

Leicestershire, Leicester and Rutland Waste Local Plan Proposed Modifications

Respondent	Proposed Modification No.	Summary of Representation	WPA Response (Consequential changes shown as: additions in bold; deletions with strikethrough)
Blaby District Council	1 – New Paragraph 1.2a.	Support – inclusion of Paragraph 1.2a - a pre-inquiry change to satisfy an original objection made by the District Council.	Support noted.
Blaby District Council	31 – WLP6.	Amendment to Policy - the second sentence of WLP 6 should be reworded for clarification, to read <i>"A full supporting statement setting out the implications of the development, including details where appropriate, should be submitted on the following matters:"</i>	The suggested change does add clarity but a preferred option would be: WLP6: "PLANNING APPLICATIONS FOR WASTE MANAGEMENT DEVELOPMENT WILL NOT BE CONSIDERED UNLESS THEY ARE SUPPORTED BY ADEQUATE DRAWINGS AND PLANS DESCRIBING THE PROPOSED DEVELOPMENT. A FULL SUPPORTING STATEMENT SHOULD BE SUBMITTED , SETTING OUT THE IMPLICATIONS OF IT , THE DEVELOPMENT , INCLUDING DETAILS WHERE APPROPRIATE, OF THE FOLLOWING MATTERS:"
Blaby District Council	100 - Paragraph 4.10, 5th sentence.	Textual Change, Update – to take account of the recent planning permission granted for an extension to the Narborough site.	Such a change is considered appropriate and a revised 5 th sentence of paragraph 4.10 should read: "The planning permission for importing waste into Narborough now expires at the end of 2004 2005 ". A similar updating exercise needs to be undertaken in

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			<p>the light of the position at Enderby and Lount. A revised 3rd sentence of para. 4.10 should therefore read: “The existing landfill facilities that are now utilised in this area are Enderby Warren, Narborough, and Bradgate and Lount.”</p> <p>As a consequence, the 4th and 6th sentences of para. 4.10 should now be deleted: “Enderby Warren is nearing completion and it is anticipated that the Narborough facility will effectively represent a replacement facility for Enderby Warren”.</p> <p>“The Lount site has recently been granted planning permission to extend the facility for a further 3/5 years which would provide disposal capacity to the end of the century”.</p>
Blaby District Council	103 - Paragraph 4.14, 3rd sentence.	Textual Change, Update – to take account of the recent planning permission granted for an extension to the Narborough site	<p>Such a change is considered appropriate and the revised 3rd sentence of para. 4.14 should therefore read: “The Lount facility is approaching completion and with Narborough and Enderby Warren due for closure by 2004 The Narborough site has been granted an extension but with the Lount and Enderby facilities now closed, it would be desirable for replacement disposal facilities to be provided close to the major source of arisings in order to accord with the proximity principle.”</p>

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Environment Agency	5 - Replacement paragraph 1.14, 3rd bullet point.	Textual Change, Correction – of figure used in 3 rd bullet point. <i>“Replace 50% with 33%”.</i>	Correction is required but the figure should be 35%, not 33%. This accords with the National Waste Strategy. 3 rd bullet point of REP 1.14 should read: <ul style="list-style-type: none"> • By 2020 to reduce biodegradable municipal waste landfilled to 35% of that produced in 1995
Environment Agency	10 - Paragraph 1.22, final sentence.	Textual Change, Correction – to recognise that there are a number of competent authorities for the purposes of the registration of activities exempt from licensing under the Waste Management Licensing Regulations 1994, add <i>“or other competent authorities as appropriate”</i> to the final sentence.	Suggested change is accepted, to take account of the registering of some exempt activities by other competent bodies. Add “or other competent authorities as appropriate” to the end of final sentence of paragraph 1.22, after “the Environment Agency”.
Environment Agency	11 – Policy WLP 1.	Amendment to Policy - Waste minimisation reduces not only the quantities of wastes taken for final disposal; it also reduces the quantities of wastes handled by intermediate treatment processes (eg. Recycling, Waste Separation etc.), all of which utilise resources and have an impact on the environment. Suggest rewording of Policy WLP1: “Waste minimisation initiatives will be encouraged to achieve an overall reduction in the amount of all types of waste <i>handled by intermediate treatment processes</i> or taken to final disposal and planning permission will be granted, where needed, for those	It is not considered that the suggested amendment adds anything significant to policy WLP1. It is recognised that intermediate treatments have their own environmental costs but it could be perceived that we are looking to discourage them if the amendment is included. In seeking to minimise the amount of waste going to landfill, sourced based minimisation initiatives will, by effect, also reduce the amount of waste handled by intermediate treatment processes. No change proposed.

