



**WARDS AFFECTED: New Parks, Latimer, Charnwood, Braunstone Park and Rowley Fields**

**CABINET**

**JULY 24<sup>th</sup> 2006**

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**LEICESTERSHIRE AND LEICESTER WASTE DEVELOPMENT FRAMEWORK**

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**Report of the Corporate Director, Regeneration and Culture**

**1 Purpose of Report**

1.1 This report brings before Cabinet the documents that are shortly to be issued for public consultation in relation to the Leicestershire and Leicester Waste Development Framework (WDF). 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 can be found in the Members' Area and on the City Council Website.

**2 Summary**

2.1 The County and City Councils joined forces to prepare a Waste Development Framework (WDF). It will cover the period up to 2021. It will replace the current Waste Local Plan which runs until 2006, and is being prepared under the new planning system brought in by the Planning and Compulsory Purchase Act 2004. Within the City, the Bursom Ball Mill has the capacity to deal with all domestic waste up to 2021. However, domestic waste makes up only 14% of all waste. The opportunity to recycle construction and demolition waste, near to where it arises, poses a particular challenge for the City as regeneration and redevelopment continue apace. The WDF provides a mechanism to identify future locations where such recycling can take place. Two possible sites are proposed in the City for this purpose; Sunningdale Rd and Ulverscroft Rd.

2.2 The two authorities published an Issues and Options report for public consultation last year. At the same time a questionnaire was sent out to a wide range of recipients asking them to nominate sites suitable for waste management development across the two local authority areas.

2.3 The WDF comprises three documents:

- (i) **The Core Strategy 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) **The Site Allocations Document** looks in more detail at waste management capacity over the plan period and identifies sites and land suitable for waste development. Two of these sites are within the City and are proposed for the recycling of construction and demolition waste. Both are currently used for

industrial development and are in areas identified in the City of Leicester Local Plan 2006 for employment use (Ulverscroft Rd and Sunningdale Rd).

(iii) **The Sustainability Appraisal** which incorporates the Strategic Environmental Assessment.

### 3 Recommendations

Cabinet is recommended to:

1. Agree the publication, for the purposes of public consultation, the following reports that comprise the current stage of the Leicester and Leicestershire Waste Development Framework:
  - Core Strategy and Development Control Policies-Preferred Options Report
  - Site Allocations - Preferred Options Report
  - Sustainability Appraisals.

### 4 Financial & Legal Implications

#### *Financial Implications*

- 4.1 The Sunningdale Road site is within City Council ownership but is sub-let.
- 4.2 There are no direct financial implications that relate to this property interest.
- 4.3 Costs for the Local Development Framework process, including the examination in public will be met from existing budgets.  
*Martin Judson; Head of Finance R&C; Ext 7390. Jeannette Franklin; Principal Valuer, Property;Ext 5059.*

#### *Legal Implications*

- 4.4 The Waste Development Framework will be a local development document within the meaning of the Planning and Compulsory Purchase Act 2004. It has been prepared in accordance with statutory guidance and other statutory provisions, eg, the Environmental Protection Act 1990.
- 4.5 The Framework will now be subject to consultation and is subject to a sustainability appraisal. The framework will have to be submitted to the Secretary of State for independent examination (ie, a public inquiry) for the purpose of determining whether or not the provisions are 'sound'. The Council will be bound by the recommendations made by the inspector appointed by the Secretary of State.  
*Anthony Cross, Head of Litigation Ext 6362*

### 5 Report Author

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### DECISION STATUS

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	No
<b>Executive or Council Decision</b>	Executive (Cabinet)



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**Report of the Corporate Director, Regeneration and Culture.**

**Report**

**1. Background**

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 replace 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 on issues and options has shown that unless we recycle considerably more waste of all types, additional new waste management facilities will be needed. Additional landfill site capacity is likely to be required in the framework area by 2008 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 own domestic or commercial waste within the County, nor is construction waste recycled near to redevelopment sites as a matter of course. There are therefore calls to make the City and County less net exporters of waste to the surrounding areas. Addressing this will clearly be challenging for the City Council constrained as it is by the shortage of suitable sites for waste treatment of any type.

**2. Waste Development Framework**

2.1 The current stage in the W D F process is to identify and consult on sites for new waste treatment/recycling facilities across the Framework Area (Leicestershire County and City Council area). Planning policies to deal with waste proposals have been drafted as has the document that contains them.

2.2 The Core Strategy and Development Control Policies- Preferred Options Report will be issued for consultation later this year. Published at the same time will be a document identifying sites proposed for allocation for a variety of waste treatment; Site Allocations Preferred Options Report. A Proposals Map will accompany these development documents to illustrate the policies and proposals geographically and to identify areas of environmental protection. The City and County Councils have each issued a Statement of Community Involvement and an Annual Monitoring Report. These background documents can be viewed on respective websites.

