the arisings from the AMR 2019-21 are generally lower for all streams than the projections from the WNA and LMWLP. This is not considered to be an issue, however, as there have been reasons for this recently these being the Covid-19 pandemic. It is also the case that it is very difficult to project with confidence over a significant period into the future. Projections are often seen as a 'worst case scenario' in any event and at best can often be an 'average' arising over a number of years.
- 4.2.87 Uncertainty remains as to how the Government's waste system changes will affect the need for waste facilities in Leicestershire. What is clear is that if the national 65% recycling rate is to be met the amount of residual waste (all general mixed 'rubbish') managed by Councils will need to fall from around 620kg per household per year to around 360kg per household per year by 2035 (LACW). This is likely to change however as new projections are awaited. This is likely to require both waste reduction and also a selection of solutions for the management of this waste and its recycling and diversion from landfill.
- 4.2.88 Information from the baseline report carried out as part of the preparation of the draft Resources and Waste Strategy can be used to show current recycling performance as well as other information useful to the discussion here. All districts currently have collection services for dry recycling, residual and garden waste, however none have a food waste collection service in place<sup>4</sup>. However, a weekly food waste collection is currently being trialled with 4,000 households in the North West Leicestershire District Council area<sup>5</sup>.
- 4.2.89 For 2019/20, the combined recycling and composting activity of household waste in the districts and the County run RHWS is 45.5%, short of the UK's target to recycle 50% of household waste by 2020 (this is also lower than the

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<sup>4</sup> Food waste trials have also previously been undertaken by some district and borough councils, including Harborough District Council and Oadby and Wigston Borough Council.

<sup>5</sup> For the purposes of the modelling as part of the Resources and Waste Strategy, it was assumed that no food waste collection service is in place.

58% by 2017 target in the LMWLP). The average for England within the same period was 43.8%, meaning that Leicestershire performs above the national average. However, it must be noted that Leicestershire's performance is significantly lower than in the early 2010's when rates of over 55% were being reached. This reduction will have been influenced by a number of factors including austerity, light weighting, changes in recycling definitions and EA guidance (e.g. on the recycling of street sweepings and wood), and an increasing complexity of packaging types placed on the market. The drop between 2016/17 and 2017/18 was largely due to the Mechanical Biological Treatment facility at Cotesbach ceasing to operate in February 2017. The annual recycling rates are given below in Table 11, alongside average figures for England.

Table 11: Household waste recycling rates 2010/11 – 2019/20 (from baseline report for Resources and Waste Strategy).

	Household waste recycling (%)									
	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>Leicestershire County Council</b>	54.0%	56.2%	55.5%	53.0%	50.5%	49.7%	49.7%	45.8%	45.3%	45.5%
<b>England average</b>	41.5%	43.0%	43.2%	43.5%	43.7%	43.0%	43.7%	43.2%	43.5%	43.8%

4.2.90 As there have been changes in waste production and composition (some as a result of the Covid-19 pandemic) as well as changes in capacity, it must be noted that this changes the baseline. Growth aspirations mentioned above as well as the Government's changes to waste and resources policy, practice and legislation will also have an effect. As set out in the LMWLP, the requirements in the Plan were based upon assumptions for recycling, composting and recovery requirements. These could change because of new Government legislation changes and local growth aspirations.

### **Changes in Minerals Production**

4.2.91 Minerals production and need is set out in the Local Aggregate Assessment (LAA) produced yearly by the County Council for the East Midlands Aggregates Working Party (EMAWP). This uses information provided by quarry operators gathered through annual surveys to set out production capacity.

4.2.92 The LMWLP sets out the need for some 19 million tonnes of sand and gravel over the Plan period to 2031 based on an annual requirement of 1.12 million tonnes. When the LMWLP was prepared, a shortfall of 9.53 million tonnes

was identified in the Plan over the plan period due to insufficient acceptable sites being put forward for consideration.

- 4.2.93 The AMR 2019-2021 and the LAAs 2020 and 2021 (2019 and 2020 data respectively) show that sales in 2020 were 46% lower than in 2019. In 2021, sales rose by 7% compared to 2020.
- 4.2.94 The LMWLP also makes provision over the plan period (2015 to 2031) for the extraction of 231 million tonnes of crushed rock. Sales of crushed rock within the County in 2020 were 10.72 million tonnes, which was 23% lower than in 2019. The landbank is 26.6 years.
- 4.2.95 As detailed in the AMR 2019-21 and the LAAs, production and sales for both crushed rock and sand and gravel have been affected by the pandemic. Before the pandemic, the crushed rock sales from Leicestershire were in excess of the annual requirement set out in the Plan. Sales of crushed rock then dropped to their lowest for 10 years, which was also below the annual requirement.
- 4.2.96 Arithmetically, the level of permitted reserves for crushed rock in Leicestershire is well in excess of the 10-year minimum landbank for rock required by the NPPF. A significant proportion of the permitted reserves, however, are at inactive sites (28%), all for igneous rock.
- 4.2.97 As set out in the LAA and AMR however, it is still considered appropriate to estimate demand on the basis of a rolling average of 10 years sales data (the 10-year average) before considering other relevant local information.
- 4.2.98 An indicator to be taken into account in identifying the level of future provision is the sub-regional apportionment derived from the National and regional guidelines for aggregates provision in England. The latest guidelines were produced to cover the period for 2005-2020 and set out the level of provision which should be made by each Region.
- 4.2.99 An annual 'sub-regional apportionment' was produced from the 2005-2020 Guidelines by the East Midlands Aggregates Working Party (EMAWP). For Leicestershire, this was 1.51 million tonnes of sand and gravel and 16.6 million tonnes of crushed rock. This sub-regional apportionment is 76% higher than the 2020 sand and gravel sales figure and 43% higher than the 2020 crushed rock sales figure. Whilst the effects of the pandemic should be noted, it should also be noted that levels of production in Leicestershire have never reached the suggested regional apportionment during the last 10 years.
- 4.2.100 The 2021 LAA also indicates that the most recent data (2019) shows approximately 36% of sand and gravel production annually is exported out of the County. Therefore, sales may not necessarily correlate with economic activity within Leicestershire. Consequently, it is not considered necessary to

depart from 10 years sales data when forecasting future aggregate provision. The LAA also identified that at present applying an uplift figure to sand and gravel provision figures to account for the effects of the pandemic is not considered necessary.

- 4.2.101 The 2022 LAA (2021 data) shows that sand and gravel sales in 2021 were 7% higher than those in 2020. They were still lower than the 3-year and 10-year sales averages. The sand and gravel landbank at the end of 2021 was 2.2 years, significantly below the 7 year landbank the County is expected to maintain.
- 4.2.102 In 2021 existing sand and gravel sites had a total potential production capacity of around 1.25 million tonnes per annum, which meant that they were theoretically capable of producing sufficient material to satisfy the level of provision identified in the adopted Minerals and Waste Local Plan. It is worth noting that since 2020 there has been a loss of production capacity. In the 2021 year, Leicestershire had three active sand and gravel quarries.
- 4.2.103 The 2022 LAA concludes that as the large drop in sand and gravel sales during 2020 and 2021 skewed the three-year average sales figure to its lowest ever figure (0.89Mtpa), it is considered appropriate for the production guidelines identified by this LAA to reflect the 10-year sales average, namely 1.17 million tonnes per annum. It is considered that this would better reflect the expectation that the economy will rebound and planned local and national housing and infrastructure construction projects will continue as previously planned.
- 4.2.104 The LAA concludes there is a 10.56Mt shortfall in S&G permitted reserves to 2031, an increase of 0.46Mt on 2021 and the 9.53Mt set out in the LMWLP.
- 4.2.105 There are more than sufficient crushed rock reserves to meet requirements for a 10-year landbank based upon 10-year sales and demand identified in the 2022 LAA.
- 4.2.106 The 2022 LAA identifies that the four active igneous rock quarries, all of which are rail-linked, and two active limestone quarries in Leicestershire have a total potential production capacity of around 15.5 million tonnes. Sales of crushed rock in 2021 were approximately 14% higher than in 2020 at 12.28 million tonnes.
- 4.2.107 Leicestershire has no secondary aggregate facilities but contains 17 facilities which produce recycled aggregates. One site has recently ceased to operate.

## 5. Performance against targets/Assessment of the Plan Policies

### 5.1 Providing for Minerals

The LMWLP makes provision for the extraction of some 19 million tonnes of sand and gravel over the plan period (2015 to 2031) and gives priority to proposals for extraction to be worked as the extension of existing sites. In line with Government guidance, it aims to maintain a landbank of at least 7 years based on the past 10 years average sales. Based on the current situation with the county's crushed rock landbank which is in excess of the recommended 10 years minimum, further provision through new sites allocations is not made in the Plan.

### 5.2 Supply of Sand and Gravel Aggregate

5.2.1 Policy M1 sets out the provision for sand & gravel aggregate to be made during the Plan period to 2031, giving priority to extensions to existing operations.

#### **Policy M1: Supply of Sand and Gravel Aggregate**

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

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

5.2.2 As shown in the AMR 2019-2021, landbanks for sand & gravel and sales for sand & gravel are used to determine if policy M1 is delivering the required amounts during the Plan period. These are 19 million tonnes over the Plan period or 1.12 million tonnes annually.

5.2.3 In line with the NPPF, Leicestershire County Council prepare an annual Local Aggregate Assessment (LAA) and participate in the East Midlands Aggregates Working Party (EMAWP), taking their advice to ensure a steady and adequate supply of aggregates, as well as liaising with AWP's nationally.

5.2.4 Leicestershire had sand and gravel sales of 1.25mt in 2019 (2% down on 2018). This is above the targets for production identified in the 2021 LAA (2020 data). In 2020 sales of sand & gravel were 0.68mt which is down on 2019 and is also below the 1.12mt target in the LMWLP or the 1.19mt identified in the LAA. Whilst this is moving away from the target, this has

been affected by the Covid-19 pandemic. Indeed, the 2022 LAA details that the large drop in sales in 2020 and 2021 has skewed the three-year average sales figure to its lowest ever figure (0.89 Mtpa, down from a previous all-time low of 1.04Mtpa). As such, the LAA considers that it is appropriate for the production guidelines identified by the 2022 Local Aggregate Assessment to reflect the 10-year sales average, namely 1.17Mt per annum.

- 5.2.5 Landbanks are used as an indicator of security of supply of aggregate minerals. They indicate whether there is a need to make further provision for aggregates through granting of further permissions or alternative provision.
- 5.2.6 The NPPF specifies that the indicator is a landbank of seven years for sand & gravel. The county council bases the calculation of its landbank on the past 10 years average sales. There have been few changes to the NPPF and NPPG minerals sections since the adoption of the LMWLP.
- 5.2.7 Leicestershire has a low sand & gravel landbank, as shown in the AMR 2019-2021 and 2021 and 2022 LAAs. Currently around 2.2 years (2022 LAA) the landbank is substantially below the identified 7-year requirement.
- 5.2.8 The 2021 LAA shows that the sales data for 2020 has been significantly impacted by the effects of the pandemic. Recent production trends together with local evidence suggest that there may be demand for sand and gravel from Leicestershire operations over and above the average experienced during the last 10-year period (2011 to 2020). The 2019 sales indicated an increased demand before the effects of the pandemic. The LAA concludes that in this regard further monitoring is required.
- 5.2.9 Similarly, the 2022 LAA shows that the low sales figures in 2021 further reduced the three-year average sales figure to 0.89Mtpa. This is below the requirement of 1.12Mtpa in the LMWLP, despite a slight increase following the effects of the pandemic. The 2022 LAA does conclude however that production trends together with local factors may indicate demand over and above the average experienced during the last 10-year period (2011 to 2020). It is considered that whilst sales figures were greatly affected by Covid-19, the economy will rebound following the easing of lockdown in 2021. It considers that the 1.17 million tonnes sales average will better reflect the expectation that the economy will rebound and planned local and national housing and infrastructure construction projects will continue as previously planned.
- 5.2.10 Production and sales data for aggregate minerals is collected on an annual basis through an aggregate survey undertaken on behalf of the East Midlands Aggregates Working Party (EMAWP). Annually published EMAWP reports present data on production and reserves for Leicestershire since the early 1990s and the East Midlands back to the early 1970s.

- 5.2.11 The Aggregates Minerals Survey for England and Wales contains in-depth information from surveys conducted (usually) every four years by the AWP's. These are collated nationally, most recently by the BGS, and provide an in-depth understanding of national and sub-national sales, inter-regional flows, transportation, consumption and permitted reserves of primary aggregate. As there was only one sand & gravel operator in Leicestershire, information from the 2019 Aggregates Minerals Survey for England and Wales (published in 2021) is used in the 2021 and 2022 LAAs as it is not considered appropriate to publish import and export data of a single operator. This shows that the majority of sand & gravel sales from operations in Leicestershire and Rutland (64%) served local markets.
- 5.2.12 In 2019, Leicestershire had a sand & gravel landbank of 2.6 years (3.1Mt). In 2020, Leicestershire had a sand & gravel landbank of 2.5 years (2.99Mt), below the seven-year requirement of NPPF. In 2021 (2022 LAA), reserves were sufficient for 2.2 years (2.53Mt). As set out in the 2019-2021 AMR, we have not received sufficient applications in the monitoring period to make a significant contribution to this matter. Applications are still forthcoming, however, and a number of sites remain in the planning process.
- 5.2.13 As part of the Local Plan process, the LMWLP only received limited proposals for allocations and therefore the approach aims to allow flexibility for proposals to come forward for both allocated and unallocated sites and also for permitted reserves to be worked.
- 5.2.14 Again, whilst the AMR shows that the indicator appears to be moving away from the target for sand & gravel, there are reasons for this, these being the limited proposals coming forward and the effects of the pandemic. It is also the case that few suitable sites came forward as part of the Plan process.
- 5.2.15 The 2022 LAA indicates a potential shortfall of sand and gravel reserves of 10.56 million tonnes. The LMWLP includes extensions for operations at four active quarries. As detailed in the AMR and the LAA, an extension has already been permitted at Brooksby Quarry (permission reference 2018/0917/06). The majority of the remaining allocations at Husbands Bosworth Quarry, Cadeby Quarry and Shawell Quarry remain without planning permission, as of the date of publication of the LAA. A planning application has been submitted for the extraction of 900,000 tonnes of sand and gravel at Husbands Bosworth Quarry. Additional reserves of 431,000 tonnes of sand and gravel were permitted at Shawell Quarry in 2020 (permission reference 2019/1891/03) but areas of the allocations at Shawell Quarry and Cadeby Quarry remain.
- 5.2.16 AMR 2019-21 applications data shows that both of the extensions at Shawell granted within the period were in line with policy M1. Although the first of these (2018/CM/0147/LCC) was determined against the former Core Strategy policies, the decision notice was issued on 17th December 2019.

This has been assessed as in accordance with policy M1. The second, 2019/CM/0267/LCC was also in accordance with policy M1.

- 5.2.17 A southern extension of Brooksby Quarry also had the decision notice issued within the period of the 2019-2021 AMR, although the DCRB committee was in May 2019 and therefore outside the AMR period. Again, this is assessed as in line with policy M1.
- 5.2.18 Further permissions have been submitted and granted since the period of the 2019-21 AMR.
- 5.2.19 The assessment of the policy is that although the indicator targets have been missed, there are reasons for this including the global pandemic and Brexit uncertainty.
- 5.2.20 As discussed in the 2021 LAA (2020 data) and 2022 LAA there is no requirement through national guidance to allocate sites to account for a landbank at the end of the Plan period. An acceptable alternative is to have an enabling policy which allows unallocated sites to come forward where these are required to ensure an adequate supply is maintained should the landbank be likely to reduce below the seven-year level or to undertake a review of the Plan. The LMWLP provides such flexibility.

## **Conclusion**

- 5.2.21 It is not considered that the issues with achieving the landbank target as detailed in the AMR 2019-21 and the 2021 LAA and 2022 LAA are reason alone for the need to update the policy.
- 5.2.22 The policy environment is not a barrier to developments for sand and gravel coming forward. A number of both allocated and non-allocated sites continue to emerge. Those in the monitoring period include Husbands Bosworth (2021/0041/LCC, 900,00 tonnes which awaits determination); Lockington extension (2019/2358/07) and Shawell (2021/CM/0112/LCC).
- 5.2.23 As set out, this situation is not new, but has been apparent since the adoption of the LMWLP. The 'Call for sites' during the Plan process produced very few suitable sites. It is for this reason that the LMWLP contains the flexibility to allow unallocated sites to come forward.
- 5.2.24 There are currently around 5.2 million tonnes of sand and gravel reserve in the planning process (application stage) in Leicestershire. This comprises 900,000Mt at Husbands Bosworth; 3.3Mt at Lockington and 1.01Mt at One Ash Quarry. An Environmental Impact Assessment Scoping request for a site referred to as Misterton Quarry – a non-allocated site comprising approximately 8 million tonnes – has also been received.
- 5.2.25 The situation will be monitored in relation to the Government's proposed changes and demand for sand and gravel from Leicestershire.



### 5.3 Supply of Sand and Gravel Aggregate from Existing Sites

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

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

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

Brooksby

Cadeby

Husbands Bosworth

Lockington

Shawell

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

Brooksby – Spinney Farm and south of the existing plant site

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

Husbands Bosworth - Butt Lane northern extension

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

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

5.3.1 Policy M2 provides flexibility and reinforces the commitment to providing a steady and adequate supply of sand and gravel aggregates. Policy M2 makes provision for the working of remaining permitted reserves at Brooksby; Cadeby; Husbands Bosworth; Lockington; and Shawell. M2 also makes provision for extensions to existing sites at Brooksby; Cadeby; Husbands Bosworth; and Shawell.

5.3.2 The Plan sets out that all of the allocated sand & gravel sites are to be granted planning permission by 2021. This target has not quite been achieved as set out in the AMR 2019-21; however, there has been movement towards this.

- 5.3.3 NPPF 2021 and the NPPG require Minerals Planning Authorities to make provision for a steady and adequate supply of aggregates. The method for doing so is the Managed Aggregate Supply System (MASS) which has been in place for many years. As set out in the NPPG, this requires minerals planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply. The NPPG explains that MASS works through national, sub-national and local partners working together to deliver a steady and adequate supply of aggregates.
- 5.3.4 Whilst the NPPG and NPPF have been updated, there have been no changes to the Minerals sections of the NPPF or NPPG.
- 5.3.5 The county council is an active member of the East Midlands Aggregates Working Party (EMAWP) and annually submits a Local Aggregate Assessment (LAA) to the AWP. This is a way of monitoring and demonstrating supply of and demand for aggregates in Leicestershire. The latest LAA (2021 data) forms part of the evidence base for the review of the LMWLP and should be read in conjunction with this report.
- 5.3.6 This 2022 LAA took account of the following factors when determining future provision of sand & gravel:
- Sub regional apportionment
  - Providing a landbank
  - Recent trends
  - Local factors including
    - supply and demand from neighbouring authorities;
    - population forecasts;
    - household projections;
    - future house building;
    - local economic objectives; and
    - major infrastructure projects
- 5.3.7 The AMR 2019-2021 shows that there is movement towards the target, as an application was approved in the period and a further application has been received for an allocated mineral site during the period.
- 5.3.8 During the monitoring period, a single application was permitted (Shawell – Ref 2019/CM/0267/LCC) which was approved in accordance with policy M2. Whilst mainly determined against previous policy, decisions were also issued during the period for sand and gravel extraction at two other sites – Brooksby

Quarry (2018/CM/0123/LCC, 1.4Mt) and Shawell (2018/CM/0147/LCC, 850,000Mt) within the monitoring period. These are also in line with Policy M2.

- 5.3.9 A proposal for the continued use of the aggregate bagging plant facility at Husbands Bosworth (2021/VOCM/0096/LCC) was refused in relation to conflict with M13.
- 5.3.10 As set out in the LAA, there is no requirement in national guidance to have site allocations to achieve the required landbank at the end of the Plan period. The approach within the LMWLP is an acceptable alternative.
- 5.3.11 The Plan provides a combination of policies to ensure that a steady and adequate supply is achieved, but ultimately relies on operators coming forward with acceptable proposals.

### **Conclusion**

- 5.3.12 It is not considered that the issues with achieving the landbank target as detailed in the AMR 2019-21 and the 2021 LAA and 2022 LAA are reason alone for the need to update the policy.
- 5.3.13 As set out above, the policy environment is not a barrier to developments for sand and gravel coming forward. A number of both allocated and non-allocated sites continue to emerge. The combination of policies in the Plan provide flexibility to ensure a steady and adequate supply of sand & gravel.
- 5.3.14 As set out, this situation is not new, but has been apparent since the adoption of the LMWLP. The 'Call for sites' during the Plan process produced very few suitable sites. It is for this reason that the Plan contains the flexibility to allow unallocated sites to come forward.
- 5.3.15 There are currently around 5.2 million tonnes of sand and gravel reserve in the planning process in Leicestershire. This comprises 900,000Mt at Husbands Bosworth; 3.3Mt at Lockington and 1.01Mt at One Ash Quarry. An Environmental Impact Assessment Scoping request for a site referred to as Misterton Quarry – a non-allocated site comprising approximately 8 million tonnes – has also been received.
- 5.3.16 The situation will be monitored in relation to the Government's proposed changes and demand for sand and gravel from Leicestershire.

## 5.4 Sand and Gravel Extraction (Unallocated Areas)

### Policy M3: Sand and Gravel Extraction (Unallocated Areas)

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

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

- 5.4.1 Policy M3, which relates to sand and gravel extraction in unallocated areas provides further flexibility to help ensure a steady and adequate supply of sand and gravel. This allows for opportunities outside of the areas identified in Policy M2 in certain circumstances. This further ensures maintenance of the required landbank for sand & gravel. This is in line with NPPF and NPPG.
- 5.4.2 As demonstrated in the AMR 2019-21, the indicator '*Percentage of permissions granted in accordance with the criteria set out in the relevant policy for that mineral*' is performing satisfactorily. This is an indicator which monitors several policies however and includes policy M3.
- 5.4.3 A number of sand & gravel sites have been permitted or have come forward in the monitoring period, showing that the policy landscape is continuing to allow sites to come forward. An Environmental Impact Assessment Scoping request for a non-allocated site referred to as Misterton Quarry has also been received.
- 5.4.4 An unallocated proposal at One Ash Quarry, near Quorn for the extraction of 1.01mt of sand and gravel is currently awaiting determination.
- 5.4.5 As discussed above in relation to policy M1, the variety of non-allocated sites which continue to come forward demonstrate that the policy landscape is not a barrier to the delivery of an adequate and steady supply of sand and gravel.
- 5.4.6 Whilst NPPG and NPPF have been updated, the updates are not considered to have had an effect on Policy M3.

- 5.4.7 The situation may require monitoring through future AMRs however, as the LURB progresses, and it becomes more clear what effects Government changes will have in combination with legislation.

### **Conclusion**

- 5.4.8 It is not considered that the issues with achieving the landbank target as detailed in the AMR 2019-21 and the 2021 and 2022 LAAs are reason alone for the need to update the policy.
- 5.4.9 As set out above, the policy environment is not a barrier to developments for sand and gravel coming forward. A number of both allocated and non-allocated sites continue to emerge. The combination of policies in the Plan provide flexibility to ensure a steady and adequate supply of sand & gravel.
- 5.4.10 As set out, this situation is not new, but has been apparent since the adoption of the LMWLP. The 'Call for sites' during the Plan process produced very few suitable sites. It is for this reason that the Plan contains the flexibility to allow unallocated sites to come forward.
- 5.4.11 There are currently around 5.2 million tonnes of sand and gravel reserve in the planning process in Leicestershire. This comprises 900,000t at Husbands Bosworth; 3.3Mt at Lockington and 1.01Mt at One Ash Quarry. An Environmental Impact Assessment Scoping request for a site referred to as Misterton Quarry – a non-allocated site comprising approximately 8 million tonnes – has also been received.
- 5.4.12 The situation will be monitored in relation to the Government's proposed changes and demand for sand and gravel from Leicestershire.

## 5.5 Policy M4: Crushed Rock

5.5.1 Policy M4 relates to crushed rock and sets out that 231 million tonnes of crushed rock are required over the Plan period to 2031. In line with NPPF, a landbank of 10 years is required. This translates to an annual requirement of 13.6 million tonnes.

### Policy M4: Crushed Rock

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

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

5.5.2 Leicestershire's crushed rock resource is recognised as nationally important, as rock resources in England suitable for road making and building purposes are generally absent south of a line between the Humber and Exe estuaries.

5.5.3 The Plan recognised that the level of demand will depend upon levels of economic growth and investment in the country and that this was difficult to predict to 2031.

5.5.4 As detailed above, the growth aspirations of the county (and the country) together with the housing uplift to be distributed among the Leicestershire local authorities could have an effect on the demand for both aggregate and crushed rock. This demand is difficult to predict. It is also considered that there is already a system in place to ensure supplies – MASS – and that therefore further alterations to the Plan are not required in order to account for national, regional and local increases in demand.

5.5.5 The EMAWP Annual Report 2021 (2020 data) indicates that there are a variety of major projects within the East Midlands which will require aggregates and are likely to affect demand. These are by their very nature projects that do not represent 'business as usual'. These need consideration in both Minerals Plans and in LAAs. These estimates however cannot be easily translated into tonnages nor split by county areas.

- 5.5.6 For example, Tarmac have noted that early indications are that High Speed 2 (HS2) will require:
- 4.5 Mt - concrete aggregates
  - 4.5 Mt - asphalt and Type 1 sub base materials
  - 15 Mt - aggregates for fill materials
- 5.5.7 These high levels of aggregates will be required within a 5-year time frame 2019 – 2024.
- 5.5.8 At the time of writing, no contact has been made by HS2 representatives directly with the EMAWP or the local authorities to discuss the levels of mineral likely to be needed. The AWP will work closely with the HS2 team.
- 5.5.9 The Department of Transport, Road Investment Strategy 2020 – 2025 was published in March 2020 setting out a strategic vision for the five years to 2025 incorporating nationwide maintenance and improvement projects.
- 5.5.10 Three relief road schemes in Lincolnshire and the Hinckley National Strategic Rail Freight Interchange, Blaby together with the North and East Melton Mowbray Distributor Road will also all be likely to have a more than local effect on aggregate demand.
- 5.5.11 As demonstrated in the AMR 2019-21, the policy is performing satisfactorily. Whilst the AMR shows that the '*Landbanks for sand & gravel and crushed rock*' indicator is moving away from the target, this is because the indicator is for sand & gravel and crushed rock and is monitored as one. It is also used as an indicator for both M1 and M4. The text explains that whilst it is the case that sand & gravel reserves are below the 7-year requirement, the landbank for crushed rock is very healthy. In 2019 Leicestershire had a crushed rock landbank of 358mt (27.3 years). In 2020 this dropped to around 26.6 years (344mt). In 2021 permitted reserves were 312mt (24.1 years).
- 5.5.12 The AMR also shows that the '*Sales of primary land won aggregates*' indicator is moving away from the target, this is because the indicator is for sand & gravel and crushed rock and is also monitored as one. This is also used as an indicator for both policy M1 and policy M4.
- 5.5.13 The 2021 LAA details that M4 is one of the policies for the delivery of a steady and adequate supply of minerals and the maintenance of the 10-year crushed rock landbank. This demonstrates that the 2020 sales figure was 10.72 million tonnes per annum, a 23% decrease from the previous year. Before the effects of the pandemic, the crushed rock sales from Leicestershire in 2019 were higher than the annual requirement set out in the LMWLP (13.6 million tonnes).

- 5.5.14 The effects of the Covid-19 pandemic saw the sales drop to their lowest for ten years, and below the annual requirement. The 2019-21 AMR shows that crushed rock sales were 13.88mt in 2019 which is 11% higher than in 2018. Both are above the targets for production identified in the LAA. Crushed rock sales were 10.7mt which is also down on 2019 and below the identified requirement (12.95mt). Whilst this is moving away from the target, this has been affected by the Covid-19 pandemic.
- 5.5.15 The 2021 LAA shows that production capacity at existing rail-linked quarries is just below the required level of production in the LMWLP (13.6mt) at 13.5mt per annum. This suggests that existing sites would be capable of producing sufficient material to satisfy the average rate of production over the last 10 years. Existing active sites have the potential to produce around 15.5mt per annum. Not all existing sites would be able to continue to contribute to future requirements without extensions, however.
- 5.5.16 As set out above, whilst the landbank for crushed rock is healthy, a significant proportion of the permitted reserves are at inactive sites (28%), all for igneous rock. As also set out above, the sales have never reached the suggested regional apportionment during the last 10 years.
- 5.5.17 The 2022 LAA indicates that average crushed rock sales over the last three years were 12.29 million tonnes, about 5% lower than the 10-year average (12.94 million tonnes). Sales of crushed rock within the County in 2021 were 12.28 million tonnes, which was approximately 14% higher than in 2020. Estimated permitted reserves on 31st December 2021 were 312 million tonnes. This LAA also indicates that this translates to reserves sufficient to last about 24.1 years based upon the average rate of production over the last 10 years.
- 5.5.18 An application to extend Croft quarry was permitted in early 2022 (outside the LAA report period) for an additional 6 million tonnes of crushed rock (granite). This is in accordance with M4. In addition, an application for a lateral extension to the existing workings at Cliffe Hill Quarry was submitted to Leicestershire County Council in July 2022 and remains under consideration. The application proposes to retain the existing processing and rail exporting infrastructure and operations on the site and proposes to release around 30 million tonnes of reserves, seeking continuation of operations from the current end date of December 2032 until 31<sup>st</sup> December 2042. In addition, a scoping request was received in August 2022 for a proposed lateral extension to the existing rail-linked Mountsorrel Quarry. The submitted documents indicate that there remains approximately 58Mt of consented granite reserve at the quarry. Assuming an average production level of 4 Mt per annum, this is sufficient to last to approximately 14.5 years, to 2037. The current permitted end date for quarry operations at Mountsorrel is 31 December 2040. This proposal therefore involves northerly and south-easterly extensions of quarry working sufficient to release an additional 75



million tonnes of granite. Combined with consented mineral reserve, the development would extend the working life of the quarry by 18 years beyond the extant permitted mineral cessation date of 31 December 2040. The proposed development would extend the quarry life to 2058.

- 5.5.19 Whilst the NPPG and NPPF have been updated, the updates are not considered to have had an effect on Policy M4. As discussed, the NPPF and NPPG have changed very little in relation to Minerals since their publication.
- 5.5.20 The situation may require monitoring through future AMRs, as the LURB progresses, and it becomes clearer what effect Government changes will have in combination with legislation.

### **Conclusion**

- 5.5.21 The AMR 2019-21 and LAAs show that the Plan is continuing to deliver a steady and adequate supply of minerals and continues to maintain the 10-year crushed rock landbank required by national policy. It is therefore considered that policy M4 is performing satisfactorily.
- 5.5.22 Whilst the baseline has changed as shown above, the Plan maintains flexibility to cope with such changes and there already exists a mechanism – MASS – which allows for changes in demand.
- 5.5.23 As set out above, it is considered that the policy environment is not a barrier to developments for crushed rock coming forward.

## 5.6 Policy M5: Brickclay

- 5.6.1 Policy M5 on brickclay gives priority to extensions to existing sites, only allowing new sites where it can be demonstrated that production cannot be maintained from existing sites and appropriate extensions to these.

