

REPORT OF THE CABINET

A. LEICESTERSHIRE MINERALS AND LEICESTERSHIRE AND LEICESTER WASTE DEVELOPMENT FRAMEWORKS – ADOPTION OF THE CORE STRATEGIES AND DEVELOPMENT CONTROL POLICIES

Introduction

1. This report concerns the Core Strategy and Development Control Policies documents of the Minerals and Waste Development Frameworks. Under the Planning and Compulsory Purchase Act 2004 the Council is required to produce Mineral and Waste Disposal Frameworks (MWDF) to replace the existing Mineral and Waste Local Plans.

Background

2. The 2004 Act and associated 2004 Regulations introduced a new system of development plans which requires Minerals and Waste Development Frameworks to be produced by County Councils in two tier local authority areas. Planning Policy Statement 12 (PPS12) provides national policy on preparing the new development documents and this is supported by a good practice guide.
3. There is therefore a requirement for the County Council to produce Mineral and Waste Development Frameworks (MWDF) to replace the existing Mineral and Waste Local Plans. The County Council and Leicester City Council have agreed to prepare a joint Waste Framework covering the County and City areas. The Minerals Framework covers the County of Leicestershire only.
4. Issues and Options Reports were produced in June 2005 as the first stage in the preparation of the MWDF. These set out what were considered to be the main issues to be addressed in replacing the Mineral and Waste Local Plans and possible options for dealing with these. Consultation was undertaken in June and July 2005 on the Issues and Options Reports.
5. The next stage was for the Council to set out its proposals and undertake consultation on these. To undertake this stage, known as the 'Preferred Options', the following two documents for both minerals and waste were produced: a Core Strategy and Development Control Policies Document; and a Site Allocations Document. Both documents dealt with the period up to 2021 and their objectives, policies and proposals have to be subjected to sustainability appraisal (SA) and strategic environmental assessment (SEA). In order to meet these latter two requirements Sustainability Reports, incorporating both SA and SEA requirements, were produced for each of the documents. It is a requirement of the

2004 Act and Regulations that consultation is also undertaken on the Sustainability Reports.

6. Consultation on these documents was undertaken in September and early October 2006.
7. In its response to the 2006 consultation, the Government Office for the East Midlands (GOEM) was critical of the Core Strategies and advised that the documents may be unsound because of what it regarded as a lack of a spatial strategy and the need to have explored and consulted on alternative spatial strategies. The identification of these deficiencies was a consequence of emerging clarification and advice from the Government resulting from the ongoing learning process associated with the new plan system.
8. In order to address the issues identified by GOEM, Spatial Strategy documents were prepared better to explain the preferred spatial strategies for the mineral and waste frameworks, which were not fully developed and explained in the previous consultation documents. In addition, the Minerals and Waste Development Scheme (MWDS) was revised in March 2007 to delay the timetable for the preparation of the Site Allocations documents until after the submission of the Core Strategies and Development Control Policies in line with advice received from GOEM and the Planning Inspectorate.
9. Consultation on the Spatial Strategy documents took place in October and November 2007. The representations did not raise fundamental objections to the strategies but raised questions about how the spatial strategies related to previous documents, the need to support the strategy with evidence and reiterated comments made at earlier consultation stages.
10. The submission documents were prepared broadly following the format of the Preferred Options Core Strategies and Development Control Policies published for consultation in 2006, but revised to take into account representations made during the consultation and incorporating the Spatial Strategies developed in response to GOEM's advice. The Sustainability Reports were also updated to take account of the changes made. The Cabinet had previously considered the Preferred Options versions of the Core Strategies (reports to the Cabinet on 26 June and 10 July 2006) and the Spatial Strategies for Minerals and Waste (report to the Cabinet on 11 September 2007).
11. On 21 May 2008 the County Council approved the Core Strategy and Development Control Policies documents for submission to the Secretary of State for Communities and Local Government and the documents were formally submitted on 23 June 2008 to go through the examination process led by a Planning Inspector.

