



Leicester  
City Council

**WARDS AFFECTED**  
*All*

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Cabinet  
Council**

**3<sup>rd</sup> August 2009  
3<sup>rd</sup> September 2009**

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**Leicester and Leicestershire Waste Development Framework Core Strategy**

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**Report of the Director, Planning & Economic Development**

**1. PURPOSE OF REPORT**

- 1.1 This report seeks Council approval for the adoption of the Leicester and Leicestershire Joint Waste Development Framework Core Strategy and Development Control Policies Development Plan Document (DPD). This follows the receipt of the Planning Inspector's report finding the above document "sound".

**2. SUMMARY**

- 2.1 The County and City Councils are preparing a joint Waste Development Framework (WDF). It covers the period up to 2021. It will replace the current Leicestershire, Leicester and Rutland Waste Plan, which ran until 2006.
- 2.2 The two authorities consulted on a submission draft in June last year, before the document was taken through Examination in Public (EiP), where the plan was assessed for "soundness" by a Planning Inspector in accordance with the 2004 Planning and Compulsory Purchase Act. The plan was found to be "sound" subject to minor changes and the Inspector's decision is binding on the Council.
- 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 and development control policies for new waste facilities
  - (ii) **Spatial Diagram**, showing existing waste sites in Leicester and Leicestershire, and broad locations for search for future key waste facilities.
  - (iii) **The Sustainability Appraisal**, incorporating the Strategic Environmental Assessment.

These documents and the Inspector's report will be available in the Members' Library & can be downloaded from the internet from <http://www.leicester.gov.uk/WDF> .

**3. RECOMMENDATIONS**

- 3.1 Cabinet is recommended to note the report
- 3.2 Council is recommended to approve this report and agree that the Core Strategy and Development Control Policies DPD, as amended in accordance with amendments listed

in Appendix 1 of this report, be formally adopted by Leicester City Council to cover the period to 2021. The plan will be subject to review within this period as required.

#### **4. REPORT**

##### **Background**

- 4.1 The County and City Council are working together to prepare a Waste Development Framework (WDF). It covers 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. 4 millions tones of waste are produced in the City and County annually, and this is likely to increase by a minimum of 14% by 2016, requiring additional waste facilities. Leicester has been forward thinking and, by building the Bursom Recycling Centre and its associated anaerobic digestion facility at Wanlip, the City will have enough capacity for processing of municipal waste until the end of the plan period. However there is a shortage of facilities for processing commercial & industrial and construction & demolition waste.

##### **Core Strategy**

- 4.2 The main objective of the Core Strategy is to enable sufficient provision of waste management facilities to help meet the increased need until 2021. 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 Core Strategy 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 and EU targets.

##### **Spatial Diagram**

- 4.3 The spatial diagram shows existing waste sites and the broad locations of search for strategic waste sites. The area of search covers the whole of Leicester although Leicester's one strategic waste site, the Bursom Recycling Centre, has ample capacity to meet the future municipal waste demands. Strategic Waste sites could include but are not limited to Mechanical-biological treatment, Anaerobic Digestion, Mechanical Heat Treatment and potentially Energy from Waste.

##### **Examination in Public (EiP)**

- 4.4 The WDF document was submitted to the Secretary of State in June 2008 and the EiP took place between 23<sup>rd</sup> & 27<sup>th</sup> of February 2009 at County Hall. The Inspector's report was received on 1<sup>st</sup> May 2009 and, subject to minor changes, the plan was found sound. These changes will have no significant effect for Leicester. A list of the Inspector's proposed changes to the plan can be seen at Appendix1. The Inspector's report is binding on both councils.

##### **Next Stages**

- 4.5 Following approval by both Councils, a date will be chosen for formal adoption of the Plan. This will be followed by a 6 week legal challenge period, which gives aggrieved parties the opportunity to make a challenge to the High Court. They cannot challenge the soundness of the plan, only that various Acts and EU directives have not been followed correctly by the Secretary of State. However the Plan will be adopted, unless the High Court rules otherwise.

## 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 production of a Development Framework is a statutory duty and failure to produce such a framework may also lead to difficulties in delivering other statutory functions of the Authority such as those associated with city's role as a waste disposal authority.