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		developments which contribute to these initiatives subject to the criteria in Policy WLP8”.	
Environment Agency	16 - Paragraph 2.12.	<p>Textual Change, Update and Correction – updated information available and correction of text.</p> <p>Suggested rewording of Paragraph 2.12: “Industry.....control. Following the introduction of an EC Directive on Packaging and Packaging Waste, legislation was introduced in the form of ...Regulations 1997. All businesses, which.....of 50 tonnes a year and have an annual turnover in excess of £2 million..... regulations. The Directive target for the recovery.... is 50%, to be achieved by member states by 2001. The full.... 2001. It will.... regulations. Directive targets will be revised in 2006 and once agreed the UK Government will amend UK targets to ensure compliance”.</p>	<p>Suggested changes accepted. Paragraph 2.12 should read: “Industry already recycles large amounts of its manufacturing waste, particularly metals. This is because they can often be re-used with relatively little expense and disposal costs are avoided. However, more could be done in various sectors. Apart from scrapyards this type of recycling facility is normally “in-house” and does not fall under planning control. Following the introduction of an EC Directive on Packaging and Packaging Waste, new-legislation has was introduced in the form of Producer Responsibility Obligations (Packaging Waste) Regulations 1996-1997. From 1st January 1997, all All businesses, which manufacture, fill or sell packaging materials in excess of 50 tonnes a year and have an annual turnover in excess of £2 million will be subject to these regulations. The target set by the government Directive target for the recovery of packaging waste is 50%, to be achieved by member states by 2001. Recovery and recycling obligations do not apply until the end of 1998 when interim targets become effective. The full recovery and recycling targets become mandatory from 2001. It will be the responsibility of the Environment Agency to ensure compliance with regulations. Directive targets will be revised in 2006</p>

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			and once agreed the UK Government will amend UK targets to ensure compliance”.
Environment Agency	22 - Paragraph 2.23.	<p>Textual Change, Addition - DETR and Environment Agency research “Health Effects of Composting” and “Monitoring the Environmental Impact of Composting Plants” shows that composting has potential to harm the health of humans situated for long periods within 250 metres of composting operations.</p> <p>It is therefore the Agency’s position that it will object to any planning application for any new composting process (or any modification to an existing process) where the boundary of the facility is within 250 metres of a workplace or the boundary of a dwelling, unless the application is accompanied by a site specific risk assessment, based on clear, independent scientific evidence, which shows that the bio-aerosol levels are and can be maintained at appropriate levels at the dwelling or workplace. The Agency is continuing to work with DEFRA and others to identify appropriate control measures that may allow operations to take place within 250 metres of the boundary of a dwelling or workplace.</p> <p>Suggested rewording “Composting is seen as ...may also be suitable. <i>The boundary of any new composting process (or of any modified existing process) should not be within 250 metres of a workplace or the boundary of a dwelling, unless the</i></p>	<p>It is accepted that reference to the Agency’s bio-aerosol concerns and the 250-metre buffer zone should be incorporated into the text of paragraph 2.23. It is considered however that reference should also be made to the Agency’s interim position statement on the health effects of composting in order to provide some context.</p> <p>Paragraph 2.23 should read: “Composting is seen as playing a key role in achieving waste reduction in the Plan area through the establishment of new facilities and expanding existing composting activities. It is envisaged that proposed schemes will involve both local authorities and private operators. Preferred locations would be existing waste disposal sites or household waste recycling centres or suitable sites, for example, certain industrial estate locations may also be suitable. Composting can be carried out either as an outdoor activity or alternatively within a building. The building can be either a converted store building (i.e. a barn) or purpose built structure with air and odour control systems. A large site area may be required for the storage and maturation of compost outside the building. The type of waste to be composted will be an important factor in deciding whether indoor or outdoor composting is appropriate. Following research into the health effects and environmental impacts of</p>

