

## Leicestershire Minerals Core Strategy and Development Control Policies

### Schedule of Required Changes

This schedule lists all the required changes to the Core Strategy and Development Control Policies in order for the document to be sound and to correct / update / clarify the policies and text.

The schedule is based on the Schedule of Proposed Changes to Submission Draft (LCC M13b) as published by the Council on 6 March 2009.

Additional changes required by the Inspector are highlighted in red text.

| Change No | Policy/ Para        | Required change  | Report Ref |
|-----------|---------------------|--|------------|
| MPC1      | All                 | Prefix all policies and related references with an 'M' eg POLICY MCS1; Policy MDC1.  | 10.2       |
| MPC2      | <del>2-3</del> 1.11 | <del>Add: 'PPS 12 (Local Spatial Planning) states that local development documents should not repeat or reformulate national or regional policy.'</del> Add new bullet point at Para 1.11: 'National policy is applicable but is not repeated.'  | 10.2       |
| MPC3      | 2.4                 | <del>Delete last 2 sentences and replace with: 'The Secretary of State's proposed changes to the East Midlands Regional Plan were published in July 2008. References to the draft RSS throughout this document refer to these proposed changes.'</del><br>Replace second and third sentences with: 'The Regional Spatial Strategy for the East Midlands (RSS 8) was published in March 2009. Policy 37 of RSS 8 covers Regional Priorities for Minerals.' Delete all after '2001-2016'.  | 10.2       |
| MPC4      | After 2.6           | Add the following new paragraph: 'The Leicestershire Minerals Local Plan was adopted in March 1995. Policies in the adopted Minerals Local Plan will be replaced by policies contained within this document. A table showing the relationship between the policies in this document and the Minerals Local Plan is set out in Appendix 2.'   | 2.13       |
| MPC5      | 2.16                | Delete and replace with: 'By 2016, population levels are expected to rise by 5%, according to the ONS trend 2004 based population projections (published March 2008). The <del>draft</del> RSS proposes (Policy Three Cities SRS 3) that <del>97,000 dwellings</del> 4,020 dwellings per annum (dpa) be provided within the Leicester and Leicestershire Housing Market Area over the period 2006-2016, of which <del>45,570</del> 1,990 dpa should be within or adjoining the Leicester Principal Urban Area (PUA). The housing strategy for this area is one which focuses on the Leicester urban area, initially by capitalising on its substantial urban capacity. However, this will be insufficient to meet all the proposed provision to 2026. It is proposed that later in the plan period provision will need to be met by planned sustainable urban extensions. The <del>draft</del> RSS indicates that the best opportunities to meet the bulk of the additional provision for the PUA lie west of Leicester in Blaby and north of Leicester in Charnwood. Beyond the PUA, sustainable urban extensions (SUEs) are proposed to Loughborough, Hinckley and Coalville to support their roles as Sub-Regional Centres. <del>, but RSS Policy Three Cities SRS 3 also indicates that housing growth in Blaby, Market Harborough and Melton Mowbray could be met by SUEs.'</del> | 4.14       |