### Policy M5: Brickclay

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

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

- 5.6.2 NPPG explains that brickclay is an industrial mineral, which are those necessary to support industrial and manufacturing processes and other non-aggregate uses. These include minerals of recognised national importance such as brickclay. NPPF defines brickclay as a mineral of local and national importance which is necessary to meet society's needs.
- 5.6.3 Brick clay is '*clay, shale, mudstone and other such materials*' used in the manufacture of structural clay products, such as facing and engineering bricks, pavers, clay tiles for roofing and cladding, and vitrified clay pipes. Brick manufacture is by far the largest tonnage use. Some clay, shale, and mudstone is used for engineering purposes, such as lining and capping landfill sites, lining canals and ponds and for general construction purposes (fill).
- 5.6.4 The largest brick making region is the Midlands accounting for over half of total production in Great Britain. As a general approximation, 3 tonnes of clay/shale are used in the manufacture of 1,000 bricks.
- 5.6.5 As demonstrated in the AMR 2019-21, the policy has not been used in the monitoring period. It is therefore not possible to monitor performance of the policy during the period. The indicator '*Percentage of permissions granted in accordance with the criteria set out in the relevant policy for that mineral*' is performing satisfactorily. This is an indicator which monitors several policies and includes policy M5.
- 5.6.6 The changes in the baseline highlighted above could also affect the need for brick clay. Whilst it is difficult to say for certain whether the growth

aspirations of the county will lead to a greater demand for brick clay, as it is likely that more bricks will be needed for housing and other growth it is considered that change to the baseline should be considered. It is difficult to quantify mineral need for construction in any event as detailed in the LAA. Such estimates should be treated with caution and the need for brick clay is likely to be even more uncertain given variables including its national importance, wide use and cross boundary issues.

- 5.6.7 In terms of other cross-boundary duty to co-operate issues, there exists anecdotal evidence of supply of brick clay from Waingroves Quarry in Derbyshire to brickworks in Nottinghamshire and Leicestershire. It is not possible to say whether this will affect demand in the future.
- 5.6.8 It is not considered that these changes in the baseline require changes to the policy wording or approach.
- 5.6.9 The NPPF requires reserves of at least 25 years to be maintained for brickclay. The majority of the updates to NPPG and NPPF since the adoption of the LMWLP are not considered to have an effect on Policy M5.
- 5.6.10 The NPPF requirements in relation to the provision of brick clay for industrial purposes have not changed. Minerals Planning Authorities should plan for a steady and adequate supply of industrial minerals by *'taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made'*. This criterion is now 214 (d) in NPPF 2021. Whilst the Plan was examined under the 2012 NPPF, it is considered that the Plan reflects this requirement in its wording at criterion (iii) of M5.
- 5.6.11 Continuity of supply of consistent raw materials is important in the brick-making sector. The current policy approach is therefore considered to be the most appropriate as this prioritises extensions to existing sites which have associated brickworks.
- 5.6.12 The situation may require monitoring through future AMRs, as the LURB develops, and it becomes clearer what effects Government changes will have in combination with legislation.

### **Conclusion**

- 5.6.13 It is considered that the policy provides sufficient certainty for developers and the public and that it is in line with the NPPF and NPPG.
- 5.6.14 There is no evidence to suggest that the policy requires modification.

## 5.7 Policy M6: Fireclay

5.7.1 Policy M6 covers fireclay and allows extraction where it can be demonstrated that the clays are required to meet a proven need or where they have qualities which cannot be met from existing reserves. It also supports the recovery of fireclays associated with the extraction of surface coal.

### Policy M6: Fireclay

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

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

5.7.2 In order to support the production of fireclay for manufacturing processes, the LMWLP allocates an area for continued stockpiling and blending of clay beyond the lifetime of the current Donington Island Site within the current site area. As set out in the Plan, the only other viable source of clay is likely to be in association with surface coal extraction.

5.7.3 Like brickclay, the NPPG explains that fireclay is an industrial mineral, which are those necessary to support industrial and manufacturing processes and other non-aggregate uses. These include minerals of recognised national importance such as fireclay. The NPPF defines fireclay as a mineral of local and national importance which is necessary to meet society's needs.

5.7.4 Although restricted to a relatively small basin between Swadlincote and Moira, Leicestershire's fireclay deposits have been recognised as an important national source.

5.7.5 It is worth bearing in mind that at the time of writing the LMWLP the target for the Donington Island allocation permission was 2017. This was already therefore missed by the September 2019 adoption date of the Plan.

5.7.6 As demonstrated in the AMR 2019-21, the allocated minerals sites indicator is moving towards the target, however it is worth noting that this covers all of the allocated minerals sites and therefore not only this policy. This is likewise the case in relation to the indicator '*Percentage of permissions granted in accordance with the criteria set out in the relevant policy for that mineral*' which is also performing satisfactorily. A single application was determined at Donington Island (2020/VOCM/0156/LCC) in the monitoring period. This was in line with Policy M6. Outside the monitoring period, a further application at

this site has been taken to Committee (2022/VOCM/0070/LCC, October 2022) and is awaiting a legal agreement. The clays at Donington Island are a valuable resource for Wavin and a number of other national clayware manufacturing companies who are reliant on these clays, so it is of local and national importance that these clays are not sterilised. The relatively modest restoration delay by twelve months was therefore acceptable in order to maintain an area for continued clay stocking and blending to ensure a sufficient supply of fireclay to serve local manufacturing provision.

- 5.7.7 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy M6. No further guidance has been released or updated which could affect fireclay policy. There are no national or regional demand targets set.
- 5.7.8 Leicestershire has dominated fireclay supply in England for many years. In the 1970s to early 1980s, large quantities of fireclay were selectively extracted with coal but stockpiled separately according to clay quality. This clay has been recognised as an important national resource. Fireclays from the Donington Island site provide about half of the national fireclay supply. The availability of fireclays from opencast coal operations is likely to become increasingly limited, making the stockpiled clays even more important.
- 5.7.9 National policy in the NPPF 2021 suggests that fireclay is typically a by-product of coal extraction by its wording at paragraph 215 'e) *provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.*
- 5.7.10 Whilst there have been local and national changes such as the climate emergency declared by the County Council in 2019 and the Leicestershire Net Zero Strategy and Action Plan and these could affect the appetite for coal extraction, it is still considered that the approach is the most appropriate given current guidance and policy.
- 5.7.11 It is also the case that there is uncertainty due to the current war in Ukraine and the need to stabilise energy supplies. Whilst a commitment has been

made to phase out the use of coal in electricity generation, the Government has recently clarified in a Written Ministerial Statement<sup>6</sup> that to get to carbon zero by 2050, further oil and gas would be needed. No reference has been made to a further re-examination of national energy policy on coal.

5.7.12 The policy is still considered to reflect the current national policy and guidance. There is no national requirement for a policy to set out how unexpected need would be met or to set out a specific amount of provision for fireclay.

5.7.13 The situation may require monitoring through future AMRs however, as the LURB develops, and it becomes clearer what effects Government changes will have in combination with legislation.

### **Conclusion**

5.7.14 It is not considered that the issues with the Donington Island permission target as detailed in the AMR 2019-21 are reason alone for the need to update the policy.

5.7.15 Whilst the net zero agenda is likely to affect coal extraction, it is still considered that the wording of the policy is appropriate as this is a nationally important resource.

5.7.16 As set out above, it is considered that the policy is still appropriate and deliverable within the Plan period and continues to reflect current national policy and guidance.

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<sup>6</sup> <https://questions-statements.parliament.uk/written-statements/detail/2022-09-22/hcws295>

## 5.8 Policy M7: Gypsum

- 5.8.1 Policy M7 concerns gypsum and allows proposals for new extraction sites and extensions to existing extraction areas where they are required to meet a proven need.

### Policy M7: Gypsum

The County Council will ensure a steady and adequate supply of gypsum by allowing proposals for new extraction sites and extensions to existing extraction areas where they are required to meet a proven need. The County Council will make provision over the plan period (2015 to 2031) for the supply of gypsum from the following locations:

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

- 5.8.2 Gypsum occurs in north Leicestershire and is currently extracted from an underground mine at Barrow-upon-Soar, where bagged building plasters are also produced. Leicestershire's gypsum reserves are of national importance.
- 5.8.3 The NPPG explains that gypsum is an industrial mineral, which are those necessary to support industrial and manufacturing processes and other non-aggregate uses. These include minerals of recognised national importance such as gypsum. The NPPF defines gypsum as a mineral of local and national importance which is necessary to meet society's needs.
- 5.8.4 At the time of writing the Plan, sufficient permitted reserves existed at the Barrow Mine for around 20 years production at the adjacent works.
- 5.8.5 The Marblaegis Mine in Nottinghamshire had permitted reserves (within Nottinghamshire) sufficient to last until at least 2026 at the time of writing the LMWLP. The only significant remaining option after this would be to extend the mine into Leicestershire.
- 5.8.6 The Plan sets out that the Marblaegis extension allocation is to be permitted by 2026. This target has not yet been achieved, however it should be noted that the Plan period is until 2031 and we have not yet reached 2026.
- 5.8.7 As demonstrated in the AMR 2019-21, the indicator '*Percentage of permissions granted in accordance with the criteria set out in the relevant policy for that mineral*' is performing satisfactorily. This is an indicator which monitors several policies and includes policy M7. The policy has not recently been used and therefore cannot be assessed on current performance.
- 5.8.8 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy M7. Whilst changes have been made

to the Natural Environment section of the NPPG in relation to flood risk and the Historic Environment, it is not considered that these changes affect the general requirements in Box SA6 in the LMWLP.

- 5.8.9 The situation may require monitoring through future AMRs, as the LURB develops, and it becomes more clear what effects Government changes will have in combination with legislation.

### **Conclusion**

- 5.8.10 It is not considered that the issues with achieving the Marblaegis extension allocation target are reason alone for the need to update the policy. The target has not been missed, it is 2026 and therefore there is still time for it to be reached.
- 5.8.11 As set out above, it is considered that the policy environment is not a barrier to developments for Gypsum coming forward.



## 5.9 Policy M8: Building and Roofing Stone

- 5.9.1 Policy M8 on building and roofing stone permits developments subject to certain criteria which include use primarily for conservation or enhancement of the local area.

### Policy M8: Building and Roofing Stone

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

- 5.9.2 As demonstrated in the AMR 2019-21, the policy has not been recently used and so cannot be assessed for its effectiveness on recent performance. Again, the indicator '*Percentage of permissions granted in accordance with the criteria set out in the relevant policy for that mineral*' is performing satisfactorily. This is an indicator which monitors several policies and includes policy M8.
- 5.9.3 The NPPF is clear that building and roofing stone can be minerals resources of local and national importance because they are local minerals of importance to heritage assets and local distinctiveness.
- 5.9.4 The use of stone for building depends on a variety of factors including technical specification and aesthetic qualities. Historically, a wide range of indigenous stone has been used for building purposes in Leicestershire.
- 5.9.5 There are no operational, small scale specialist stone quarries in the county for the working of stone for conservation use at present. Whilst there is locally distinctive stone available, anecdotal evidence from industry suggests that there is limited appetite for the extraction of local building and roofing stone in Leicestershire.
- 5.9.6 Cliffe Hill Quarry does provide small amounts of locally distinctive stone for local building use. Anecdotal evidence suggests they occasionally export lower grade materials of a limited volume from Old Cliffe Hill to various local suppliers.
- 5.9.7 Paragraph 211 of NPPF recognises the great weight to be given to the benefits of minerals extraction including to the economy. It highlights that consideration should be given to how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites. It also goes on to say that minerals planning authorities should recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to

the duration of planning permissions reflecting the intermittent or low rate of working at many sites. The policy reflects this.

- 5.9.8 Whilst the NPPG and NPPF have been updated, the majority of updates are not considered to have an effect on Policy M8. None are specific to local stone as such. NPPF 2021 already requires (carried from NPPF 2019) at paragraph 130 policies and decisions to ensure developments '*establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit*'. This could of course include the use of local stone to ensure a local vernacular, but this is not made explicit. Whilst there is now more focus on beauty and sustainability as well as neighbourhood planning groups, these are more subtle changes. NPPF paragraph 128 requires all LPAs to prepare design guides in line with the National Design Guide and National Model Design Code and which reflect local character and design preferences in order to provide maximum clarity about design expectations at an early stage.
- 5.9.9 Since the adoption of the LMWLP, the Government's design agenda has evolved. The changes yet to be fully introduced by the LURB include the requirement for all Local Authorities to have design guides in place for their area. In line with this agenda, the argument can be made for the use of local natural stone as part of maintaining the local vernacular.
- 5.9.10 Nationally, the Stone Federation has already had discussions with planning authorities about preparing a supplementary planning document to provide guidance on how to incorporate building stone within the relevant design guides.
- 5.9.11 The situation may require monitoring through future AMRs however, as the LURB develops, and it becomes clearer what effects Government changes will have in combination with legislation.

## **Conclusion**

- 5.9.12 It is considered that the current policy wording reflects the current situation both politically and with operators. It is also considered to reflect current NPPF and NPPG.
- 5.9.13 For the purposes of this review, it is considered that no changes are required to the policy at present. Ongoing monitoring will ascertain whether further changes are needed to this aspect of the LMWLP in future.

## 5.10 Policy M9: Coal

5.10.1 Policy M9 covers coal. Particular regard will be had to employment and other economic benefits; environmental improvements or material planning benefits to the community; prior extraction; avoidance of piecemeal working; and the need for fireclay.

### Policy M9: Coal

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

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

5.10.2 As demonstrated in the AMR 2019-21, the policy has not been recently used and so cannot be assessed for its effectiveness on recent performance.

5.10.3 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy M9.

5.10.4 Both the 2012 National Planning Policy Framework (NPPF) and the current 2021 version promote a low carbon future and contain a presumption against the extraction of coal, except where extraction can be made 'environmentally acceptable' or where it is clearly demonstrated that socio-economic benefits outweigh environmental costs (paragraph 217). Therefore, the landscape in the NPPF has not changed significantly since the adoption of the LMWLP. What is apparent is a more subtle change in emphasis on climate change such as the addition of '*...taking into account the long term implications...and the risk of overheating from rising temperatures*' which remain in the 2021 version.

5.10.5 The NPPF also requires the protection of mineral resources, which include coal reserves. In accordance with the NPPF, the duty to consider the safeguarding of any mineral resources via the identification of Minerals Safeguarding Areas (MSAs) falls upon MPAs.

- 5.10.6 The Government has brought forward by a year the target for ceasing the use of coal for electricity generation. It will now be from 1 October 2024 that Great Britain will no longer use coal to generate electricity. Whilst there may still be a requirement to use coal for steelmaking, recent caselaw has also shown that this has proved controversial and has not prevented the Government from refusing permission for schemes.
- 5.10.7 The UK has made huge progress in reducing the use of coal across the power sector, with coal accounting for only 1.8% of the UK's electricity mix in 2020, compared with 40% almost a decade ago. There are now just three operational coal fired power stations left.
- 5.10.8 In September 2020, Robert Jenrick (then Secretary of State for Housing, Communities and Local Government) rejected plans for an opencast coal mine at Druridge Bay in Northumberland, saying there was *'limited objective evidence that the demand for coal for industrial purposes will remain at current levels beyond the very short term'*. There have been numerous other high-profile planning applications and cases where the Government has 'called in' proposals citing climate impacts.
- 5.10.9 Whilst there have been high profile cases elsewhere in the country which hinged on the climate change benefits or otherwise of coal extraction, it is not considered necessary to remove or change Policy M9, as the policy is still considered to reflect the current NPPF and NPPG.
- 5.10.10 The Coal Authority (CA) has recently clarified its position on safeguarding coal. Essentially this was a clarification that the decision is to be taken locally. The CA does not oppose coal extraction nor its safeguarding but no longer directly promotes such activities as part of its planning role. This decision has also clarified that their position is to no longer require development plans to include safeguarding policies for surface coal resource nor to promote its extraction or the extraction of associated unconventional hydrocarbons. The CA also no longer seek for prior extraction to be considered when considering planning applications for sites where surface coal resource is present.
- 5.10.11 This came as a result of challenges to the previous CA policy stance of directly promoting minerals safeguarding and prior extraction of coal due to a range of factors including the increasing strength of political concerns over climate change; the emphasis on a zero-carbon future now embodied within national planning policy; the closure of coal fired power stations, and increasingly limited markets for coal generally.
- 5.10.12 In researching the matter, the CA concluded that if a planning application was to be refused on the basis of their objections relating to the lack of consideration of surface coal resource, it was becoming increasingly unlikely that CA could mount a successful challenge to any appeal. There is no

legislative basis to justify the CA's previous position towards the safeguarding and prior extraction of coal reserves – and the national policy position is complicated, and varies slightly across England, Scotland and Wales.

5.10.13 The situation may require monitoring through future AMRs however, as the LURB develops, and it becomes more clear what effects Government changes will have in combination with legislation

### **Conclusion**

5.10.14 Whilst the policy climate in relation to fossil fuels and the climate emergency has changed both locally and nationally since the adoption of the LMWLP and is complex, it is considered necessary to retain a Coal policy. This is because there are remaining coal resources in the county. Policy is clear that the planning system should not seek to control the preference of one energy source over another (notwithstanding the low-carbon agenda) and it is also clear that it should not set limits on the scale of production. Policy implementation in this case should be about the acceptability of individual proposals and this will be weighed in the planning balance.

5.10.15 It is considered that the policy still reflects the current NPPF and NPPG policy position on coal. There are other drivers (and other policies) which would determine whether any proposals for the extraction of coal were acceptable in the county, and these are considered to offer further possible brakes on development. These include the market itself.

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

5.11.1 Policy M10 relates to conventional and unconventional hydrocarbons development and permits exploration provided that it is temporary and sited in the least sensitive location.

### Policy M10: Conventional and Unconventional Hydrocarbons

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

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

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

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

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

5.11.2 Conventional hydrocarbons are oil and gas where the reservoir is often limestone or sandstone or other relatively porous rock formations.

5.11.3 Unconventional hydrocarbons are oil and gas where coal seams or shale act as the reservoir. Coal Bed Methane (CBM) and shale gas are examples of unconventional hydrocarbons. Shale gas is methane found in rocks deep below the earth’s surface. It is most commonly associated with hydraulic fracturing (‘fracking’) – a process of opening and/or extending existing narrow fractures in gas or oil-bearing rocks and allowing the gas or oil to flow into wellbores to be captured.

- 5.11.4 At the time of writing the LMWLP, the Government's energy policy sought to encourage the extraction of methane from deep coal beds as part of a strategy for clean coal technology. It was considered that there was no Coal Mine Methane (CMM) potential in the Leicestershire and South Derbyshire Coalfields as there were no working mines and this remains the case. Potential for Abandoned Mine Methane and Coal Bed Methane (CBM) in these Coalfields are also considered to be very poor. The north-east Leicestershire Coalfield is not considered to have potential for CBM production.
- 5.11.5 A British Geological Survey (BGS) study published in 2013 identified potential resource in the lower Bowland-Hodder unit within the Widmerpool basin to the northeast of Loughborough. However, the potential is highly uncertain due to the lack of data.
- 5.11.6 There continue to be high levels of uncertainties in the availability of resources and also in the policy and political landscape to shale gas exploration. Research<sup>7</sup> shows the uncertainty over resources, citing that whilst initial estimates in 2013 suggested that the Bowland-Hodder area may have held between 23.3 and 64.6 trillion cubic metres (tcm), a more recent analysis in 2019 indicates the figure may be closer to 4.0 tcm.
- 5.11.7 Whilst the NPPG and NPPF have been updated since the adoption of the LMWLP, the updates are not considered to have a direct effect on Policy M10.
- 5.11.8 Paragraph 209 of NPPF states that when planning for on-shore oil and gas development, mineral planning authorities should clearly distinguish between the three phases of development (exploration, appraisal and production).
- 5.11.9 The policy, although mentioning the three stages of appraisal, drilling and testing, does not strictly adhere to the NPPF wording in that it does not distinguish between the three stages of development. This has not been
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<sup>7</sup> <https://www.lse.ac.uk/granthaminstitute/explainers/what-potential-reserves-of-shale-gas-are-there-in-the-uk/> .

previously highlighted as an issue, and did not prevent the adoption of the policy as it is. The policy does not treat the three stages differently, therefore a distinction is not required. The policy has been found sound by the Inspector at Examination.

- 5.11.10 NPPG identifies that where mineral planning authorities consider it necessary to update their Local Plan and they are in a Petroleum Licence Area, they are expected to include criteria-based policies for the exploration, appraisal and production phases of hydrocarbon extraction. It goes on that these policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum Licence Area.
- 5.11.11 It is considered that while the NPPF and NPPG require all three phases to be identified in the plan, they do not expressly require this to be done in separate policies. It is considered therefore that the policy is in accordance with the wording of NPPF 2021.
- 5.11.12 A ruling on the deletion of paragraph 209a from the NPPF came before the adoption of the LMWLP. This removed the explicit support for fracking that there was previously in the NPPF. A moratorium on fracking was effectively introduced in 2019, with Government ruling it could only go ahead if proven not to cause tremors.
- 5.11.13 There have not been any planning applications in the period of the AMR 2019-21, and therefore the policy cannot be easily assessed on performance.
- 5.11.14 There has been a change in the Government's approach to energy and there is also the developing low carbon agenda both nationally and in Leicestershire.
- 5.11.15 The Government's intentions for Net zero, the legally binding target of net zero carbon emissions by 2050, involves reducing carbon emissions by at least 80% from 1990 levels. This agenda suggests that it would not be possible to reverse the moratorium and meet targets.
- 5.11.16 Moreover, a recent Intergovernmental Panel on Climate Change (IPCC) report has concluded that '*warming cannot be limited to 2C or 1.5C without rapid and deep reductions in energy system CO<sub>2</sub> and GHG emissions*'. The report called for '*decommissioning and reduced utilisation of existing fossil fuel installations in the power sector as well as cancellation of new installations*'.
- 5.11.17 As discussed above, the Ukraine war is having an effect on energy prices and the Government sought to secure indigenous energy supplies including initially by the lifting of the moratorium on shale gas extraction (fracking). It has now been confirmed that the shale gas extraction moratorium remains.



- 5.11.18 Paragraph 152 of NPPF explains that the planning system should support the transition to a low carbon future in a changing climate. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 5.11.19 The housing minister has recently (June 2022) refused plans for an exploratory gas well in Ellesmere Port, Cheshire after agreeing with a Planning Inspector that the proposal would not contribute to a 'radical reduction' in greenhouse gas emissions and could '*cause harm to the health and well-being of the local community*'. In refusing the appeal, the Secretary of State found the unmitigated proportion of greenhouse gas emissions carried 'significant weight' against the proposal.
- 5.11.20 The situation may require monitoring through future AMRs however, as the LURB develops, and it becomes clearer what effects Government changes will have in combination with legislation.

### **Conclusion**

- 5.11.21 Although there have been some issues identified, it is not considered that these are sufficient to require the updating of the Plan. It is considered that as there remain Petroleum license areas in Leicestershire, the policy should remain and is broadly in accordance with the NPPF.

## 5.12 Policy M11: Safeguarding of Mineral Resources

5.12.1 M11 seeks to prevent unnecessary sterilisation of certain mineral resources from non-mineral development (to which the Plan refers as 'incompatible' development).

### Policy M11: Safeguarding of Mineral Resources

Sand and gravel, limestone, igneous rock, surface coal, fireclay, brickclay and gypsum resources within the Minerals Safeguarding Areas shown on the figures contained within the Mineral and Waste Safeguarding documents, will be protected from permanent sterilisation by other development. Planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if:

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

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

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

5.12.2 The policy sets out the remit for local planning authorities (the districts) to consult the Mineral Planning Authority, lists the forms of development exempt from the need of safeguarding and the conditions under which planning permission could be granted. Mineral Safeguarding Areas in Leicestershire as detailed in supplementary documents S1-S7 sit alongside policy M11, denoting where mineral is likely to exist. These documents were published in 2015 following collaboration with the British Geological Survey to define such designations.

- 5.12.3 NPPF 2021 Paragraph 210 (c) states that planning policies should *'safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)*'. A footnote clarifies that this is primarily in two-tier areas as defined in the Glossary. The Glossary clarifies that a Mineral Consultation Area (MCA) is *'a geographical area based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development'*.
- 5.12.4 The latest AMR 2019-21 indicates that all planning applications granted within MSAs (where consulted with the MPA) did not needlessly sterilise mineral resources. However, it is unknown if the MPA was consulted on all relevant applications. With the potential for incompatible development to be permitted without the MPA's input it is considered that the policy remains challenging to monitor.
- 5.12.5 The Bardon Hill Quarry (2020/CM/0145/LCC) application for the recycling and importation, processing, storage and sale of inert materials to supplement primary aggregate was an example of a case where the policy was used on a county application, although this is since the 2019-21 monitoring period. It was concluded that the proposal was in line with M11 as land had an existing use and the mineral was no longer being worked in the void.
- 5.12.6 Whilst Mineral Safeguarding Areas have been required in development plans for some time, the NPPF 2021 introduced the need for planning policies to define Mineral Consultation Areas (MCA).
- 5.12.7 The supporting text to the policy does mention defining MCAs at paragraphs 3.96, 3.97, and 3.102. Whilst the text of the policy deals with Minerals Safeguarding Areas, the approach of the County Council is clearly a two-tier style approach of consultation with the County where potentially incompatible development is proposed in the MCAs. This is considered to be in accordance with NPPG and NPPF 2021.
- 5.12.8 In January 2021 the Coal Authority Executive determined to limit its responsibility in supporting the safeguarding of coal, opining that legal defence of an objection on coal safeguarding grounds would be difficult in the future. Additionally, the Government is committed to moving away from coal, however uncertainty exists on short- and medium-term trends especially given the Russo-Ukraine war and the Secretary of State's upcoming decision on the Woodhouse Colliery in West Cumbria.

5.12.9 The NPPG para 003<sup>8</sup> (which has not been revised since 2014) requires MPAs to adopt a systematic approach to minerals safeguarding which '*sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas...*'. Leicestershire MCAs are defined by the mapping.

5.12.10 In this case, MSAs are the same as MCAs in Leicestershire. MCAs are defined as everything in MSAs and also extant infrastructure.

### **Conclusion**

5.12.11 As stated throughout the policy assessments, the NPPF and NPPG have changed very little since their original publication in relation to minerals. Whilst a change in emphasis has been made in relation to MCAs, it is not considered necessary to update policy M11. The policy and supporting text are considered to fully reflect the requirements in the NPPF and NPPG.

5.12.12 The situation may require monitoring through future AMRs as the LURB progresses and it becomes more clear what effects Government changes will have in combination with legislation.

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<sup>8</sup> Reference ID: 27-003-20140306, Revision date: 06 03 2014

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

5.13.1 Policy M12 on the safeguarding of mineral resources seeks to prevent non-mineral development affecting the permitted operations and infrastructure of existing mineral sites.

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

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

5.13.2 As demonstrated in the AMR 2019-21, the indicators for resource management (policies M11, M12 and W9) are performing satisfactorily to prevent needless sterilisation of mineral resources or existing mineral infrastructure or prejudice to the waste hierarchy and waste management facilities in Leicestershire. The policy is therefore working well.

5.13.3 The Bardon Hill Quarry application (2020/CM/0145/LCC) was an example of the use of this policy since the 2019-21 monitoring period on a county matter application. This concluded that the proposal was in line as there would be no impact from a mineral safeguarding perspective due to the proposed development being located on land with an existing use and mineral no longer being worked in the original void.

5.13.4 Whilst the Shawell Tile Works refusal (2021/VOCM/0062/LCC) also considered M12 as part of the policy assessment, it was not instrumental in the final decision. In particular this proposal was refused on policy M13.

5.13.5 The LMWLP details at paragraph 3.101 that the policy and associated documents will also cover facilities for recycled aggregates. There are a number of these sites within the county, making a not insubstantial contribution to the provision of recycled aggregates.

5.13.6 Whilst the NPPG and NPPF have been updated, national policy has not altered with regards to this field of planning. As such there is no need to update this policy.

#### **Conclusion**

5.13.7 National policy has not altered with regards to this field of planning. As such there is no need to update this policy.

5.13.8 The situation may require monitoring through future AMRs, as the LURB develops, and it becomes more clear what effects Government changes will have in combination with legislation.

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## 5.14 Policy M13: Associated Industrial Development

5.14.1 Policy M13 relates to proposals for ancillary industrial development that are beyond the scope of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Such development will only be approved where it can be demonstrated that it is directly associated with the mineral extraction and there are clear environmental benefits in providing a close link between the industrial activities and associated mineral operation.

### **Policy M13: Associated Industrial Development**

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

- 5.14.2 One of the key objectives of this policy is to identify the potential for clear environmental benefits from permitting associated industrial development close to mineral sites with the aim of reducing vehicle movements.
- 5.14.3 The data gathered in the AMR 2019-2021 identified that no proposals were received relating to the policy during the period.
- 5.14.4 A proposal for the continued use of the aggregate bagging plant facility at Husbands Bosworth (2021/CM/0112/LCC) was refused since the monitoring period in relation to conflict with M13. This was due to the importation of material from an unknown source and little detail of amounts of material or vehicle movements. The policy's purpose is to ensure only ancillary and related uses are permitted. This refusal also highlighted the climate emergency and the number of HGV movements clearly being contrary to this.
- 5.14.5 Non-compliance with M13 was also cited in a refusal of planning application (2021/VOCM/0062/LCC) for the continuation of tile manufacturing at Shawell Tile Works as the proposal 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. It should be noted that this decision has been appealed, with a decision expected early 2023.
- 5.14.6 Since the adoption of the LMWLP, both NPPG and NPPF have been updated to give greater consideration to environmental factors. The Minerals and Waste sections of the NPPG have not really changed since the adoption

of the Plan. The NPPF similarly has not changed very much in its approach to minerals. NPPW has not been changed since its introduction in 2014.

5.14.7 It is considered that the policy provides adequate provisions for the potential environmental benefits that proposals can bring, in line with the changing emphasis in NPPF and NPPG and remains flexible to allow refusals on sustainability or other grounds as demonstrated.

5.14.8 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy M13. As stated, policy and guidance on minerals planning has changed little since the adoption of the Plan.

### **Conclusion**

5.14.9 National policy has not altered with regards to this field of planning. As such there is no need to update this policy.

5.14.10 The situation may require monitoring through future AMRs however, as the LURB develops, and it becomes more clear what effects Government changes will have in combination with legislation.



## 5.15 Policy M14: Borrow Pits

5.15.1 Policy M14 relates to borrow pits, allowing them as temporary extraction where construction projects require mineral and as an alternative to mineral from existing sites and where the site can be restored with material generated by the project itself.

### Policy M14: Borrow Pits

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

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

5.15.2 As demonstrated in the AMR 2019-21, the policy has not been used recently and therefore cannot be assessed on performance over the monitoring period.

5.15.3 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy M14.

5.15.4 Paragraph 209 of NPPF 2021 especially refers to minerals that '*best use needs to be made of them to secure their long-term conservation.*' Paragraph 210 goes on at criterion b) that '*Planning policies should:... b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously...*'.

5.15.5 The NPPG on minerals has specifically mentioned the characteristics of minerals developments which are different from other forms of development. These being that minerals can only be worked where they are found and that extraction is a temporary use of land, albeit that it often takes place over a

long period of time. It is also clear that 'following working, land should be restored to make it suitable for beneficial after-use'.