2.3 To ensure that the WDF contributes towards sustainable development it must be subject to appraisal. In addition, it must comply with the provisions of European Directive 2001/42/EC. This requires formal strategic environmental assessment (SEA) of certain plans and programmes. These have been prepared to accompany the WDF.

### **3. Proposals for New Waste Recycling Sites**

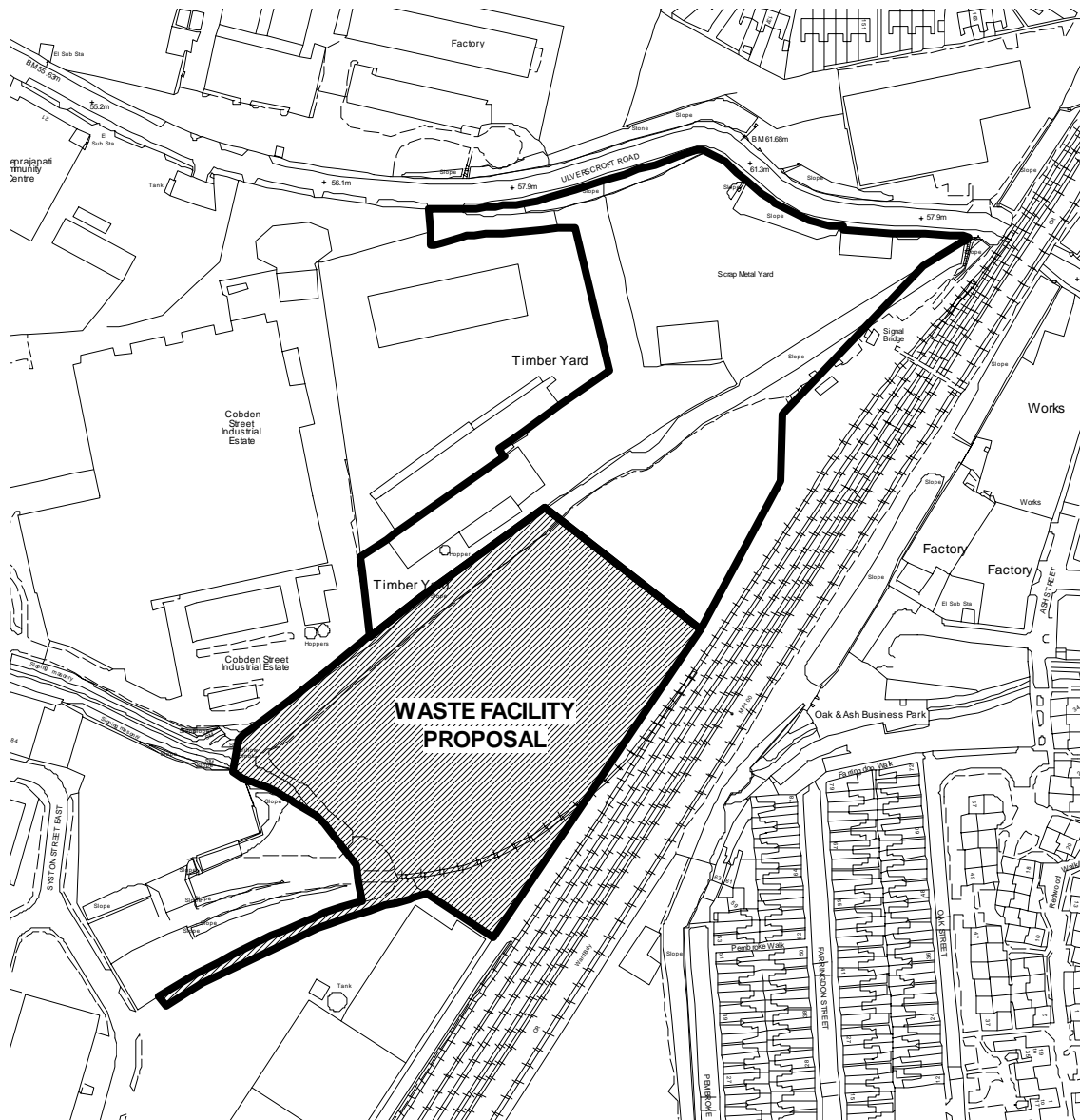
3.1 Within the City we are fortunate to have the Bursom Ball Mill and just beyond the City boundary, the Wanlip site. These have been built to take account of the Leicester City domestic and industrial waste growth over the next 25 years, (but they do not treat construction and demolition waste). The current planning permission at Bursom relates to the treatment of Leicester's waste only, however in the short term there is capacity to treat more waste from outside the City at Bursom.