**ANNEX A**

| <b>Change No</b> | <b>Policy/ Para</b> | <b>Required change</b>  | <b>Report Ref</b> |
|------------------|---------------------|---|-------------------|
| MPC6             | 2.20                | Add: 'East Midlands Airport lies in the north of the county, providing flights to a wide range of destinations.'  | 10.2              |
| MPC7             | 2.23                | After 5 <sup>th</sup> sentence add: 'Work on the County Historic Landscape Characterisation is near completion. This will contribute to the understanding of the character of the landscapes of Leicestershire and the survival of historic landscapes.'  | 3.7               |
| MPC8             | 2.24                | Add: 'In parts of the County, the use of locally sourced building materials has made an important contribution to the local character and distinctiveness of the County's built heritage.'  | 3.7               |
| MPC9             | Table 1             | Amend to read:<br>Clay (for bricks, pipes and tiles) - 680,000<br>Total - 18,819,609 tonnes   | 10.2              |
| MPC10            | 3.7 1.              | Amend to read: '...requirements for all minerals, in particular...'   | 10.2              |
| MPC11            | 3.7 5.              | Objective 5 – add the word 'people and' before 'local communities'. Insert after 'environment': (particularly the River Mease Special Area of Conservation).  | 3.7 and 10.2      |
| MPC12            | 3.7 8.              | Amend to read: '...that enhances and complements the natural and historic environment...'   | 10.2              |
| MPC13            | 4.6                 | Delete 2 <sup>nd</sup> sentence and replace with: 'The maintenance of a stock of planning permissions for the extraction of minerals (commonly known as a landbank) is a widely used means of securing and maintaining adequate supplies of non-energy minerals. Landbanks are generally measured in terms of the number of years' supply of a mineral at any point in time that can be made available within a MPA's area, based on an estimate of the annualised provision for the mineral. MPS1 advises that the length of the landbank should be used as an indicator of when new permissions are likely to be needed.' | 10.2              |
| MPC14            | 4.10                | 1 <sup>st</sup> Sentence – Delete 'non-energy'.   | 10.2              |
| MPC15            | 4.15                | Delete  | 10.2              |
| MPC16            | 4.19                | 1 <sup>st</sup> sentence: Delete '5.7', replace with '6'; 2 <sup>nd</sup> sentence: Delete '4.5', replace with '4.8'.   | 6.7               |
| MPC17            | Box 1               | Amend as follows:<br>Additional Reserves Released – 9.251<br>Total Reserves - 20.265Mt<br>2001-2021 Reserves position: 20.265 – 26.25 = - 5.985Mt<br>SHORTFALL OF 6 MILLION TONNES<br>2 <sup>nd</sup> footnote: Amend to read 'Brooksby (3,140,000 tonnes)'   | 6.7               |
| MPC18            | 4.26                | After 2nd sentence add: 'The County's requirement has been adjusted to exclude the expected contribution from sites within Rutland, around 2% of the total requirement based on historic sales figures.' Amend 3rd sentence to read '...2001 (adjusted for subsequent reassessments of reserves at certain quarries)...'  | 6.7               |

| Change No | Policy/ Para | Required change  | Report Ref |
|-----------|--------------|--|------------|
| MPC19     | Box 2        | <p>Amend as follows:</p> <p>a) Leicestershire requirement (2001-2016) -257.25 Mt<br/> b) Annual requirement (over 16 year period) - 16.1 Mt<br/> c) Additional provision 2016-2021 - 80.5 Mt<br/> d) Total requirement (2001-2021) - 337.75 Mt<br/> e) Permitted Reserves * @ 1/1/2001 - 467.854<br/> Additional reserves released - 17Mt<br/> Total = 484.854<br/> 2001-2021 Reserve Position: 484.854 – 337.75 = +147.104<br/> SURPLUS OF 147 MILLION TONNES</p> <p>*Excludes reserves at dormant sites; figure derived from AM2001 survey, adjusted for subsequent reassessments of reserves at Cliffe Hill, Cloud Hill and Croft Quarries.</p> | 6.7        |
| MPC20     | CS2          | 1 <sup>st</sup> bullet: Delete '344.5', replace with '337.75'.   | 6.7        |
| MPC21     | CS3          | <p>Amend 1<sup>st</sup> Bullet to read: 'allow extensions to existing sites where they are required to</p> <p>a) provide a stock of permitted reserves to support the levels of capital expenditure required to maintain and improve existing brick-making plant and equipment; or</p> <p>b) meet the likely demand for clay at the site's associated brick making plant.'</p>   | 5.5        |
| MPC22     | CS3          | Amend 2 <sup>nd</sup> bullet to read: 'allow new brickclay extraction sites only where it can be demonstrated that production cannot be maintained from existing sites and appropriate extensions to existing sites.'  | 5.5        |
| MPC23     | 4.36         | Add after first sentence: 'The extent of this area is indicated on Figure 2, based on the extent of the Pottery Clays Formation shown on the Minerals Resources map published by the BGS in the 'Mineral Resource Information in Support of National, Regional and Local Planning: Leicestershire' report for the area (2002).'  | 4.10       |
| MPC24     | 4.37         | Delete last 2 sentences and replace with: 'The Donington site contains around 1.7m tonnes of clay, all of which is held in stockpiles. There are no further reserves to be extracted from the site. Planning permission for the clay stockpiling facility at the site is currently due to expire at the end of 2012. In recent years, the stockpile has been depleted at a rate of some 100,000 tonnes per annum.'   | 5.10       |
| MPC25     | 4.41         | Amend to read: 'Whilst the MPA does not possess sufficient detailed reserve knowledge to identify potential areas of future fireclay extraction, it is considered unlikely that proposals for the extraction of fireclay alone will be forthcoming. <b>They would be associated with coal extraction.</b> Policy CS4 nevertheless indicates that proposals for fireclay extraction may be acceptable where...'   | 5.10       |
| MPC26     | 4.51         | 2 <sup>nd</sup> sentence - Amend to read: '... <del>draft</del> RSS (Policy 27)...'.   | 10.2       |