- 5.15.6 In order to ensure the sustainable use of minerals, it is considered that the policy is required and is in accordance with current national guidance and policy.

### **Conclusion**

- 5.15.7 No evidence during the review has demonstrated that there are any issues which would indicate that an update to the policy is required. The policy is in line with principles of sustainable use of minerals and the waste hierarchy and circular economy ideas.
- 5.15.8 The situation may require monitoring through future AMRs, as the LURB develops, and it becomes more clear what effects Government changes will have in combination with legislation.

## 5.16 Policy M15: Mineral Waste

5.16.1 Policy M15 relates to new sites for the disposal of mineral wastes. Permission will be granted for these where it is not possible to retain the waste materials on the extraction site and it is demonstrated that re-use of the material is not practicable.

### **Policy M15: Mineral Waste**

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

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

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

5.16.2 The policy also grants permission for the reworking of mineral waste where this would result in environmental improvement.

5.16.3 As demonstrated in the AMR 2019-21, the policy has not been used recently and therefore cannot be assessed on performance over the monitoring period.

5.16.4 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy M15. Little change has been made to the NPPF mineral section since its original publication. NPPW similarly has not changed since its original publication.

5.16.5 Changes have been made to national resource efficiency and waste reduction targets as detailed above. As set out below in the waste policies, the DEFRA detailed evidence report<sup>9</sup> on these ideas excludes major mineral

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<sup>9</sup> Resource efficiency and waste reduction targets Detailed Evidence report (DEFRA, Date: 28 April 2022)

wastes from the target scope of residual waste for reduction therefore *'excluding the predominant, and largely inert, waste categories from construction and demolition, such as concrete, bricks and sand, as well as soils and other mineral wastes from excavation and mining activities'*.

### **Conclusion**

- 5.16.6 Despite the changes to resource efficiency and waste reduction targets and circular economy ideas, the policy remains broadly in accordance with these.
- 5.16.7 Furthermore, it is considered that the policy is in accordance with the NPPF, NPPW and NPPG in its use of the waste hierarchy by preferring use to be made of waste materials on site or their re-use to take place. This is in line with the sustainable use of minerals, prioritising alternative sources before primary extraction.
- 5.16.8 The situation may require monitoring through future AMRs, as the LURB develops, and it becomes more clear what effects Government changes will have in combination with legislation.

## 5.17 Policy M16: Mineral Exploration

5.17.1 M16 seeks to enable the exploration for minerals. However, given permitted development rights exist for this sort of development no instances of this policy being implemented within the monitoring period have been identified.

### Policy M16: Mineral Exploration

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

5.17.2 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy M16. Little change has been made to the NPPF mineral section since its original publication.

### Conclusion

5.17.3 National policy has not altered with regards to this field of planning. As such there is no need to update this policy.

5.17.4 The situation may require monitoring through future AMRs, as the LURB progresses, and it becomes more clear what effects Government changes will have in combination with legislation.

## 5.18 Policy M17: Incidental Mineral Extraction

5.18.1 Policy M17 covers incidental mineral extraction and aims to prevent the sterilisation of usable mineral resources. M17 seeks to ensure that, when necessary, incidental mineral extraction is permitted for a temporary period and is of an acceptable nature.

### **Policy M17: Incidental Mineral Extraction**

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

5.18.2 As demonstrated in the AMR 2019-21, no instances of this policy being implemented within the monitoring period have been identified.

5.18.3 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy M17. Little change has been made to NPPF mineral section since its original publication.

### **Conclusion**

5.18.4 No evidence during the review has demonstrated that there are any issues which would indicate that an update to the policy is required.

5.18.5 The situation may require monitoring through future AMRs, as the LURB progresses, and it becomes more clear what effects Government changes will have in combination with legislation.

## 5.19 Policy W1: Waste Management Capacity

- 5.19.1 Policy W1 sets the scene for the rest of the waste management policies and aims to make provision for the waste streams that arise in Leicestershire.
- 5.19.2 This sets out to deliver the Leicestershire Municipal Waste Management Strategy (LMWMS) targets for recycling and recovery of waste, moving waste up the waste hierarchy and away from landfill.

### Policy W1: Waste Management Capacity

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

- 5.19.3 NPPW requires waste planning authorities to prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams, driving waste up the waste hierarchy and recognise the need for a mix of types of facility. In particular they should identify tonnages and percentages of C&I and municipal waste which require different types of management over the Plan period. It also requires planning authorities to consider the need for facilities of more than local significance.
- 5.19.4 The waste hierarchy is an established tool in waste planning and management and is set out in Appendix A of the NPPW. It requires prevention to be prioritised, followed by reuse, recycling and recovery, before final disposal.
- 5.19.5 NPPG sets out how waste planning meets European obligations through meeting articles of the 2008 European Waste Framework Directive (WFD), which has for many years been a key driver of UK waste management. These include Article 4: Waste Hierarchy; Article 13: Protection of human health and the environment; Article 16: Principles of proximity and self-sufficiency; Article 28: Waste Management Plans; and Article 34: Periodic Inspections.
- 5.19.6 Other European directives have also had a significant effect on waste management policy, practice, and legislation in the UK. These include the Landfill Directive (1999) and the Circular Economy Package (2020). The Waste (England and Wales) Regulations (2011) transpose many of the requirements of WFD.
- 5.19.7 As set out above, there have been a number of changes to the baseline since the adoption of the LMWLP which affect the planning for waste management in Leicestershire. These include the UK leaving the European

Union; the introduction of new requirements through the Resources and Waste Management Plan for England 2021; the Environment Act; the Waste (Circular Economy) (Amendment) Regulations 2020; wider planning system changes and the LURB. Further local changes have also occurred. These aspects are discussed further below.

- 5.19.8 As demonstrated in the AMR 2019-21, the policy is continuing to deliver capacity to sustainably manage the waste arising in Leicestershire. It is considered that the wording '*as a minimum*' allows sufficient flexibility for new development to come forward without unnecessarily curtailing proposals. Further flexibility is allowed for in new forecasts of arisings.
- 5.19.9 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W1. NPPW has not been updated since its publication before the adoption of the LMWLP.
- 5.19.10 Paragraph 011<sup>10</sup> of NPPG states Local Plans should identify sufficient opportunities to meet identified needs, aiming to drive waste up the waste hierarchy. It is considered that the Plan does this. NPPG Paragraph 013<sup>11</sup> identifies the wastes which should be planned for, and it is considered that the LMWLP does this through this policy and others. Paragraph 022<sup>12</sup> addresses how waste planning authorities should assess the need for new facilities and the evidence required. Paragraph 023<sup>13</sup> sets out why it is important to establish current capacity as a baseline for assessing future need. It is considered that the Plan and its evidence base meet this requirement.
- 5.19.11 As discussed, there have been no more recent calculations of need for facilities since the original 2017 Waste Needs Assessment (WNA) on which

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<sup>10</sup> Reference ID: 28-011-20141016, Revision date: 16 10 2014

<sup>11</sup> Reference ID: 28-013-20141016, Revision date: 16 10 2014

<sup>12</sup> Reference ID: 28-022-20141016, Revision date: 16 10 2014

<sup>13</sup> Reference ID: 28-023-20141016, Revision date: 16 10 2014



the LMWLP was based. Whilst the AMR 2019-21 set out the facilities and capacity, together with proxy arisings for different streams, this has not been worked through into a further, more detailed 'capacity gap' for Leicestershire.

- 5.19.12 What can be detailed with certainty is the level of landfill capacity remaining and how this compares to the projections in the LMWLP. The 2019-21 AMR set out that the majority of landfill capacity left in Leicestershire is inert, and that there is only one non-hazardous landfill left in the county (Cotesbach). This non-hazardous landfill had a total remaining capacity of 9,731,780m<sup>3</sup> at the end of 2020. The LMWLP projected that at 2020/21 one facility of 140,000 would be required for the landfilling of LACW and C&I waste based on operational capacity at the time of writing the Plan.
- 5.19.13 The land area for potential facilities in the LMWLP is based on methodology from the 2004 ODPM study 'Planning for Waste Management Facilities: A Research Study'. Whilst more recent revisions to methodology for calculating C&I waste arisings were set out, dated October 2018 in a Statistical Release<sup>14</sup>, this did not discuss methodology for the land area required. The DEFRA Report 'New Methodology to Estimate Waste Generation by the Commercial and Industrial Sector in England' published in August 2014 is also more recent and was published before the adoption of the LMWLP. There is the possibility of overestimating the amount of land required if the methodology is significantly different.
- 5.19.14 Similarly, by looking at the AMR, the forecasts in the LMWLP can be compared to actual proxy arisings (waste received in Leicestershire). This has been set out above in the baseline section in 'Changes in Waste Production'. However, this may be affected by the more recent cost-of-living crisis as well as the Covid-19 pandemic.
- 5.19.15 The Waste Management Plan for England 2021; the Environment Act; and the Waste (Circular Economy) (Amendment) Regulations 2020 have all made changes which affect planning for waste.

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<sup>14</sup> Commercial and Industrial Waste Arisings Methodology Revisions for England - July 2021

- 5.19.16 Whilst the Waste Management Plan for England 2021 superseded the previous Waste Management Plan for England 2013, its main aim is to bring all waste policy under one national plan and provide an analysis of the current situation rather than introduce new policy. This said, many of these policies are from the Government's Resources and Waste Strategy published in 2018 which sets out a vision to move to a more circular economy.
- 5.19.17 The Waste (Circular Economy) (Amendment) Regulations 2020 made changes to the waste management plan requirements set out in the Waste (England and Wales) Regulations 2011. These include new requirements on measures required to divert waste from landfill; the preparing for re-use and the recycling of municipal waste is increased to a minimum of 65% by weight by 2035; the amount of municipal waste landfilled is reduced to 10% or less of the total amount of municipal waste generated (by weight) by 2035; and measures on encouraging re-usable packaging and to prevent litter among others. The regulations amended a raft of primary and secondary legislation on waste, to cross-reference the updated EU legislation and its requirements.
- 5.19.18 The Environment Act is the biggest UK environmental law in over a decade and part of its remit is to ensure protection for nature now that the UK has left the EU. It introduces new requirements for air quality; water quality and biodiversity. It also implements the Resources and Waste Strategy for England of December 2018 with an ambition to eliminate avoidable waste by 2050 and provisions for resource efficiency and waste including a deposit returns scheme, single use charges and increasing the consistency of recycling.
- 5.19.19 At present, the Review can only take account of current policy, guidance, and legislation. Whilst LURB and wider planning system and waste system changes are on the horizon, these are not finalised at the time of writing.
- 5.19.20 As set out above, there is a new Resources and Waste Strategy for Leicestershire in production. This will replace the Leicestershire Municipal Waste Management Strategy and sets out the landscape for how Leicestershire Waste Partnership will manage its resources and waste through the services it provides to its residents and communities until 2050. This strategy also only applies to LACW. The strategy – whilst ambitious – does not contain any spatial strategies and therefore will not require changes to the LMWLP.
- 5.19.21 Whilst the local and national changes show an increased focus on the circular economy, the supporting text and text of the policy do not mention this. The one reference to the waste industry's role in materials management in the economy at paragraph 2.22 is the closest the LMWLP gets to talking about the circular economy. The low carbon economy is mentioned at

paragraph 5.14. It is considered however that the policy retains flexibility and therefore this is not a significant issue.

5.19.22 It is noted that policy W1 is worded that the recycling targets are 'as a minimum' and it is flexible enough to allow for new waste arisings forecasts identified in AMRs.

5.19.23 The situation may require monitoring through future AMRs, as the Resources and Waste Strategy progresses, and it becomes more clear what effects wider Government changes – both upon waste management and legislation and upon planning – will have in combination with Leicestershire's Strategy.

5.19.24 At the time of writing, it is considered that the policy provides the necessary flexibility to continue to deliver capacity for sustainable waste management in Leicestershire. It is worth remembering that the management of waste is a commercially led activity and therefore is market driven.

5.19.25 It may be necessary to carry out a new Waste Needs Assessment. However, it is considered that this could be carried out once detail is known of the Government's changes and how these will affect requirements for different types of facilities and for different streams. This will also allow time for the final Leicestershire Resources and Waste Strategy to be published, similarly having implications for the potential implementation of the policy in terms of levels of different facility types.

5.19.26 The situation may require monitoring through future AMRs, as the LURB progresses, and it becomes more clear what effects Government changes will have in combination with legislation.

## **Conclusion**

5.19.27 It is considered that the current policy wording is flexible enough to continue to deliver capacity for sustainable waste management in Leicestershire.

5.19.28 There is no requirement to change the wording due to national or local changes at the time of writing. No implementation issues have been identified. There could be merit in carrying out an updated Waste Needs Assessment (WNA) in advance of the next LMWLP Review, including an assessment of future requirements for different streams and facilities to incorporate thinking in the Leicestershire Resources and Waste Strategy to 2050 and the Government's changes to waste legislation and practice. However, at the time of writing this Strategy remains draft and Government changes have yet to be finalised in implementation.

## 5.20 Policy W2: Low Level Radioactive Waste

5.20.1 Policy W2 looks to make provision for the management of low level radioactive waste where Leicestershire is identified as a sustainable location.

### **Policy W2: Low Level Radioactive Waste**

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

- 5.20.2 As demonstrated in the AMR 2019-21, the policy has not recently been used and there is no data available to demonstrate implementation.
- 5.20.3 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W2. NPPW has not been updated since its publication before the adoption of the LMWLP.
- 5.20.4 In line with the established waste planning principles of net self-sufficiency and the proximity principle, in other words authorities managing all of their own waste streams as near as possible to where they are produced, there is a requirement to consider the management of all streams which arise in Leicestershire including low level radioactive waste (LLW).
- 5.20.5 Government policy is clear that while there is a policy aim that waste planning authorities should manage all of their own waste that there is no expectation that each local planning authority will be able to do so.
- 5.20.6 The Waste Needs Assessment (WNA) from when the LMWLP was prepared sets out that the report 'Data Collection on Solid LLW from the Non Nuclear Sector: Final Report' (Atkins, 2008) assessed that Leicestershire produced 23.15m<sup>3</sup> (155kg) of this waste annually. The predicted trend at the time of the WNA was that amounts would fall. The WNA also sets out that Leicestershire is not a source of Solid Low Level Radioactive Waste from the Nuclear Industry and the emphasis for this waste is that it should be managed as close to its source as possible. It further sets out that of the LLW produced in Leicestershire, the waste was incinerated, landfilled or managed by some 'other' method. Therefore, as the list of facilities in the report are outside of Leicestershire, none of the stream is currently managed in the county.
- 5.20.7 As mentioned in the local baseline section above, the East Northants Resource Management Facility (ENRMF) has recently submitted a Development Consent Order (DCO) to Government for an extension to the facilities there and the Examination has concluded. These facilities include the ability to landfill low level radioactive waste. This facility would be useful further capacity for LLRW and is closer to Leicestershire than the national resource at the LLW Repository in Cumbria (LLWR). Utilising the proximity

principle; best use of existing resource; and taking into account policy and guidance on small amounts of specialised streams<sup>15</sup> it is considered that the ENRMF could potentially be used for any arisings in the county, but the policy retained to meet NPPW and NPPG requirements where Leicestershire is the most sustainable location for any new capacity requirements.

5.20.8 There are likely to be established flows for any arisings that do occur in the county. Waste flows are driven by the market and the LMWLP has limited control over these and associated contractual decisions and details.

5.20.9 The situation may require monitoring through future AMRs, as the LURB progresses and it becomes more clear what effects Government changes will have in combination with wider legislation, waste legislation and system changes and the waste reduction and resource efficiency agenda.

### **Conclusion**

5.20.10 It is considered that the current policy wording is in line with NPPW, NPPF and NPPG and is flexible enough to continue to deliver capacity for the sustainable management of low level radioactive waste in Leicestershire where it is demonstrated that this is a sustainable location.

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<sup>15</sup> NPPG Paragraph 007 Reference ID: 28-007-20141016, Revision date: 16 10 2014

## 5.21 Policy W3: Strategic Waste Facilities

5.21.1 Policy W3: Strategic Waste Facilities and W4: Non-strategic Waste Facilities work with W5: Locating Waste Facilities to make provision for the management of waste in appropriate locations according to the spatial strategy for waste and the nature of the proposal (strategic or non-strategic in size).

### Policy W3: Strategic Waste Facilities

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

- 5.21.2 As demonstrated in the AMR 2019-21, the policy continues to work well, with the indicator '*Percentage of new strategic waste management capacity granted within Broad Locations*' showing good performance. Determinations in line with W3 included the development of a new waste transfer station of 100,00tpa at Part Plot 6, Interlink Way (2020/Reg3Ma/0111/LCC). A proposal to allow a maximum throughput of waste of 110,000 tonnes per annum (from 50,000 tonnes per annum) by Mick George Ltd (2020/VOCM/0017) was refused in the period as it was contrary to the locational principles of W3. An application at Gibbet Lane, Shawell (2020/CM/0045/LCC) was refused in line with W3, as it was greenfield and strategic in nature and details were not provided as to why it could not be on brownfield land or in an industrial area.
- 5.21.3 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W3. The NPPW has not been updated since its publication before the adoption of the LMWLP.
- 5.21.4 As set out above, there is a new Resources and Waste Strategy in production. This will replace the Leicestershire Municipal Waste Management Strategy. The Strategy – whilst ambitious – does not contain any spatial strategies and therefore will not require changes to the LMWLP. The strategy also only applies to LACW.
- 5.21.5 The distribution of housing uplift between the Leicestershire authorities explained above could have implications on the spatial strategy for waste. Whilst this has yet to be finalised and agreed by all the Leicestershire authorities, it is possible that areas of growth could still potentially be within the Broad Locations for Strategic Waste Facilities. This is because areas of growth are likely to be near main urban areas in line with national policy. The

final distribution also needs to be tested through the Local Plan process and could still change.

- 5.21.6 Whilst the spatial strategy for waste can be set by the LMWLP, waste development is controlled by the market. Therefore, it is felt that Policy W3 still reflects the strategy set out in the SoCG. It is also the case that the Plan has flexibility to provide further waste development 'built in' and it should be noted that waste was scoped out of the Sustainability Appraisal carried out as part of the evidence base for the housing uplift work. This was due to the position that improved efficiency and continued drives to reduce the amount of waste sent to landfill should help to reduce the amount of waste generated per capita.
- 5.21.7 The situation may require monitoring through future AMRs, as the strategy progresses, and it becomes more clear what effects Government changes will have in combination with the Leicestershire Resources and Waste Strategy.

### **Conclusion**

- 5.21.8 Policy W3 provides the necessary flexibility to allow for new facilities to come forward in any new growth areas, given criterion (iii) of W4 and a concentration on urban areas. The policy can only be assessed against the current reality and therefore it is premature to consider any changes as a result of LURB or the possibility of the distribution of Leicester's unmet need for housing among the districts.
- 5.21.9 The period monitored shows that the policies of the Minerals and Waste Local Plan are allowing sustainable waste management development to come forward where capacity is required.

## 5.22 Policy W4: Non-strategic Waste Facilities

5.22.1 Policy W4 is a criteria-based policy for non-strategic waste facilities.

### Policy W4: Non-strategic Waste Facilities

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

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

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

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

5.22.2 As demonstrated in the AMR 2019-21, the policy is performing satisfactorily.

5.22.3 A number of permissions were granted in line with policy W4 in the 2019-21 monitoring period. The Old Piggery (2019/CM/0184/LCC) and Ibstock Brick Ltd (2019/CM/0113/LCC) for example.

5.22.4 Permission was also refused at Watling Street (2019/CM/0104/LCC) for the erection of a warehouse unit to be used for waste transfer purposes. This was because it had not been demonstrated that:

- it is necessary to locate the facility in this more dispersed location;



- there is an overriding need for the development;
- and this need cannot be met in the preferred locations.

5.22.5 Bakers Waste (2021/CM/0108/LCC); Greens Lodge Farm (2021/VOCM/0183/LCC); Greenfeeds (2019/CM/0112/LCC) and Bardon Hill Quarry (2020/VOCM/0145/LCC) were permitted after the 2019-2021 monitoring period.

5.22.6 There was also a refusal of inert recycling at Old Dalby Business Park (2020/CM/0044/LCC). Among other reasons for refusal, conflict with Policy W4 was identified as the site was not located within a broad location or major growth area.

5.22.7 The policies are performing as intended and the waste policies are performing well at appeal.

5.22.8 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W4. NPPW has not been updated since its publication before the adoption of the LMWLP.

5.22.9 As set out above, there is a new Resources and Waste Strategy in production which will apply to LACW. This will replace the Leicestershire Municipal Waste Management Strategy. The Strategy – whilst ambitious – does not contain any spatial strategies and therefore will not require changes to the LMWLP.

5.22.10 The distribution of housing uplift between the Leicestershire authorities explained above could have implications on the spatial strategy for waste. Whilst this has yet to be finalised and agreed by all the Leicestershire authorities, it is possible that areas of growth could still potentially be within the Broad Locations for Strategic Waste Facilities. This is because areas of growth are likely to be near main urban areas in line with national policy. The final distribution would then need to be tested through the Local Plan process and could change.

- 5.22.11 Whilst the spatial strategy for waste can be set by the LMWLP, waste development is controlled by the market. Therefore, Policy W3 still reflects the strategy set out in the SoCG. It is also the case that the Plan has flexibility to provide further waste development 'built in' and it should be noted that waste was scoped out of the Sustainability Appraisal carried out as part of the evidence base for the housing uplift work. This was due to the feeling that improved efficiency and continued drives to reduce the amount of waste sent to landfill should help to reduce the amount of waste generated per capita.
- 5.22.12 On the 20<sup>th</sup> July 2022, the Secretary of State for the Environment laid a Written Ministerial Statement<sup>16</sup> setting out the action Government is taking to address the issue of nutrient pollution. This consists of three elements; obligating the upgrade of wastewater treatment works in nutrient neutrality areas, a strategic mitigation scheme and clarifying the application of Habitats Regulations Assessments for post-permission approvals.
- 5.22.13 In Leicestershire this new guidance covers the River Mease catchment area. This equates to part of North West Leicestershire and a small part of Hinckley and Bosworth.
- 5.22.14 Nutrient neutrality places significant additional requirements on development and assessment by LPAs when plan-making or taking decisions. In response to the issue, the Government proposes changes to the LURB to place a statutory duty on water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable standards by 2030 in nutrient neutrality areas. This will be required to tackle the dominant nutrient(s) causing pollution in the catchment of habitats sites.
- 5.22.15 To ensure mitigation is available for development to demonstrate neutrality, Natural England will establish a Nutrient Mitigation Scheme, working with Defra and DLUHC.

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<sup>16</sup> The full Written Ministerial Statement may be found at the following link: <https://questions-statements.parliament.uk/written-statements/detail/2022-07-20/hcws258>

5.22.16 Sewage and wastewater undertakers have significant permitted development rights and the proposed changes have yet to be made to the LURB and so the situation will require monitoring closely.

5.22.17 The situation may require monitoring through future AMRs, as the Resources and Waste Strategy develops, and it becomes more clear what effects Government changes will have in combination with the strategy and also in regard to the nutrient neutrality changes.

### **Conclusion**

5.22.18 Policy W4 is considered to provide the necessary flexibility to allow for new facilities to come forward in any new growth areas, given criterion (iii) and a concentration on urban areas. The policy can only be assessed against the current situation and therefore it is premature to consider any changes as a result of LURB or the possibility of the distribution of Leicester's unmet need among the districts.

5.22.19 The period monitored shows that the policies of the Minerals and Waste Local Plan are allowing sustainable waste management development to come forward where capacity is required. Performance on refusals (lack of appeals) also indicates that the policy is performing well.

## 5.23 Policy W5: Locating Waste Facilities

5.23.1 Policy W5 is a locational policy for waste facilities, developing further the spatial strategy for waste.

### Policy W5: Locating Waste Facilities

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

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

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

5.23.2 As demonstrated in the AMR 2019-21, the policy is performing satisfactorily.

5.23.3 A number of permissions were granted in accordance with policy W5 in the monitoring period. These include The Old Piggery (2019/CM/0184/LCC); Ibstock Brick Ltd (2019/CM/0113/LCC); Bottesford RHWS (2020/Reg3Mi/0052/LCC) and Interlink Way (2020/Reg3Ma/0111/LCC). A variety of proposals were also determined after the AMR 2019-21 monitoring period, including Bakers Waste (2021/CM/0108/LCC) and Bardon Hill Quarry (2020/VOCM/0145/LCC) permissions and Croft Quarry (2019/CM/0125/LCC).

5.23.4 Permission was also refused at Green's Lodge Farm, Melton Mowbray (2019/CM/0066/LCC), for an anaerobic digestion plant with associated infrastructure and an access road. This was because it had not been demonstrated: *'that there is an overriding need for an anaerobic digestion facility or for it to be located in this location and, taking into account the less than substantial harm on designated heritage assets in the locality, harm to users of Footpath D68 and potential impacts from artificial lighting, the proposed development conflicts with Policies W5, W6 and DM8'*.

5.23.5 The decision was subject to appeal, which was dismissed (APP/M2460/W/19/3241616 – 15<sup>th</sup> December 2020). It should be noted that

the appellants' statement pre-dates, by a few months, the adoption of the LMWLP and makes reference to policies which were extant at the time of writing and also to those awaiting adoption. The former policies are no longer part of the development plan.

- 5.23.6 The Inspector concluded that *'having regard to the transportation of both raw materials and end products as set out above, and taking account of the overall increase in traffic movements, the links with the land associated with Leesthorpe Farm are not sufficiently close to be in accordance with relevant policies in the development plan.'* It is therefore concluded that the policy is working well.
- 5.23.7 The current wording has not prevented proposals from coming forward, nor is it contrary to the NPPW, NPPF or NPPG. It is considered to be broadly in accordance with paragraph 4 of the NPPW.
- 5.23.8 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W5. The NPPW has not been updated since its publication before the adoption of the LMWLP.
- 5.23.9 As set out above, there is a new Resources and Waste Strategy in production, which applies to LACW. This will replace the Leicestershire Municipal Waste Management Strategy. The Strategy – whilst ambitious – does not contain any spatial strategies as such and therefore will not require changes to the LMWLP.
- 5.23.10 The situation may require monitoring through future AMRs, as the LURB progresses, and it becomes more clear what effects Government changes will have in combination with legislation.

### **Conclusion**

- 5.23.11 It is considered that the current policy wording is in line with NPPF and NPPG and is flexible enough to continue to deliver capacity for the sustainable management waste in Leicestershire.
- 5.23.12 Performance at appeal also demonstrates that the policy is performing satisfactorily as no appeals have been lost.

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

5.24.1 Following on from the spatial strategy for waste and the strategic and non-strategic site locational policies, W6 sets out locational policy specifically for biological treatment facilities.

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

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

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

5.24.2 The NPPW requires the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. NPPG is clear that biological treatment is a waste development which needs to be planned for.

5.24.3 As demonstrated in the AMR 2019-21, the indicator '*Percentage of planning permissions granted for new waste facilities in accordance with the criteria set out in the relevant policy for that facility*' lacks information. This monitors a number of policies including W6.

5.24.4 Whilst the AMR shows limited data this is for the indicator as a whole. It should be noted that the indicator also monitors policies W2, W7, W8.

5.24.5 As discussed above, the appeal for the anaerobic digestion facility at Green's Lodge Farm included conflict with policy W6 as a reason for refusal, being a key policy for this type of facility. This was due to the proposal's location on a greenfield agricultural site in the countryside and not meeting the exceptions in W5 or showing close links between the outputs and the location of the proposed site.

5.24.6 The decision was appealed (APP/M2460/W/19/3241616) and the appeal was dismissed on the 15<sup>th</sup> December 2020. The Inspector concluded that '*having regard to the transportation of both raw materials and end products as set out above, and taking account of the overall increase in traffic movements, the links with the land associated with Leesthorpe Farm are not sufficiently close to be in accordance with relevant policies in the development plan.*' This conclusion relates to the issue '**Whether or not the proposal would**

*have a close link with the land to which it relates, having particular regard to Policies W5 and W6 of the LM&WLP*. Therefore, this appeal decision indicates the assessment of the proposal against policy W6.

- 5.24.7 Whilst NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W6. The NPPW has not been updated since its publication before the adoption of the LMWLP.
- 5.24.8 As set out above, there is a new Resources and Waste Strategy in production, which applies to LACW. This will replace the Leicestershire Municipal Waste Management Strategy. The Strategy – whilst ambitious – does not contain any spatial strategies and therefore will not require changes to the LMWLP.
- 5.24.9 The situation may require monitoring through future AMRs, as the LURB develops, and it becomes more clear what effects Government changes will have in combination with legislation.

### **Conclusion**

- 5.24.10 It is considered that the current policy wording is in line with the NPPW, NPPF and NPPG and is flexible enough to continue to deliver capacity.
- 5.24.11 Performance at appeal also demonstrates that the policy is performing satisfactorily as no appeals have been lost.

## 5.25 Policy W7: Facilities for Energy and Value Recovery from Waste

5.25.1 Policy W7 provides a specific policy for the determination of applications relating to the recovery of energy and value from waste, setting out criteria for pre-sorting of waste; maximising value and energy recovery and residue management.

### Policy W7: Facilities for Energy and Value Recovery from Waste

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

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

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

5.25.2 The NPPG clarifies that whilst towards the bottom of the waste hierarchy, provision should be made for energy and value recovery from waste.

5.25.3 NPPW paragraph 4 requires consideration to be given to the use of heat as an energy source for users in close proximity.

5.25.4 As demonstrated in the AMR 2019-21, the indicator '*Percentage of planning permissions granted for new waste facilities in accordance with the criteria set out in the relevant policy for that facility*' lacks information. This indicator monitors a number of policies including W7.

5.25.5 Whilst the AMR shows limited data this is for the indicator as a whole. It should be noted that the indicator also monitors policies W2, W7, W8.

5.25.6 The Energy from Waste facility at Newhurst was not permitted during the 2019-21 AMR period. A S73 planning application to vary conditions (2019/VOCEIA/0292/LCC) has since been submitted on this proposal and has been granted in accordance with Policy W7, along with some non-material amendments applications. An application for an amendment to the existing site layout to allow installation of containerised control equipment and a replacement gas flare unit at the Former Enderby Warren Landfill Site (2020/VOCM/0195/LCC), was also granted in accordance with W7 and a



proposed extension to the existing operations at Bakers Waste was also considered to support the aims of W7 (2021/CM/0108/LCC).

- 5.25.7 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W7. The NPPW has not been updated since its publication before the adoption of the LMWLP.
- 5.25.8 As set out above, there is a new Resources and Waste Strategy in production, which relates to LACW. This will replace the Leicestershire Municipal Waste Management Strategy. The Strategy – whilst ambitious – does not contain any spatial strategies and therefore will not require changes to the LMWLP.
- 5.25.9 As discussed previously, one of the reasons for the early review of the LMWLP is the situation with the Newhurst EfW. Whilst this has been permitted, it is not operational yet. As demonstrated, a number of applications have come forward over the period in relation to this development to change details of this proposal. It is not considered that the policy has caused the implementation delays.
- 5.25.10 Furthermore, it is a slightly different matter to assess the implementation of the policy and the effectiveness of the delivery of the development. Whilst any delays in implementing the Newhurst facility are cited as a trigger for review in the LMWLP (hence its mention here), it is true to say that the policy (and the Plan) has delivered the facility.
- 5.25.11 Whilst it is possible that further energy from waste capacity will be required to divert waste from landfill, it is not possible to say at this stage what the percentage split would be, nor are the details known of how the Government's changes will affect the requirements for waste management facilities in Leicestershire. As always, this would need to be weighed in the planning balance against the climate emergency; carbon zero; energy requirements; amenity and community impacts; and the requirements of the waste hierarchy and Government policy.
- 5.25.12 As demonstrated through the AMR and evidence here, the policy is performing well and is delivering sustainable waste management in Leicestershire.