3.2 Bursom has the capacity to accommodate forecast municipal waste arisings over the framework period and it is anticipated that a waste recovery rate of 60% will be achieved by 2007. 40% of this recovery rate will be accommodated by recycling. The intention is then to increase the recycling rate in subsequent years to 50% by introducing new processes. This would achieve the rate set by the East Midlands Regional Spatial Strategy and as a consequence there is no need to find any new facilities for the recycling of the City's municipal waste over the period up to 2021. However, construction and demolition waste is another matter and this is not well provided for within the City.

3.3 As part of the process of preparing the W D F, landowners, waste operators and other stakeholders were invited to propose sites they thought suitable for waste management/treatment. These have been appraised and the preferred allocations, in relation to identified need, are included in the Site Allocations-Preferred Options Report. Within the City these are, Ulversroft Rd/Syston Street East and Sunningdale Road.

(i) **Ulverscroft Rd./Syston St. East.** The proposal, which originated from the land's leaseholder, A E Burgess, is supported by the consultants preparing the LLWDF and included in the LLWDF Site Allocations report. It is for an area of 1.7 Hectares, currently disused railway sidings for;

- A proposed recycling centre for crushing construction and demolition waste, dealing with up to 75,000 tonnes per annum from the local construction industry. 75 vehicle movements a week are predicted.



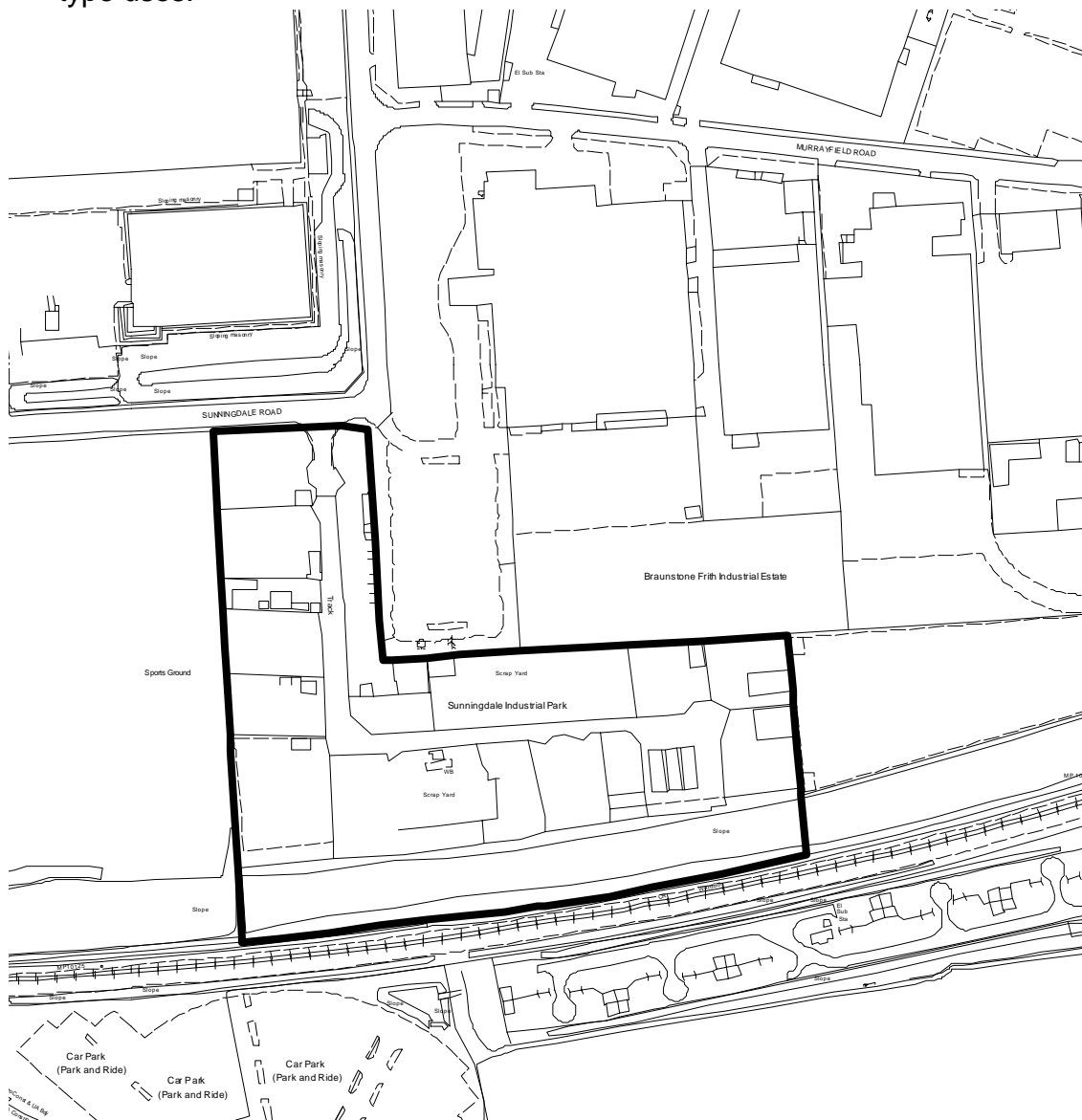
- Vehicular access would be from the north, off Ulverscroft Rd through the currently operating waste treatment site. Access would not be gained from the south. This southern strip of land is shown on the plans as it is part of the land-holding in the ownership of Railtrack.
- There was an appeal decision, following a planning application in 1996 on this site for a metal recycling plant and fragmentizer. The Inspector concluded that the risk of disturbance to residents in Farrington St. and Pembroke St. would be insufficient to prevent the scheme; noise would be heard amongst a cacophony of existing noises; and very few dwellings would be affected. This consent was not implemented.
- However, after this decision, the site was used for unauthorised pallet shredding which resulted in noise and dust pollution and numerous complaints from local residents.

