



Leicester
City Council

**WARDS AFFECTED
ALL**

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**PLANNING AND DC COMMITTEE
OVERVIEW SCRUTINY BOARD
CABINET
COUNCIL**

**APRIL 15th 2008
MAY 8th 2008
MAY 12th 2008
MAY 29th 2008**

**LEICESTERSHIRE AND LEICESTER WASTE DEVELOPMENT FRAMEWORK CORE
STRATEGY**

Report of the Corporate Director, Regeneration and Culture

1. Purpose of Report

- 1.1** This report seeks approval to submit the documents to the Secretary of State (SoS) for the Department of Communities and Local Government (DCLG) in relation to the Leicestershire and Leicester Joint Waste Development Framework Core Strategy and Development Control Policies Development Plan Document (DPD). They are lengthy documents and the main issues for the City are summarised in this report. The documents are listed below (para. 2.3) and a copy of the documents will be available in the Member's Library.

2. Summary

- 2.1** The County and City Councils are preparing a joint a Waste Development Framework (WDF). It will cover the period up to 2021. It will replace the current Waste Local Plan, which ran until 2006, and is being prepared under the new planning system brought in by the Planning and Compulsory Purchase Act 2004. Initial work has shown that unless we recycle more waste of all types, additional new waste management facilities will be needed. Additional land site capacity is likely to be required in the framework area by the end of this year, and there are indications that additional materials recovery, composting, treatment/recycling as well as construction and demolition waste recycling centres will be required even sooner
- 2.2** The two authorities published an additional preferred options report for public consultation in October last year, which was required to address the potential problems which had been identified by the Government Office for the East Midlands (GOEM) that could have lead to the DPD being found unsound.

2.3 The WDF Core Strategy and Development Control DPD has three parts:

- (i) **The Core Strategy and Development Control Policy Document** includes a vision, objectives and policies for the spatial aspects of waste reduction, re-use and treatment. It also sets out development control policies that would apply to new development and facilities to treat, recycle and manage all types of waste.
- (ii) **Draft Spatial Diagram**, which shows existing waste sites in Leicester and Leicestershire, and broad locations for search for future key waste facilities.
- (iii) **The Sustainability Appraisal**, which incorporates the Strategic Environmental Assessment.

3. Recommendations

3.1 Corporate Directors Board is recommended to note the report

3.2 Cabinet is recommended to note the report

3.3 Council is recommended to approve this report and agree that the documents listed above in 2.3 be submitted to the Secretary of State for Communities and Local Government for public consultation and examination.

4. Report

4.1 Background

4.1.1 The County and City Council have joined forces to prepare a Waste Development Framework (WDF). It will cover the period up to 2021 and replaces the Leicestershire, Leicester and Rutland Waste Local Plan 1995-2006 in setting out policies and proposals for the development and use of land for waste management within the area. Initial work has shown that unless we recycle more waste of all types, additional new waste management facilities will be needed. Additional land site capacity is likely to be required in the framework area by the end of this year, and there are indications that additional materials recovery, composting, treatment/recycling as well as construction and demolition waste recycling centres will be required even sooner. At present neither the City nor County is disposing of all its municipal or commercial waste within the County, nor is construction waste recycled near to redevelopment sites as a matter of course. Addressing this will clearly be challenging for the City Council, as Leicester is constrained by the shortage of sustainable sites for waste treatment of any type.

4.1.2 Currently 4 million tones of waste are produced in the whole framework area annually. Considering that the population within Leicester and its principal urban area is going to increase by an estimated 5.8% and household numbers by an estimated 14% by 2016, this means that there could be a similar increase in the amount of waste produced by these extra residents. Leicester City Council has been very forward looking and has built the Ball Mill at Bursom industrial estate, and uses its associated anaerobic digestion facility at Wanlip. These facilities mean that Leicester City will be able to process this increased municipal waste and meet the associated waste processing targets. National Waste Strategy 2007 highlights the fact that household waste only accounts for a small amount of waste produced. The biggest proportion of waste produced is demolition, construction and quarrying waste, which accounts for over 60 percentage of all waste produced. Leicester currently has a serious shortage of facilities to process construction waste, which has dramatically increased due to the large-scale

regeneration currently on going within the city. New facilities are required to process the increased construction waste. Two sites have been identified in Leicester for construction waste processing these are the former railway sidings at the Ulverscroft Road Industrial Estate, which has a capacity to process 75,000 tonnes per annum and part of the Braunstone Frith Industrial Estate on Sunningdale Road which has the capacity to process 250,000 tonnes per annum. Both of these sites have planning permission for this use.