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		<p><i>application is accompanied by a site specific risk assessment, based on clear, independent scientific evidence, which shows that bio-aerosol levels are and can be maintained at appropriate levels at the dwelling or workplace. Of particular concern is the potential for putrefying material to give rise to smell, the generation of bio-aerosols, insects vermin and attraction of birds”.</i></p>	<p>composting facilities, the Environment Agency have produced an interim position statement. Consequently, the Agency will object to any planning application for any new composting process (or any modification to an existing process) where the site boundary is within 250 metres of a workplace or the boundary of a dwelling, unless the application is accompanied by a site specific risk assessment, based on clear, independent scientific evidence, which shows that bio-aerosol levels are and can be maintained at appropriate levels at the dwelling or workplace. Of particular concern is the potential for putrefying material to give rise to smell, the generation of bio-aerosols, insects vermin and attraction of birds”.</p>
Environment Agency	25 – Policy No. WLP4 (and WLP8).	<p>Amendment to Policy - Reference the above comments on paragraph 2.23. Suggested rewording of Policy WLP4: “Planning permission for composting sites will be granted <i>only where the boundary of any new composting process (or of any modified existing process) is not within 250 metres of a workplace or the boundary of a dwelling, unless the application is accompanied by a site specific risk assessment, based on clear, independent scientific evidence, which shows that the bio-aerosol levels are and can be maintained at appropriate levels at the dwelling or workplace and the proposals meet the criteria in Policy WLP8”</i></p>	<p>It has been accepted above that reference to the Agency’s research and bio-aerosol concerns should be incorporated into the text of paragraph 2.23. It is not considered, however, that rewording of WLP4 is necessary. Reference to the need to amend WLP8 criterion (xviii) is not accepted. It is viewed that this now adequately addresses the control of emissions and air quality, including potential bio-aerosols. No change recommended.</p>

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		Note: there may be a need to modify Policy WLP8 (xviii) to include reference to bio-aerosols.	
Environment Agency	26 – REP 2.28a.	Textual Change, Addition - Concerns have recently surfaced regarding the after-use of incinerator bottom ash as a construction material, due to the possibility that the resultant construction materials could contain unacceptably high levels of dioxins. Suggested rewording of REP 2.28a “The fuel.... and the use of “bottom ash” <i>provided that it can be demonstrated that levels of contaminants (including dioxins) within such “bottom ash” are maintained within acceptable limits.</i> ”	REP 2.28a merely seeks to report on the provisions of paragraph 5.60 of the NWS, which looks at fuel for incinerators and how this is increasingly coming from recovery processes and how materials are recovered following burning. It is not a statement as to the potential health effects associated with the recovery and use of “bottom ash”. This is not considered a land use issue. No change recommended.
Environment Agency	29 – Paragraph 2.34a.	Textual Change, Update - paragraph in line with publication of SAHSU Report.	Suggested updating is seen as necessary and should be incorporated into a reworded paragraph 2.34a: “A paper in “The Lancet” in August 1998 by Helen Dolk et al heightened public concern about the potential adverse health effects of living near a landfill site. The Study, which was Europe-wide, did not establish cause and effect but concluded that there was a need for further research. Because of the public concern which exists in some areas about potential health risks of landfill sites, The Government has commissioned the Small Area Health Statistics Unit (S.A.H.S.U.) at Imperial College, London to carry out a national study of adverse health effects around landfill sites. This will be a major undertaking and first results are expected in Summer 2000. In addition, a programme of other

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			<p>research studies into the health effects of landfill sites is currently being developed between Government Departments and key research groups in the UK. The study was extensive, and examined over 9,500 landfill sites that were in operation between 1982 and 1997. Results of the study were published in August 2001, and although these were inconclusive in establishing a link between landfills and potential health effects, the need for further work was recognised. Similar comments were made by the Government's expert advisory Committee on the Toxicity of Chemicals in Food, Consumer products and the Environment. The study is part of an on-going Government funded research programme to investigate the possible impact of landfill sites on human health, for which further work is programmed. In the meantime, as regards the advisability of developing new landfill sites, The Department of Health does has not recommended, on the basis of current evidence, that there is a need to prohibit the development of new, licensed landfill sites.</p>
Environment Agency	35 – WLP6 (xiv) – Emissions.	Amendment to Policy – needs the inclusion of a reference to the generation of bio-aerosols from composting processes.	It is not considered that rewording of WLP6 (xiv) is necessary. It is viewed that this now adequately addresses the control of emissions and air quality. No change recommended.
Environment Agency	114 – Paragraph 4.22.	Textual Change, Clarification – regarding the status of the agricultural land upon which the	No action required in the WLP. This matter relates to routine monitoring of tipping sites, which involves liaison

