

**CABINET – 16 NOVEMBER 2010**

**LEICESTERSHIRE AND LEICESTER WASTE DEVELOPMENT  
FRAMEWORK**

**SITE ALLOCATIONS POLICIES DEVELOPMENT PLAN DOCUMENT**

**REPORT OF THE CHIEF EXECUTIVE**

**PART A**

**Purpose of Report**

1. To seek approval for the Waste Site Allocations Policies to be recommended to the full Council for publication and public consultation by the County Council and to be subsequently submitted to the Secretary of State for Communities and Local Government for Examination by the Planning Inspectorate.

**Recommendations**

2.
  - i. That the County Council be recommended to agree that the Leicestershire and Leicester Waste Site Allocations Policies – Pre - Submission Document appended to this report be published for consultation as the document it intends to submit to the Secretary of State for Communities and Local Government in accordance with the requirements of Regulation 27 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 and to subsequently submit it to the Secretary of State;
  - ii. That the County Council be recommended to agree that the Chief Executive be authorised to undertake the statutory publicity and consultation required prior to submission to the Secretary of State and complete the preparation of the documents necessary to accompany the Submission DPD and comply with the requirements of Regulation 30 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008;
  - iii. That the County Council be recommended to agree that the Head of Planning in consultation with the Cabinet Lead Member be authorised to make such minor adjustments to the Pre-Submission DPD or accompanying documents as he considers necessary, including changes considered appropriate in response to the Pre-Submission consultation and issues raised by the Planning Inspector post submission.

### **Reasons for Recommendations**

3. In order to comply with the Planning and Compulsory Purchase Act 2004, and the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, the County Council must prepare a Waste Development Framework for submission to the Secretary of State for independent Examination by a Planning Inspector before it can be adopted by the County Council. The Waste Site Allocations DPD is the second and final DPD making up the Waste Framework for Leicestershire and Leicester and allocates sites considered appropriate to meet the scale and location of new waste facilities identified in the primary DPD which is the Waste Core Strategy and Development Control Policies DPD adopted by the County Council in October 2009.
4. Stakeholder consultation has taken place as part of the preparation of the Site Allocations DPD and the Sustainability Appraisal report required to accompany it but there is a need to undertake a formal consultation prior to the submission of the DPD to the Secretary of State.

### **Timetable for Decisions (including Scrutiny)**

5. At its meeting on 27<sup>th</sup> July 2010 the Cabinet updated the timetable for the preparation of the Waste Site Allocations DPD. The timetable approved was for pre-submission consultation to take place in January and February 2011 and submission to the Secretary of State to undergo the Examination by the Planning Inspectorate in May 2011. The adoption of the Waste Site Allocations document is proposed in February 2012 subject to the Examination and public hearing being completed successfully and the document found Sound. This timetable was also approved by Leicester City Council on 22<sup>nd</sup> March 2010.
6. This report is being considered by the Scrutiny Commission at its meeting on 10<sup>th</sup> November 2010. The comments of the Commission will be reported to the Cabinet on 16 November.
7. It is proposed that the Council considers this matter at its meeting on 1<sup>st</sup> December.
8. Leicester City Council will consider the Waste Site Allocations DPD at its full Council meeting on 27<sup>th</sup> January 2011.

### **Policy Framework and Previous Decisions**

9. The national Planning Policy Statement 12 (PPS 12) sets out how the Government expects planning authorities to prepare their local development documents. PPS 12 is supported by a Plan Making Manual which provides good practice examples and guidance from Government on the Regulations.
10. As referred to above the Cabinet updated the timetable for preparing the Waste Site Allocations DPD in July 2010 and Leicester City Council, which is producing the Waste Development Framework jointly with the County Council, adopted the same revised timetable for the Waste Site Allocations document (along with a timetable for producing its own Local Development Framework documents) on 22

March 2010.

**Resource Implications**

11. Costs to complete the preparation of the Waste Site Allocations document will be contained within the approved budget for this project. The Director of Corporate Resources has been consulted on the Resource Implications section of this report.