## **Conclusion**

- 5.25.13 It is considered that the current policy wording is in line with the NPPW, NPPF and NPPG and is flexible enough to continue to deliver capacity.
- 5.25.14 The situation may require monitoring through future AMRs, as the LURB progresses, and it becomes more clear what effects Government changes will have in combination with legislation.

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## 5.26 Policy W8: Waste Disposal

5.26.1 Policy W8 is a criteria-based policy which sets out the circumstances in which new or extended waste disposal facilities will be granted permission. In line with the waste hierarchy, it requires that it is demonstrated that the waste cannot be managed in a more sustainable way, environmental benefits are secured and there is an overriding need for the development. In line with the NPPW it ensures that the development proposed does not delay the final restoration of the existing landfill or landraise site to beneficial afteruses.

### Policy W8: Waste Disposal

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

- i) it is demonstrated that the waste cannot be managed in a more sustainable way;
- ii) environmental benefits will be secured by the development;
- iii) there is an overriding need for the development; and
- iv) the development does not delay the final restoration of existing landfill or landraise sites. The County Council will make provision over the plan period (2015 to 2031) for the disposal of inert waste at the following locations:
  - (i) the remaining permitted capacity available at the following existing landfill operations: Brooksby; Ellistown; Huncote; Husbands Bosworth; Lockington; New Albion; Shawell; and Slip Inn
  - (ii) the following additional landfill areas as shown on the Policies Map Insets, subject to the requirements set out in Boxes SA1, SA3 and SA7: Brooksby Quarry; Husbands Bosworth Quarry; and Ibstock Quarry.

5.26.2 As demonstrated in the AMR 2019-21, the indicator 'Percentage of planning permissions granted for new waste facilities in accordance with the criteria set out in the relevant policy for that facility' does not have information. This monitors a number of policies including W8. Furthermore, the indicator 'Allocated inert waste disposal sites granted planning permission' also monitors W8. This shows no movement, and the Plan indicates that planning permissions are to be granted for allocated inert waste landfill sites at Brooksby and Husbands Bosworth by 2021 and Ibstock by 2026. There has been inert landfill granted in the monitoring period however, as shown in the 2019-21 AMR. There have been a number of permissions granted in the monitored period of the 2019-21 AMR which have included reference to W8. These include Ibstock Brick (2019/CM/0113/LCC); Brooksby Quarry (2018/CM/0123/LCC); Bardon Hill Quarry (2020/VOCM/0145/LCC) and Croft Quarry (2019/CM/0125/LCC).

- 5.26.3 Performance at appeal is also considered relevant to this policy. As discussed above, permission was refused at Barrow Hill Quarry for the restoration of the former Barrow Hill Quarry to agricultural use with inert waste and soils, including inert waste recycling and temporary passing bays on Mill Lane. Whilst this was a few months before the adoption of the LMWLP and was therefore determined under the previous Local Plan, the appeal was since adoption of the LMWLP. The decision was appealed (APP/M2460/W/19/3239442) and was dismissed on the 27th of May 2020.
- 5.26.4 The Inspector concluded on Other Matters that *'Notwithstanding the parties' views on Policy interpretation relating to Policy W8, and policies W4 and W5, had I found there to be a demonstrated need for this development, this would not have been sufficient to outweigh the harm arising in terms of noise and disturbance and highway safety as identified above.'*
- 5.26.5 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W8. The NPPW has not been updated since its publication before the adoption of the LMWLP. There are no new specific requirements relating to waste disposal. A recent 'Call for Evidence on a Proposed Landfill Tax Grant Scheme for the Remediation of Contaminated Land' has been conducted by Government to ascertain how often Landfill Tax – which has been very effective at driving waste management up the waste hierarchy – has been a barrier to the redevelopment of land affected by contamination or the consequences of previous development.
- 5.26.6 As set out above, there is a new Resources and Waste Strategy in production, which applies to LACW. This will replace the Leicestershire Municipal Waste Management Strategy. The Strategy – whilst ambitious – does not contain any spatial strategies and therefore will not require changes to the LMWLP.
- 5.26.7 What is clear from the Strategy and Government changes is the continued move away from landfilling as a means of final disposal of waste. The climate emergency is another driver for this and the shift to seeing waste as a resource as part of a circular economy is continuing to have an effect on both policy and behaviour.
- 5.26.8 Both the Resources and Waste Strategy for England and the 25 Year Environment Plan were published before the adoption of the LMWLP. Since then, the Environment Act has put into statute many of the targets including the reduction of waste to landfill; zero food waste to landfill by 2030; zero avoidable plastic waste by 2042; and eliminating avoidable waste by 2050. The Resources and Waste Strategy for England also has a target to achieve a 65% municipal recycling rate by 2035 and to send less than 10% of municipal waste to landfill by the same year.

5.26.9 As the policy only relates to existing locations for inert disposal, it is considered that the policy continues to reflect the waste hierarchy and current guidance and policy in its presumption against the landfilling of biodegradable waste. It is also in line with the thinking in the Government's detailed evidence report<sup>17</sup> which confirms that inert waste is excluded from the scope of residual waste for reduction. However, it is clear that the Environment Act 2021 enables us to set additional targets in the future, which could include a residual CDEW or mineral waste target.

5.26.10 In the future, there will be the opportunity to take into account the new targets, indicators and milestones from recent Government documents and changes. At this moment, however, it is unclear when further changes will be made to the NPPF or NPPW and as the policy still reflects both of these the policy does not require amendment.

### **Conclusion**

5.26.11 The policy is considered to reflect guidance and policy including the waste hierarchy and therefore does not require updating or amendment.

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<sup>17</sup> Resource efficiency and waste reduction targets Detailed Evidence report (DEFRA, Date: 28 April 2022)

## 5.27 Policy W9: Safeguarding Waste Management Facilities

5.27.1 In line with policy W9 it is important to safeguard existing waste development from other development which may prejudice the county's waste strategy. Waste development sites are also especially vulnerable to re-development for other 'higher value' uses.

### Policy W9: Safeguarding Waste Management Facilities

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

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

- 5.27.2 As demonstrated in the AMR 2019-21, the policy appears to be working well. As outlined in the AMR however, the issue remains the availability of information on the implementation of the policy in decisions made by the districts.
- 5.27.3 There is at present no evidence to suggest that the policy needs to be amended. The policy is evidenced by Minerals and Waste Safeguarding maps S1/2015 to S7/2015. These date from prior to the adoption of the LMWLP in 2015.
- 5.27.4 Whilst the NPPG and NPPF have been updated, the updates are not considered to have an effect on Policy W9. The NPPW has not been updated since its publication before the adoption of the LMWLP.
- 5.27.5 As set out above, there will be a requirement to deliver the housing uplift across the Leicestershire local authorities. There will also be a requirement to deliver the growth aspirations for the county. All of this could put further pressure on land in the county. It is not considered that this would require changes to policy or a stronger policy.
- 5.27.6 The operation or expansion of existing waste facilities can be constrained if inappropriate development is permitted in the vicinity. Paragraph 8 of the NPPW requires planning authorities, when determining planning applications for non-waste development, to ensure that the likely impact on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.

- 5.27.7 The LMWLP seeks to safeguard all waste infrastructure whether existing or permitted. The system has largely been effective to date. However, with the increasing demand for housing and the potential for increases in other uses to meet 'unmet need', there could be pressure to build on brownfield land, bringing housing closer to industrial estates and existing waste management facilities. Future conflict cannot be ruled out. However, changes to the safeguarding policy alone would not be sufficient to avoid this situation as it is always the case that the final planning decision will be a matter of balance.
- 5.27.8 The 'agent of change' principle – where the person or business introducing a new land use is responsible for managing the impact of that change – was introduced in 2018. This was before the adoption of the Plan. Whilst the Plan was assessed against the 2012 NPPF, it is considered that the wording of the policy does encapsulate the principle. The policy is worded so that mitigation is required where development introduces a sensitive receptor closer to an existing waste site so as not to prejudice the continued operations of the waste management facility or affect amenity.
- 5.27.9 The policy is also considered to reflect the safeguarding requirements of waste water and sewage treatment facilities.
- 5.27.10 The situation may require monitoring through future AMRs, as the LURB progresses, and it becomes more clear what effects Government changes will have in combination with legislation.

### **Conclusion**

- 5.27.11 The policy is considered to reflect guidance and policy including the waste hierarchy and the 'agent of change' principle.

## 5.28 Climate Change, Amenity and the Environment

5.28.1 In line with Policy DM1, it is our intention for all minerals and waste developments to represent sustainable development and make a positive contribution to reducing the effects of climate change.

### **Policy DM1: Sustainable Development**

When considering proposals for minerals and waste development Leicestershire County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Proposals should contribute to the three dimensions (economic, environmental and social) of sustainable development, as well as providing clear evidence of how a proposal would make a positive contribution to reducing its effects on climate change. The County Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the County of Leicestershire. Planning applications that accord with the policies in this Minerals and Waste Local Plan will be approved unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the County Council will grant permission unless material considerations indicate otherwise – taking into account whether:

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

5.28.2 As highlighted earlier, the NPPF 2021 has been updated in terms of the definition of sustainable development. This is a more subtle change of emphasis. Other changes to the NPPF have also been made since the LMWLP was adopted.

5.28.3 There is an increasing emphasis on climate change both nationally and locally. Leicestershire County Council declared a climate emergency in 2019. One of the NPPF changes is the emphasis on climate change in paragraph 11 and also the change of emphasis in this paragraph in its wording on sustainable development (see PAS toolkit 2, Appendix 7). It is considered that the policy aligns with these changes.

5.28.4 As demonstrated in the AMR 2019-21, the policy appears to be working well. The policy has been cited in a number of cases and has also been successfully used in refusals, notably the continuation of use of the Husbands Bosworth bagging plant (2021-VOCM-0096-LCC).



- 5.28.5 The Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not materially changed in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.28.6 An important issue to consider from recent Government changes is the proposed introduction of national Development Management policies set out in the LURB. At the time of writing, it is not known what form these will take or timescales for these or other changes to the NPPF, NPPW or NPPG. This issue would however prevent the duplication of national policies (such as the sustainable development principles) by giving these national policies the same weight as the development plan.

### **Conclusion**

- 5.28.7 It is considered therefore that the changes to the NPPF and NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.

## 5.29 Policy DM2: Local Environment and Community Protection

5.29.1 Policy DM2 is a criteria-based policy which protects the environment and local communities from unacceptable impacts.

### Policy DM2: Local Environment and Community Protection

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

- 5.29.2 As demonstrated in the AMR 2019-21, the policy appears to be working well. A number of permissions have been granted in line with the policy in the 2019-21 monitoring period.
- 5.29.3 Permission was refused at Granite Way, Mountsorrel for an increase in throughput (2020/VOCM/0017/LCC) with amenity issues also citing Policy DM2.
- 5.29.4 Permission was also refused at Barrow Hill Quarry for the restoration of the former Barrow Hill Quarry to agricultural use with inert waste and soils, including inert waste recycling and temporary passing bays on Mill Lane. Whilst this was prior to the adoption of the LMWLP and determined under the previous Local Plan, the appeal was post adoption of the LMWLP. The appeal (APP/M2460/W/19/3239442) was dismissed on the 27<sup>th</sup> of May 2020. Therefore, the policy is considered to be working well on this performance at appeal.
- 5.29.5 The Inspector concluded that *'I have considered the proposed installation of acoustic fencing along Mill Lane outside of Mirfield Farm which could be secured by condition and a Section 278 Highways Agreement. However, I have limited details to demonstrate that this would sufficiently mitigate the noise effects on the occupiers and horses located at Mirfield Farm.'*
- 5.29.6 *Consequently, I am unable to conclude that the proposed development would comply with Policy DM2 of the LMWLP, insofar as it relates to the need to demonstrate that minerals and waste development would be acceptable in terms of potential effects from noise to adjoining land uses and users, amongst other things.'*
- 5.29.7 Outside of the 2019-21 monitoring period, a number of permissions have been granted citing DM2 and refusals have also used DM2 at Shawell Tile Works (2021/VOCM/0062/LCC) and Plot B, Old Dalby Business Park (2020/CM/0044/LCC).

- 5.29.8 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.29.9 Updates have affected issues in development management which are covered by this policy, and which apply to all types of planning including for minerals and waste. These include flooding guidance; healthy and safe communities; light pollution; and consultation and pre-decision matters. Whilst changes have also been made to various other sections since their original publication, many of these have been before the publication of the LMWLP.
- 5.29.10 The update to flooding guidance follows Government's 'Review of policy for development in areas at flood risk' which committed to a '*significantly revised and updated*' flood risk planning practice guidance. Changes were also needed as a result of updates to the NPPF and following other reviews such as the Jenkins Review, Public Accounts Committee review and Environment Food and Rural Affairs Committee review.
- 5.29.11 The changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.
- 5.29.12 There have been changes made to the NPPG on Environmental Impact Assessment. Whilst the policy does not directly deal with this matter, it is something which often informs the process of decision making on an application for minerals or waste development. Further changes are also expected as a result of the LURB as outlined above. There is no timescale for these, or clarification of their details beyond the potential replacement of the Environmental Impact Assessment and Strategic Environmental Assessment systems with Environmental Outcome Reports.
- 5.29.13 An important issue to consider from recent Government changes is the introduction of national Development Management policies by the LURB. It is not known what form these will take or timescales for these or other changes to the NPPF, NPPW or NPPG.

## **Conclusion**

- 5.29.14 The changes to the NPPG do not require amendment of the policy, as guidance should be taken into account as part of the decision making process.

### 5.30 Policy DM3: Strategic Green Infrastructure

5.30.1 Policy DM3 aims to prevent development that compromises the integrity of the strategic green infrastructure network.

#### **Policy DM3: Strategic Green Infrastructure**

Planning permission will be granted for minerals and waste development where proposals do not compromise the integrity of strategic green infrastructure corridors in connecting locations of natural and cultural heritage, green spaces, biodiversity or other environmental interest in urban and countryside areas. The design and layout of new development should take account of and provide opportunities to create and enhance green infrastructure provision, and improve accessibility to these assets. Planning permission will be granted for minerals and waste development within or adjacent to Charnwood Forest where:

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

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

- (a) the capacity of the river corridor to function as a natural floodplain;
- (b) the habitat connectivity, habitat quality, function and viability of the river wildlife corridor; and
- (c) the form, local character and distinctiveness of the natural, historic and built environment. Proposals which provide improved access, recreation and tourism facilities within the Strategic River Corridors will be encouraged where they do not have an unacceptable effect on the above interests.

5.30.2 As demonstrated in the AMR 2019-21, the policy appears to be working well. Determinations include Bardon Hill (2019/VOCM/0253/LCC); Croft Quarry (2019/CM/0125/LCC) and the former Minorca surface mine (2020/VOCM/0172/LCC).

- 5.30.3 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.30.4 Updates have been made to the Natural Environment section since the NPPG's original publication, however, this was before the publication of the LMWLP. Among these changes were specific changes to the Green Infrastructure section. It is considered that the LMWLP reflects the guidance in terms of approach to strategic green infrastructure. The policy reflects paragraph 20 of NPPF 2021.
- 5.30.5 The changes to the NPPG do not require amendment of the policy, as the guidance should be taken into account as part of decision making.
- 5.30.6 There have been changes made to the NPPG on Environmental Impact Assessment. Whilst this policy does not directly deal with the matter, it is something which often informs the process of decision making on an application for minerals or waste development. Further changes are also currently proposed in the LURB.
- 5.30.7 How this policy interacts with the biodiversity net gain requirements of the Environment Act and the resultant changes around the subject of biodiversity net gain (BNG) is an important consideration for the review. Developments under the Town and Country Planning Act (TCPA) and Nationally Significant Infrastructure Project (NSIP) regime will need to deliver a minimum 10 per cent BNG.
- 5.30.8 One of the most relevant changes in the NPPF is the change in emphasis on biodiversity between the 2019 and 2021 version. The new wording states at paragraph 180 d. *'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'* This focus on integration is new, as previously the wording was about encouraging opportunities to incorporate biodiversity.

## Conclusion

- 5.30.9 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making. The review can only take into account the guidance and legislation at the time of writing. The policy is considered to be broadly in accordance with the NPPF.

5.30.10 The situation may require monitoring through future AMRs, as the LURB develops, and it becomes more clear what effects Government changes will have in combination with legislation.

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### 5.31 Policy DM4: Green Wedges

5.31.1 Policy DM4 relates to Green Wedges, allowing minerals and waste development where it does not negatively affect the Green Wedge or where it is required to be located there in the case of waste development.

#### Policy DM4: Green Wedges

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

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

5.31.2 As demonstrated in the AMR 2019-21, the policy indicator '*Percentage of new mineral extraction areas or waste management capacity granted in accordance with the relevant policy*' appears to be working well. This monitors several policies, including DM4. There have been no applications which have used DM4 in the monitoring period.

5.31.3 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not significantly changed in its approach to minerals. The NPPW has not been changed since its introduction in 2014.

5.31.4 Updates have been made to the Natural Environment section since NPPG's original publication, however these were before the publication of the LMWLP. Among these changes were specific changes to the Green Infrastructure section as detailed above. These do not specifically cover green wedges.

5.31.5 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.

5.31.6 There have been changes made to the NPPG on Environmental Impact Assessment. Whilst this policy does not directly deal with this matter, this is something which often informs the process of decision making on an

application for minerals or waste development. Further changes are also currently proposed as set out in the LURB. There is no timescale for these, or clarification of their details beyond the potential replacement of the Environmental Impact Assessment and Strategic Environmental Assessment systems with Environmental Outcome Reports.

5.31.7 The changes to the NPPF in relation to biodiversity have been a general refocusing, as set out in Toolkit 2 (Appendix 7) and the assessment of policy DM3. There have been no specific changes relating to green wedges, as above. There have been no changes to the Natural Environment parts of NPPF which are considered to require changes to the policy.

### **Conclusion**

5.31.8 The changes to the NPPG and in emphasis in NPPF do not require changes to the policy, as the guidance should be taken into account as part of decision making.



## 5.32 Policy DM5: Landscape Impact

5.32.1 Policy DM5 deals with landscape impact and grants planning permission for minerals and waste development where it is demonstrated that it is well designed; positively contributes to the character and quality of the area; and where appropriate makes provision for new woodland planting. It also seeks screening.

### Policy DM5: Landscape Impact

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

5.32.2 As demonstrated in the AMR 2019-21, the policy appears to be working well, being used in a variety of cases including both approvals and refusals. These included approvals at Husbands Bosworth (2020/VOCM/0173/LCC); Donington Island (2020/VOCM/0156/LCC) and Acresford Sand and Gravel (2020/VOCM/0150/LCC).

5.32.3 Policy DM5 was one of the policies mentioned in the appeal on the proposed anaerobic digestion plant at Green's Lodge Farm, Melton Mowbray. This refusal was based upon the following reasons:

- Lack of demonstrable need for the development in this location;
- Less than substantial harm to designated heritage assets;
- Harm to users of Footpath D68; and
- Potential impacts from artificial lighting.

5.32.4 As discussed, this appeal was dismissed and therefore the policy is considered to be working well. The LCC appeal statement explained that the proposal was in conflict with the policy as it would create an urbanising effect within this area of the countryside, where no overriding need had been demonstrated. It went on to say that whilst the impact on the landscape was not considered by the County Landscape Officer to be 'major', the Waste Planning Authority (WPA) considered that the impacts generated by the development on the local landscape could be avoided by locating in a more urban area. The Inspector concluded that *'the proposal would have an adverse landscape impact in that it would not contribute positively to the character and quality of the area. It would therefore be in conflict with Policy DM5 of the LM&WLP'*.

- 5.32.5 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.32.6 Updates have been made to the Natural Environment section since the NPPG's original publication, however these were before the publication of the LMWLP. Among these changes were specific changes to the Landscape section. It is considered that these changes are reflected in the wording of the policy.
- 5.32.7 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.
- 5.32.8 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.
- 5.32.9 It is also perhaps worth mentioning here that there have been changes made to the NPPG on Environmental Impact Assessment. Whilst the policy does not directly deal with this matter, is something which often informs the process of decision making on an application for minerals or waste development. Further changes are also currently proposed as part of the LURB.

### **Conclusion**

- 5.32.10 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.
- 5.32.11 The policy is considered to be performing well, including at appeal where it has been defended successfully.

### 5.33 Policy DM6: Soils

5.33.1 Policy DM6 seeks to identify the suitability of agricultural land for development, ensuring adequate assessment is made and safeguarding the best and most versatile land.

#### Policy DM6: Soils

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

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

5.33.2 As demonstrated in the AMR 2019-21, the policy appears to be working well, being used in a variety of cases. These included approvals at Husbands Bosworth (2020/VOCM/0173/LCC) and since the monitoring period Croft Quarry extension (2019/CM/0125/LCC) and the Former Minorca Surface Mine (2020/VOCM/0172/LCC).

5.33.3 Reversing soil degradation and restoring fertility by 2030 is an aim of the Government's 25 Year Environment Plan.

5.33.4 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014. Text on soils and their value in the NPPF has not changed since the 2019 NPPF, and indeed this was the same wording as the 2012 version.

5.33.5 Updates have been made to the Natural Environment section since the NPPG's original publication, however, these were made before the publication of the LMWLP. Among these changes were specific changes to the Soils section.

5.33.6 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.

**Conclusion**

5.33.7 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making. The policy is performing well, as evidenced.

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## 5.34 Policy DM7: Sites of Biodiversity/Geodiversity Interest

5.34.1 Policy DM7 aims to ensure developments contribute to and enhance the natural and local environment, minimising impacts on biodiversity and taking all opportunities to provide net gain.

**Policy DM7: Sites of Biodiversity/Geodiversity Interest** Proposals for minerals and waste development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and taking all opportunities to provide a net gain in biodiversity.

### **Internationally Important Sites of Biodiversity Conservation Value**

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

### **Nationally Important Sites of Biodiversity Conservation Value**

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

### **Locally Important Sites of Biodiversity Conservation Value**

Planning permission will be granted for minerals and waste development where the status and quality of locally designated sites of biodiversity conservation value and sites meeting Local Wildlife Site criteria, and priority habitats and species identified in the Local Biodiversity Action Plan is retained and protected, and where the development cannot reasonably be located to an alternative site with less harmful impacts. If the benefits of the development outweigh the likely impact, the harm should be adequately mitigated or, as a last resort, compensated for, and the development will be required to deliver a net-gain in biodiversity through the creation of local BAP priority habitat.

### **Locally Important Sites of Geological Conservation Value**

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

- 5.34.2 As demonstrated in the AMR 2019-21, the policy appears to be working well. The policy has been used in a number of cases including Cloud Hill; Bardon Hill; Croft Quarry; and the former Minorca Surface Mine.
- 5.34.3 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.34.4 Updates have been made to the Natural Environment section since the NPPG's original publication. Whilst some of these were before the publication of the LMWLP, changes were also made most recently in January 2022. Among these were specific changes in relation to standing advice and guidance on when to contact Natural England. The Protected Sites and Species section has only been updated with lists of sites that Natural England is considering. Minor changes have also been made on advice forms and clarification of public body responsibilities.
- 5.34.5 It is considered that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making. The changes to the NPPG do not require amendment of the policy, as the guidance should be taken into account as part of decision making.
- 5.34.6 It is also perhaps worth mentioning here that there have been changes made to the NPPG on Environmental Impact Assessment. Whilst this policy does not directly deal with this matter, it is something which often informs the process of decision making on an application for minerals or waste development. Further changes are also expected as a result of the LURB as outlined above. There is no timescale for these, or clarification of their details beyond the potential replacement of the Environmental Impact Assessment and Strategic Environmental Assessment systems with Environmental Outcome Reports.
- 5.34.7 One of the biggest changes since the adoption of the LMWLP is the Environment Act and the resultant changes around the subject of biodiversity net gain (BNG). Developments under the Town and Country Planning Act (TCPA) and Nationally Significant Infrastructure Project (NSIP) will need to deliver a minimum 10 per cent BNG.

- 5.34.8 It is considered that the policy takes into account biodiversity net gain which has been written into the policy despite the policy's creation before the most recent changes. Whilst it does not specify 10%, it is considered that the wording of the policy is still reflective of the current policy landscape. In addition, the requirement for 10% net gain will be set out in legislation and secured through conditions on any planning permissions granted, which means there is no need for the requirement to be duplicated in policy.
- 5.34.9 Currently testing is ongoing on BNG Metric 3 by Natural England. Whilst changes may be forthcoming, this review can only be based on current guidance, policy and legislation. At present, the policy is in accordance with current policy and guidance.

### **Conclusion**

- 5.34.10 The policy is performing well. Evidence in the AMR 2019-21 and appeal performance shows that there is no cause for concern or evidence that the policy requires modification or adaptation.
- 5.34.11 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.

## 5.35 Policy DM8: Historic Environment

5.35.1 Policy DM8 aims to retain and protect the historic environment.

### **Policy DM8: Historic Environment**

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

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

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

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

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

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

5.35.2 As demonstrated in the AMR 2019-21, the policy appears to be working well.

5.35.3 Policy DM8 was one of the policies mentioned in the appeal on the proposed anaerobic digestion plant at Green's Lodge Farm, Melton Mowbray. This refusal was based upon the following reason:

- Lack of demonstrable need for the development in this location;
- Less than substantial harm to designated heritage assets;
- Harm to users of Footpath D68; and



- Potential impacts from artificial lighting

- 5.35.4 As discussed, this appeal was dismissed and therefore the policy is considered to be working satisfactorily. The LCC appeal statement explained that the proposal was in conflict with the policy as it would lead to a less than substantial harm on heritage assets and that due to the lack of a demonstrable and overriding need for the development in this location this harm outweighs the benefits of the proposal. The Inspector, however, did conclude that there was no reason to disagree with the appellants' Heritage Assessment that restricted itself to five designated assets and concludes no effect on heritage assets. This does not undermine the policy, albeit disappointing that the Inspector was not in agreement with the council's arguments. This is because there was no difference in implementation of the policy itself, but a difference of opinion in whether the issue was relevant.
- 5.35.5 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.35.6 Updates have been made to the Historic Environment section since the NPPG's original publication, however these were before the adoption of the LMWLP (the whole section was updated in July 2019).
- 5.35.7 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.
- 5.35.8 Changes to the NPPF since the adoption of the LMWLP have included changes to Chapter 15: Conserving and Enhancing the Natural Environment. Paragraph 198 sets out that local authorities should, when considering applications to remove or alter a historic statue, plaque, memorial or monument (listed or not), have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

## **Conclusion**

- 5.35.9 It is considered that the changes to the NPPF and NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.

### 5.36 Policy DM9: Transportation by Road

5.36.1 The purpose of Policy DM9 is to encourage more sustainable transport of minerals and waste. Where road transport is unavoidable, it aims to make sure that the impacts of this are acceptable both for the environment and communities.

#### Policy DM9: Transportation by Road

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

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

5.36.2 As demonstrated in the AMR 2019-21, the policy appears to be working well. The policy has been used in a variety of cases and has not shown any issues.

5.36.3 Permission was also refused at Barrow Hill Quarry for the restoration of the former Barrow Hill Quarry to agricultural use with inert waste and soils, including inert waste recycling and temporary passing bays on Mill Lane. Whilst this was a few months before the adoption of the LMWLP and was therefore determined under the previous Local Plan, the appeal was since adoption of the LMWLP. The appeal (APP/M2460/W/19/3239442) was dismissed on the 27<sup>th</sup> of May 2020.

5.36.4 The Inspector concluded that *'I acknowledge that the proposal was initially recommended for approval by the Council subject to conditions and I note the consideration of alternative access routes. Nevertheless, for the above reasons I find that it has not been adequately demonstrated that the proposal would not give rise to adverse issues relating to the use of Mill Lane as a result of the potential frequency and size of vehicles and conflict with other*

*users or that the proposed improvements to Mill Lane would overcome these safety concerns.*

- 5.36.5 *The development would therefore fail to comply with Policy DM9 of the Leicestershire Minerals and Waste Local Plan (2019) (LMWLP) which requires minerals and waste development involving transportation of material by road to demonstrate that the access arrangements would be safe and appropriate, would have an acceptable impact on the environment of local residents and would not result in unnecessary impacts on minor roads, amongst other things. Whilst paragraphs 204 and 205 of the National Planning Policy Framework (2019) give support to the benefits of mineral extraction and the sustainable use of minerals, it also requires that there are no unacceptable adverse impacts on human health, amongst other things. As such, the proposed development would also conflict with the Framework in this regard.'*
- 5.36.6 Therefore, the policy is considered to be working well on this performance at appeal.
- 5.36.7 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.36.8 Criterion (v) of the policy also reflects the proximity principle, aiming to reduce the environmental impact of the transportation of waste.
- 5.36.9 Updates have been made to the parts of NPPF relating to transport. Paragraph 110 of the NPPF contains new requirements. In assessing sites that may be allocated for development in plans, *or specific applications for development* (emphasis added), it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Safe and suitable access for all users should be achieved and the design of streets, parking areas, other transport elements and the content of associated standards should reflect current national guidance including the National Design Guide and the National Model Design Code. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The caveat is that the policy does not allocate sites and that the NPPF development management aspect of this paragraph would then apply anyway. The content of the Plan will not reflect the National Design Code, however further changes may be introduced through the LURB. There is no timescale for these, or clarification of their details beyond the potential replacement of the Environmental Impact Assessment and Strategic Environmental Assessment systems with Environmental Outcome Reports.

5.36.10 NPPF paragraph 111 outlines that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This position has not changed emphasis from the NPPF 2019 or between 2012 and 2021.

5.36.11 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.

5.36.12 It is also perhaps worth mentioning here that there have been changes made to the NPPG on Environmental Impact Assessment. Whilst this policy does not directly deal with this matter, it is something which often informs the process of decision making on an application for minerals or waste development. Further changes are also expected as a result of the LURB as outlined above. There is no timescale for these, or clarification of their details beyond the potential replacement of the Environmental Impact Assessment and Strategic Environmental Assessment systems with Environmental Outcome Reports.

5.36.13 The NPPF has been updated since the LMWLP was adopted in 2019. However, the 2021 edition has not introduced any additional or conflicting requirements in respect of transport policy.

### **Conclusion**

5.36.14 It is considered therefore that the changes to the NPPG and NPPF do not require changes to the policy, as the guidance should be taken into account as part of decision making.