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		unauthorised tipping takes place. Are such sites exempt under the Waste Management Licensing Regulations 1994 or is fly-tipping taking place? Has any such unauthorised tipping been reported to the appropriate regulatory authority?	with the Environment Agency. No change recommended.
Viridor	66 – WLP8 (xv) – Cumulative Effect.	Amendment to Policy – the principle of testing the acceptability of the impact has been lost by this modification, and it is argued that this can be better judged under the previous wording “ <i>where the cumulative effect of the proposed development would be environmentally unacceptable</i> ”. The wording of Criteria (xv) should be changed back to that in the Deposit version.	The Inspector’s advice was to consider replacing the term unacceptable with “ <i>adverse or adverse effect</i> ”. This has been done and now provides a consistent approach with other policy criteria. In coming to this view the Inspector was of the opinion that is for the WPA to assess whether an effect/impact is acceptable or unacceptable. This position is agreed with. It is further viewed that the introduction to WLP8 provides the appropriate context and scope for the WPA’s use of the criteria within the policy. No change recommended.
Viridor	67 – WLP8 (xviii) – Residential Amenity.	Amendment to Policy – objection as above to Modification No. 66.	See response to above representation. No change recommended.
Viridor	69 – WLP8 (xxi) – Open Space and Green Areas.	Amendment to Policy – objection as above to Modification No. 66.	See response to above representation. No change recommended.
Viridor	92 – REP Paragraph 43	Textual Change, Amendment – objection to 3 rd bullet point which says that imports and exports of waste are predicted to remain in balance throughout	The figures in New Albion ES are indicative and highlight the potential of the New Albion site to attract waste arisings from outside the Plan area. Input rates

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		the plan period. This is incompatible with the ES of the New Albion Revised site which envisages that a substantial proportion (65%) of the annual input will be from outside the plan area. The text should indicate the possibility that the balance is unlikely to remain unchanged.	to sites are ultimately dependent on contracts and these cannot be legislated for in planning terms. The Inspector recognises that if the WDAs could not use New Albion (or Newhurst), waste would have to be exported outside the County. The objection relates to one new site in the Plan area. During the Plan period, one of the adjoining WPAs may just as likely approve a waste management facility that will take waste from the Plan area. On balance an assumption that exports and imports for the Plan area will be balanced out over the Plan period is justified. No change recommended.
Viridor	94 – Table 3 and following footnote.	Use of Figures – objection to the 3 rd column of Table 3 and the following footnote which assumes that the whole of the planned 240,000cu.m. per annum input at New Albion Revised will be available for wastes arising within the Plan area. This is an unrealistic assumption given the location of the site and the statement in the planning application. Table 3 and the text should address this position. An additional shortfall of 936,000 cu.m. should be recognised.	The above response relates to this objection also. The Inspector goes on to say in para. 4.290 of his report <i>“although the actual intakes will reflect waste disposal contracts”</i> . Also, in para. 4.241 of his report he recommends that <i>“urgent consideration be given to the establishment of a waste transfer station in the Leicester area and in particular to the potential to import wastes to New Albion Revised by rail”</i> . A key factor to recall is that these figures were debated at length during the LPI, and no alternative scenarios were tabled. An assumption therefore that exports and imports for the Plan area will be balanced out over the Plan period is also appropriate here. No change recommended.
Viridor	96 – Paragraph 4.7.	Textual Change – objection to the modification relating to the Cotesbach site, in deleting the	The amended paragraph continues to recognise that void space is related to sand and gravel extraction.

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		qualifying phrase <i>“but this will be dependent upon the rate of extraction of sand and gravel”</i> and in the assumption that capacity <i>will</i> rise to 200,000 cu.m. per annum beyond the plan period. The sentence <i>“Cotesbach will have...mineral extraction expires”</i> should be deleted and replaced by <i>“Cotesbach will have further capacity beyond the plan period but this will be dependent upon the rate of extraction of sand and gravel”</i> .	This is a matter of fact and already fixed in the terms of relevant Planning Permissions. The approximate figure of 200,000 tonnes/cubic metres of capacity per annum beyond the plan period, is a realistic estimate of likely capacity that the site could contribute over this period. This figure was introduced and debated in the general statistical updating procedure following the Round Table discussion and has been accepted by the Inspector. No change recommended.
Viridor	102 – Paragraph 4.12.	Use of Figures – for reasons set out in connection to Proposed Modification No. 94 it is considered that the shortfalls in all the scenarios are underestimated by some 936,000 cu.m. as a result of the assumptions about the capacity of New Albion Revised site for “in county” wastes.	The response to Proposed Modification Nos. 92 and 94 above applies. No change recommended.
Viridor	127 – Appendix A.	Use of Figures - The scenarios in Appendix A contain the same assumptions about the availability of New Albion Revised and Cotesbach capacity, which have already been addressed in connection with Proposed Modifications 92,94 and 96.	See above responses. No change recommended.
English Nature	90 – WLP 15 After-use.	Support – English Nature notes that earlier comments have been incorporated into this policy.	Support noted.
English Nature	105 – Paragraph 4.16.	Support – English Nature notes and supports the proposed modification which incorporates previous comments and recommendations.	Support noted.