| Change No | Policy/ Para | Required change   | Report Ref    |
|-----------|--------------|---|---------------|
| MPC27     | After 4.65   | Add new paragraph: 'MPG3 indicates that provision should be made for proposals where extraction of coal from a site would facilitate the efficient and economic working of other mineral deposits on that site in an environmentally acceptable way. Within Leicestershire, the occurrence of potential fireclays as usually thin, widely spaced beds in close association with coal seams means that surface coal mining operations provide one of the few viable sources of the clay. This is reflected in Policy CS4, which supports the recovery of fireclays where proposals for coal extraction are environmentally acceptable.'  | 5.10          |
| MPC28     | 4.67         | Delete and replace with:<br><p>'The County Council does not have the technical or commercial information relating to the quality and extent of reserves, to the degree that specific areas of search for future coal working can be defined with sufficient certainty. It is therefore intended to follow the second of the approaches advocated in MPG3, namely to identify the extent of the shallow coalfield area and the constraints within that area. This will be achieved through the preparation of a Proposals Map, as referred to in paragraph 1.4.</p> <p>'The broad extent of the opencast coal area within Leicestershire, coincident with 'Shallow Coal' defined on the Coal Resources Map of Britain produced by BGS and the Coal Authority (1999), is shown on the Key Diagram (Figure 3). The intention is to identify shallow coal deposits in the Site Allocations Development Plan Document as part of the work involved in the preparation of Mineral Safeguarding Areas within the County, as referred to in paragraph 4.82, and subsequently show these areas on the Proposals Map. PPS12 states that the adopted Proposals Map should 'identify areas of protection, such as nationally protected landscape and local nature conservation areas, Green Belt land and Conservation Areas'. The County Council expects that such areas of protection will also be shown on the Proposals Map once they have been identified through the preparation of District Council LDFs.'</p> | 4.10          |
| MPC29     | 4.80         | Delete 'non-energy'   | 10.2          |
| MPC30     | 4.83         | Add: 'A major 5-year study of England's building and roofing stone resources, the Strategic Stone Study, is being carried out by English Heritage which will assist MPAs in identifying the location of these minerals and inform their safeguarding. The County Council will review the identification of MSAs within Leicestershire in the light of the findings of this study.'  | 5.14          |
| MPC31     | 4.84         | Amend 2nd sentence to read: '...minerals such as sand and gravel, opencast coal and fireclay...'  | 5.10          |
| MPC32     | After 4.84   | Add the following new paragraph: 'MPS1 states that MPAs should safeguard existing, planned and potential rail heads, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, particularly coal and aggregates, including recycled, secondary and marine-dredged materials. The protection of associated infrastructure will be taken into account in the identification of MSAs within Leicestershire. The BGS report referred to in Para 4.81 above adopted a different approach to the identification of safeguarding areas for each mineral, reflecting not only their different geology but also associated infrastructure. In particular, account has been taken of the extensive infrastructure, including rail links, associated with the County's igneous rock quarries and the existing infrastructure associated with the County's brickclay operations.'  | 6.12          |
| MPC33     | CS10         | 2 <sup>nd</sup> bullet point: add 'building and roofing stone' and 'and significant infrastructure such as rail linked facilities'.   | 5.14/<br>6.12 |