- A planning application was submitted to the Council in 2004 for recycling of construction waste on this site. Officers were satisfied that sufficient measures were proposed to control noise and dust emissions. However, in view of the previous problems experienced by residents Members refused this application in May 2005. The reason for refusal was that:

*“The proposal would represent an inappropriate development in the close proximity to residential properties, due to its potential detrimental effects on residential amenities in terms of increase in pollutants such as noise, dust and smell....”*

- The site has been in use recently for the recycling of construction waste. This is currently being investigated by the planning service and a planning application has been received. As part of the processing of this application detailed consideration will be given to the environmental effects of the specific proposal and measures to be taken to avoid any potential problems of noise, dust, traffic etc. It may be determined by the date of the Cabinet meeting.

(ii)The City has proposed a site at **Sunningdale Road (Tripleglow)** that is also identified in the City of Leicester Local Plan 2006 as having potential for a waste facility, subject to obtaining planning consent in the future. The site is identified in the Local Plan as being in a Key Employment Area. The site is just under 3 hectares in total and has various sub-lettings to a mix of industrial type uses.



- The type of recycling that it is suggested could be accommodated on the site is construction and demolition waste of around 150,000 to 250,000 tonnes per year.
  - Most of this site is already in use for waste treatment and allocated as such within the City of Leicester Local Plan 2006. A planning application has been received from Environ to use part of the site for aggregates recycling (construction and demolition waste) with associated plant and access off Sunningdale Rd. This was approved on 5 April 2006 and should be operational once the land transfer has been resolved.
- (iii) Outside the City boundary the City Council proposed Enderby Quarry as a suitable site for the recycling of construction and demolition waste. However, a recent planning application by Environ to use the site for this purpose received substantial local opposition. Concern was raised about noise, dust and other environmental impacts of the operations proposed. The planning application to Leicestershire County Council was initially withdrawn before it was determined and an alternative site is being progressed by Environ at Sunningdale Rd. However, the application has since been resubmitted by Environ with additional accompanying information. The site is not included in the Preferred Options Report.

#### **4. Next Stages**

- 4.1 After consultation later this year the responses will be appraised and a further series of documents prepared that will be submitted to the Secretary of State (SoS) for independent examination. There will be another opportunity at submission stage to make representations on the documents. These will then be considered by an Inspector appointed by the SoS who will look at the soundness of the Plan and the representations made at an examination in public.

#### **5. Conclusion and Recommendations**

- 5.1 Members are recommended to:

Agree the publication, for the purposes of public consultation, the following documents that comprise the current stage of the Leicestershire and Leicester W D F;

- Core Strategy and Development Control Policies-Preferred Options Report.
- Site Allocations-Preferred Options Report.
- Sustainability Appraisals.

#### **6. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

##### **Financial Implications**

- 6.1 *Financial Implications*

- 6.1.1 See summary financial implications.

##### **Legal Implications**

- 6.2.1 See summary legal implications

## 7. Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
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.
Older People on Low Income	No	

### Risk Assessment Matrix

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

L - Low

M - Medium

H - High

L - Low

M - Medium

H - High

## 8. Background Papers – Local Government Act 1972

## 9. Consultations

### Consultee

R&C Head of Finance

Legal

Waste Management

Property

Environment Team

Leicester Environment Partnership/Community Strategy

### Date Consulted

4 April 2006

4 April 2006

14 April 2006

4 April 2006

4 April 2006

27 April 2006