

REPORT TO CABINET – 11th SEPTEMBER 2007

**LEICESTERSHIRE MINERALS AND LEICESTERSHIRE AND
LEICESTER WASTE DEVELOPMENT FRAMEWORKS**

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART A

Purpose of Report

1. To approve documents for further consultation in order to clarify the spatial strategies contained within the Leicestershire Minerals Development Framework and the Leicestershire and Leicester Waste Development Frameworks.

Recommendation

2. That approval be given to the publication, for the purpose of public consultation, documents appended to this report explaining the preferred spatial strategies in respect of the Leicestershire Minerals and Leicestershire and Leicester Waste Development Frameworks, subject to the Director of Community Services being authorised to make minor changes for clarity or formatting reasons prior to publication.

Reasons for Recommendation

3. In order to comply with the Planning and Compulsory Purchase Act 2004 (2004 Act), and The Town and Country Planning (Local Development) (England) Regulations 2004 (2004 Regulations), the County Council must prepare Minerals and Waste Development Frameworks for submission to the Secretary of State, and for independent examination, before it can be adopted by the County Council. Consultation on 'preferred options' took place in September and early October 2006. The Government Office for the east Midlands considered a further consultation exercise necessary to address deficiencies which were identified before preparing documents for submission to the Secretary of State for examination.

Timetable for Decisions

4. The County Council has a programme for producing the Minerals and Waste Development Frameworks contained in the Minerals and Waste Development Scheme (MWDS). A revised MWDS was agreed by Cabinet in March 2007. The timetable provides for a further consultation

exercise to be commenced in October 2007. The precise commencement of the consultation will be co-ordinated with Leicester City Council. Core Strategies will be submitted to the Secretary of State for Public Examination in June 2008.

Policy Framework and Previous Decisions

5. The 2004 Act and associated 2004 Regulations introduced a new system of development plans which required Minerals and Waste Development Frameworks to be produced by County Councils in two tier local authority areas. Planning Policy Statement 12 (PPS12) provided national policy on preparing the new development documents and is supported by a good practice guide.
6. Cabinet approved a revised MWDS, which sets out the timetable for preparing the new Minerals and Waste Development Framework Documents on 5th March 2007. Cabinet approved Preferred Options documents for the Minerals and Waste Development Frameworks for consultation on 26th July 2006.

Resource Implications

7. Costs for this stage of the Minerals and Waste Development Framework will be contained within the approved budget for this project. The Director of Corporate Resources has been consulted on the resource implications of this report.

Circulations under the Sensitive Issues procedure

8. A copy of this report has been sent to all members of the County Council as an information item.

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PART B

Background

8. The 2004 Act had introduced a requirement for the County Council to produce Minerals and Waste Development Frameworks (MWDF) to replace the existing Minerals and Waste Local Plans.
9. 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 Minerals 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.
10. Consultation on the Preferred Options for the Core Strategy and Site Allocations documents for the MWDF, together with their associated Sustainability Appraisal Reports, took place in September and early October 2006.
11. In their consultation response, the Government Office for the East Midlands (GOEM) were 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 is a consequence of emerging clarification and advice from government resulting from the ongoing learning process associated with the new plan system.
12. The matter of soundness is very important. Development plan documents need to be found sound by an independent inspector. Being found unsound will mean that the documents cannot be adopted and the Council would have to take one or more steps back in the process to rectify the problem before resubmitting them for re-examination.
13. In an attempt to rectify the deficiencies identified by GOEM, consultation documents have been prepared which seek to explain the preferred spatial strategies for the mineral and waste frameworks which were not fully developed and explained in the previous consultation documents.
14. The consultation documents provide a description of the spatial characteristics of the plan area with particular reference to the existing pattern of geological resource and mineral activity and pattern of existing waste facilities and an explanation of what the future provision for mineral and waste requirements needs to be. The spatial portrait brings out what is distinctive about the area. The existing essential spatial characteristics and the spatial strategy are expressed in diagrammatic form to accompany the consultation document.
15. A summary of the content of the consultation documents is set out below. The documents themselves are included in appendices to this report.