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GO-EM	19 – WLP 2 Recycling and Re-use of Waste.	Amendment to Policy – should be reworded to accord with the advice set out in paragraph 2.23 of PPG 23.	Notwithstanding that para. 2.23 of PPG23 has been replaced by PPG10, this advises at para 29 that WLP's, should where possible, identify sites for waste management and disposal facilities. PC14 was put forward to provide further guidance in this respect. In para. 2.229 of his report the Inspector examines existing and proposed facilities and concludes that there is no need to identify any other sites at this stage. He adds that <i>"in the absence of specific proposals from waste operators, this is as far as the WPAs (and I) can go"</i> . No change recommended.
GO-EM	N/A	Objection to policy (1509/CO) does not appear to have been considered by the Inspector. Concerned about the vagueness of "will take account of the following factors" in the opening sentence. The sentence should be reworded to say when planning permission would or would not be given.	This objection does not relate to a proposed modification or a decision to ignore a recommendation of the Inspector, and is therefore invalid. However, it is viewed that the Inspector did report on this objection. Para. 3.183 of his report adequately addresses the matter. No change recommended.
GO-EM	49 – WLP7 (xix) Assessment of Proposals – National Forest Strategy	Amendment to Policy – objection to inclusion of reference to National Forest Strategy in policy criteria – it is inappropriate for the policy to judge proposals against any strategy, except where the land-use implications have been incorporated into the Structure or Waste Local Plans.	The current SP contains at Strategy Policy 1k) and Environment Policy 12 advice and controls, which seek to pursue the successful development of the National Forest. The replacement SP looks to reinforce this position and has dedicated new Strategy Policy 14 accordingly. This policy seeks to assist the development of the National Forest area, and has remained largely unchanged following the EIP Panel Report. Consequently it is viewed that the land-use planning implications of the National Forest Strategy

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			are adequately covered in the existing and replacement SPs, and the emerging Local Plans for the area. The National Forest is also recognised in Policy 33 of the recently issued RPG8. No change recommended.
GO-EM	59 – WLP8 (ii) Assessment of Proposals – National Forest Strategy	Amendment to Policy – objection to inclusion of reference to National Forest Strategy in policy criteria – it is inappropriate for the policy to judge proposals against any strategy, except where the land-use implications have been incorporated into the Structure or Waste Local Plans.	See above response. No change recommended.
GO-EM	63 – WLP8 (x) Environmental Considerations	Amendment to Policy – <i>“such proposals will be subject to special scrutiny”</i> , conflicts with the advice set out in paragraph 3.14 of PPG12 as it fails to provide sufficient certainty of the basis on which planning applications would be determined.	Para. 29 of PPG9 says <i>“the key importance of SSSIs means that development proposals in or likely to affect them must be subject to special scrutiny. The paragraphs below give details”</i> . Paras. 30-33 of PPG9 then go on to describe in detail, the consultation process with English Nature. It is not considered that this amendment conflicts with advice in para. 3.14 of PPG12. No change recommended.
GO-EM	N/A	Objection (1519) does not appear to have been considered by the Inspector. Concerned about duplication of pollution controls and their use, which should only be relevant to land-use implications.	This objection does not relate to a proposed modification or a decision to ignore a recommendation of the Inspector, and is therefore invalid. Nevertheless, it is viewed that the Inspector did consider this objection at paras. 3.352, 3.355 and 3.357 of his report. In addition, PC No. 65 – the subject of Proposed Modification No. 71, addresses this issue by amending paragraph 3.21 and this is endorsed by the Inspector para.3.340 of his report. No change recommended.

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GO-EM	77 – WLP 12 (xi) – Planning Obligations.	Amendment to Policy - Inappropriate reliance on MPG7 – as this could change in the future. Therefore if the Councils wish to retain the reference to a restoration bond, this should be justified in the policy.	MPG7 Annex D (para. D14) summarises the likely context for the use of restoration bonds as intended by the criterion. No change recommended.
GO-EM	115 – WLP 19 (c) – Category A Sites.	Amendment to Policy – criterion (c) appears to place a requirement on the applicant to prove the need for the development, contrary to paragraph 3.15 of PPG23. Although this may be a consideration where material planning objections are not outweighed by other planning benefits.	As the Inspector found in para. 4.472 of his report, the inclusion of this criterion, as amended, would provide welcome flexibility in cases where a localised need could not otherwise be met. This is considered important, given the nature of the development. No change recommended. (for consistency, unacceptable should be taken out of criterion (d) – a correction).