4.2 Waste Development Framework (WDF)

4.2.1 The current stage of the WDF process is to submit the proposed WDF Core Strategy DPD and supporting information to the Secretary of State (SoS) for the Department Communities and Local Government (DCLG) for Examination in Public (EiP) to test whether the plan is sound. The WDF Core Strategy defines both the core policies which will set the over arching strategy for the provision of new facilities to meet future needs and the development control policies which will be used to determine planning applications. The preferred options have been subject of consultation twice, once in 2006 and again in 2007 following concerns raised regarding the potential soundness of the plan raised by the Government Office of the East Midlands (GOEM). These observations raised by GOEM have now been addressed in the most recent consultation and the next stage of the process is for the plan to be submitted to the SoS for examination. Once the plan has been submitted a 6-week consultation period begins where stakeholders and other relevant bodies will be able to make comments on the proposed plan.

4.2.2 WDF Core Strategy and Development Control Policy Development Plan Document (DPD)

The main objective of the core strategy is to enable sufficient provision of waste management facilities to help meet the increased waste until the end of plan period in 2021. The new facilities should increase re-use, recycling, composting and energy recovery, while limiting the amount of waste going to final disposal in facilities such as landfill. The submission copy of the plan contains a detailed vision for the future of waste processing in Leicestershire and Leicester, which highlights the existing situation of waste management and explains how the provision of new facilities will be provided to meet tough government targets. The submission copy also contains 14 core strategy policies, which set the overriding policies for achieving the defined vision, and 18 development control policies that will be used for determining planning applications for waste related development.

4.2.3 Spatial Diagram

The spatial diagram shows the existing waste sites within Leicester and Leicestershire and also the broad locations of search for key waste sites, which may be required to process future waste needs of Leicester and Leicestershire. Key waste sites are strategically important waste sites, which can be used to process large amounts of municipal waste. These can include Mechanical-biological treatment, Anaerobic digestion, Mechanical Heat Treatment, and potentially Energy Recovery/incineration. Leicestershire County Council are in the process of preparing a private finance initiative (PFI) bid to fund a new strategic key waste facility, and as part of the process the site of a former incinerator currently being used as a waste transfer station in the Enderby Road industrial estate in Whetstone has been suggested as a potential site. However the County Council are looking to also acquire other sites, which could potentially, be

used for a key facility, and have requested that site owners could suggest potential sites. As part of the PFI process Energy From Waste has been suggested as a reference point for the draft PFI business case as the County Council see this as the most practical way of meeting the required demand for waste processing. However those bidding for the PFI contract could suggest other forms of waste processing and therefore no formal decision on technology has been made by the County Council. Once a decision has been made, this will be subject of a future report.

4.2.4 Leicester currently has a key waste site, this being the Ball Mill at Bursom, which has enough capacity to process the increased waste that will arise during the plan period. Leicester is shown on the spatial diagram as a potential area for search for a key waste site because under government guidance the first area of search should be close to the source of waste, i.e. urban areas. There is no evidence that Leicester will require a new key waste facility within the plan period, but Leicestershire County Council will be looking for an appropriate key waste site as close as possible to the urban areas. To date there has been no decision on what types of facilities the County will be looking to implement within the plan period. As with any decisions on technology (para. 4.23) this will be subject of a future report.

4.2.5 The document will need to be submitted in June 2008 to the Secretary of State for the Department of Communities and Local Government to meet the timetable set out in the Local Development Scheme. If the plan misses this deadline then the City Council will lose a significant amount of the 2008-2009 Housing and Planning Delivery Grant. Following its submission it will be subject to EiP in January 2009, with adoption expected in October 2009.