### 5.37 Policy DM10: Public Rights of Way

5.37.1 Policy DM10 aims to protect public rights of way and improve access to the countryside where possible.

#### **Policy DM10: Public Rights of Way**

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

- 5.37.2 As demonstrated in the AMR 2019-21, the policy appears to be working well. The policy has been cited in a number of cases, for example the Husbands Bosworth cases (2021/VOCM/0096/LCC and 2020/VOCM/0173/LCC); and Huncote Quarry (2020/VOCM/0150).
- 5.37.3 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.37.4 No updates have been made to the 'Open space, sports and recreation facilities, public rights of way and local green space' section of NPPG since its publication in 2014.
- 5.37.5 There have been changes made to the NPPG on Environmental Impact Assessment. Whilst this policy does not directly deal with this matter, it is something which often informs the process of decision making on an application for minerals or waste development. Further changes are also expected as a result of the LURB as outlined above. There is no timescale for these, or clarification of their details beyond the potential replacement of the Environmental Impact Assessment and Strategic Environmental Assessment systems with Environmental Outcome Reports.
- 5.37.6 The NPPF has undergone various changes since the original 2012 version used to examine the LMWLP. It is not considered that any changes are needed to the wording of the policy. The policy wording reflects paragraph 100 of NPPF 2021 in relation to improving access to the countryside.
- 5.37.7 Whilst more of a process issue, the establishment of Active Travel England and its role as a statutory consultee in the Development Management process is noted. However, it is not considered that this leads to the need to amend the policy.

**Conclusion**

5.37.8 It is considered therefore that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making

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### 5.38 Policy DM11: Cumulative Impact

5.38.1 Policy DM11 covers cumulative impact and permits mineral and waste developments where this is demonstrated to be acceptable.

#### **Policy DM11: Cumulative Impact**

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

5.38.2 As demonstrated in the AMR 2019-21, the policy appears to be working well. Refusals have been made during the period for proposals contrary to the policy. These have not been appealed or otherwise challenged.

5.38.3 Ibstock Brick Ltd (2019/CM/0113/LCC) was granted in accordance with a number of policies including DM11. Bottesford Sewage Treatment Works (2019/CM/0235/LCC) was also in accordance.

5.38.4 British Gypsum Barrow Works (2018/VOCM/0252/LCC) was refused contrary to DM11. Another variation of conditions (2018/VOCM/0251/LCC) relating to the same site was also refused contrary to DM11.

5.38.5 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.

5.38.6 Updates have affected issues in development management which are covered by this policy, and which apply to all types of planning including for minerals and waste. These include flooding guidance; healthy and safe communities; light pollution; and consultation and pre-decision matters. Whilst changes have also been made to various other sections since their original publication, many of these have been before the publication of the LMWLP.

5.38.7 It is considered that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.

5.38.8 It is also perhaps worth mentioning here that there have been changes made to the NPPG on Environmental Impact Assessment (EIA). Whilst this policy does not directly deal with this matter, it is something which often informs the process of decision making on an application for minerals or waste development. Further changes are also expected as a result of the LURB as

outlined above. There is no timescale for these, or clarification of their details beyond the potential replacement of the Environmental Impact Assessment and Strategic Environmental Assessment systems with Environmental Outcome Reports.

5.38.9 Paragraphs 185 and 186 of NPPF specifically relate to cumulative impacts. There has been some change of emphasis since the original 2012 NPPF, including the addition of the 'agent of change' principle (paragraph 187) which was introduced through the 2018 NPPF. It is considered that Policy DM11 is broadly in accordance with NPPF.

### **Conclusion**

5.38.10 It is considered therefore that the changes to the NPPG and NPPF do not require changes to the policy, as the guidance should be taken into account as part of decision making.



### 5.39 Policy DM12: Restoration, Aftercare and After-use

5.39.1 Policy DM12 is a criteria-based policy which aims to ensure high quality, progressive restoration of sites and the establishment of aftercare.

#### **Policy DM12: Restoration, Aftercare and After-use**

Planning permission will be granted for temporary minerals and waste development where satisfactory provision has been made to ensure high quality, progressive restoration of the site (where practicable) and a minimum five year programme of aftercare. Site restoration shall attain a net gain in biodiversity. Sites of less than 10 hectares shall create a minimum of one of the priority habitats set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan. Sites greater than 10 hectares shall provide for a mosaic of priority habitats as set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan to attain a significant net gain in biodiversity.

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

- Charnwood Forest (within and adjoining) – Heath grassland and/or native deciduous woodland;
- National Forest – Native deciduous woodland;
- Soar, Wreake and Welland Valleys – Floodplain wetland;
- North East Leicestershire – Calcareous grassland; and
- River Floodplains – Wet woodland.

All opportunities should be taken to provide new Barn Owl and Bat boxes, and Sand Martin colonies. Sites should be restored with consideration to its setting so that opportunities are taken to create, protect and enhance biodiversity, green and blue infrastructure networks, heritage assets, and the restored landscape reflects the local character of the area. Sites in the Leicestershire Vales National Character Area shall be expected to manage retained mature hedgerows in the traditional 'Midlands-style' hedge laying technique.

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

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

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

- 5.39.2 As demonstrated in the AMR 2019-21, the policy appears to be working well. The policy has been cited within a number of cases including Donington Island (2020/VOCM/0156/LCC).
- 5.39.3 Since the adoption of the LMWLP, both the NPPG and NPPF have been updated. As outlined above, the Minerals and Waste sections of the NPPG have not substantially changed since the adoption of the Plan. The NPPF similarly has not changed very much in its approach to minerals. The NPPW has not been changed since its introduction in 2014.
- 5.39.4 There have been changes in emphasis, however as detailed in PAS Toolkits 1 and 2 (Appendix 6 and 7). The NPPF Paragraphs 170 and 174, for example, now include a greater emphasis on providing for and securing measurable net gains for biodiversity, whilst also including new references to 'natural capital'. In the 2019 version of NPPF it was 'providing net gains for biodiversity' in paragraph 170 d) and 'protect and enhance' in paragraph 174 and 'pursue opportunities for securing measurable net gains in biodiversity' in b).
- 5.39.5 Updates to NPPG have affected issues in development management which are covered by this policy, and which apply to all types of planning including for minerals and waste. These include flooding guidance; healthy and safe communities; and consultation and pre-decision matters. Whilst changes have also been made to various other sections since their original publication, many of these were before the publication of the LMWLP.
- 5.39.6 It is considered that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making.
- 5.39.7 It is also perhaps worth mentioning here that there have been changes made to the NPPG on Environmental Impact Assessment. Whilst this policy does not directly deal with the matter, it is something which often informs the process of decision making on an application for minerals or waste development. Further changes are also expected as a result of the LURB as outlined above. There is no timescale for these, or clarification of their details beyond the potential replacement of the Environmental Impact Assessment and Strategic Environmental Assessment systems with Environmental Outcome Reports.

## **Conclusion**

- 5.39.8 It is considered that the changes to the NPPG do not require changes to the policy, as the guidance should be taken into account as part of decision making. The policy is in line with NPPF.

## 6. Strategic Outcomes Monitoring

### 6.1 Introduction

- 6.1.1 Drawing on the above, this section considers whether the LMWLP is continuing to deliver the vision and strategic objectives as originally intended when the Plan was written and also whether these are still appropriate given the changes in the baseline highlighted above.

### 6.2 Vision

- 6.2.1 The Vision of the LMWLP is 'To enable the provision of sufficient minerals and waste facilities within the County of Leicestershire in locations that meet the economic and social needs of present and future generations whilst seeking to protect and enhance the environment.'
- 6.2.2 The vision is still considered to reflect the NPPF and other factors such as the changes to the baseline. Whilst there have been changes to the NPPF paragraphs on sustainable development, the vision broadly aligns with the changes in emphasis made. The vision also reflects the Leicestershire County Council Strategic Plan 2022-26, especially objectives and sub-objectives in relation to Clean and Green; a Strong Economy; and Great Communities.

### 6.3 Sufficient provision of minerals

- 6.3.1 ***To make sufficient provision of minerals in the county of Leicestershire to meet national and local requirements.***
- 6.3.2 As discussed in relation to the individual assessments of the minerals policies above, landbanks continue to be low for sand and gravel in Leicestershire. Permissions continue to be granted where the proposals are in line with policies in the LMWLP. Only limited proposals have come forward in the AMR monitoring period and only limited allocations were put forward in the LMWLP. This is something which is continually monitored through the Local Aggregate Assessment as well as the AMR and has been a consideration in the review of the LMWLP.
- 6.3.3 Despite Lockington Quarry being mothballed and a limited number of proposals, the LMWLP has continued to deliver sustainable minerals development in the monitored period. This is demonstrated by the number of sites which continue to come forward and the tonnages of mineral already in the planning system. It is recognised that development has been curtailed somewhat due to the pandemic and operational difficulties on sites.
- 6.3.4 Whilst the planning system cannot control sales of minerals, landbanks are an indicator that can be used to determine the levels of provision needed for future minerals demand.

- 6.3.5 This objective is considered to reflect the Leicestershire County Council's Strategic Plan 2022-26, especially Strong Economy, Transport and Infrastructure outcome.

## 6.4 Sufficient provision of waste facilities

### 6.4.1 *To make sufficient provision of waste facilities in the county of Leicestershire with capacity equal to the waste generated within the county of Leicestershire.*

- 6.4.2 The Waste Framework Directive (WFD) and the NPPG are clear that whilst there is not an requirement to provide solely for all the waste produced in a waste planning authority area, this should be the aim. The proximity principle also does not necessarily mean that the closest facility must be used to the exclusion of all other considerations. The NPPG explains that there will sometimes be other considerations such as economies of scale and viability for small amounts of specialist streams for example.

- 6.4.3 The LMWLP continues to provide the opportunity for appropriately scaled and located facilities to come forward. In the AMR period, 130,000 tonnes of transfer and treatment capacity have been provided, with a further 250,000m<sup>3</sup> per annum of inert landfill capacity also provided. Since the AMR period, a further 18,000tpa additional capacity has been granted for Anaerobic Digestion; and up to 300,000 tonnes of CDEW recycling capacity was also created. The restoration of Croft Quarry will also create 14 million m<sup>3</sup> of inert void capacity, primarily serving the CDEW markets of London and the South-East through rail imported waste. Whilst Leicestershire continues to be a net exporter of waste, this is only some of the story as figures show that the county mostly deals with its own waste, as most waste produced in the county is dealt with in the county. This is in line with the NPPW and WFD in terms of the proximity principle and also self-sufficiency.

- 6.4.4 Whilst changes are expected, it is considered that the current wording of this objective is still relevant and still reflects the thrust of national and international policy, legislation and guidance.

- 6.4.5 The purpose of the review is to consider current policy, guidance and legislation. Whilst it is noted that changes are expected, it is considered premature to recommend the Review of the Plan on the basis of what may happen, when this could take many years to come through and may change before implementation.

- 6.4.6 The strategic objective on waste is considered to align with the Leicestershire County Council Strategic Plan 2022-26, especially the Clean and Green objective and the sub-objective that 'Resources are used in an environmentally sustainable way'.

## **6.5 Provide mineral sites and waste management facilities in the most sustainable locations**

- 6.5.1** *To provide mineral sites and waste management facilities in the most sustainable locations so that movement other than by road is maximised, untreated waste transportation is minimised, the development of previously developed land is encouraged and the needs of local communities and industry are met.*
- 6.5.2 The county council's aim is for all minerals and waste development in Leicestershire to be sustainable development, in line with the NPPF, NPPW and NPPG.
- 6.5.3 In this regard, all the proposals permitted within the period constitute sustainable development, in line with the policies of the LMWLP.
- 6.5.4 Previously developed land has been developed for waste proposals in the period, and refusals made on the basis of location, including defence at appeal. It is more difficult to monitor effects on maximising movement other than by road and limiting transportation of untreated waste.
- 6.5.5 All four active igneous rock quarries in Leicestershire are rail-linked, and permission has been granted for a proposed lateral extension to the mineral extraction area within Croft Quarry (2019/CM/0125/LCC) which will import over 90% of the restoration fill by rail.
- 6.5.6 The strategic objective on sustainable locations is considered to align with the Leicestershire County Council Strategic Plan 2022-26, especially the Clean and Green outcome and the sub outcomes which seek that 'Resources are used in an environmentally sustainable way'; 'The economy and infrastructure are low carbon and environmentally- friendly'; combating climate change; and Safe and Well in protecting communities.

## **6.6 Co-ordination and work with relevant organisations**

- 6.6.1** *To co-ordinate and work with all relevant organisations, in particular Leicester City Council and Leicestershire Local Authorities, to ensure that the Local Plan addresses planning issues that cross administrative boundaries.*
- 6.6.2 As part of the duty to co-operate, Leicestershire County Council participates in various groups and forums and has engaged during the monitoring period where relevant issues were identified. The county council continues to work with Leicester City Council and the Leicestershire local authorities, as well as all relevant bodies, in the identification of strategic issues and the need to address them. These forums have been outlined above and include but are not limited to work on the Strategic Growth Plan with the districts and borough councils; cross-boundary work through the AWP and RTAB and

work with Leicestershire local authorities on their local plans. This also meets the requirement of NPPW paragraph 2 to 'work jointly and collaboratively with other planning authorities to collect and share data and information on waste arisings and take account of: (i) waste arisings across neighbouring waste planning authority areas; (ii) any waste management requirement identified nationally, including the Government's latest advice on forecasts of waste arisings and the proportion of waste that can be recycled'. It also meets paragraph 3 of the NPPW in relation to working collaboratively to provide a suitable network of facilities to deliver sustainable waste management.

- 6.6.3 Whilst there is the proposal in the LURB that the duty to co-operate contained in existing legislation will be repealed and replaced by another test, there is no definite timescale for this or how this would work in practice.
- 6.6.4 It is considered that the current strategic objective is therefore in alignment with both the 2021 NPPF and current legislation and remains appropriate. As some form of co-operation will still be required, it is likely that this will remain the case even if the test is changed. Further monitoring of the situation is required, but at present the strategic objective remains valid.

## **6.7 Reuse, recycling, composting and recovery of value from waste**

- 6.7.1 *To attain the maximum possible reuse, recycling, composting and recovery of value from waste within the county of Leicestershire and thereby minimising the disposal of waste.***
- 6.7.2 This aligns with the Clean and Green objective of the Leicestershire County Council Strategic Plan and specifically the sub-outcome that resources are used in an environmentally sustainable way.
- 6.7.3 In line with the Waste Hierarchy, the LMWLP prioritises a move away from landfill and increases in recycling and recovery.
- 6.7.4 The Leicestershire Joint Municipal Waste Management Strategy currently sets out the vision for sustainable waste management and resource use. Waste should first be prevented from arising, be reused, recycled or composted. Any residual waste that has not been reused, recycled or composted should be treated before disposal so that further value can be recovered and so that the impact of final disposal is minimised.
- 6.7.5 A new Resources and Waste Strategy for Leicestershire to 2050 is currently in preparation. This will take into account the Government's changes to waste and resources approaches.
- 6.7.6 There have been changes in waste production and composition due to the Covid-19 pandemic.

- 6.7.7 Waste permissions granted in the AMR 2019-21 period show that whilst some inert landfill has been granted permission, transfer and treatment continues to be the preferred method coming forward.
- 6.7.8 Leicestershire County Council will continue to work with the Waste Partnership<sup>18</sup> to maximise reuse, recycling, composting and recovery of value from waste arising within Leicestershire.
- 6.7.9 It is considered that whilst there remain uncertainties around both the final form of Government changes and the timing of these, together with the final form of the Leicestershire Resources and Waste Strategy, the Plan continues to deliver the objective of driving waste up the waste hierarchy and therefore deliver this objective.
- 6.7.10 Whilst it could be argued that there is not a focus on recycling in the LMWLP, particularly of CDEW, it is still considered that the Plan is supportive of such methods and reflects the waste hierarchy and other current guidance and policy.
- 6.7.11 It is considered that the circular economy has evolved since the adoption of the Plan, the Plan remains flexible in its approach to recycling and re-use. Whilst the wording of the objective does not specifically reference the circular economy, as it is still talking about waste rather than resources and materials, it is positive that it talks about maximising recovery of value and minimising disposal. The review process assesses the Plan against the current policy and guidance including the NPPF and NPPW and it would be premature to recommend amendment of the Plan as a result of changes as yet unknown.

## **6.8 Safeguarding mineral resources, sites and infrastructure**

- 6.8.1 To safeguard mineral resources, mineral sites and associated infrastructure, and waste management facilities from inappropriate development. This
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<sup>18</sup> This is the Leicestershire Waste Partnership (LWP). The Leicestershire Waste Partnership consists of Leicestershire County Council and the seven District and Borough Councils of Leicestershire.

aligns with the Clean and Green objective of the Leicestershire County Council Strategic Plan and the specific sub outcomes of using resources in an environmentally sustainable way and protecting the environment, as well as Strong Economy, Transport and Infrastructure outcome and the contribution minerals make to this.

- 6.8.2 As set out in the policy assessment in section 5 above and demonstrated in the AMR 2019-21, the Plan is preventing the sterilisation of mineral resources, or the prejudicing of sites and infrastructure by the implementation of its safeguarding policies.
- 6.8.3 The MSAs and MCAs (identified in maps S1/2015 to S7/2015) within the MWLP are designed to ensure that minerals are not sterilised by non-mineral development. Within the monitoring period, the county council objected to very few proposals on the grounds of safeguarding issues. This remains a challenging target to monitor as data is not easily available on District decisions contrary to safeguarding advice.

## **6.9 Reducing impact upon climate change**

- 6.9.1 ***To reduce the impact of minerals and waste developments upon climate change.***
- 6.9.2 This remains a difficult indicator to monitor, as all development could affect climate change. The aim is to ensure that impact is reduced through the granting of sustainable minerals and waste development through the implementation of Development Management policies. This aligns with the Clean and Green outcome of the Leicestershire County Council Strategic Plan and specifically the sub outcome that 'The economy and infrastructure are low carbon and environmentally friendly'.
- 6.9.3 Whilst there have been many changes to the baseline, it is considered that the strategic objective is still highly appropriate and indeed is delivering on its intention, as far as can be measured.
- 6.9.4 As discussed, the climate emergency was declared by the council before the adoption of the LMWLP in 2019. The draft Net Zero Strategy and Action Plan for Leicestershire have been produced more recently and therefore the objective is more relevant than ever. Waste management and minerals extraction have obvious links to and benefits for climate change. The LMWLP will continue to help to deliver the Net Zero Action Plan and Strategy, especially in relation to the circular economy but until this is finalised its exact format is not known.
- 6.9.5 It is demonstrated above that the DM policies have been used to deliver sustainable minerals and waste development and therefore endeavour to reduce climate change impact in line with national policy and guidance.



6.9.6 Changes to the NPPF, NPPW and the wider planning system and environmental legislation as a whole have been taken into account in the review of the LMWLP. This has included (as much as is currently possible) considerations of the implications of the Environment Act and biodiversity net gain and changes to waste legislation. However, it is considered premature to recommend amendment of the Plan as a result of as yet unknown changes.

## **6.10 Protecting people and local communities and environment**

**6.10.1 *To protect people and local communities, and the natural, built and historic environment (particularly the River Mease Special Area of Conservation) from unacceptable effects of minerals and waste developments.***

6.10.2 This aligns with the Safe and Well outcome of the Leicestershire County Council Strategic Plan; and the Clean and Green and the Great Communities outcomes, especially sub outcome that 'Cultural and historical heritage are enjoyed and conserved'.

6.10.3 Whilst there have been changes in the baseline with the development of an approach to nutrient neutrality by Natural England, the strategic objective remains highly relevant.

6.10.4 The implementation of the DM policies of the LMWLP aims to protect the environment and people from unacceptable effects, in line with the WFD, NPPF and NPPW and the Habitat Regulations 2017 (as amended). It is considered that this objective remains relevant and is being achieved.

## **6.11 Restoration of land**

**6.11.1 *To ensure that land with a temporary use is subsequently restored, managed and maintained to an after-use of high quality at the earliest opportunity which respects the local area's character, provides a net gain in biodiversity and allows greater public access whilst affording opportunities for recreational, economic and community gain in mitigation or compensation for the effects of development where possible.***

6.11.2 This is again aligned with the Clean and Green outcome of the Leicestershire County Council Strategic Plan 2022-26.

6.11.3 The implementation of the restoration policies of the LMWLP aligns with the achievement of this strategic outcome. In line with the NPPF and NPPG, all temporary permissions should be restored at the earliest opportunity.

6.11.4 Whilst there have been changes to the baseline and of particular relevance the move to biodiversity net gain (BNG), it is considered that the Plan is

mainly reflective of current guidance and policy. Furthermore, securing the statutory requirement of 10% BNG through the planning system will be delivered by the legislative environment and the use of planning conditions, meaning that no local plan policy changes are necessary.

6.11.5 It is considered that this objective of the LMWLP is being achieved.

## **6.12 Complement and support wider strategies**

**6.12.1 *To complement and support wider strategies including the Leicester and Leicestershire Economic Growth Plan, green infrastructure projects and strategies such as the National Forest and Charnwood Forest Regional Park.***

6.12.2 As outlined above, there have been a considerable number of wider strategies launched since the adoption of the LMWLP both regionally and locally, which have changed the baseline. These interact with and are often delivered by the planning process and can be complemented by applications where objectives are to deliver more biodiversity, restore certain areas or deliver more habitats or woodland for example.

6.12.3 There have been various permissions granted in the monitoring period 2019-21 which support wider strategies such as the National Forest. For example, the Minorca mine amended restoration included proposals to expand the scale of new woodland created on the site from 5ha to approximately 30ha with the parcel of land owned and managed by the NFC, creating a new National Forest woodland site.

## 7. Overall Conclusions

This section sets out the overall conclusion of the review of the Leicestershire Minerals and Waste Local Plan, adopted September 2019. The review sought to answer a number of questions and consider performance:

1. Is the LMWLP working as it should be; is the vision for minerals and waste development in Leicestershire being achieved?
2. Is the Plan meeting targets?
3. Does the Plan need to be updated due to local or national changes?
4. Are planning applications being determined in accordance with the aims of the Plan?
5. Performance at appeal
6. Any other issues with implementation

This section summarises the findings from previous sections of the Review whilst relating them to each of these questions.

### 7.1 Is the LMWLP working as it should be; is the vision for minerals and waste development in Leicestershire being achieved?

As evidenced in the AMR 2019-21, and by the assessments above, the vision is still relevant and in line with current national guidance and policy at the time of writing. The Plan is working as it should, as demonstrated here.

### 7.2 Are we meeting targets?

As demonstrated above, the Plan continues to deliver sustainable minerals production and waste management capacity. The 2019-21 AMR shows that the majority of targets have been achieved.

### 7.3 Does the Plan need to be updated due to local or national changes?

- 7.3.1 As set out, numerous changes have occurred to the baseline. Further changes are expected over the coming years as the LURB progresses.
- 7.3.2 The changes made to the NPPF and NPPG since the adoption of the LMWLP have made little impact on national minerals and waste policy and no changes have been made to National Planning Policy for Waste (NPPW).
- 7.3.3 As set out in PAS Toolkit 2 in Appendix 7, there have however been changes to the NPPF which could have implications for the policies even though they

are not specifically minerals and waste related. One such change is the requirement to outline which policies are 'strategic' policies. Paragraph 1.6 of LMWLP sets out that there are 'core' policies for mineral and waste development to 2031, and whilst the exact term 'strategic' is not used, they are by implication strategic policies.

- 7.3.4 Following on from this, there are a number of further requirements in the NPPF. Firstly, paragraph 22 (having regard to the transitional provisions at NPPF para 221) requires strategic policies to look ahead for a minimum of 15 years from adoption. As the Plan was adopted in 2019 this is not applicable to the current Plan as the LMWLP was past Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point this version of NPPF was published. However, it is a consideration to bear in mind for review. Paragraph 23 of the NPPF requires strategic policies to set out a clear strategy for bringing land forward to deliver objectively assessed needs. There is then the requirement for non-strategic policies to set out the detail. It is considered that the combination of the Core Policies and Development Management policies do this.
- 7.3.5 Whilst changes have occurred, these have been taken into account in the assessments carried out as part of the Review. This is documented in the report above and also in the appendices where relevant.
- 7.3.6 Assessments have taken into account all national and local changes as far as possible and have concluded based upon the information available at the time of writing. It is considered that more detail should be known before changes are made to the Plan in response to both LURB and any changes to the planning system or waste management systems or legislation.
- 7.3.7 The review can only assess against the current situation rather than any unknowns or forthcoming policy and potential legislative changes. As such, it has been assessed against the current NPPF, NPPW and NPPG. The Plan provides flexibility to continue to provide minerals and waste management capacity in the current policy landscape.

## **7.4 Performance at appeal**

- 7.4.1 As discussed in the individual Policy assessments, there have been a number of appeals since the adoption of the LMWLP in September 2019. Whilst a further appeal is underway, at the time of writing only those determined can be taken into account.
- 7.4.2 Two appeals have been determined since the adoption of the LMWLP. Both were considered against the relevant adopted policies.

- 7.4.3 Greens Lodge Farm (APP/M2460/W/19/3241616) was refused by the County Council based on conflicts with Policies W5, W6, DM5 and DM8 of the Leicestershire Minerals and Waste Local Plan (2019).
- 7.4.4 The appeal was dismissed and planning permission for an anaerobic digestion plant with associated infrastructure and an access road was refused.
- 7.4.5 Barrow Hill Quarry- (APP/M2460/W/19/3239442) was refused based on conflicts with policies DM9, DM2, and W8. The development, as proposed, would have had an unacceptable impact on amenity and highway safety contrary to the development plan. No overriding need to permit this unallocated site had been proven by the appellant and, if approved, would delay the infilling and thus restoration of existing inert waste disposal sites.
- 7.4.6 The appeal was dismissed. The Inspector concluded, as set out in the individual policy assessments above, that the proposal would fail to comply with DM9 and that he was *'unable to conclude that the proposed development would comply with Policy DM2 of the LMWLP, insofar as it relates to the need to demonstrate that minerals and waste development would be acceptable in terms of potential effects from noise to adjoining land uses and users, amongst other things'*. The Inspector concluded on *Other Matters* that *'Notwithstanding the parties' views on Policy interpretation relating to Policy W8, and policies W4 and W5, had I found there to be a demonstrated need for this development, this would not have been sufficient to outweigh the harm arising in terms of noise and disturbance and highway safety as identified above'*.
- 7.4.7 In both cases the appeals were considered against the relevant newly adopted LMWLP policies, and no evidence was found that issues were identified with the implementation of the policies. As such it is considered the policies are performing effectively.

## 7.5 Final Conclusions

- 7.5.1 As demonstrated above, the policy assessments and AMR 2019-21; Local Aggregate Assessments (LAAs); PAS Toolkits (in the Appendices); together with further casework monitoring, show that the LMWLP is working as it should be with the vision for minerals and waste development in Leicestershire being achieved. Planning applications are being determined in accordance with the aims of the Plan.
- 7.5.2 The vision and strategic objectives have been shown to still be very relevant, with the strategic objectives in the Plan aligned with the main outcomes in the Leicestershire County Council Strategic Plan 2022-26.
- 7.5.3 Targets are mostly being achieved. Policy monitoring highlighted one indicator in which there was no movement towards the target – the

proportion of new mineral sites permitted with alternatives to road transport. Three new areas for mineral extraction were granted in the period of the 2019-21 AMR. These were extensions to the existing sand & gravel operations at Brooksby and Shawell Quarries.

- 7.5.4 Two indicators have been identified in which the target had not been met and performance moved away from the target: the production of primary land won aggregates; and minimum landbank for aggregate minerals. These are for overall performance, as the indicators are combined for crushed rock and sand & gravel.
- 7.5.5 As detailed in the assessments above, the landbank for crushed rock is healthy. However, the landbank for sand & gravel is substantially below the 7-year target. The County Council has not received sufficient applications in the period to make a significant contribution to this matter and the LMWLP only received limited proposals for allocations.
- 7.5.6 The allocated mineral sites indicator is moving towards the target, as one permission was granted. However, it still missed the target as all sites should be permitted by 2021.
- 7.5.7 Waste indicators show that the waste policies are working effectively, as approvals have been in line with policies, especially W1; W4; and W5. A refusal resulting in an appeal based on conflict with W5 and W6 was also dismissed.
- 7.5.8 Whilst the minimum recycling, composting and recovery targets are not quite at required levels, they are moving towards the target with further capacity permitted.
- 7.5.9 Changes made to the NPPF and NPPG since the adoption of the LMWLP have had little effect on national minerals and waste policy. Until there is more clarity on any changes to the planning system through the LURB and any changes to the NPPG, NPPF and/or the waste system and legislation, the LMWLP remains suitable and is performing well.
- 7.5.10 The PAS Toolkits in Appendices 6 to 7 as well as the policy assessments themselves show that the LMWLP remains in line with the NPPF, NPPW and NPPG as well as the changes to the baseline and current realities. It is considered that the use of the PAS Toolkits has enabled a more detailed assessment.
- 7.5.11 The LMWLP has the flexibility, as proven above and in the Appendices and the Toolkits, to remain relevant to the present situation. Whilst changes to the baseline have occurred, flexibility is inbuilt, and the Vision and Strategic Objectives remain up to date and flexible and have been assessed as performing well.

## **8. Ongoing Review**

### **8.1 Effectiveness of current policy**

- 8.1.1 As evidenced above, by the 2019-21 AMR and the evidence in appendices, the LMWLP is delivering sustainable minerals and waste development within the county of Leicestershire, as intended.
- 8.1.2 Annual monitoring and other casework evidence have seen the delivery of additional capacity for waste management as well as the delivery of additional production capacity for mineral requirements. It is acknowledged that the landbank for sand & gravel is below the Government's recommended seven years' supply and that the delivered permissions have made a contribution, albeit still reduced. It is also acknowledged that there is considerable mineral production capacity in the planning process and that the Plan provides flexibility for the delivery of production capacity through various means.
- 8.1.3 There is no evidence that the policies of the LMWLP are providing a barrier to either minerals or waste development proposals, and this is evidenced by the low levels of appeals in Leicestershire since the Plan's adoption. Where proposals were refused, these have been evidenced against the LMWLP policies and these are also low numbers. Performance at appeal has also demonstrated that the policies are performing effectively, with both appeals dismissed.

### **8.2 Recommendations for future amendments/review**

- 8.2.1 The performance of LMWLP policies will be continually monitored to ensure the effective delivery of strategic outcomes. This will continue to be through the Authority Monitoring Reports (AMR) and the Local Aggregate Assessment (LAA).
- 8.2.2 Under current legislation, a further Review will be needed in advance of December 2027. Changes to the Planning system are proposed in the Levelling Up and Regeneration Bill (LURB) and once this has become an Act it may be necessary to undertake a further review in advance of December 2027.