**Circulation under the Local Issues Alert Procedure**

12. A copy of this report has been circulated to all members by MIS.

**Officers to Contact**

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## **PART B**

### **Background**

13. The 2004 Act introduced 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.
14. In March 2007 the Cabinet approved a revised Minerals and Waste Development Scheme (MWDS) for adoption. The MWDS set out which documents the Council intended to produce as part of its Minerals and Waste Development Frameworks and the programme for preparing these documents. The Minerals and Waste Core Strategies and Development Control Policies Development Plan Documents which were adopted by the County Council in October 2009 and which comprise the primary documents of the Minerals and Waste Development Frameworks were prepared to the timetable in the March 2007 MWDS.
15. There are two remaining documents which need to be produced to complete the Minerals and Waste Development Frameworks and these are the Waste Site Allocations document prepared jointly with Leicester City Council and the Minerals Site Allocations document which just covers the County. The timetable in the MWDS for preparing these remaining documents is now out of date as a result of changes to the regulations for preparing Development Frameworks and other changed circumstances particularly related to the Minerals Site Allocations document. The MWDS envisaged the Minerals and Waste Site Allocations documents being prepared in tandem but this is no longer appropriate.
16. On 27<sup>th</sup> July 2010 the Cabinet approved a revised timetable to take the Waste Site Allocations document through the stages required before formal adoption. In respect of the Minerals Site Allocations document the Cabinet noted that further work would not take place until a report was brought back to advise on how Leicestershire's aggregates apportionment would be settled following the revocation of the Regional Spatial Strategy. Further guidance on this is expected from the Government.

### **Waste Site Allocations**

17. Work on the preparation of the Waste Site Allocations started earlier this year with re-scoping of the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) objectives and updating the baseline data. There is a legal requirement to use SA/SEA to assess development plans to ensure that their objectives, policies and proposals are sustainable.
18. In March this year, invitations were sent to waste companies, land owners, agents and other organisations to submit any proposals they have for new, or extensions to existing, waste facilities that they wished to be considered for inclusion in the Site Allocations Document. This invitation also went to those who had previously put waste sites forward in 2006 asking for confirmation whether they wished their sites to continue to be considered. As a consequence, 28 sites have been

submitted. Information on the proposed sites has been placed on the Council's website at [give link to web address to facilitate quick reference].

19. Since July an initial assessment of waste sites that have been proposed for inclusion in the Waste Site Allocations document by landowners and developers has been carried out. As part of this initial assessment consultation with key stakeholders, including environmental bodies, district and parish councils where sites have been proposed has taken place. The purpose of this consultation has been to obtain the technical information necessary to undertake the Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) of the sites. SA/SEA is a legal requirement of the plan making process and will be used to identify the most sustainable sites and any sites unsuitable for allocation. After identifying those sites considered technically suitable for allocation, the draft Waste Sites Allocation document has been prepared and is appended to this report. An important consideration in deciding to allocate a site is whether it complies with the Waste Core Strategy.
20. The table below lists the sites that have been considered and the potential waste uses that have been proposed. The first 10 sites in the list are those considered suitable for inclusion in the Site Allocations document.

Site No.	Site	MSW/C&I Waste Recycling/Recovery Facility	C&D Waste Recycling	Composting	Energy/Value Recovery/Treatment	Waste Transfer	Inert Landfill	Non-inert Landfill
1	Barwell RHWS					▪		
2	Loughborough RHWS	▪				▪		
3	Whetstone RHWS	▪				▪		
4	A E Burgess, Ulverscroft Rd Leicester		▪					
5	Gypsum Close, Leicester	▪						
6	Asfordby Mine				▪			
7	Plots 5 & 6, Bardon				▪			
8	Whetstone RHWS				▪			
9	Albion Landfill							▪
10	Husbands Bosworth Quarry						▪	
Not Selected	Brooksby Quarry		▪					
Not Selected	Hemington Quarry		▪					
Not Selected	Little Wigston		▪					
Not Selected	Mountsorrel Quarry		▪					
Not Selected	NH Skips, Mountsorrel	▪						
Not Selected	Shawell Quarry	▪						
Not Selected	E Taylors, Hinckley	▪						
Not Selected	Mountsorrel Quarry					▪		
Not Selected	Kibworth RHWS					▪		
Not Selected	Sysonby Farm, Melton	▪						
Not Selected	Arkwright Hill Farm	▪			▪			
Not Selected	Harborough Road, Kibworth	▪		▪	▪			
Not Selected	Manor Farm, Aston Flamville	▪		▪	▪			
Not Selected	Mountsorrel Quarry				▪			
Not Selected	Newhurst Quarry				▪			
Not Selected	Shawell Quarry				▪			
Not Selected	Sapcote/Granitethorpe Quarries						▪	▪
Not Selected	Brooksby Quarry						▪	

21. In terms of capacity, taking the maximum throughputs supplied by site promoters the allocated sites would provide the following:
- 85,000tpa of new capacity for the transfer of municipal waste (this does not contribute to targets in the Core Strategy but is an important part of the County's waste infrastructure;
  - 125,000tpa of C&D recycling;
  - 230,000tpa of municipal and C&I energy recovery (the capacity the Whetstone site could contribute as a site for waste treatment is not included as this site would only be required as a direct replacement for the Interlink site at Bardon);
  - 200,000tpa of non-inert landfill; and
  - 150,000tpa of inert landfill.
22. Using the above figures and the calculated shortfalls in the 2010 Waste Needs Assessment there would be sufficient waste management capacity to manage all the municipal and commercial & industrial waste arising in the City and County until 2021. A shortfall in capacity to manage construction & demolition waste would remain.