12. In December 2008 the Cabinet authorised the Director of Community Services to approve minor changes he considered necessary to update the Core Strategies and Development Control Policies documents in response to questions raised by the Inspector and issues raised by respondents to the submission documents. The Inspector held public hearings during the last week in February and the first week in March 2009 at County Hall. The public hearings gave the opportunity for people and organisations that had made representations to make comments directly to the Inspector on the issues the Inspector had indicated he wished to examine in more detail. During the course of the public hearings changes to the text of the documents and minor changes to policy wording were suggested by the Council representatives and these were submitted to the Inspector at the end of the public hearings as a schedule of proposed changes for each of the Development Plan Documents (DPDs).
13. The Inspector submitted his reports on the examination of the Minerals and Waste DPDs to the County Council on 1 May 2009. The Inspector's reports found that both Core Strategy and Development Control Policies documents were sound and could be adopted subject to a number of minor changes including those set out in the schedule of changes proposed by the Council. The changes recommended in the Inspector's reports are binding on the Council.
14. The Inspector's Report and annexed schedule of his required changes is set out in a separate document of Appendices which accompanies this Council Report booklet, the details being as follows:-
- Appendix 1 Inspector's Report – Leicestershire Minerals Core Strategy and Development Control Policies.
- Appendix 2 Inspectors Report – Leicestershire and Leicester Waste Core Strategy and Development Control Policies.
- Appendix 3 Leicestershire Minerals Development Framework, incorporating the Inspector's changes.
- Appendix 4 Leicestershire and Leicester Waste Development Framework, incorporating the Inspector's changes.

Summary of the Inspector's Recommendations on the Minerals Core Strategy and Development Control Policies Document

15. The overall conclusion of the Inspector is that the DPD is sound provided it is changed in the ways specified in his report. The principal changes which are required are, in summary:
- including a list of the Minerals Local Plan policies to be superseded by policies in the DPD;

- amending the description of the spatial characteristics of the area and adding to the objectives to refer to the National Forest, Charnwood Forest; River Mease Special Area of Conservation and other aspects of the County to highlight its distinctiveness;
- including a commitment to a review of the Plan if and when there is no longer conformity with the Regional Spatial Strategy (RSS);
- expanding references to the River Mease Special Area of Conservation, the National Forest, Charnwood Forest Regional Park, the County's landscape character, other aspects of green infrastructure and locally sourced building materials;
- clarifying the extent of the Resource Areas for coal and fireclay;
- clarifying considerations relevant to the extension of existing brick clay sites;
- strengthening provisions for the future extraction of fireclay;
- up-dating calculations relating to the provision of sand, gravel and crushed rock;
- reflecting in the Plan provisions within the RSS with respect to Strategic River Corridors and Green Wedges;
- strengthening provisions relating to land stability;
- strengthening certain development control provisions;
- tightening the monitoring provisions; and
- making minor changes to the text in the interests of overall soundness.

Summary of the Inspector's Recommendations on the Waste Core Strategy and Development Control Policies Document

16. The Inspector's overall conclusion is that the DPD is sound provided it is changed in the ways specified in his report. The principal changes which are required are, in summary:
- including details of Waste Local Plan policies to be superseded by policies in the DPD;
 - add references in the Spatial Vision to energy recovery and providing waste facilities with capacity equal to the amount of waste generated and requiring management within the Plan area;
 - amending and adding to the Waste Development Objectives to refer to the timely delivery of waste management facilities at 2009/10,

2014/15 and 2019/20; the River Mease Special Area of Conservation, green infrastructure projects such as the National Forest and Charnwood Forest Regional Park; and minimising waste in the construction and operation of new development;

- clarifying and re-ordering the discussion on the national and regional policy context;
- re-writing the section on the need for new waste management capacity;
- including a commitment to a review of the Plan if and when there is no longer conformity with the RSS;
- defining strategic sites and clarifying the role of strategic and non-strategic sites as well as locational policy;
- expanding references to the National Forest, Charnwood Forest Regional Park, the River Mease Special Area of Conservation and other aspects of green infrastructure;
- strengthening certain development control policies;
- tightening the monitoring provisions; and
- making minor changes to the text in the interests of overall soundness.