4.2.6 Examination in Public (EiP)

The role of the Examination in Public (EiP) is to assess whether the plan is in conformity with the government requirements for development plan documents and is therefore a sound plan. The assessment for soundness is a test against 9 statements known as the tests of soundness. These tests are: -

1. The plan has been prepared in accordance with the local development scheme.
2. The plan has been prepared in compliance with the statement of community involvement.
3. The plan and its policies have been subjected to sustainability appraisal.
4. The plan is spatial and is consistent with national planning policy and in general conformity with the Regional Spatial Strategy for the East Midlands, and has had proper regard for any other relevant plans, policies and strategies relating to the area or adjoining areas.
5. The plan has had regard to Leicester & Leicestershire's Community Strategies.
6. The strategies and policies in the plan are coherent and consistent within and between development plan documents prepared by the Leicester City council and by neighbouring authorities where cross boundary issues are relevant.
7. The strategies and policies represent the most appropriate in all circumstances, having considered the relevant alternatives and they are founded on a robust and credible evidence base.
8. There are clear mechanisms for implementation and monitoring
9. The plan is reasonably flexible to enable it to deal with changing circumstances.

4.2.7 If the plan is found to comply with all of the above statements it will be found sound, if it does not comply with one or many of the statements it will be found unsound and the plan will need to be changed and re-submitted for another EiP. The EiP its self is an informal round table discussion where stakeholders and relevant organisations who wish to make comments regarding the proposed plan are invited to do so, and the whole process is likely to take two to three weeks. The EiP will be overseen by an independent inspector from the Planning Inspectorate, who once the EiP is complete will prepare a binding report declaring the plan either sound or unsound.

4.2.8 The second part of the Waste Development Framework, the site allocation DPD, has been put on hold while the changes are made to the Core Strategy. Background work has been undertaken by planning consultants Entec that has indentified other potential waste site in the City and County. Consultation on this document is timetabled for October 2008 with adoption timetabled for June 2011.

4.3 Next Stages

The WDF Core Strategy and Development Control Policies DPD will firstly be subject to a six-week consultation period, which will allow stakeholders to make representation on the document before the plan is submitted to the Sectary of State. The plan will then be subject to EiP before a binding inspectors report is published finding the plan sound or otherwise. If the plan is found sound then further report will be submitted to members requesting that the plan be adopted as Council policy.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

5.1.1 Costs from the Local Development Framework process, including the examination in public will be met from existing budgets.

Martin Judson; Head of Finance R&C; Ext 297390

5.2 Legal Implications

5.2.1 The Corporate Director refers in the report to the statutory guidance that has been considered in the development of the strategy. The process being followed complies with the guidance and the statutory provisions contained in the Planning and Compulsory Purchase Act 2004.

5.2.2 In accordance with the Council's Constitution and the Local Authorities (Function and Responsibilities) Regulations, the decision to approve the strategy is a matter for full Council as it is part of the Development Plan.

Anthony Cross, Head of Litigation; Ext 296362

6. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the report
Equal Opportunities	No	
Policy	Yes	The proposals are consistent with the Adopted City of Leicester Local Plan

		2006.
Sustainable and Environmental	Yes	The documents are subject to a sustainability appraisal and strategic environmental assessment.
Crime and Disorder	No	
Human Rights Act	Yes	Detailed proposals will be subject to planning applications in due course. These are policy documents that will guide future decisions and enable people's involvement in the process of policy development.
Elderly/People on Low Income	No	

7. Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (If necessary/appropriate)
If no progress is made with the LDF process there will not be an update policy document which planning decisions relating to waste can be made.	L	M	Ensure that LDF process progresses to the timetable set out in the Local Development Scheme.

L – Low
M – Medium
H – High

L – Low
M – Medium
H – High

8. Background Papers – Local Government Act 1972

None

9. Consultations

R&C Head of Finance
Legal

Date Consulted

5th March 2008
5th March 2008

10. Report Author

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Key Decision	Yes
Reason	Significant in its effect on communities in one or more wards.
Appeared in Forward Plan	yes
Executive or Council Decision	Executive