**ANNEX A**

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|-----------|--------------|---|------------|
| MPC34     | CS10         | Add further point under 2 <sup>nd</sup> bullet point: ` - through the establishment of a list of important sources of building and roofing stone'.  | 5.14       |
| MPC35     | 4.90         | 2 <sup>nd</sup> Sentence – Amend to read: ‘Policy 26 of the <del>draft</del> RSS provides the key approach to the protection and enhancement of the natural and cultural assets, together with policies 27, 29, 30, 31, 32, 33 and 35 which relate to the historic environment, biodiversity, woodland, landscape character, water environment, strategic river corridors and flood risk respectively.’ | 10.2       |
| MPC36     | CS11         | First bullet point – add: ‘- sites of geological interest’.   | 10.2       |
| MPC37     | 4.95         | Delete last sentence and replace with: ‘Within Leicestershire, these comprise the Trent, Soar, Welland and Wreake, along with their tributaries, the Eye, Mease and Sence. Their general location is shown in the <del>Draft</del> RSS on Diagram 3: Natural Assets.’   | 7.6        |
| MPC38     | CS13 (ii)    | Amend to read: ‘The siting, scale and design of the development together with the materials to be used reflect...’.   | 10.2       |
| MPC39     | 4.100        | In first sentence add after ‘is’ ‘to achieve the overall vision of the National Forest Strategy, which sets an overarching aim’.  | 7.4        |
| MPC40     | 4.101        | 1 <sup>st</sup> Sentence – amend to read: ‘ <del>Draft</del> RSS Policy 30 states...’.  | 10.2       |
| MPC41     | 4.101        | 2 <sup>nd</sup> sentence – amend to read: ‘ <del>Draft</del> RSS Policy Three Cities SRS 5 states...’.  | 10.2       |
| MPC42     | 4.102        | Last sentence - Amend to read: ` In considering proposals for the National Forest, it is important that due regard is given to nature conservation and cultural heritage sensitivities and opportunities.’  | 7.4        |
| MPC43     | CS14         | Delete ‘make’ and insert ‘reflect the National Forest Strategy by making’.  | 7.4        |
| MPC44     | 4.103        | 2 <sup>nd</sup> sentence - Amend to read: ‘The <del>draft</del> RSS acknowledges that Green Wedges serve useful strategic planning functions in preventing the merging of settlements, guiding development form, and providing a ‘green lung’ into urban areas, and act as a recreational resource.’  | 7.10       |
| MPC45     | 4.103        | Delete last sentence and replace with: ‘Mineral development would be acceptable within a Green Wedge provided that appropriate measures are taken to ensure that it does not adversely affect its strategic planning function.’   | 7.10       |
| MPC46     | 4.104        | Delete paragraph.   | 7.10       |
| MPC47     | CS15         | Amend to read: ‘The strategy for minerals development within Green Wedges is to ensure that proposals do not adversely affect their strategic planning function of preventing the merging of settlements, providing a ‘green lung’ into urban areas, and acting as a recreational resource.’  | 7.10       |
| MPC48     | 4.112        | Last sentence - amend to read: ` or enhancing the character and quality of the natural and historic environment.’   | 7.13       |
| MPC49     | 4.112        | Add: ‘Reclamation proposals should include an assessment of the stability of the land, in accordance with advice contained in PPG14 (Development on unstable ground), to ensure that any future use will <del>be</del> not present any future risks to the public or other land users.’   | 7.13       |