Sustainability Appraisal Reports

17. SA Reports are required to be produced for the Core Strategy and Development Control Policies Documents. These reports explain how the objectives, strategy, policies and proposed allocations in the documents have been subject to Sustainability Appraisal, which is a requirement of the 2004 Act, and also SEA which is a requirement of EU Directive. The conclusions of the SA and the SEA have been taken into account in the formulation of the Core Strategy and Development Control Policies documents. Non-technical summaries and the full reports are available on the Council's website.

Next Stages

18. When the County Council resolves to adopt the Minerals Core Strategy and Development Control Policies DPD it will be formally advertised and there will then be a six week period when an aggrieved person can make an application to the High Court to challenge the plan on the grounds that the document is not within the appropriate power or a procedural requirement has not been complied with. In respect of the Waste Core Strategy and Development Control Policies DPD, which has been prepared jointly with the City Council, adoption will take place after both the City and County Councils have resolved to adopt the document. An adoption date will need to be agreed with the City Council. Following adoption a 6 week challenge period as described for the Minerals DPD will apply.

19. Once adopted the DPDs will be part of the Development Plan and will be an important consideration in the determination of planning applications for minerals and waste development in the County.
20. The Council now needs to proceed with work on the preparation of the Site Allocations DPDs to complete the Minerals and Waste Development Frameworks and it is expected that further consultation to update the preferred options site allocations documents published in 2006 will take place in the autumn.

Consideration by Cabinet and Scrutiny

21. The Cabinet approved a MWDS, which sets out the timetable for preparing the Minerals and Waste Development Framework Documents on 5 March 2007. The Cabinet approved Preferred Options documents for the Minerals and Waste Development Frameworks for consultation on 26 July 2006 and approved Spatial Strategy documents for consultation on 11 September 2007.
22. At its meeting on 8 April 2008 the Cabinet approved the Core Strategy and Development Control Policies DPDs for submission to the Environment Overview and Scrutiny Committee for comments. The Committee considered the documents at its meeting on 15 April and had no comments to make on them. The Committee did however, request the Director of Community Services to report on the Aggregates Levy Sustainability Fund. Information about the Fund was subsequently provided to members of the Committee.
23. At its meeting on 21 May 2008 the County Council approved the Core Strategies and Development Control Policies DPDs for submission to the Secretary of State for Communities and Local Government to be examined by an Inspector.
24. At its meeting on 16 December 2008 the Cabinet authorised the Director of Community Services to approve minor changes he considered necessary to update the Core Strategies and Development Control Policies documents of the Minerals and Waste Development Frameworks in response to questions raised by the Inspector and issues raised by respondents to the Submission documents.
25. The Cabinet considered the matter further at its meeting on 28 July 2009. As the matter affects all areas of the County, a copy of the report of the Director of Community Services to that meeting was circulated to all members of the County Council via the Members' Information Service. The recommendations of the Cabinet are contained in the motion which appears below.

(Motion to be moved:-

- (a) That the Leicestershire Minerals Core Strategy and Development Control Policies Development Plan Document, as amended to accord with the recommendations in the Inspector's report dated 1 May 2009, be formally adopted by the Leicestershire County Council;**
- (b) That the Leicestershire and Leicester Waste Core Strategy and Development Control Policies Development Plan Document, as amended to accord with the recommendations in the Inspector's report dated 1 May 2009, be formally adopted by the Leicestershire County Council;**
- (c) That the Chief Executive be authorised to take all actions necessary to give effect to the decisions in (a) and (b) above (including agreeing with Leicester City Council a date from which the adoption will take effect.)**