## Appendix 1: Waste Management Capacity in Leicestershire

Table 12: Operational Capacity of Local Authority Collected Waste Composting, Recovery, Recycling and Transfer Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permission
<b>Composting Operations</b>				
Beech Tree Farm, Sproxton	Land Network	5701.24	EA Returns	No
Cosby Spinneys Farm, Cosby	D H Pepper	3371.65	EA Returns	No
Crowthorne Farm, Scalford	K & S M Sellars	5000	Estimate	No
Glebe Farm, Sibson	Caton Recycling	2831.87	EA Returns	No
Kibworth	SUEZ	15805.84	EA Returns	No
Lount	SUEZ	30481.1	EA Returns	Yes, until 01/09/2020 (pp 2014/0040/07)
Manor Farm, Aston Flamville	J & F Powner	18994.22	EA Returns	No
Soars Lodge Farm, Foston	D Clark	16257.02	EA Returns	No
<b>Total Capacity</b>		<b>98,442.94</b>		
<b>RHWS and Transfer Operations</b>				
Barwell RHWS	Leicestershire county council	8193.75	EA Returns	No
Bottesford RHWS	Leicestershire county council	1671.75	EA Returns	No
Coalville RHWS	Leicestershire county council	9356.65	EA Returns	No
Coalville Transfer Station	North West Leicestershire Council	10,365 (pp for 35,000tpa through 2014/0844/07)	EA Returns	No
Hinckley Transfer Station	Hinckley & Bosworth Council	2722.205	EA Returns	No
Kibworth RHWS	Leicestershire county council	3991.4	EA Returns	No
Loughborough RHWS	Leicestershire county council	46818	EA Returns	No



Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permission
Lount RHWS	Leicestershire county council	4982.07	EA Returns	No
Lutterworth RHWS	Leicestershire county council	3734.45	EA Returns	No
Market Harborough RHWS	Leicestershire county council	4629.39	EA Returns	No
Melton Mowbray RHWS	Leicestershire county council	5792.89	EA Returns	No
Melton Transfer Station	Melton Council	6745.11	EA Returns	No
Mountsorrel RHWS	Leicestershire county council	8215.56	EA Returns	No
Oadby RHWS	Leicestershire county council	8556.57	EA Returns	No
Oadby Transfer Station	Oadby & Wigston Council	4366.999	EA Returns	No
Shepshed RHWS	Leicestershire county council	5865.69	EA Returns	No
Somerby RHWS	Leicestershire county council	1290.03	EA Returns	No
Syston High Street	Biffa	96026.7	EA Returns	No
Welham Lane, Great Bowden	FOCSA	10374	EA Returns	No
Whetstone RHWS and Transfer	Leicestershire county council	62801.62	EA Returns	No
<b>Total Capacity</b>		<b>306,499.834</b>		
<b>Recovery Operations</b>				
Cotesbach MBT (Shawell Quarry)	New Earth Solutions	50009.5	EA Returns	Yes, until 31st December 2044 (2008/0789/03 and 2006/1565/03)
Wanlip AD	Biffa	52214.71	EA Returns	No
<b>Total Capacity</b>		<b>102,224.21</b>		

Where the source is stated as EA Returns this represents the maximum tonnes of waste classified as household, industrial & commercial (HIC) the site has handled between 2006 and 2014 (from the most recent Leicestershire Waste Needs Assessment) unless more was taken in 2019 or 2020 as reported in the Environment Agency's Waste Data Interrogator.

Table 13: Operational Capacity of C&I (Commercial and Industrial) Waste Composting, Disposal (not landfill), Recovery, Recycling and Transfer Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source*	Temporary Permission
<b>Composting Operations</b>				
County Hall, Glenfield	Leicestershire county council	12	Internal Information	No
Loughborough University, Loughborough	Imago Services	35	MHW Magazine	No
Twycross Zoo, Little Orton	Twycross Zoo	850	Hotrot Website	No
<b>Total Capacity</b>		<b>897</b>		
<b>Disposal Operations</b>				
Stubble Hill Farm, Sibson Lane, Shenton	Kings Hill Cremations	182.5	2004/0121/04	No
<b>Total Capacity</b>		<b>182.5</b>		
<b>Recovery Operations</b>				
Greens Lodge Farm, Huncote	A C Shropshire	51289.2	EA Returns	No
<b>Total Capacity</b>		<b>51289.2</b>		
<b>Recycling Operations</b>				
Barrows Lane, Glenfield, Blaby District	Glenfield Autospares	250	EA Returns	No
Bishop Meadow Road, Loughborough	East Midlands Metals	Unknown		No
Bottleacre Lane, Loughborough	R & Z Transport	451.78	EA Returns	No
Brook Street, Sileby	E W Middletons	238	EA Returns	No
Brooks Lane, Whitwick	Toon and daughters	1865.72	EA Returns	No
Bruntingthorpe Airfield, Bruntingthorpe	C. Walton	2000	2013/1582/03	No
Cossington Road, Sileby	Complete Wasters	Unknown		No
East Midlands Airport, North-West Leicestershire	EMA	724.998	EA Returns	No

Site	Operator	Operational Capacity (tonnes per annum)	Source*	Temporary Permssion
Enderby Road, Whetstone	ENVA	30,421	EA Returns	No
Gilmorton Lodge Farm, R S Properties (Leics) Ltd	BASH Skips	1424.68	EA Returns	No
Granite Close Smith, Enderby	Bakers Waste Services Ltd	48,497	EA Returns	No
Granite Close Unit A, Enderby	1st Choice Skips	26,557	EA Returns	No
Harrison Close Car Breakers, South Wigston	Mr Roe	6075	EA Returns	No
Harrison Close LSPS, Wigston Magna	LSPS	2345.22	EA Returns	No
Hill Top Farm, Melton Mowbray	Charles Brown & Son	5000	2010/0002/06	No
Ingleberry Road, Shepshed	A E Burgess	36004	Estimate from EA Returns (TBD Morris Site)	No
Jacknell Road, Hinckley	Labwaste Ltd	656	EA Returns	No
Knights Close, Thurmaston	Watling Waste Services	366	EA Returns	No
Knossington Road, Somerby	G C Stevens	1629.03	EA Returns	No
Lazarus Court, Rothley	Rock Hall		Unknown	No
Lynden Lea, Hinckley	Taylor's Skip Hire	13435	EA Returns	No
Main Street, Normanton	Hillcrest	10000	Estimate	No
Marquis Court, Moira	1st Class Hygiene	200 (189 in 2019)	2013/1023/07 (EA Returns)	No
Pebble Hall Farm, Theddingworth	J M Clarke	None – Access only in Leics, site is in Northants	N/A	No
Seine Lane, Enderby	Dave Lount Cars	126	EA Returns	No

Site	Operator	Operational Capacity (tonnes per annum)	Source*	Temporary Permssion
Sketchley Meadows, Hinckley	B & R Metals	Unknown		No
Leicester Transfer And Treatment, Ravenstone Ind Est, Snibston Drive, Coalville	Biffa G S Environmental Ltd	22708	EA Returns	No
South Ind Est, Ellistown	Direct Car Spares	372.55	EA Returns	No
Station Road, Market Bosworth	Flying Spares	80	EA Returns	No
Station Yard, Elmesthorpe	Barrie Mills Motor Salvage	124.95	EA Returns	No
The Scotlands, Coalville	Vellam Metals	250	2009/1116/07	No
Trent Lane, Castle Donington	Veolia	42178.3	EA Returns	No
Walker Road, Bardon	Air Products		Unknown	No
Wanlip Plant Site, A46, Syston, LE7 1PD	Mr Winterton	18,731	EA Returns	No
Warren Parks Way, Enderby	Casepak	145,000	Operator	No
Watling Street, LE10 3ED	Greenway Environmental	6944.69	EA Returns	No
Watling Street - Veolia	Veolia	39,486	EA Returns	No
Watling Street, Red Lion Farm (Smockington)	Williams Recycling	40824.2	EA Returns	No
Weldon Road, Loughborough	J & A Young	82410.3	EA Returns	No
Wolds Farm, Ragdale	Hull & Sons	10000	2007/1043/06	No
Wymeswold Airfield Acorn	Acorn Recycling	14000	2011/0112/02	No
Wymeswold Airfield (former De-Pack)	Biffa (formerly De-Pack)	2034.46	EA Returns	No
<b>Total Capacity</b>		<b>613,410.878</b>		
<b>Reuse Operations</b>				

Site	Operator	Operational Capacity (tonnes per annum)	Source*	Temporary Permission
Half Croft, Syston	Intercare	12.98	EA Returns	No
Northfield House Farm	Mr Hopkins	2000	Operator	No
<b>Total Capacity</b>		<b>2,012.98</b>		
<b>Transfer Operations</b>				
High Street, Syston, LE7 1GQ	Biffa	96026.7 (also includes LACW)	EA Returns	No
Unit 20, Pinfold Road, Thurmaston	Citron Hygiene	866.445	EA Returns	No
<b>Total Capacity</b>		<b>96,893.145</b>		

\* Where the source is stated as EA Returns this represents the maximum tonnes of waste classified as household, industrial & commercial (HIC) the site has handled between 2006 and 2014 (from the most recent Leicestershire Waste Needs Assessment) unless more was taken in 2019 or 2020 as reported in the Environment Agency's Waste Data Interrogator.

Table 14: Capacity of 'Dormant' C&I (Commercial and Industrial) Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source*	Temporary Permission
<b>Recycling Operations</b>				
Manor Farm, Aston Flamville	Mrs Powner	15,060	EA Returns	No
<b>Total Capacity</b>		<b>15,060</b>		

\* Where the source is stated as EA Returns this represents the maximum tonnes of waste classified as household, industrial & commercial (HIC) the site has handled between 2006 and 2014 (from the most recent Leicestershire Waste Needs Assessment) unless more was taken in 2019 or 2020 as reported in the Environment Agency's Waste Data Interrogator.

Table 15: Capacity of Permitted C&I (Commercial and Industrial) Recovery, Recycling and Transfer Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permission
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Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permission
<b>Recovery Operations</b>				
Newhurst EFW, Shepshed	Biffa	350000	2014/1440/02	No
Sutton Lodge Farm, Frolesworth Road, Sapcote (Harborough District)	Mr Lovatt	35000	2009/1488/03	No
<b>Total Capacity</b>		<b>385,000</b>		
<b>Recycling Operations</b>				
Unit 8, British Waterways Yard, London Road, Cavendish Bridge	Potters Mini Skips Limited	75000	2015/1159/07	No
Coventry Road, Narborough	Glenfield Waste	75000	2011/0321/01	No
<b>Total Throughput</b>		<b>150,000</b>		

Table 16: Operational Capacity of Non Inert, Non Hazardous Landfill Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permission
<b>Landfill Operations</b>				
Shawell Quarry / Cotesbach Quarry and Landfill site	Tarmac	353,156	EA Returns	Yes until 31 December 2044 (pp 2006/1565/03)
<b>Total Throughput</b>		<b>353,156</b>		

\* Where the source is stated as EA Returns this represents the maximum tonnes of waste classified as household, industrial & commercial (HIC) the site has handled between 2006 and 2014 (from the most recent Leicestershire Waste Needs Assessment) unless more was taken in 2019 or 2020 as reported in the Environment Agency's Waste Data Interrogator.

Table 17: Operational Capacity of C&D (inert) Landfill Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source <sup>^</sup>	Temporary Permssion
<b>Landfill Operations</b>				
Brooksby Quarry	Tarmac	200,000	2014/0190/06 and 2014/0191/06	Yes, until 31st December 2026 (pp 2014/0191/06)
Ellistown Quarry	Mick George	193,033	EA Returns	Yes, until 21st February 2042 (pp. 2014/0590/07)
Huncote Quarry	Acresford Sand & Gravel	204990.72	EA Returns	Yes until 31st December 2020 (pp 2010/0405/01)
Husbands Bosworth Quarry	Tarmac	185,612	EA Returns	Yes until 31st December 2024 (pp 2015/0786/03)
Lockington Quarry	Tarmac	306,055	EA Returns	Yes until 2nd December 2025 (pp 2007/1361/07)
Shawell Quarry/ Cotesbach Quarry and Landfill site	Tarmac	114220.98	EA Returns	Yes until 31st December 2044 (pp 2006/1565/03)
Slip Inn Quarry	Cemex	179,340.19	EA Returns	Yes until 30th September 2019 (pp 2004/0269/03)
<b>Total Throughput</b>		<b>1,383,251.89</b>		

<sup>^</sup> Where the source is stated as EA Returns this represents the maximum tonnes of waste classified as inert the site has handled between 2006 and 2020 as reported in the Environment Agency's Waste Data Interrogator.

Table 18: Operational Capacity of C&D (inert) Waste Recycling, Reuse and Transfer Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source^	Temporary Permssion
<b>Recycling Operations</b>				
Bardon Quarry	Aggregate Industries	180000	2014/0840/07	Yes, until 31st December 2051 (pp. 2014/0840/07)
Cliffe Hill Quarry, LE67 1FA	MQP	250000	2012/0305/04	Yes, until 31st December 2032 (pp. 2012/0305/04 and 2007/1059/04)
Ellistown Concrete, LE67 1ET	FP McCanns	Unknown		Yes, until 21st February 2042 (pp. 1999/0306/07)
Ellistown Quarry, LE67 1EZ	Mick George	25000	2014/0590/07	Yes, until 21st February 2042 (pp. 2014/0590/07)
Enderby Road, Whetstone	ENVA	39714	EA Returns	No
Gilmorton Lodge Farm, Lutterworth	BASH Skips	447.08	EA Returns	No
Glebe Farm, Sibson	Caton Recycling	5132.3	EA Returns	No
Granite Close, Ellingworth	Planters	8829.6	EA Returns	No
Granite Close Smith, Enderby	Mr Smith	27610	EA Returns	No
Granite Close Unit A, Enderby	1st Choice Skips	7049	EA Returns	No
Granite Close West, Enderby, LE19 4AE	Bakers Waste	26537.84	EA Returns	No
Granite Way, Mountsorrel, LE12 7TZ	NH Skips	53155	EA Returns	No



Site	Operator	Operational Capacity (tonnes per annum)	Source^	Temporary Permssion
Grobby Quarry, LE6 0EA	MQP	50000	2010/0250/04	Yes, until 31st December 2038 (pp 1995/1807/02 and 1995/0552/04)
Harrison Close, LSPS, Wigston Magna, LE18 4ZL	LSPS	567.67	EA Returns	No
Huncote Quarry, Blaby District	Acresford Sand & Gravel	5000	2010/0405/01	Yes, until 31st December 2020 (pp. 2011/0756/01)
Ingleberry Road, Shepshed	A E Burgess	19650	Estimate from EA Returns (TBD Morris Site)	No
Lockington Quarry	Tarmac	40000	2014/0072/07	Yes, until 23rd February 2026 (pp. 2014/0072/07 and 2007/1361/07)
Lynden Lea, Hinckley	Taylor's Skip Hire	22188	EA Returns	No
Mountsorrel Quarry	Lafarge	50000	Operator	No
Orston Lane, Bottesford, NG13 0AU	Midland Skip Hire	31,742	EA Returns	No
Shawell Quarry	Lafarge	40000	1999/0476/03	Yes, until 31st December 2044 (pp. 1999/0476/03)
Wanlip Plant Site, A46, Syston	Mr Winterton	14292	EA Returns	No

Site	Operator	Operational Capacity (tonnes per annum)	Source <sup>^</sup>	Temporary Permssion
Wood Road, Ellistown	J P & P Bailey	10628	2012/0478/04	No
<b>Total Throughput</b>		<b>907,542.49</b>		
<b>Reuse Operations</b>				
Woodhill Farm, Old Dalby	RJ & JL Fenton	25000	2015/0643/06	No
<b>Total Throughput</b>		<b>25,000</b>		
<b>Transfer Operations</b>				
Brooks Lane, Whitwick	Tom Toon & Daughters	3485.349	EA Returns	No
Mill Top Farm, Melton Mowbray	Mr and Mrs Lambert	1466	EA Returns	No
Snibston Drive, Coalville	Biffa	2410.17	EA Returns	No
Trent Lane, Castle Donington	Veolia	1344	EA Returns	No
<b>Total Throughput</b>		<b>8,705.52</b>		

<sup>^</sup> Where the source is stated as EA Returns this represents the maximum tonnes of waste classified as inert the site has handled between 2006 and 2014 (from the most recent Leicestershire Waste Needs Assessment) unless more was taken in 2019 or 2020 as reported in the Environment Agency's Waste Data Interrogator.

Table 19: Capacity of Permitted C&D (inert) Waste Recycling Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permssion
<b>Recycling Operations</b>				
Cloud Hill Quarry	Breedon Aggregates	30000	2015/0042/07	Yes, until 31st December 2026 (pp. 2015/0042/07, 2005/0508/07 and 2009/0940/07)
Croft Quarry	Aggregate Industries	200000	2016/0990/01	Yes, until 31st December 2029 (pp. 2016/0990/01)
<b>Total Capacity</b>		<b>230,000</b>		

Table 20: Operational Capacity of Hazardous Waste Landfill, Recycling and Transfer Operations

Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permssion
<b>Landfill Operations</b>				
Shawell Quarry	Tarmac	11837.39	EA Returns	Yes until 31st December 2044 (pp 2006/1565/03)
<b>Total Capacity</b>		<b>11,837.39</b>		
<b>Recycling Operations</b>				
6 & 7 Wilson Road, Wigston, LE18 4TP	Rentokil	58	EA Returns	No
A E Thompson & Son, 91-100 Harrison Close, Wigston	Thompson, A E	0.21	EA Returns	No

Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permssion
Bakers Waste Services Ltd	Bakers Waste Services Ltd	367.29	EA Returns	No
Bakers Waste Services Ltd	Bakers Waste Services Ltd	940	EA Returns	No
Barrie Mills Motor Salvage	Mills, Barrie	45	EA Returns	No
Barwell RHWS	Leicestershire county council	146.72	EA Returns	No
Bottesford RHWS	Leicestershire county council	23.987	EA Returns	No
Bruntingthorpe Airfield	C. Walton	32	EA Returns	No
Bruntingthorpe Proving Ground	G J D Services	486	EA Returns	No
Coalville RHWS	Leicestershire county council	175.86	EA Returns	No
Dave Lount Cars, Enderby	Mr D Lount, Mr G D Lount & Mrs C Lount	112	EA Returns	No
De-pack Ltd, Burton-On-The-Wolds	De-pack Ltd	2293.817	EA Returns	No
Direct Car Spares Ltd, Coalville	Direct Car Spares Ltd	334.98	EA Returns	No
E W Middletons	Peter & Jane Middleton	584.3	EA Returns	No
Enderby Metals, Enderby	John & Dean Anthony Rainbow	103.165	EA Returns	No
Flying Spares Ltd, Market Bosworth	Flying Spares Ltd	150	EA Returns	No
G C Stevens & Son, Somerby	Mark John Stevens & Gordon Charles Stevens	683.12	EA Returns	No
Glenfield Motor Spares Ltd, Loughborough	Glenfield Motor Spares Ltd	3468.9	EA Returns	No
J M Car Breakers, Glen Parva	J M Car Breakers Ltd	259.9	EA Returns	No

Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permssion
Kibworth RHWS	Leicestershire county council	75.131	EA Returns	No
Loughborough RHWS	Leicestershire county council	104.783	EA Returns	No
Lount RHWS	Leicestershire county council	81.389	EA Returns	No
Lutterworth RHWS	Leicestershire county council	60.88	EA Returns	No
Market Harborough	Edelchemie (U K) Ltd	213.51	EA Returns	No
Market Harborough RHWS	Leicestershire county council	91.344	EA Returns	No
Marquis Court, Moira	1st Class Hygiene	31.884	EA Returns	No
Melton RHWS	Leicestershire county council	104.09	EA Returns	No
Mill Top Farm, Melton Spinney, Road, Melton Mowbray	Mr Harry Lambert & Mrs Jennifer Lambert	8	EA Returns	No
Mountsorrel RHWS	Leicestershire county council	259.71	EA Returns	No
National Refrigerants Ltd Hinckley	National Refrigerants Ltd	140.89	EA Returns	No
Oadby RHWS	Leicestershire county council	128.79	EA Returns	No
R & Z Transport Ltd, Loughborough	R & Z Transport Ltd	674.5	EA Returns	No
Shepshed RHWS	Leicestershire county council	86.051	EA Returns	No
Silverdell U K Ltd, Manners Road, LE2 8ET	Silverdell U K Ltd	199.32	EA Returns	No

Site	Operator	Operational Capacity (tonnes per annum)	Source	Temporary Permssion
Somerby RHWS	Leicestershire county council	12.444	EA Returns	No
The B M Shop	My B M Shop Ltd	78	EA Returns	No
Wanlip Plant Site, A46, Syston	Mr Winterton	47.46	EA Returns	No
ENVA	ENVA	933.12	EA Returns	No
Whetstone RHWS	Leicestershire county council	284.84	EA Returns	No
<b>Total Capacity</b>		<b>13,881.385</b>		
<b>Transfer Operations</b>				
Ark Environmental Services, Thurmaston, LE4 8EW	Ark Environmental Services Ltd	377.633	EA Returns	No
Cannon Hygiene, Thurmaston, Leicester	Cannon Hygiene Ltd	145.17	EA Returns	No
Coalville Waste Transfer Station	North West Leicestershire District Council	937.61	EA Returns	No
Fisher Scientific U K Limited, Loughborough	Fisher Scientific U K Limited	174.57	EA Returns	No
Hinckley Hazardous Waste Transfer Station	Augean Treatment Ltd	4418.3	EA Returns	No
Labwaste, Hinckley	Labwaste	2033.8	EA Returns	No
Leicester Site, Meridian Business Park, Thorpe Astley	O C S Group U K Limited	198.22	EA Returns	No
Stowlin Ltd, Radnor Rd, Wigston Magna	Stowlin Ltd	10.86	EA Returns	No
<b>Total Capacity</b>		<b>8,296.163</b>		

## Appendix 2: Remaining Landfill Capacity in Leicestershire

Table 21: Remaining Capacity in Leicestershire Landfills at end of 2020

Facility Name	Facility Address	EA Area	Former Planning Region	Former Planning Sub Region	Local Authority	Site Type	Remaining Capacity end 2020 (cubic metres)
Huncote Quarry	Huncote Quarry, Forest Road, Huncote, LE9 3LE	Derbys Notts and Leics	East Midlands	Leicestershire	Blaby	L05 - Inert Landfill	0
Husbands Bosworth Landfill Site	Welford Road, Husbands Bosworth LE17 6JH	Lincs and Northants	East Midlands	Leicestershire	Harborough	L05 - Inert Landfill	21,019
Lockington Quarry Landfill Site	Lockington Quarry, Warren Lane, Lockington DE74 2RG	Derbys Notts and Leics	East Midlands	Leicestershire	North West Leicestershire	L05 - Inert Landfill	35,933
Slip Inn Quarry	Slip Inn Quarry, Leicester Road, Lutterworth LE17 4LT	Derbys Notts and Leics	East Midlands	Leicestershire	Harborough	L05 - Inert Landfill	0
Ellistown Quarry Inert Landfill	Ellistown Quarry Inert Landfill, Ellistown Terrace Road, Ellistown, LE67 1ET	Staffs Warks and West Mids	East Midlands	Leicestershire	North West Leicestershire	L05 - Inert Landfill	289,074
Brooksby Quarry	Brooksby Quarry, Melton Road, Brooksby, Melton Mowbray, LE14 2LJ	Derbys Notts and Leics	East Midlands	Leicestershire	Melton	L05 - Inert Landfill	256,428
Barrow Hill Quarry	Barrow Hill Quarry, Mill Lane, Earl Shilton, LE9 7AW	Derbys Notts and Leics	East Midlands	Leicestershire	Hinckley and Bosworth	L05 - Inert Landfill	52,000

Facility Name	Facility Address	EA Area	Former Planning Region	Former Planning Sub Region	Local Authority	Site Type	Remaining Capacity end 2020 (cubic metres)
Leicester Quarry Inert Landfill	Ibstock Plc, Leicester Road, Ibstock, LE67 6HS,	Staffs Warks and West Mids	West Midlands	Leicestershire	North West Leicestershire	L05 - Inert Landfill	12,000,000
New Albion Landfill Site	Occupation Road, Spring Cottage, Albert Village, Swadlincote DE11 8HA	Staffs Warks and West Mids	East Midlands	Leicestershire	North West Leicestershire	L04 - Non Hazardous	0
Cotesbach Landfill	Cotesbach Landfill, Gibbet Lane, Shawell, Lutterworth LE17 6AA	Staffs Warks and West Mids	East Midlands	Leicestershire	Harborough	L02 - Non Hazardous Landfill with SNRHW cell	9,708,837
Bradgate Landfill Site	Leicester Road, Field Head, LE67 9RH	Derbys Notts and Leics	East Midlands	Leicestershire	Hinckley and Bosworth	L04 - Non Hazardous	0
Welby Tip	Holwell Works, Welby Road, Asfordby Hill LE14 3RE	Derbys Notts and Leics	East Midlands	Leicestershire	Melton	L04 - Non Hazardous	22,943

Source: Environment Agency data (2021)



### Appendix 3: LACW in Leicestershire by management for period Oct 2019 to end 2020

Table 22: LACW received in Leicestershire by management method (LCC data)

Sum of Nett.	Column Labels						
Row Labels	Composting	Incineration	Landfill	Recycling	Reuse	Treatment	Grand Total
Barwell RHWS	654.86		1233.73339	1015.462	9.171	1454.582272	4367.808662
Blaby District Council	8604.27	10833.30093	13977.46054	12198.4166	2.1295	941.4742223	46557.0518
Bottesford RHWS	172.26		49.67168961	148.684	2.96	120.0499999	493.6256895
Charnwood Borough Council	12726.18	23446.97548	19531.01732	22919.55219	3.169	1463.399	80090.29298
Coalville RHWS	299.18		372.065805	873.058	11.986	839.1909752	2395.48078
Harborough District Council	9235.9	1828.501957	25066.04604	13618.53	147.481	1128.628454	51025.08745
Hinckley & Bosworth Borough Council	11233.08	21898.92691	10848.47372	14294.251	4.742	1180.263	59459.73663
Kibworth RHWS	487		914.0340926	476.426	7.276	431.3899429	2316.126036
Loughborough RHWS	368.94		402.465654	640.646	4.876	540.1260155	1957.05367
Lount RHWS	511.26		333.8110364	871.617	4.388	846.6141946	2567.690231
Lutterworth RHWS	259.9		444.38	377.593	7.706	368.802797	1458.381797
Market Harborough RHWS	601.44		878.6732916	613.341	36.308	787.6008521	2917.363144
Melton Borough Council	4740.01	6303.02667	8015.44933	6889.918	3.01	1299.217	27250.631
Melton RHWS	666.96		223.2798898	568.979	3.534	781.4321585	2244.185048
Mountsorrel RHWS	1190.76		580.9588311	1103.574	2.7	1522.599957	4400.592788
North West Leicestershire	10967.12	20655.42588	11724.40235	18725.6977	1.7115	1507.03	63581.38743
Oadby & Wigston Borough Council	4396.62	5567.059174	6856.724693	6266.835	3.49	372.8673241	23463.59619
Oadby RHWS	1086.63		1180.602803	702.342	8.18	1081.074446	4058.829249
RHWS			196.48				196.48
Shepshed RHWS	261.36		156.3146683	358.315	2.382	442.9843478	1221.356016
Somerby RHWS	56.18		24.85884856	68.669	0.433	64.0520414	214.19289
Whetstone RHWS	1670		10509.54	1345.918	11.76	3135.26	16672.478
<b>Grand Total</b>	<b>70189.91</b>	<b>90533.217</b>	<b>113520.444</b>	<b>104077.8245</b>	<b>279.393</b>	<b>20308.639</b>	<b>398909.4275</b>

## Appendix 4: Applications determined in the monitoring period 2019-21

Table 23: Applications determined in the monitoring period

Reference	Location	Proposal	Refused/Granted
2020/VOCM/0195/LCC	Former Enderby Warren Landfill Site, Warren Park Way, Enderby, LE19 4AL	Variation of condition 2 of planning permission 1997/0785/01 to amend the existing site layout in order to allow the installation of containerised control equipment and a replacement gas flare unit in the existing electricity generation compound	Granted. In line with W7 and DM2.
2020/VOCM/0173/LCC	Husbands Bosworth Quarry, Welford Road, Husbands Bosworth, LE17 6JH	Variation of condition 3 of planning permission 2010/0798/03 in order to allow restoration works to be completed by 31 October 2021	Granted. In line with DM1; DM2; DM5; DM6; DM10; DM12
2020/VOCM/0156/LCC	Donington Island, Spring Cottage Road, OVERSEAL, DN12 6NA	Section 73 Application to vary Conditions 3 and 30 of Planning Permission 2017/1226/07 for an extension of time to delay restoration and submission of a detailed restoration scheme by 12 months	Granted. In line with M6; DM2; DM5; DM12
2020/VOCM/0150/LCC	Acresford Sand & Gravel, Forest Road, Huncote, LE9 3LE	Application for the Variation of Conditions 3 and 6 of Planning Permission 2017/0076/01 2017/VOC/0017/LCC) to extend the time period for the completion of the final restoration by 31st December 2021.	Granted. No conflict with DM5; DM10; DM12
2020/VOCM/0120/LCC	Manor Farm, Sharnford Road, Aston Flamville. LE10 3AW	Variation of Condition 11 of 2008/0653/01 to allow sale of the final composted product	Granted. In line with W6; DM1

Reference	Location	Proposal	Refused/Granted
2020/VOCM/0084/LCC	Mountsorrel Quarry, Loughborough Road, Mountsorrel, Leicestershire. LE12 8GE	Section 73 application to vary conditions 3, 18 and 19 of Planning Permission 2019/1739/02 (to amend approved plans to facilitate development of a recovery stockpile and scalping screen) at Mountsorrel Quarry	Granted. Accords with DM1; DM2; DM5; DM11.
2020/VOCM/0071/LCC	Slip Inn Quarry, Leicester Road, Leicester Road. LE17 4LT	s73A: Variation of Condition 2 of Planning Permission reference 2004/0269/03 to allow cessation of infilling operations and restoration of the site to be extended from 30th September 2019 to 31st December 2020 and s73: Submission of Final Restoration Scheme under Condition 65 of Planning Permission reference 2004/0269/03	Granted. In accordance with DM2; DM5; DM12
2020/Reg3Mi/0052/LCC	Bottesford Recycling and Household Waste Site, Normanton Lane, Bottesford, NG13 0EL	Refurbishment and reworking of an existing waste and household recycling site	Granted. Accords with DM5; DM8; W4; W5.
2020/Reg3Ma/0111/LCC	Part Plot 6, Interlink Way South, Bardon Industrial Estate, Bardon Hill, Leicestershire. LE67 1PG.	Development of a Waste Transfer Station including waste building, external bays with canopy, ancillary office and welfare accommodation, car parking and access, plant room and sprinkler tanks, 2nr weighbridges, photovoltaic roof panels, external lighting and CCTV, hard and soft landscaping, and associated infrastructure	Granted. In line with Plan, especially W3; W5; DM1. Compatible with strategic and locational policies.