Minerals Spatial Strategy

16. The Overall Strategy set out in the Minerals Spatial Strategy document (Appendix A) is to:
- Identify an appropriate pattern of sites and areas to meet national, regional and local requirements
 - Give preference to extensions to existing operations
 - Identify locations which have the least impact on the County's environment, its landscape, and local communities.
 - Locate new developments:
 - in close proximity to the County's lorry route network;
 - where road traffic avoids residential areas and minor roads; and
 - where use of rail/water transport could be secured.
17. Potential spatial options for the extraction of minerals are significantly inhibited by their geological occurrence and by uncertainties in available geological information.
18. The starting point for aggregates (crushed rock and sand and gravel) is the provision of sufficient supplies as identified in the Regional Spatial Strategy. Preferred locations for aggregate recycling facilities are existing mineral and waste management operations and existing industrial estates in close proximity to the County's lorry route network. The preferred approach to satisfying the shortfall of sand and gravel reserves over the period to 2021 is by extending existing sites. Existing sites are located at Lockington, Cadeby, Husbands Bosworth, Shawell and Brooksby. Extensions have the potential to meet future requirements with less environmental impact than the establishment of new sites.
19. Given the level of permitted reserves and the capacity of the existing sites, no specific provision is proposed for future crushed rock extraction. Additional provision in the form of extensions to existing quarries may be appropriate for operational reasons or due to unforeseen circumstances provided that the environmental effects can be made acceptable. New greenfield sites are not considered appropriate at the current time.
20. The preferred spatial strategy for brickclay is to release additional resources as close as practicable to the brickworks that is to be supplied. Any potential shortfalls in respect of gypsum in the longer term will be considered when the MDF is reviewed. The preferred spatial approach for fireclay is to provide a long term strategic facility for the stocking and blending of fireclays within the existing Donington Island site and to encourage the extraction of any fireclay associated with proposals for opencast coal operations. Proposals for building stone will need to demonstrate that the material would be used to preserve or enhance the character of historic buildings, the local distinctiveness of settlements and the historic environment.

21. The preferred option for opencast coal is to draw up criteria-based policies which balance the environmental impacts of coal extraction with its potential benefits. Shallow coal reserves suitable for opencast extraction are situated in a very small area within North-West Leicestershire, making environmentally acceptable sites difficult to identify. Only two sites have been forward by UK Coal, namely Longmoor (which is now permitted) and Minorca (which has previously been refused planning permission).
22. The preferred option for hydrocarbons and new coal technologies (such as extraction of coalbed methane, extraction of methane from coal mines and underground coal gasification) is to draw up criteria-based policies to ensure that activities take place in an acceptable manner.
23. The consultation document also includes a section on Mineral Safeguarding Areas (MSAs). Revised national mineral planning policy was published after the Preferred Options document was produced. This requires MSAs to be defined in development plans to ensure that mineral resources are not needlessly sterilised. There is no presumption that resources defined in MSAs will be worked.
24. The consultation exercise provides an opportunity for comment on the Council's preferred methodology for safeguarding mineral resources together with its preferred Mineral Safeguarding Areas within Leicestershire. The preferred approach is to define MSAs around all deposits of sand and gravel, limestone, igneous rock, shallow coal, fireclay, brickclay and gypsum that are considered to be of current or future economic importance. MSAs have been defined based on information provided by British Geological Survey on geological resources within the County.

Waste Spatial Strategy

25. The Waste Spatial Strategy document (Appendix B) sets out the required capacity for managing waste up to 2020. This has been calculated from targets and apportionments set in the Regional Spatial Strategy (RSS), Regional Waste Strategy and the Leicestershire Municipal Waste Management Strategy.
26. The capacity requirement, and an indicative possible number of facilities (depending on size/type) and land requirement for recycling/composting and energy/value recovery for all wastes is set out below. Although the energy/value requirement for MSW and C&I waste is shown separately in the table there will be potential for both waste streams to be dealt with at the same facilities.