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| MPC50     | 4.113        | 1 <sup>st</sup> sentence – Delete and replace with: ' <del>Draft</del> RSS Policy 37 states that Local Development Frameworks should identify any likely adverse impact on habitats and propose mitigation, which may include creation of habitats elsewhere, and should set out the proposed uses to which former mineral extraction sites should be put.'  | 10.2       |
| MPC51     | After 4.117  | Add the following new paragraph: 'One of the legacies of underground mining activity is rising minewater. Mine water contains iron deposits which gives the water a distinctive orange colour. The minewater treatment schemes designed and operated by the Coal Authority remove the iron deposits through a series of settlement ponds and reed beds to effectively prevent contamination of the nation's drinking water supplies and watercourses. Minewater treatment schemes will be needed in perpetuity across the coalfields which will include the North West Leicestershire and South Derbyshire coalfield in the medium term.'  | 7.13       |
| MPC52     | 4.118        | Add: 'Opportunities should be maximised for informal recreation and green networks for walking and cycling, linking into existing green infrastructure, natural greenspaces, and /or connecting rural and urban areas.'  | 7.13       |
| MPC53     | CS17         | <del>Amend to read: '...that high quality reclamation and aftercare takes place to an appropriate after-use that enhances and complements the natural and historic environment and that is in keeping with the local area, including its landscape character and with due regard to the setting of historic assets, adding to local distinctiveness'.</del> (See MPC54)  | 7.13       |
| MPC54     | CS17         | Amend 1 <sup>st</sup> part to read:<br>'The strategy for the Reclamation and future use of mineral sites is to ensure that:<br><ul style="list-style-type: none"> <li>land is reclaimed at the earliest opportunity and that high quality restoration and aftercare takes place to an appropriate after-use that enhances and complements the natural and historic environment and that is in keeping with the local area, including its landscape character and with due regard to the setting of historic assets, adding to local distinctiveness and biodiversity having regard to the County's Biodiversity Action Plan, Landscape and Woodland Strategy, and the National Forest Strategy.</li> <li>industry uses best practice at the time which seeks to minimise future public safety hazards and ground stability problems which can arise from the legacy of mineral workings.'</li> </ul> | 7.13       |
| MPC55     | CS17 (iv)    | Amend to read: 'Public access and improvements to the public rights of way network including links to surrounding green infrastructure.'   | 7.13       |
| MPC56     | 5.3          | 2 <sup>nd</sup> sentence – Delete '10'.  | 10.2       |
| MPC57     | 5.5          | Subheading 'Design' – change to 'Sustainable Design'.  | 10.2       |
| MPC58     | DC2          | Add 'Sustainable' before 'Design' in the title. Add: 'during construction and operation;' after waste in bullet point (iii).   | 10.2       |
| MPC59     | 5.8          | 2 <sup>nd</sup> sentence – amend to read: 'Important features relating to landscape, the historic environment and nature conservation have become protected by statute...'   | 10.2       |

| Change No | Policy/ Para | Required change  | Report Ref |
|-----------|--------------|--|------------|
| MPC60     | DC3          | Amend to read: ` Planning permission will not be granted for minerals development that would have significant adverse effects on sites of national historic importance or on their character, appearance or setting, including:...' ` ...unless there are overriding reasons of national importance for development in that location that clearly outweigh the impacts that it is likely to have on the features of interest.' | 8.15       |
| MPC61     | 5.17         | 4 <sup>th</sup> sentence - amend to read: ' <del>Draft</del> RSS Policy 29...'   | 10.2       |
| MPC62     | Before 5.20  | Delete 'Open' from heading.  | 10.2       |
| MPC63     | 5.20         | Delete 'open' in 1 <sup>st</sup> sentence.   | 10.2       |
| MPC64     | 5.24         | After final sentence add: 'The County's Sites and Monuments Record provides a full list of archaeological sites and contain information on the known and reported archaeology. Developers should look to the Council's archaeological curator to identify those areas that have archaeological potential and in turn to recommend how that potential should be assessed.'  | 8.15       |
| MPC65     | DC8          | Amend to read: '...safeguarding the mineral and significant infrastructure such as rail linked facilities unless:'.  | 6.12       |
| MPC66     | DC10         | Amend to read: '...result in the significant loss...'  | 10.2       |
| MPC67     | 5.33         | Add: 'The restoration of some mineral sites in areas of flood risk could however provide flood attenuation and storage areas that have the potential to reduce the areas prone to flooding.'   | 10.2       |
| MPC68     | DC12         | Amend to read: '...generate unacceptable adverse effects...'   | 10.2       |
| MPC69     | 5.43         | 2 <sup>nd</sup> sentence – amend to read: '...safeguarding maps provided either by the Civil Aviation Authority or MoD.'   | 10.2       |
| MPC70     | 5.45         | Last sentence: Delete 'aerodromes and associated uses'; Replace with 'aircraft in flight'.   | 10.2       |
| MPC71     | Box 3        | Amend item 19 to read: '...landscaping proposals including screening, landscaping works and site boundary treatments;'   | 10.2       |
| MPC72     | Box 3        | 22: Add 'remains' at end.  | 10.2       |
| MPC73     | Box 3        | Amend item 23 to read: '...mitigation including a flood risk assessment and proposals for compensation, and site drainage details;'  | 8.15       |
| MPC74     | Box 3        | Delete items 24, 25, and 26.   | 10.2       |
| MPC75     | Box 3        | Amend item 29 to read: 'Reclamation proposals including finished levels, depths and source of soils and landscaping; and measures to ensure future ground stability;'  | 8.15       |
| MPC76     | Box 3        | Add: 'Information necessary to undertake an Appropriate Assessment for any development having an impact on the River Mease SAC.'   | 8.15       |
| MPC77     | Box 4        | Add: 'bird management/control'.  | 10.2       |