### **Sustainability Appraisal Report**

23. A Sustainability Appraisal (SA) Report is required to be produced for the Site Allocations DPD. The report explains how the proposed site allocations have been subject to sustainability appraisal, which is a requirement of the Planning and Compulsory Purchase Act 2004, and also Strategic Environmental Assessment (SEA) which is a requirement of EU Directive 2001/42/EC. The conclusions of the SA and SEA have been taken into account in the formulation of the Waste Site Allocations Policies DPD along with the need to comply with the strategy and policies in the adopted Core Strategy and Development Control Policies DPD. A Non-Technical Summary and the full SA report are available on the Council's website at [http://www.leics.gov.uk/index/environment/planning/community\\_services\\_planning/planning\\_policies/local\\_development\\_plan/minerals\\_and\\_waste\\_development\\_framework/site\\_allocations\\_document.htm](http://www.leics.gov.uk/index/environment/planning/community_services_planning/planning_policies/local_development_plan/minerals_and_waste_development_framework/site_allocations_document.htm).

### **Relationship to the Waste Procurement Process**

24. A site at the Interlink Business Park (Plots 5 & 6, Bardon) and the Whetstone RHWS have been proposed as potential sites for use in the Long Term Waste Treatment Facility procurement process for Leicestershire municipal waste. The remaining two bidders for the contract have proposed to use the Bardon site. Although PFI funding has been withdrawn from the procurement project no decisions have yet been taken on the future of the project and there remains a need for sites suitable for a long term treatment facility to deal with Leicestershire's municipal waste to be included in the Waste Site Allocations document to meet landfill diversion targets.

## **Consultation**

25. As part of the site assessment the following have been asked to provide their comments on sites: Natural England; English Heritage; Environment Agency; Highway Agency; Highway Authority; East Midlands Airport; Coal Authority; Central Networks; North West Leicestershire District Council; Harborough District Council; Melton Borough Council; Hinckley and Bosworth Borough Council; Charnwood Borough Council; Leicester City Council, Warwickshire County Council together with the parish councils in which the various sites lie and Ecology, Archaeology and Rights of Way teams within the County Council. A summary of the responses received on each site is available on the Council's website at [http://www.leics.gov.uk/index/environment/planning/community\\_services\\_planning/planning\\_policies/local\\_development\\_plan/minerals\\_and\\_waste\\_development\\_framework/site\\_allocations\\_document.htm](http://www.leics.gov.uk/index/environment/planning/community_services_planning/planning_policies/local_development_plan/minerals_and_waste_development_framework/site_allocations_document.htm).
26. This report seeks approval of the Waste Site Allocations document to undergo public consultation in February and March 2011 and, after any necessary consequent changes being made, to submit the Waste Site Allocations document to Government to go through an Examination process, undertaken by a Planning Inspector, who will test its 'soundness'. Organisations and individuals who have made representations to the Councils on the Allocations document will have the opportunity to take part in the Examination which will include a Public Hearing. Adoption of the Site Allocations document is proposed to take place in early 2012 subject to the Examination and public hearing process being completed successfully and the document found Sound.

## **Impact Assessments**

### **Equal Opportunities Implications**

27. The Council's Statement of Community Involvement (SCI) sets out how the County Council will consult and engage on planning matters. As stated in the SCI, the Council intends to engage all sectors of the community and provide opportunities for them to be involved in the preparation of the Minerals and Waste Development Frameworks and planning applications.

### **Environmental Impact**

28. The Waste Site Allocations document has been subject to Strategic Environmental Assessment and the conclusions of this are included in the Sustainability Assessment Report and have been taken into account in the selection of sites proposed for allocation.

### **Partnership Working**

29. The Waste Development Framework is being prepared jointly with Leicester City Council with the County Council taking the lead.

## **Background Papers**

30. Reports of the Director of Community Services to the Cabinet on 8 March 2005, 3 June 2005 and 23 November 2005, 16 May 2006, 26 June 2006, 10 July 2006 and 26 July 2006, 5 March 2007, 11 September 2007, 8 April 2008. report to the

Environment Overview and Scrutiny Committee on 15 April 2008. reports to Cabinet and to County Council regarding Core Strategy adoption 28<sup>th</sup> July 2009 and 23<sup>rd</sup> September 2009 respectively. Report to Cabinet 27<sup>th</sup> July 2010 and report to Scrutiny Commission 10<sup>th</sup> November 2010.

### **Appendices**

Appendix – Waste Development Framework: draft Pre-Submission Site Allocations Policies DPD.