	Total Requirement (tonnes per annum)	Potential Number of facilities	Potential Land Requirement (hectares)
Recycling/ Composting (C&I/MSW)	324,000	3 MRF, 8 Composting, and 4 C&I Recycling	30
Recycling (C&D)	519,000	10 - 35	40 - 90
Energy/value recovery(MSW)	114,000 (MSW)	1 – 2	2 - 4
Energy/value recovery(C&I)	800,000(C&I)	4 - 16	16 - 24

27. The minimum requirement for landfill capacity of non inert waste is 593,000 tonnes per annum by 2009/2010, 596,000 tonnes per annum by 2014/2015 and 552,000 tonnes per annum by 2019/2020. Depending on the amount of energy/value recovery capacity that is developed, 1 or 2 additional non inert landfill sites will be required to meet this requirement.
28. There would be a need to reuse or landfill 1,195,000 tonnes of inert waste per annum by 2009/2010, rising to 1,255,000 tonnes per annum up to 2019/2020. There is an expected need for additional new inert landfill sites to be provided in the Framework period.
29. Strategic Sites would be expected to have most of the following characteristics:
- Sites which have the capacity to make a significant contribution to municipal waste recovery by reducing the amount of residual waste going to landfill.
 - Sites that offer potential for the co-location of complementary waste facilities and/or end users of recovered materials or energy.
 - Sites which have potential to deal with other waste streams as well as municipal.
 - Sites which are well located to waste arisings and have good transport links.
 - Sites of sufficient area and characteristics to deliver a strategic function (2ha minimum)
30. Following the spatial lead provided by the emerging RSS, the broad locations where strategic sites will be sought have been identified as in or in close proximity to the urban areas of Leicester City, and the built up areas between, and including, Loughborough and Coalville. Smaller non strategic waste facility sites will be sought in or close to the other main urban areas of Hinckley and Melton Mowbray. In particular, opportunities to locate waste facilities within the sustainable urban extensions proposed in the emerging RSS will be sought.

31. Certain types of waste facility such as on farm composting, sewage treatment and aggregate recycling will need a more dispersed location in rural areas and smaller settlements.
32. The extension of existing waste facilities will be favoured particularly where they provide the opportunity to co-locate waste facilities and give more sustainable waste management opportunities and provided that they do not result in unacceptable cumulative impacts.
33. Following the consideration of existing waste management operations, a sequential approach will be adopted for the location of new waste management development. Priority will be given to industrial areas where certain types of modern waste management development are suited. The next priority will be for previously developed sites with good transport connections on the urban fringe close to the source of the waste.
34. In exceptional circumstances, land in Green Wedges and agricultural land may be needed in order to ensure that sufficient provision is made. Preferable locations for facilities are those with good access on or close to designated lorry routes.
35. Opportunities for integrated waste management will be encouraged, where various waste management options can be co-located to reduce transport requirements and assist improved levels of waste recovery.
36. It is recognised that landfill will still have a role to play within the Framework period for the disposal at least of residual waste left after treatment, and that it can bring environmental benefits, for example in terms of restoration of former mineral workings to appropriate after-uses. Alternatives for landfill sites are restricted because the location of landfill development is almost exclusively limited to former minerals sites in need of reclamation.

Consultation

37. It is intended that the public and stakeholders will be given an opportunity to comment on the above documents referred to during October/November 2007. Consultation will be undertaken in accordance with the Council's Statement of Community Involvement (SCI), which was adopted in January 2007. The SCI sets out how the County Council will consult and engage on planning matters.

Equal Opportunities Implications

38. The SCI states how the Council intends to engage all sectors of the community and particularly the 'hard to reach' groups and provide opportunities for them to be involved in the preparation of the Minerals and Waste Development Frameworks and planning applications.

Background Papers

Reports of the Director of Community Services to the Cabinet on 27th June 2006, 10th July 2006, 26th July 2006 and 5th March 2007.