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|-----------|-------------------|--|------------|
| MPC78     | Box 5             | Delete item k).  | 10.2       |
| MPC79     | 5.65              | Last sentence – amend to read: ‘...for a period of at least 2 years...’.   | 10.2       |
| MPC80     | Box 7             | Delete item n).  | 10.2       |
| MPC81     | Box 7             | Add: ‘Details which will ensure the future stability of the ground following restoration.’   | 8.15       |
| MPC82     | Box 7             | Add: ‘The contribution of the development to the County’s Green Infrastructure.’   | 8.15       |
| MPC83     | Key Diagrams      | Delete Sustainable Urban Extensions.   | 10.2       |
| MPC84     | Key Diagrams      | Show location of East Midlands Airport.  | 10.2       |
| MPC85     | Key Diagram Fig 2 | Add fireclay resource area <del>(as referenced in Para 4-36)</del> as per the information shown in the British Geological Survey’s map of Mineral Resource Information in Support of National, Regional and Local Planning: Leicestershire (BGS, 2002).  | 4.10       |
| MPC86     | Monitoring        | In Resource Management box, delete 3 <sup>rd</sup> target; replace with: ‘All facilities at mineral sites to be located in accordance with the requirements of Policy DC22.’   | 9.3        |
| MPC87     | Monitoring        | In Transport box, delete 4 <sup>th</sup> indicator and target.   | 10.2       |
| MPC88     | Monitoring        | In Amenity box, amend to read: ‘Policy DC2: Sustainable Design’.   | 10.2       |
| MPC89     | Monitoring        | In Countryside box, 1 <sup>st</sup> indicator – delete ‘open’.   | 10.2       |
| MPC90     | Appendix One      | Add the following terms to the Glossary: Coal Bed Methane; Abandoned Mine Methane; and Underground Coal Gasification. Define as follows: Coal Bed Methane is clean coal technology and a potential long-term source of indigenous natural gas which can be extracted from underground coal seams without impacting on the possibility of mining the coal in the future. Abandoned Mine Methane is clean coal technology and a potential long-term source of indigenous natural gas which can be extracted from underground mine workings which have not yet flooded. Underground Coal Gasification is a form of clean coal technology which can provide a source of indigenous natural gas which is produced when uneconomic underground sources of coal are ignited under pressure. | 10.2       |
| MPC91     | New Appendix      | Add new appendix with text as per MCD 11: ‘Appendix 2: Table showing the relationship between the policies in this document and the Minerals Local Plan.’  | 2.13       |
| MPC92     | All               | Update text to reflect adoption of East Midlands Regional Plan, March 2009 (RSS 8) – ie, delete references to the draft RSS.   | Footnote 2 |

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|-----------|--------------|---|------------|
| MPC93     | 3.7          | Add new objective: '9. To complement and support wider strategies for the Minerals Development Framework area including green infrastructure projects and strategies such as the National Forest and Charnwood Forest Regional Park.' | 3.7        |
| MPC94     | CS7          | Add an additional criterion: 'the national need for fireclay'.  | 5.10       |
| MPC95     | 6.3          | Add the following sentence at the end of the paragraph: 'A review of the DPD would be carried out if and when it is no longer in general conformity with the RSS.'  | 4.14       |
| MPC96     | Monitoring   | Amend and add to the objectives listed in the tables to reflect required changes to The Objectives in Paragraph 3.7 of the Plan.  | 9.3        |