Reference	Location	Proposal	Refused/Granted
		and engineering works.	
2020/CM/0102/LCC	Bottesford Sewage Treatment Works, Bottesford, Nottingham, NG13 0FL	Installation of 1 No. MCC kiosk	Granted. In line with DM5
2020/CM/0078/LCC	Severn Trent Sewage Pumping Station - Desford Road, Desford, LE9 9JD	Construction of a lay-by on the Public Highway and a new control cabinet as well as other updated Health and Safety Improvements	Granted. In accordance with DM5; DM9
2020/CM/0045/LCC	Land and Buildings, Gibbet Lane, Shawell. LE17 6AA	Change of use from Mechanical Biological Treatment (MBT) facility to a Material Recovery Facility (MRF); increase of waste throughput to 150,000 tonnes per annum; revision to operating hours and minor ancillary revisions to site infrastructure	Refused on locational policies of LMWLP. W3 – strategic.
2020/VOCM/0017/LCC	Granite Way, Mountsorrel, LE12 7AH	Variation of condition 3 of planning permission 2016/1659/02 (2016/CM/0182/LCC) to allow a maximum throughput of waste of 110,000 tonnes per annum (from 50,000 tonnes per annum)	Refused. Fails locational policies and unacceptable amenity impacts. W3; DM2; DM11.
2019/VOCM/0283/LCC	Former Minorca Surface Mine, Bosworth Road, Measham	Application to vary conditions attached to planning permission 2013/0986/07 and the associated s106 Agreement at the former Minorca Surface Mine, Bosworth Road, Swepstone	Granted. Supported by LMWLP; DM7 and DM12 particularly.
2019/VOCM/0265/LCC	Naneby Hall Farm, Cadeby Quarry, Brascote Lane,	To allow continuity of production at an important mineral extraction site within the	Granted. Supported by LMWLP;

Reference	Location	Proposal	Refused/Granted
	Cadeby. CV13 0BB	county	M2 and DM12 particularly
2019/VOCM/0253/LCC	Bardon Hill	Driveway	In line with DM3; DM5 and DM7; DM8; DM9 and DM12
2019/VOCM/0241/LCC	Lockington	Variation of conditions 5 and 57 of Planning Permission No. 2007/1361/07. Variation of the approved restoration scheme to provide an improved layout of agricultural and nature conservation areas; to reflect the updated position in terms of public rights of way; to incorporate existing crossing points over drainage ditches at the application site; and to take account of the east midlands gateway development which extends into the application site and supersedes the approved restoration in those areas.	In line with DM5; DM10; DM12 especially
2019/VOCM/0185/LCC	Mountsorrel	Section 73 planning application to vary conditions 3, 20 and 54 of planning permission 2019/0788/02 (to vary an approved plan, amend the layout of the approved Phase 1 Office and Workshop area, and to retain the monitoring compound for a further 5 years	Granted. In line with DM1; DM2; DM5; DM11
2019/VOCEIA/0292/LCC	Newhurst Quarry, Ashby Road East, Shepshed, LE12 9BU	S73 planning application to vary condition 2 of planning permission no. 2014/1440/02 to accommodate proposed changes to the design of the plant including materials used in the construction and the external	Granted. In accordance with W1; W7 and DM1. Also DM2; DM5; DM12.

Reference	Location	Proposal	Refused/Granted
		appearance of the plant; the removal of the IBA maturation area and relocation of the car park into the IBA area; rearrangement of external ancillary equipment and internal site roadways	
2019/CM/0267/LCC	Shawell Quarry, Gibbet Lane, Shawell. LE17 6AA	Extension of sand and gravel working with restoration to agriculture	Granted. In line with M1; M2; DM2; DM12
2019/CM/0235/LCC	Bottesford Sewage Treatment Works, Normanton Lane, Nottingham, Leicestershire, NG13 0EL	MCC kiosk	Granted. In line with DM1; DM5; DM11; DM2
2019/CM/0184/LCC	The Old Piggery, Forest Road, Huncote, LE9 3LE	Inert waste operations at the Mole Groundworks site alongside their current operations there. The inert waste operations will be in South West of the site and only cover a small area.	Granted. In line with W1; W4; W5; DM2 and DM9
2019/CM/0113/LCC	Ibstock Brick Ltd, Leicester Road, Ibstock, LE67 6HS	Revised restoration of quarry workings utilising the importation of suitable inert material to achieve a beneficial afteruse of the site	Granted. Accords with W1; W4; W5; W8; DM11.
2019/CM/0104/LCC	Watling Street, Burbage, LE10 3AR (Hinckley and Bosworth Borough)	Erection of warehouse unit to be used for waste transfer purposes	Refused. Conflict with W4 and DM1. Not been demonstrated that: it is necessary to locate the facility in this more dispersed location; there is an overriding need for the development; and this need cannot be met in the

Reference	Location	Proposal	Refused/Granted
			preferred locations.
2019/CM/0066/LCC	Green's Lodge Farm, Melton Mowbray, Pickwell, LE14 2QN	The proposed development is for an anaerobic digestion plant with associated infrastructure and an access road	Refused. Conflict with W5; W6; DM8. Appealed and appeal dismissed 15 December 2020.
2018/VOCM/0252/LCC	British Gypsum, Barrow Works, Paudy Lane, Seagrave, Leicestershire, LE12 8GB	Variation of conditions 8 & 10 of planning permission 2001/2001/2 to increase imports of high-grade gypsum and reduce the permitted hours of importation	Refused. Contrary to DM1; DM11.
2018/VOCM/0251/LCC	British Gypsum, Barrow Works, Paudy Lane, Seagrave, Leicestershire, LE12 8GB	Variation of condition 10 of planning permission 87/1467/2 to change product delivery times	Refused. Contrary to DM1; DM11.
2018/CM/0147/LCC	Land east of the A5, Shawell Quarry, Shawell, Leicestershire	Extension of sand and gravel working with restoration to agriculture	Granted. In accordance with M1 and M2 allocation, but determined against old Core Strategy policies. Decision Notice 17th December 2019.
2017/CM/0237/LCC	Redland Roof Tiles, Gibbet Lane, Shawell, LE17 6AB	Extension of the period for the operation of the Shawell roof tile works to 31st December 2030 or one year after the permanent cessation of sand and gravel production at the adjacent Shawell Quarry processing plant, whichever is sooner	Granted. Meets terms of M11; M13; DM1; DM2; DM5; DM9. Decision Notice issued 18 October 2019.
2018/CM/0123/LCC	Brooksby Quarry	Southern extension of sand and gravel working and restoration using site derived and imported inert material returning the	Granted. Whilst DCRB committee was in May 2019 (outside period), Decision Notice

Reference	Location	Proposal	Refused/Granted
		land to a combination of agriculture, open water and nature conservation	October 2019. Mainly previous saved policies, but in line with M1 and M2. Also W1 and W8.

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## Appendix 5: Applications determined after the AMR monitoring period 2019-21

Table 24: Applications determined in the monitoring period 1 April 2021 to 31 March 2022

Reference	Location	Proposal	Refused/Granted
2021/CM/0108/LCC	Bakers Waste, Workshop, Granite Close, Enderby, LE19 4AE	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	Granted. Accords with: W4: W5: DM1; DM2; DM5; DM9; DM11. Supports aims of W7
2021/VOCM/0007/LCC	Bardon Hill Quarry, Aggregate Industries Uk Limited, Bardon Road, Coalville, LE67 1TL	Amend condition 3a of permission ref:2019/2176/07 to extend the duration of use of widened carriageway by a year due to delay in quarry construction period by a year	Granted. In accordance with DM5; DM8; DM12
2021/VOCM/0005/LCC	Bardon Hill Quarry, Aggregate Industries Uk Limited, Bardon Road, Coalville, LE67 1TL	Variation of condition 2, 4 and 9 of planning permission 2017/0263/07 to amend the restoration of the temporary concrete batching plant to the rear of Kellam's Farm Bardon Hill Quarry, Leicestershire	Granted. In accordance with DM5; DM8; DM12. Not strictly in accordance with all aspects of DM12 but technical reasoning sufficient justification
2020/VOCM/0145/LCC	Bardon Hill Quarry, Aggregate Industries Uk Limited, Bardon Road, Coalville, LE67 1TL	Application for the Recycling and Importation, Processing, Storage and Sale of Inert Materials to Supplement Primary Aggregate at Bardon Hill Quarry	Granted. In line with: M11: M12; W4; W5: W8; DM1; DM2: DM5; DM7; DM8; DM9; DM11; DM12
2019/CM/0293/LCC	Pinnacle House, Breedon Quarry, Main Street, Breedon	Demolition of existing 1.5 storey office, construction of new 2 storey office, external works to provide new car parking	Granted in accordance with: DM1; DM2; DM5; DM8; DM10

Reference	Location	Proposal	Refused/Granted
	On The Hill. DE73 8AP	and renovation and restoration works to existing building	
	Burton on the Wolds STW	MCC	
2021/CM/0177/LCC	Cloud Hill Quarry	Variation of conditions 16, 17, 18, 19, 20 & 27 of planning permission 2012/0157/07 allowing for an increase in asphalt production on site from 300,000 tonnes per annum (tpa) to 450,000 tpa and allow for 24/7 working apart from bank holidays	Granted in accordance with: M13; DM1; DM2; DM7; DM9; DM11; DM12
2019/CM/0125/LCC	Croft Quarry, Coventry Road, Croft, LE9 3GP	Proposed lateral extension to the mineral extraction area within Croft Quarry, retention of access and ancillary development and reclamation via the importation of restoration material	Granted in accordance with: M4; M13; W1; W3; W5; W8; DM1; DM2; DM3; DM5; DM6; DM7; DM8; DM9; DM10; DM11; DM12
2020/VOCM/0172/LCC	Former Minorca Surface Mine, Bosworth Road, Measham	Application to vary conditions of planning permission Ref. 2019/2456/07 to enable alterations to restoration scheme	Granted. Accords with: DM1; DM2; DM3; DM5; DM6; DM7; DM8; DM10; DM11; DM12
2019/CM/0112/LCC	Greenfeeds Ltd, Church Farm, Normanton, NG13 0EP	Use of land for the storage of plant and machinery, trailers and skips associated with and ancillary to the authorised use of the wider site for the manufacture of saleable animal feed product comprising the receipt of discarded packaged and bulked foodstuffs and liquids originally intended for human consumption and their subsequent storage, processing and onward distribution (off-site), together with	Granted. Accords with W4; W5; DM1; DM2; DM5; DM11

Reference	Location	Proposal	Refused/Granted
		ancillary storage of materials (including waste packaging), plant and equipment, vehicle parking and office use)	
2021/VOCM/0183/LCC	Greens Lodge Farm, Forest Road, Huncote, LE9 3LE	Section 73 Application to vary Conditions 3 and 30 of Planning Permission 2017/1226/07 for an extension of time to delay restoration and submission of a detailed restoration scheme by 12 months	Granted. In line with W4; W5; W6; W9; DM2; DM9
2021/VOCM/0096/LCC	Husbands Bosworth Quarry	Variation of condition restoration	Granted in accordance with: DM1; DM2; DM5; DM6; DM10; DM12
2021/CM/0112/LCC	Husbands Bosworth Quarry	Continued use of aggregate bagging plant facility	Refused. Contrary to DM1; DM5; DM9 and M13.
2021/CM/0168/LCC	Ibstock STW	Installation of 1 No. Motor Control Centre (MCC) Kiosk at Ibstock Sewage Treatment Works	Granted compliant with W4; W5; DM1; DM2; DM5
2021/Reg3Ma/0078/LCC	Kibworth Recycling & Household Site, Harborough Road, Kibworth Beauchamp, LE8 0EX	Redevelopment of the existing recycling and household waste site (RHWS) comprising of an RHWS, external bulking bay area and canopied area, ancillary office and welfare accommodation, staff parking, weighbridge, access, hard and soft landscaping, associated infrastructure and engineering works	Granted in accordance with: W1; W9; DM1; DM2; DM5; DM9; DM11. W9 only partially relevant and no conflict in any event.
2021/0149/LCC	Market Bosworth STW	Dosing kiosk	Granted in accordance with DM1; DM2; DM5; DM7; DM8;

Reference	Location	Proposal	Refused/Granted
			DM9; DM11
2021/VOCM/0051/LCC	Mountsorrel Quarry	Section 73 Application to Vary Conditions 5 And 35 Of Planning Permission 2020/1655/02 To Allow Vehicle Maintenance And Storage Facilities Within The Approved Broad Hill Lorry Park	Granted in accordance with DM1; DM2; DM5; DM11
2021/VOCM/0046/LCC	Mountsorrel Quarry	Section 73 Application to Vary Conditions 5 And 20 of Planning Permission 2020/1655/02 to Facilitate Revisions to the Approved Layout and Position of the Primary Crusher	Granted in accordance with DM1; DM2; DM5; DM11
2020/CM/0044/LCC	Plot B, Old Dalby Business Park, Station Road, Old Dalby, Melton Mowbray, LE14 3NJ	Proposed inert-waste recycling facility with associated works, alongside existing operations	Refused. No conflict with W5; conflict with W4; not broad location or major growth area; contrary to DM2; proximity to extant new housing. Noise especially unacceptable. Insufficient mitigation for noise and dust.
2021/VOCM/0062/LCC	Shawell Tile Works, Gibbet Lane, Shawell. LE17 6AB	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	Refused. In particular non-compliance with M13, DM1, DM2, DM9, DM11, and DM12

Reference	Location	Proposal	Refused/Granted
		cessation of operations at the processing plant of the adjacent Cotesbach-Shawell Quarry processing plant.	
2021/CM/0145/LCC	Worthington STW	Installation of 1 No. Motor Control Centre Kiosk (MCC) and 1 No. Tertiary Solids Removal Kiosk	Granted.

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## Appendix 6: PAS Toolkit Part 1

### PAS LOCAL PLAN ROUTE MAPPER TOOLKIT PART 1: LOCAL PLAN REVIEW ASSESSMENT

#### Why you should use this part of the toolkit

The following matrix will assist you in undertaking a review of policies within your plan to assess whether they need updating.

The matrix is intended to supplement the [National Planning Policy Framework](#) (NPPF) (paragraph 33 in particular) and the associated [National Planning Practice Guidance](#) on the review of policies within the plan. Completing the matrix will help you understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether or not the policy / policies in the plan continue to be effective in addressing the specific local issues that are identified the plan. This in turn will then help you to focus on whether and to what extent, an update of your policies is required. We would recommend that you undertake this assessment even if your adopted local plan already contains a trigger for review which has already resulted in you knowing that it needs to be updated. This is because there may be other policies within the plan which should be, or would benefit from, being updated.

This part of the toolkit deals only with local plan review. Part 2 of the toolkit sets out the content requirements for a local plan as set out in the NPPF. Part 3 of the toolkit outlines the process requirements for plan preparation set out in legislation and the NPPF. Soundness and Plan Quality issues are dealt with in Part 4 of the toolkit.

## How to use this part of the toolkit

Before using this assessment tool it is important that you first consider your existing plan against the key requirements for the content of local plans which are included in the [Planning and Compulsory Purchase Act 2004 \(as amended\)](#); [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#) and the most up to date [NPPF](#), [PPG](#), Written Ministerial Statements and the [National Model Design Code](#). To help you with this **Part 2 of the toolkit** provides a checklist which sets out the principal requirements for the content and form of local plans against the relevant paragraphs of the [NPPF](#). Completing **Part 2 of the toolkit** will help you determine the extent to which your current plan does or does not accord with relevant key requirements in national policy. This will assist you in completing question 1 in the assessment matrix provided below, and in deciding whether or not you need to update policies in your plan, and to what extent.

To use the matrix, consider each of the statements listed in the “requirements to consider” column against the content of your current plan. You will need to take into consideration policies in all development plan documents that make up your development plan, including any ‘made’ neighbourhood plans and/ or any adopted or emerging Strategic Development Strategy. For each statement decide whether you:

- Disagree (on the basis that your plan does not meet the requirement at all);
- Agree (on the basis that you are confident that your current plan will meet the requirement)

Some prompts are included to help you think through the issues and support your assessment. You may wish to add to these reflecting on your own context.

Complete all sections of the matrix as objectively and fully as possible. Provide justification for your conclusions with reference to relevant sources of evidence where appropriate. You will need an up to date Authority Monitoring Report, your latest Housing Delivery Test results, 5 year housing land supply position, any local design guides or codes and the latest standard methodology housing needs information. You may also need to rely on or update other

sources of evidence but take a proportionate approach to this. It should be noted that any decision not to update any policies in your local plan will need to be clearly evidenced and justified.

## How to use the results of this part of the toolkit

The completed assessment can also be used as the basis for, or as evidence to support, any formal decision of the council in accordance with its constitution or in the case of, for example, Joint Planning Committees, the relevant Terms of Reference in relation to the approach to formal decision-making, as to why an update to the local plan is or is not being pursued. This accords with national guidance and supports the principle of openness and transparency of decision making by public bodies.



	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A	<b>PLAN REVIEW FACTORS</b>		
A1.	<p>The plan policies still reflect current national planning policy requirements.</p> <p><b>PROMPT:</b></p> <p>As set out above in the introductory text, in providing your answer to this statement consider if the policies in your plan still meet the 'content' requirements of the current NPPF, PPG, Written Ministerial Statements and the National Model Design Code (completing Part 2 of the toolkit will help you determine the extent to which the policies in your plan accord with relevant key requirements in national policy).</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence):</b></p> <p>The LMWLP has been found to be up to date and still reflects current national planning policy requirements. It is a positive for example that the LMWLP already talks about biodiversity net gain.</p> <p>The policy assessments in the main Review report compare and contrast the 2021 NPPF with the 2012 NPPF used for the LMWLP – this has also been done through Toolkit 2 and the Review report process.</p> <p>Whilst it is acknowledged that a new NPPF and national Development Management Policies document are on the horizon following initial deposit of the Levelling up and Regeneration Bill (LURB) in parliament, there is no definitive timescale for these and there may be changes in implementation. Therefore, the LMWLP can only be assessed against the current NPPF; NPPG; Written Ministerial Statements and legislation.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A2.	<p>There has not been a <u>significant</u> change in local housing need numbers from that specified in your plan (accepting there will be some degree of flux).</p> <p><b>PROMPT:</b></p> <p>Look at whether your local housing need figure, using the standard methodology as a starting point, has gone up significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan).</p> <p>Consider whether your local housing need figure has gone down significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan). You will need to consider if there is robust evidence to demonstrate that your current housing requirement is deliverable in terms of market capacity or if it supports, for example, growth strategies such as Housing Deals, new strategic infrastructure investment or formal agreements to meet unmet need from neighbouring authority areas.</p>	N/A	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>Not directly relevant to LMWLP. There is evidence that there will be a 35% uplift in housing numbers across Leicestershire. Whilst not directly provided for by the LMWLP, this could potentially have an effect upon the need for mineral; potential effect on spatial distribution of development (especially waste also).</p> <p>Leicester City have unmet need which is being re-distributed to the Districts. This will be tested through their Local Plan processes and therefore could still change. Therefore, spatial distribution currently cannot be quantified.</p> <p>The correlation between minerals extraction and housing completions has always been difficult to assess, as discussed in LAAs.</p> <p>In the current LMWLP, minerals demand is projected forward based on previous sales. Local Aggregate Assessments (LAAs) show that there is no need to change this approach.</p> <p>See conclusions on housing uplift work in main Review report.</p>

	<b>Matters to consider</b>	<b>Agree / Disagree</b>	<b>Extent to which the local plan meets this requirement</b>
<b>A3.</b>	<p><b>You have a 5-year supply of housing land</b></p> <p><b>PROMPT:</b></p> <p>Review your 5-year housing land supply in accordance with national guidance including planning practice guidance and the Housing Delivery Test measurement rule book</p>	N/A	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>Not directly relevant to LMWLP.</p>
<b>A4.</b>	<p><b>You are meeting housing delivery targets</b></p> <p><b>PROMPT:</b></p> <p>Use the results of your most recent Housing Delivery Test, and if possible, try and forecast the outcome of future Housing Delivery Test findings. Consider whether these have/are likely to trigger the requirement for the development of an action plan or trigger the presumption in favour of sustainable development. Consider the reasons for this and whether you need to review the site allocations that your plan is reliant upon. In doing so you need to make a judgement as to whether updating your local plan will support delivery or whether there are other actions needed which are not dependent on changes to the local plan.</p>	N/A	<p>Not directly relevant to LMWLP. Again, however, this is something which is affecting the districts and will lead to the need for consideration of spatial strategy.</p>

	<b>Matters to consider</b>	<b>Agree / Disagree</b>	<b>Extent to which the local plan meets this requirement</b>
<b>A5.</b>	<p><b>Your plan policies are on track to deliver other plan objectives including any (i) affordable housing targets including requirements for First Homes; and (ii) commercial floorspace/jobs targets over the remaining plan period.</b></p> <p><b>PROMPT:</b></p> <p>Use (or update) your Authority Monitoring Report to assess delivery.</p>	N/A	Not directly relevant to LMWLP. Evidence in AMR shows Plan objectives being achieved.
<b>A6.</b>	<p><b>There have been no significant changes in economic conditions which could challenge the delivery of the Plan, including the policy requirements within it.</b></p> <p><b>PROMPT:</b></p> <p>A key employer has shut down or relocated out of the area.</p> <p>Unforeseen events (for example the Covid-19 Pandemic) are impacting upon the delivery of the plan.</p> <p>Up-to-date evidence suggests that jobs growth is likely to be significantly more or less than is currently being planned for.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>As evidenced above, and in the main Review report, there have been changes to the economy and various changes to economic conditions. This is outlined in the baseline section of the main Review report.</p> <p>Employment and housing questions here are not directly relevant to the LMWLP.</p> <p>There have been a number of unforeseen events since the adoption of the Plan. These include the ongoing and uncertain effects of Brexit; the Covid-19 pandemic and its recovery; the Ukraine war; and the recent economic uncertainty and cost-of-living crisis.</p>

	<b>Matters to consider</b>	<b>Agree / Disagree</b>	<b>Extent to which the local plan meets this requirement</b>
	<p>Consider if there is any evidence suggesting that large employment allocations will no longer be required or are no longer likely to be delivered.</p> <p>You will need to consider whether such events impact on assumptions in your adopted local plan which have led to a higher housing requirement than your local housing need assessment indicates.</p> <p>Consider what the consequences could be for your local plan objectives such as the balance of in and out commuting and the resultant impact on proposed transport infrastructure provision (both capacity and viability), air quality or climate change considerations.</p>		<p>Whilst there have been many unforeseen events since the adoption of the LMWLP, the conclusion is that the Plan has flexibility to deal with these.</p>

	<b>Matters to consider</b>	<b>Agree / Disagree</b>	<b>Extent to which the local plan meets this requirement</b>
A7.	<p><b>There have been no significant changes affecting viability of planned development.</b></p> <p><b>PROMPT:</b></p> <p>You may wish to look at the Building Cost Information Service (BCIS) All-in Tender Price Index, used for the indexation of Community Infrastructure Levy (CIL), or other relevant indices to get a sense of market changes.</p> <p>Consider evidence from recent planning decisions and appeal decisions to determine whether planning policy requirements, including affordable housing, are generally deliverable.</p> <p>Ongoing consultation and engagement with the development industry may highlight any significant challenges to delivery arising from changes in the economic climate.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>The AMR 2019-21 and Review report itself include reference to the effects of covid and the post-covid recovery as well as other changes in the baseline since the adoption of the LMWLP and evidence that the LMWLP is continuing to deliver minerals and waste development.</p> <p>Covid has affected all industries and individuals in some ways and whilst delivery of affordable housing is not directly relevant to the LMWLP, the effects of covid on the economy and upon minerals and waste industries (and production levels of both waste and mineral) are very relevant.</p> <p>Levels of waste and the composition of the waste have been affected by covid, but this has not affected viability of planned development per se.</p> <p>A mechanism for mineral need already exists in the form of the Managed Aggregate Supply System (MASS) and the production of Local Aggregate Assessments and participation in the Aggregate Working Party (AWP).</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A8.	<p>Key site allocations are delivering, or on course to deliver, in accordance the local plan policies meaning that the delivery of the spatial strategy is not at risk.</p> <p><b>PROMPT:</b></p> <p>Identify which sites are central to the delivery of your spatial strategy. Consider if there is evidence to suggest that lack of progress on these sites (individually or collectively) may prejudice the delivery of housing numbers, key infrastructure or other spatial priorities. Sites may be deemed to be key by virtue of their scale, location or type in addition to the role that may have in delivering any associated infrastructure.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>There are sites which have not yet been permitted, but these are not central to the spatial strategy of the LMWLP. As set out in the main Review report, it is not considered that the missing of these indicators is a major issue.</p> <p>The delivery of the EFW at Newhurst is also a consideration, as this was stipulated in the LMWLP as delivery by 2021, and is still not operational, although it has been permitted and is on course to be operational in 2023.</p> <p>The conclusion of the main Review report is that the policy landscape for minerals is not preventing development from coming forward.</p> <p>Key site allocations are delivering, or on course to deliver, in accordance with the local plan policies meaning that the delivery of the spatial strategy is not at risk.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A9.	<p>There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.</p> <p><b>PROMPT:</b></p> <p>You may wish to review the indicators or monitoring associated with your Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA).</p> <p>Identify if there have been any changes in Flood Risk Zones, including as a result of assessing the effects of climate change.</p> <p>Consider whether there have been any changes in air quality which has resulted in the designation of an Air Quality Management Area(s) or which would could result in a likely significant effect on a European designated site which could impact on the ability to deliver housing or employment allocations.</p> <p>Consider whether there have been any changes to Zones of Influence / Impact Risk Zones for European sites and Sites of Special Scientific Interest or new issues in relation to, for example, water quality.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>New guidance has emerged from Natural England on river catchment. Nutrient neutrality needs to be taken into account. Since the publication of practice guidance from Natural England, there is now a Written Ministerial Statement and Chief Planner letter about the nutrient neutrality issue (21<sup>st</sup> July 2022). It is suggested that changes will be made to the LURB. Water companies are to improve catchments by 2030. This issue can therefore be scoped out.</p>



	<b>Matters to consider</b>	<b>Agree / Disagree</b>	<b>Extent to which the local plan meets this requirement</b>
	<p>Consider whether there have been any new environmental or heritage designations which could impact on the delivery of housing or employment / jobs requirements / targets.</p> <p>Consider any relevant concerns being raised by statutory consultees in your area in relation to the determination of individual planning applications or planning appeals which may impact upon your plan - either now or in the future.</p>		

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A10.	<p><b>No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.</b></p> <p><b>PROMPT:</b></p> <p>Consider if there have been any new sites that have become available, particularly those within public ownership which, if they were to come forward for development, could have an impact on the spatial strategy or could result in loss of employment and would have a significant effect on the quality of place if no new use were found for them.</p> <p>Consider whether any sites which have now become available within your area or neighbouring areas could contribute towards meeting any previously identified unmet needs.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>Again, this is probably mainly about housing, so is not relevant to the LMWLP. There are other Plans however, which are developing all the time which may have sites which could be used by LCC (Notts EFW a case in point). It is considered that the main Review report in its mention of Duty to Co-operate issues has sufficiently covered this issue. This is not considered an issue that would require any changes to the LMWLP.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A11.	<p><b>Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.</b></p> <p><b>PROMPT:</b></p> <p>You may wish to review your Infrastructure Delivery Plan / Infrastructure Funding Statement, along with any periodic updates, the Capital and Investment programmes of your authority or infrastructure delivery partners and any other tool used to monitor and prioritise the need and delivery of infrastructure to support development.</p> <p>Check if there have been any delays in the delivery of critical infrastructure as a result of other processes such as for the Compulsory Purchase of necessary land.</p> <p>Identify whether any funding announcements or decisions have been made which materially impact upon the delivery of key planned infrastructure, and if so, will this impact upon the delivery of the Local Plan.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>The delivery of the EFW at Newhurst is the main consideration here, as this was stipulated in the LMWLP as delivery by 2021, and is still not operational, although it has been permitted and is on course to be operational in 2023.</p> <p>The delay in delivery is not considered to be a reason to change or update the LMWLP. It is not considered to have major implications for the spatial strategy set out in the plan. The development is on course to be operational by 2023.</p> <p>The AMR 2019-21 and main Review report show that there are no areas of concern.</p>

	<b>Matters to consider</b>	<b>Agree / Disagree</b>	<b>Extent to which the local plan meets this requirement</b>
<b>A12.</b>	<p><b>All policies in the plan are achievable and effective including for the purpose of decision-making.</b></p> <p><b>PROMPT:</b></p> <p>Consider if these are strategic policies or those, such as Development Management policies, which do not necessarily go to the heart of delivering the Plan's strategy.</p> <p>Identify if there has been a significant increase in appeals that have been allowed and /or appeals related to a specific policy area that suggest a policy or policies should be reviewed.</p> <p>Consider whether there has been feedback from Development Management colleagues, members of the planning committee, or applicants that policies cannot be effectively applied and / or understood.</p>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>As evidenced in the main Review report and the AMR 2019-21, the Plan policies are performing well, including at appeal. There have been few appeals since the adoption of the Plan, and these have been dismissed.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A13.	<p>There are no recent or forthcoming changes to another authority's development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.</p> <p><b>PROMPT:</b></p> <p>In making this assessment you may wish to:</p> <ul style="list-style-type: none"> <li>● Review emerging and adopted neighbouring authority development plans and their planning context.</li> <li>● Review any emerging and adopted higher level strategic plans including, where relevant, mayoral/ combined authority Spatial Development Strategies e.g. The London Plan.</li> <li>● Review any relevant neighbourhood plans</li> <li>● Consider whether any of the matters highlighted in statements A1- A12 for their plan may impact on your plan - discuss this with the relevant authorities.</li> <li>● Consider any key topic areas or requests that have arisen through Duty to Cooperate or strategic planning discussions with your neighbours or stakeholders - particularly relating to meeting future development and /or infrastructure needs.</li> </ul>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>This is covered sufficiently in the Review report. The report has considered the Duty to Co-operate and also the issue with the distribution of unmet need from Leicester City. There are no issues.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A14.	<p><b>There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.</b></p> <p><b>PROMPT:</b></p> <p>In making this assessment you may wish to:</p> <ul style="list-style-type: none"> <li>Review any manifesto commitments and review the corporate and business plan.</li> <li>Engage with your senior management team and undertake appropriate engagement with senior politicians in your authority.</li> <li>Consider other plans or strategies being produced across the Council or by partners which may impact on the appropriateness of your current plan and the strategy that underpins it, for instance, Growth Deals, economic growth plans, local industrial strategies produced by the Local Economic Partnership, housing/ regeneration strategies and so on.</li> </ul>	Agree	<p><b>Reason (with reference to plan policies, sections and relevant evidence sources):</b></p> <p>The main Review report considers changes in the baseline. This section picks out the changes since the adoption of the LMWLP at a local, regional, and national level. These are assessed throughout the Policy Assessments.</p> <p>Leicestershire County Council declared a climate emergency in 2019. This was just before the adoption of the LMWLP. The council also has a vision to plant 700,000 trees across Leicestershire – a tree for every person in the county – which will contribute to the council’s ambition to become a Net Zero authority.</p> <p>The main Review report has reviewed the following as particularly relevant:</p> <ul style="list-style-type: none"> <li>Strategic Plan 2022-26</li> <li>Net carbon zero roadmap and action plan 2045</li> <li>Waste and Resources Strategy</li> </ul> <p>It is considered that the LMWLP is sufficiently flexible to continue to deliver</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			these. The Strategic Objectives have been assessed as relevant to these plans and strategies.

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	ASSESSING WHETHER OR NOT TO UPDATE YOUR PLAN POLICIES	YES/NO (please indicate below)	
A15.	You <b>AGREE</b> with <u>all</u> of the statements above	Yes	<p><b>If no</b> go to question A16.</p> <p><b>If yes</b>, you have come to the end of the assessment. However, you must be confident that you are able to demonstrate and fully justify that your existing plan policies / planning position clearly meets the requirements in the statements above and that you have evidence to support your position.</p> <p>Based on the answers you have given above please provide clear explanation and justification in section A17 below of why you have concluded that an update is not necessary including references to evidence or data sources that you have referenced above. Remember you are required to publish the decision not to update your local plan policies. In reaching the conclusion that an update is not necessary the explanation and justification for your decision must be clear, intelligible and able to withstand scrutiny.</p>
A16.	You <b>DISAGREE</b> with one or more of the statements above and the issue can be addressed by an update of local plan policies		<p>If yes, based on the above provide a summary of the key reasons <u>why</u> an update to plan policies is necessary in section A17 below and complete Section B below.</p>



A17.	<p><b>Decision:</b> <del>Update plan policies</del> / No need to update plan policies (delete as necessary)</p> <p><b>Reasons for decision on whether or not to update plan policies (clear evidence and justification will be required where a decision not to update has been reached):</b></p> <p>The main Review report and the AMR 2019-21, Local Aggregate Assessments (LAAs) together with other case specific evidence between April 2021 and March 2022 demonstrate that the LMWLP is performing well and continues to deliver sustainable minerals and waste development. This includes performance at appeal.</p> <p><b>Other actions that may be required in addition to or in place of an update of plan policies</b></p>		
	<b>B. POLICY UPDATE FACTORS</b>	<b>YES/NO (please indicate)</b>	<b>Provide details explaining your answer in the context of your plan / local authority area</b>

		below)	
B1	Your policies update is likely to lead to a material change in the housing requirement which in turn has implications for other plan requirements / the overall evidence base.		
B2	The growth strategy and / or spatial distribution of growth set out in the current plan is not fit for purpose and your policies update is likely to involve a change to this.		
B3	Your policies update is likely to affect more than a single strategic site or one or more strategic policies that will have consequential impacts on other policies of the plan.		
	<b>You have answered yes to one or more questions above.</b>		<b>You are likely to need to undertake a full update of your spatial strategy and strategic policies (and potentially non-strategic policies). Use your responses above to complete Section B4.</b>
	<b>You have said no to <u>all</u> questions (B1 to B3) above</b>		<b>If you are confident that the update can be undertaken without impacting on your spatial strategy and other elements of the Plan, you are likely to only need to undertake a partial update of policies. Complete Section B4 to indicate the specific parts / policies of the plan that are likely to require updating based on the answers you have given above.</b>

<b>B4</b>	<p><b>Decision: Full Update of Plan Policies/ Partial Update of Plan Policies (delete as necessary)</b></p> <p><b>Reasons for scope of review:</b></p>		

<b>Date of assessment:</b>	
<b>Assessed by:</b>	

<b>Checked by:</b>	
<b>Comments:</b>	

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## Appendix 7: PAS Toolkit 2

### PAS LOCAL PLAN ROUTE MAPPER TOOLKIT PART 2: LOCAL PLAN FORM & CONTENT CHECKLIST

#### Why you should use this part of the toolkit

The following table sets out a checklist of the key requirements for the content and form of local plans as set out in the National Planning Policy Framework (NPPF). Guidance to supplement the NPPF is set out within [National Planning Practice Guidance](#), which is regularly updated by the Government. You should review relevant sections of the National Planning Practice Guidance and consider any implications for your policies. You should also be mindful of Written Ministerial Statements which form material considerations in plan-making.

This part of the Toolkit will assist by informing all plan making stages, including any visioning and scoping exercises seeking to ascertain what the plan should cover. It should be applied before consultation or publication of a local plan update. This will help to ensure that you have considered all of the key plan-making requirements in preparing your plan in accordance with the NPPF.

This part of the toolkit deals only with the local plan content requirements specified in the NPPF. Toolkit Part 1 provides more detail on carrying out a review of the need to update policies within your plan. Toolkit Part 3 sets out the process requirements for local plan preparation as set out in legislation and the NPPF. Soundness and Plan Quality issues are dealt with in Toolkit Part 4.

## How to use this part of the toolkit

You can use column C in the table to record the results of your assessment against the checklist for the following plan making stages:

**Local Plan Review:** The toolkit can be used to inform the decision on whether or not your local plan policies need to be updated. In this case:

- Ask yourself whether the development plan for your area (which may comprise more than one development plan document or include a spatial development strategy and/or neighbourhood plans) still meets current NPPF requirements.
- Identify which policy and document addresses the requirement in column C or identify why it is not relevant.

If your plan was adopted under the NPPF 2012 you might find the following quick reference colour codes helpful to identify new or revised NPPF requirements since the adoption of your plan:

**Key:**

New plan-making requirement of the NPPF 2019 and/or NPPF 2021 not contained within the previous 2012 version
Revised plan-making requirement of the NPPF, containing some changes from the 2012 version
Requirement of the NPPF which has not changed from the 2012 version in relation to plan-making

**Scoping your policies update:** The checklist can also be used to determine the scope of your local plan policies update and ensure that content requirements are addressed. You can work through each section of the table to determine:

- whether the provision is relevant to your local plan policies update/ planning context of your local authority area(s); and then
- consider whether your local plan policies update will need to address these content requirements or identify whether they are contained in other documents that form the development plan in your area.

**Assessing your draft policies update:** The checklist can also be used to ensure that your emerging draft policies update is adequately addressing content requirements of national planning policy. You can work through each section of the table to determine:

- whether the provision is relevant to your local plan policies update/planning context of your local authority area(s); and then
- if it is, whether your draft local plan policies update addresses these content requirements (or identify whether they are contained in other documents that form part of the development plan in your area).

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## How to use the results of this part of the toolkit

This checklist is to help you review your policies and/or develop an update to these where required. There is no requirement to publish or submit this table to the Planning Inspectorate. However, you may find it (or some elements) helpful to assist you in demonstrating how the policies update does/does not accord with the NPPF.

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
	<i>General Requirements</i>		
1.	Include any relevant material that is set out in a government policy statement(s) for the area for example a national policy statement(s) for major infrastructure and written ministerial statements.	NPPF Para 5, 6	<p>Whilst there have been a number of updates to national policy and NPPG, these are not <i>specific</i> to the area. They do cover the area however and have been discussed in the Review report.</p> <p>As well as changes to the NPPF and changes to the NPPG; other changes have included the Planning for the Future White Paper; Waste Management Plan for England 2021; The Environment Act 2021; Net Zero Strategy: Build Back Greener; Energy White Paper</p>

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
			<p>and Energy Bill; the Growth Plan 2022; issues around the economy; and the Levelling up and Regeneration Bill (LURB). These have all been discussed in the main Review report.</p> <p>There have also been changes to the regional and local baseline and these are also assessed in the main Review report.</p> <p>The conclusion is however that the LMWLP is flexible and able to take account of the changes. The Review can only take account of current legislation and guidance.</p> <p>Whilst it is acknowledged that a new NPPF and national Development Management Policies document are on the horizon following initial deposit of the Levelling up and Regeneration Bill (LURB) in parliament, there is no definitive timescale for these and there may be changes in implementation. Therefore, the LMWLP can only be assessed against the current NPPF; NPPG; Written Ministerial Statements and legislation. It has been assessed as in accordance.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
2.	Contribute to the achievement of sustainable development and the UN Sustainable Development Goals.	NPPF Para 7, 8, 9, 16	<p><i>Nuanced as it's just a slight change in 2021 NPPF with an expansion of the goals. LMWLP is achieving sustainable development through all policies and especially Policy DM1:</i></p> <p><i>'When considering proposals for minerals and waste development Leicestershire County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Proposals should contribute to the three dimensions (economic, environmental and social) of sustainable development, as well as providing clear evidence of how a proposal would make a positive contribution to reducing its effects on climate change. The County Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the County of Leicestershire. Planning applications that accord with the policies in this Minerals and Waste Local Plan will be approved unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the County Council will grant permission unless material considerations indicate</i></p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
			<p><i>otherwise – taking into account whether:</i></p> <p><i>(i) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</i></p> <p><i>(ii) Specific policies in the National Planning Policy Framework indicate that development should be restricted.'</i></p>
3.	Apply the presumption in favour of sustainable development.	NPPF Para 11	The LMWLP is achieving sustainable development through all policies and especially Policy DM1. This is also reflected in the Strategic Objectives which have also been assessed as relevant and performing well.
4.	Provide a positive vision for the future; a framework for addressing housing needs and other economic, social and environmental priorities.	NPPF Para 15	<p>Housing need not directly relevant. The Spatial Vision is set out from paragraph 2.20 onwards and especially the box at paragraph 2.23.</p> <p><i>'Spatial Vision</i></p> <p><i>To enable the provision of sufficient minerals and waste facilities</i></p>

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
			<p><i>within the County of Leicestershire in locations that meet the economic and social needs of present and future generations whilst seeking to protect and enhance the environment.'</i></p> <p>It is considered that the Vision provides a positive framework for addressing economic, social and environmental priorities. It does not specifically quantify mineral and waste needs.</p>
5.	<p>Plans should be:</p> <ul style="list-style-type: none"> <li>Aspirational and deliverable</li> <li>Contain clear and unambiguous policies</li> <li>Accessible through the use of digital tools</li> <li>Serve a clear purpose avoiding duplication</li> </ul>	NPPF Para 16	<p>The aspirations of the LMWLP are set out in its Spatial Vision and Strategic Objectives. The Plan and its mapping are available through the council website.</p> <p>Performance at appeal demonstrates that the policies are performing well.</p>

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
	<i>Plan Content</i>		
6.	Include strategic policies to address priorities for the development and use of land. They should set out an overall strategy for the pattern, scale and design quality of places.	NPPF Para 17, 20	Whilst not explicitly identified as strategic policies, minerals and waste policies are by implication strategic. Development Management policies are then the detailed criteria as outlined in the Plan. Paragraph 1.6 of LMWLP uses the term 'core' policies.
7.	Outline which policies are 'strategic' policies	NPPF Para 21	LMWLP does not quite do this. Paragraph 1.6 of LMWLP sets out that there are 'core' policies for mineral and waste development to 2031. It states: <i>'This Minerals and Waste Local Plan includes a spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031'</i> .
8.	Strategic policies should look ahead over a minimum 15-year period <u>from adoption</u> . Where larger scale developments are proposed that form part of the strategy for the area, policies should be set within a vision which looks further ahead (at least 30 years).	NPPF Para 22, having regard to the transitional provisions at NPPF	The LMWLP is from 2019 to 2031, so only 12 years. LMWLP was adopted before this requirement, though, as it was already at submission stage in the NPPF 2018 transitional arrangements. This is not a reason to update the LMWLP.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
		para 221	
9.	Indicate broad locations for development on a key diagram, and land use designations and allocations on a policies map.	NPPF Para 23	Yes. This is available electronically.
10.	Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period.	NPPF Para 23	Core mineral and waste policies provide a strategy for this. The Spatial Vision and Strategic Objectives are at paragraphs 2.23 and 2.24 of the LMWLP.
11.	Include non-strategic policies to set out more detailed policies for specific areas.	NPPF Para 18, 28	Development Management policies do this (e.g. river valleys in Policy DM3: Strategic Green Infrastructure) as well as detailed policies for different waste facility types and for different minerals.
12.	Set out contributions expected from development, and demonstrate that expected contributions will not undermine the deliverability of the Plan.	NPPF Para 34, 58	Planning obligations are set out in paragraph 5.5 of the LMWLP.
13.	Local Plans and development strategies are examined to assess if they have been positively prepared, justified, effective and consistent with national policy.	NPPF Para 35	Yes. The LMWLP is considered to be positively prepared, justified, effective and consistent with national policy.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
	<i>Housing</i>		
14.	Be informed by a local housing need assessment, conducted using the standard method in national planning guidance as a starting point. Any housing needs which cannot be met within neighbouring areas should also be taken into account when establishing the amount of housing to be planned for within the plan.	NPPF Para 61	Not directly relevant, although district housing need is linked and has changed. This will be tested through the Districts' own Local Plan processes though and could change so again this is not a reason for changes to the LMWLP. It is premature to change the LMWLP in response to currently unknown future figures.
15.	Identify the size, type and tenure of housing needed for different groups.	NPPF Para 62	N/A
16.	Where a need for affordable housing is identified, specify the type of affordable housing required.	NPPF Para 63	N/A
17.	Expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. A minimum of 25% of all affordable homes should be First Homes, subject to the transitional requirements set out in the Planning Practice Guidance.	NPPF Para 65	N/A



	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
18.	Set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.	NPPF Para 66	N/A
19.	Identify a supply of specific, deliverable sites for years one to five of the plan period, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.	NPPF Para 68	N/A
20.	Identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare; unless it can be demonstrated that there are strong reasons why the 10% target cannot be achieved.	NPPF Para 69	N/A
21.	Support the development of entry level exception sites, suitable for first time buyers, unless the need for such homes is already being met within the authority's area.	NPPF Para 72	N/A
22.	Support the supply of homes through utilising masterplans, design guides and codes where appropriate to support larger scale developments.	NPPF Para 73	N/A
23.	Include a trajectory illustrating the expected rate of housing delivery over the plan period, and requiring a	NPPF Para	N/A

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
	buffer of 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan.	74	
24.	Be responsive to local circumstances and support rural housing developments that reflect local needs.	NPPF Para 78	N/A
25.	Identify opportunities for villages to grow and thrive, especially where this will support local services.	NPPF Para 79	N/A
26.	Avoid the development of isolated homes in the countryside unless specific circumstances are consistent with those set out in the NPPF.	NPPF Para 80	N/A
	<i>Economy</i>		
27.	Create conditions in which businesses can invest, expand and adapt.	NPPF Para 81	In relation to Minerals and Waste only, it does.
28.	Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic	NPPF Para 82	In relation to Minerals and Waste only, it does.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
	development and regeneration.		
29.	Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.	NPPF Para 82	In relation to Minerals and Waste only, it does.
30.	Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.	NPPF Para 82	As a Minerals and Waste Plan, this is not directly relevant to the LMWLP.
31.	Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.	NPPF Para 82	Yes, in relation to Minerals and Waste, such as flexibility for non-allocated sites to come forward where acceptable. As assessed in the main Review report, this is allowing sites to come forward where acceptable.
32.	Recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.	NPPF Para 83	As a Minerals and Waste Plan this is probably not directly relevant, except for waste. Certainly, the LMWLP addresses the locational requirements for different types of waste development sites.

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
33.	Enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.	NPPF Para 84	Only relevant in relation to Minerals and Waste.
34.	Enable the development and diversification of agricultural and other land-based rural businesses.	NPPF Para 84	Only relevant in relation to Minerals and Waste. Could typically be waste development.
35.	Enable sustainable rural tourism and leisure developments which respect the character of the countryside.	NPPF Para 84	Only relevant in relation to Minerals and Waste. Could typically be for restoration proposals.
36.	Enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.	NPPF Para 84	N/A unless as part of restoration or planning contributions.
37.	Recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.	NPPF Para 85	Minerals and Waste are different. Minerals can only be worked where they are found.
38.	<i>Town centres</i>		

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
39.	Define a network and hierarchy of town centres and promote their long-term vitality and viability.	NPPF Para 86	N/A
40.	Define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations.	NPPF Para 86	N/A
41.	Retain and enhance existing markets and, where appropriate, re-introduce or create new ones.	NPPF Para 86	N/A
42.	Allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead.	NPPF Para 86	N/A
43.	Where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre.	NPPF Para 86	N/A
44.	Recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.	NPPF Para 86	N/A

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
45.	<i>Healthy and safe communities</i>		
46.	Achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.	NPPF Para 92	In relation to Minerals and Waste through policies DM1 and DM2. Also, through restoration, certainly. Protection of communities and the environment is also in line with National Planning Policy for Waste (NPPW) and European Waste Framework Directive (WFD).
47.	Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.	NPPF Para 93	Again, probably as above that it could only be as part of planning contributions or through restoration.
48.	Take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.	NPPF Para 93	Yes. Strategic Objective 10 of the LMWLP is to complement and support wider strategies.
49.	Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.	NPPF Para 93	Again, this is probably not directly relevant except as part of restoration/planning contributions as the LMWLP is a Minerals and Waste Plan.

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
50.	Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.	NPPF Para 93	Only if relevant to Minerals and Waste. This could apply to waste facilities, and therefore the LMWLP does enable them to modernise where appropriate.
51.	Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.	NPPF Para 93	N/A
52.	Consider the social, economic and environmental benefits of estate regeneration.	NPPF Para 94	N/A
53.	Plan positively to meet school place requirements and to encourage development which will widen choice in education.	NPPF Para 95	N/A
54.	Work proactively and positively with promoters, delivery partners and statutory bodies to plan for public service infrastructure.	NPPF Para 96	N/A
55.	Promote public safety and take into account wider security and defence requirements.	NPPF Para 97	Limited scope for wider security and defence requirements as the LMWLP is a Minerals and Waste Plan. Public safety promoted by a variety of policies including DM2; DM9; and DM10.

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
56.	Provide open space, sports and recreational facilities which meets the needs of the local area. Consider how they can deliver wider benefits for nature and support efforts to address climate change.	NPPF Para 98	N/A unless through restoration of Minerals and Waste sites. Strategic Objective 10 covers the delivery of wider strategies. Also, through the restoration policy and Policy DM1's aim to address climate change.
57.	Protect and enhance public rights of way and access.	NPPF Para 100	Yes. Policy DM10 aims to protect and enhance public rights of way and access to the countryside.
58.	<i>Transport</i>		
59.	Should actively manage patterns of growth in support of objectives in Para 104. Significant development should be focused on locations which are/can be made sustainable. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas - this should be taken into account in plan-making.	NPPF Para 105	Less relevant to minerals, as they can only be worked where found. Aim of using non-road transport where possible is supported by Policy DM9. This policy covers the transport aspects of minerals and waste development and is broadly in line with NPPF.
60.	Support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.	NPPF Para 106	Less relevant to minerals, as can only be worked where found.  For waste, there may be the opportunity to mix uses upon one site in order to gain benefits. This is supported by the waste policies of the LMWLP and also Policy M13 in relation to



	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
			associated development on minerals sites.
61.	Identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.	NPPF Para 106	The LMWLP has only considered M&W transport infrastructure. Rail linked facilities are safeguarded through Policy M11 and M12. The LMWLP seeks to use more sustainable transport modes such as water and rail, but minerals can only be worked where they are found.
62.	Provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).	NPPF Para 106	Could be through restoration especially through DM12. LMWLP does this through DM10, but scope limited to restoration or protection with some improvement.
63.	Provide for any large-scale transport facilities that need to be located in the area and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.	NPPF Para 106	N/A unless through wider restoration or implementation of schemes.
64.	Recognise the importance of maintaining a national network of general aviation airfields.	NPPF Para 106	N/A unless through wider implementation of schemes or restoration of them.
65.	Provide adequate overnight lorry parking facilities,	NPPF Para	N/A unless through wider implementation of schemes.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
	taking into account any local shortages.	109	
66.	In assessing sites that may be allocated for development in plans, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.	NPPF Para 110	Content will not reflect National Design Guide and the National Model Design Code but does encourage sustainable transport of Minerals and Waste. The caveat is that the policy in the LMWLP is not allocating sites for development and that the wording ‘ <i>or specific applications for development</i> ’ which has been removed here as it is not a plan-making requirement would mean that the NPPF requirements would apply, and the policy would not need an update. It is considered that the LMWLP and specifically the wording of Policy DM9: Transportation by Road reflects the NPPF.
67.	Development should only be prevented 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.	NPPF Para 111	Yes. Cumulative impact in general is covered in paragraphs 5.78 to 5.80 of LMWLP. In relation to the road network at 5.80. Unacceptable new impact is covered in paragraph 5.72. Policy DM11 of LMWLP covers cumulative impact specifically.
68.	<i>Communications</i>		

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
69.	Support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections, setting out how high-quality digital infrastructure is expected to be delivered and upgraded over time.	NPPF Para 114	N/A
70.	<i>Making effective use of land</i>		
71.	Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.	NPPF Para 119	Yes, in terms of Minerals and Waste. With the caveat that minerals can of course only be worked where they are found, the LMWLP promotes the effective use of land by the use of previously developed land and timely restoration. This is in line with the NPPF and NPPG.
72.	Set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.	NPPF Para 119	Again, for Minerals and Waste yes. With the caveat that minerals can of course only be worked where they are found, the LMWLP promotes the effective use of land by the use of previously developed land and timely restoration.
73.	Encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains.	NPPF Para 120	As a Minerals and Waste Plan, mixed use is less likely unless referring to co-location for waste proposals which is covered at paragraphs 4.24; 4.30 and in Policy W5. It is also mentioned at paragraph 3.101 in relation to concrete batching plants being co-

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
			located at quarries and 3.103 and 3.104 in relation to associated industrial development.
74.	Recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.	NPPF Para 120	Yes, through Restoration Policy DM12. Flood risk mitigation mentioned; food production mentioned in paragraph 5.87. And paragraph 5.14 in relation to climate change mitigation. Paragraph 5.91 carbon sinks and recreational or biodiversity uses.
75.	Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.	NPPF Para 120	N/A for homes. Using contaminated land is mentioned in various parts of the LMWLP. In relation to Policy DM6 on Soils, for example, as well as W5: Locating Waste Facilities and the Coal policy (Policy M9).
76.	Promote and support the development of under-utilised land and buildings.	NPPF Para 120	Less relevant to Minerals and Waste, except in terms of efficient use of land. More relevant to waste. Waste policies W4 and W5 detail use of previously developed, contaminated or derelict land in their criteria. Paragraph 4.29 and Objective 3 also stipulate this.
77.	Support opportunities to use the airspace above existing	NPPF Para	N/A

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
	residential and commercial premises for new homes.	120	
78.	Reflect changes in the demand for land.	NPPF Para 122	Less relevant from safeguarding point of view.
79.	Support development that makes efficient use of land, taking into account the need for different types of housing and other forms of development, local market conditions, the availability and capacity of infrastructure and services, the character and setting of the area, and the importance of securing well-designed, attractive and healthy places.	NPPF Para 124	Only in relation to Minerals and Waste. This is covered in the Strategic Objectives at objective 9.  Design covered in sustainable development section and policy DM2.
80.	Avoid homes being built at low densities where there is an existing or anticipated shortage of identified housing needs, and where appropriate include the use of minimum density standards. Area-based character assessments, design guides, design codes and masterplans are appropriate tools to use to help to ensure land is used efficiently while also creating beautiful and sustainable places.	NPPF Para 125	N/A
81.	<i>Design</i>		

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
82.	Set out a clear design vision and provide maximum clarity about design expectations through the preparation of design codes or guides consistent with the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design codes and guides can either form part of a plan or be supplementary planning documents.	NPPF Para 127, 128 & 129	We do not have design codes and guides for Minerals and Waste.  Design is part of the sustainable development section, however. Also Policies DM3; DM5; and mention as part of restoration etc.
83.	Ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, accessible and inclusive.	NPPF Para 130	Yes. This is what the Development Management policies of the LMWLP do, together with the individual Minerals and Waste specific policies. This is reflected in the Vision and Strategic Objectives.
84.	Ensure new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.	NPPF Para 131	Less relevant to Minerals and Waste perhaps. Delivery would be more through restoration of sites again.

	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
85.	<i>Green Belt</i>		
86.	Ensure proposals for new Green Belts demonstrate why development management policies would not be adequate, any major changes in circumstances to warrant the creation of a new Green Belt, the consequences for sustainable development, the need for Green Belt to support adjoining areas, and how new Green Belt would meet other objectives of the Framework.	NPPF Para 139	N/A
87.	Establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Even when exceptional circumstances are demonstrated strategically to take land out of the Green Belt, it is still necessary to demonstrate that exceptional circumstances exist at the site level.	NPPF Para 140	N/A
88.	Give first consideration to land which has been previously-developed and/or is well-served by public transport, including increasing density within town and cities centres. Set out the ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental	NPPF Para 141 & 142	N/A

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
	quality and accessibility of remaining Green Belt land.		
89.	Where Green Belt boundaries are being defined, they should be clearly outlined and be consistent with the plan's strategy for meeting identified requirements for sustainable development.	NPPF Para 143	N/A
90.	<i>Climate change, flooding and coastal change</i>		
91.	Take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperature.	NPPF Para 153	Policy DM1 and Strategic Objective 7 do this.
92.	Support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.	NPPF Para 153	The LMWLP includes a policy to reduce climate change impact in DM1. It is also covered in relation to restoration and Strategic Objective 7.
93.	Increase the use and supply of renewable and low carbon energy and heat by providing a positive strategy for energy from these sources, identifying suitable areas for renewable and low carbon energy sources, and identifying opportunities for development to draw its	NPPF Para 155	N/A. Less relevant here except for Energy from Waste. Obviously does not identify suitable areas. Policy W7 covers energy and value recovery from waste.



	A. NPPF Requirement	B. NPPF Paragraph Reference	C. Record your assessment results
	energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.		
94.	Manage flood risk from all sources and apply a sequential, risk based approach to the location of development.	NPPF Para 160 & 161	DM2 requires potential effects from flooding to be acceptable.
95.	Steer new development to those areas with the lowest risk of flooding from any source. If this is not possible, the exception test may have to be applied, informed by the potential vulnerability of the site and of the development proposed. Where this is the case, sites needs to demonstrate that the development would provide wider sustainability benefits outweighing the flood risk and that the development would be safe for its lifetime without increasing flood risk elsewhere (and where possible will reduce flood risk overall).	NPPF Para 162, 163, 164 and NPPF Annex 3	Yes, at least in terms of paragraphs 5.25 and 5.26 of LMWLP although the LMWLP does not specifically mention exception or sequential tests.
96.	Avoid inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast.	NPPF Para 171	N/A
97.	<i>Natural environment</i>		

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
98.	Contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.	NPPF Para 174	Yes.
99.	Plans should: distinguish between the hierarchy of international, national and locally designated sites, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure, and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.	NPPF Para 175	Yes. Policy DM7 sets out the hierarchy of designated sites. LMWLP mentions Green Infrastructure Strategy project for 6C's area. LMWLP contains Policy DM3 on Strategic Green Infrastructure. Strategic Objective 8 protects the SAC and Strategic Objective 10 mentions delivery of green infrastructure projects.
100.	Great weight should be given to National Parks, the Broads and the Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.	NPPF Para 176	N/A
101.	Conserve the special character and importance of	NPPF Para	N/A

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
	Heritage Coast areas.	178	
102.	Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity.	NPPF Para 179	Strategic Objective 9 of LMWLP talks of biodiversity net gain. Policy DM7; DM12 and paragraphs 5.50 to 5.61 talk of biodiversity and geodiversity and restoration and enhancement. Paragraphs 5.87 to 5.110 talk about different habitats in relation to restoration. Inset maps for Husbands Bosworth and Ibstock also identify ecological issues and opportunities (CHECK)
103.	Ensure that a site is suitable for its proposed use taking account of ground conditions, any risks arising from land instability and contamination, and the likely effects of pollution on health, living conditions and the natural environment.	NPPF Para 183 & 185	Yes. The Development Management policies, particularly DM2 do this.
104.	Sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.	NPPF Para 186	Cumulative impact is covered by Policy DM11 of LMWLP and the text in paragraphs 5.78 to 5.80. There are no AQMAs in the area.
105.	Ensure that new development can be integrated effectively with existing businesses and community	NPPF Para 187	Policy W9 of LMWLP encapsulates the 'agent of change' principle. Policy DM2 maybe doesn't quite, but in covering

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
	facilities.		separation distances and residential amenity it is getting towards it. DM11 has been assessed as broadly in accordance with NPPF. Agent of change is certainly assessed as included in Policy W9 on waste safeguarding.
106.	<i>Historic Environment</i>		
107.	Set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.	NPPF Para 190	Yes. Policy DM8 sets out a strategy for the historic environment. Emphasis is on 'retain' and 'protect' rather than 'sustain', but does include enhancement. Spatial Vision also includes 'enhance' the environment. Leicestershire's identity and 'sense of place' is outlined in paragraph 5.64 of LWMLP. Cultural heritage also mentioned in Policy DM3 in relation to green infrastructure.
108.	<i>Minerals</i>		
109.	Provide for the extraction of mineral resources of local and national importance.	NPPF Para 210	Yes. The following suite of policies sets out provision for minerals resources of local and national importance:  Policy M1: Supply of Sand and Gravel Aggregate;

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
			<p>Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites;</p> <p>Policy M3: Sand and Gravel Extraction (Unallocated Areas);</p> <p>Policy M4: Crushed Rock;</p> <p>Policy M5: Brickclay;</p> <p>Policy M6: Fireclay;</p> <p>Policy M7: Gypsum;</p> <p>Policy M8: Building and Roofing Stone;</p> <p>Policy M9: Coal;</p> <p>Policy M10: Conventional and Unconventional Hydrocarbons (Oil and Gas);</p> <p>Policy M11: Safeguarding of Mineral Resources;</p> <p>Policy M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure</p>

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
			Whilst the Sand and Gravel landbank is low, there is a significant amount of Sand and Gravel awaiting determination and policies are continuing to deliver Sand and Gravel.
110.	Take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials.	NPPF Para 210	Yes. Paragraphs 3.7 to 3.10 of LMWLP.
111.	Safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas.	NPPF Para 210	Yes. Policy M11. LMWLP contains MSAs. Paragraph 3.97 sets out MCAs. Supported by mapping.
112.	Encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place.	NPPF Para 210	Yes. Paragraph 3.95 of LMWLP.
113.	Safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals, the manufacture of concrete and concrete products and the handling, processing and distribution of substitute,	NPPF Para 210	Yes. Policy M11 of LMWLP provides for 'associated infrastructure' too.

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
	recycled and secondary aggregate material.		
114.	Set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health	NPPF Para 210	<p>Yes. DM policies and specific mineral and waste related policies:</p> <p>Policy DM1: Sustainable Development;</p> <p>Policy DM2: Local Environment and Community Protection;</p> <p>Policy DM3: Strategic Green Infrastructure;</p> <p>Policy DM4: Green Wedges;</p> <p>Policy DM5: Landscape Impact;</p> <p>Policy DM6: Soils;</p> <p>Policy DM7: Sites of Biodiversity/Geodiversity Interest;</p> <p>Policy DM8: Historic Environment;</p> <p>Policy DM9: Transportation by Road;</p> <p>Policy DM11: Cumulative Impact;</p> <p>Policy DM12: Restoration, Aftercare and After-use;</p>

	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
			<p>Policy M1: Supply of Sand and Gravel Aggregate;</p> <p>Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites;</p> <p>Policy M3: Sand and Gravel Extraction (Unallocated Areas);</p> <p>Policy M4: Crushed Rock;</p> <p>Policy M5: Brickclay;</p> <p>Policy M6: Fireclay;</p> <p>Policy M7: Gypsum;</p> <p>Policy M8: Building and Roofing Stone;</p> <p>Policy M9: Coal;</p> <p>Policy M10: Conventional and Unconventional Hydrocarbons (Oil and Gas);</p> <p>Policy W2: Low Level Radioactive Waste;</p> <p>Policy W3: Strategic Waste Facilities;</p>



	<b>A. NPPF Requirement</b>	<b>B. NPPF Paragraph Reference</b>	<b>C. Record your assessment results</b>
			<p>Policy W4: Non-strategic Waste Facilities;</p> <p>Policy W5: Locating Waste Facilities;</p> <p>Policy W6: Biological Treatment of Waste Including Anaerobic Digestion and Open Air Windrow Composting;</p> <p>Policy W7: Facilities for Energy and Value Recovery from Waste;</p> <p>Policy W8: Waste Disposal;</p> <p>Policy W9: Safeguarding Waste Management Facilities.</p>
115.	Recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction	NPPF Para 210	Yes. The Minerals requirements of the NPPF and NPPG have not really changed since the adoption of the LMWLP, as detailed in the Review report. Policy DM2 of the LMWLP covers noise.
116.	Ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.	NPPF Para 210	Yes. The Restoration, Aftercare and After-use section of the LMWLP covers this.

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