*Dina Nathwani; Leicester City Council Solicitor; Ext 296345*

## 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, and the emerging Local Development Framework Core Strategy
Sustainable and Environmental	Yes	The documents have been subject to requirements of 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)
1 If the WDF Core Strategy is not adopted there will not be an up to date document which planning decisions relating	L	M	

to waste can be made			
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L – Low            L – Low  
M – Medium      M – Medium  
H - High          H - High

**8. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

None

**9. CONSULTATIONS**

R&C Head of Finance  
Legal

**Date Consulted**

2<sup>nd</sup> June 2009  
2<sup>nd</sup> June 2009

**10. REPORT AUTHOR**

Paul Statham  
Planner, Planning Policy & Design  
Telephone: 29 7229  
E-mail address: Paul.Statham@leicester.gov.uk

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

## Appendix 1

### Leicestershire and Leicester Waste Core Strategy and Development Control Policies

#### Schedule of Required Changes

This schedule lists all the required changes to the Core Strategy and Development Control Policies in order for the document to be sound and to correct / update / clarify the policies and text.

The schedule is based on the Schedule of Proposed Changes to Submission Draft (LCC W12b) as published by the Councils on 27 February 2009.

Change No	Policy/ Para	Required change	Report Ref
WPC1	1.9	Add the following bullet point at the end: 'National policy is applicable but is not repeated.'	10.2
WPC2	2.2	Delete the final two sentences beginning 'Not all of this waste...'	10.2
WPC3	2.8	Add '(the waste hierarchy)' after 'preference'.	10.2
WPC4	2.12	Move Paragraph 2.12 to Paragraph 2.18, as laid out in WPC6, and delete final sentence. Add the following text after '2017': 'To follow the dates published in the draft RSS this equates to 50% by 2010, 53% by 2015 and 58% by 2020.' Start this moved paragraph with the words: 'Municipal waste targets for Leicester City will be consistent with the above targets.'	4.4
WPC5	2.18	Replace the text with the following: 'The RWS informed a review of the Regional Spatial Strategy for the East Midlands. The replacement Regional Spatial Strategy (RSS 8) was adopted in March 2009. The RSS as per the RWS sets the following minimum targets for the recycling and composting of municipal solid waste: <ul style="list-style-type: none"> <li>To recycle or compost at least 30% of municipal waste by 2010</li> <li>To recycle or compost at least 50% of municipal waste by 2015</li> <li>To recycle or compost at least 50% of municipal waste by 2020.'</li></ul>	4.4
WPC6	New – after 2.18	Create a new paragraph with the remaining text of Paragraph 2.18, from 'The RSS identifies...' onwards and re-number the following paragraphs accordingly.	4.4
WPC7	2.19	Delete 'these figures.' and replace with 'the apportionment allocated to Leicestershire, Leicester and Rutland.'	4.4
WPC8	2.20	After Paragraph 2.20 insert new paragraph with the following: 'The Leicestershire, Leicester and Rutland Waste Local Plan was adopted in September 2002. Policies in the adopted Waste Local Plan will be replaced by policies contained within this document. A table showing the relationship between the policies in this document and the Waste Local Plan is set out in Appendix 1.'	2.13
WPC9	2.30	Delete final sentence.	10.2

Change No	Policy/ Para	Required change	Report Ref
WPC10	2.34	Delete Para 2.34 and replace with: 'By 2016, population levels are expected to rise by 5%, according to the ONS trend 2004 based population projections (published March 2008). The draft RSS proposes (Policy Three Cities SRS 3) that <del>97,000 dwellings</del> 4,020 dwellings per annum (dpa) be provided within the Leicester and Leicestershire Housing Market Area over the period 2006-2026, of which <del>45,570</del> 1,990 dpa should be within or adjoining the Leicester Principal Urban Area (PUA). The housing strategy for this area is one which focuses on the Leicester urban area, initially by capitalising on its substantial urban capacity. However, this will be insufficient to meet all the proposed provision to 2026. It is proposed that later in the plan period provision will need to be met by planned sustainable urban extensions. The draft RSS indicates that the best opportunities to meet the bulk of the additional provision for the PUA lie west of Leicester in Blaby and north of Leicester in Charnwood. Beyond the PUA, sustainable urban extensions (SUEs) are proposed to Loughborough, Hinckley and Coalville to support their roles as Sub-Regional Centres, but draft RSS Policy Three Cities SRS 3 also indicates that housing growth in Blaby, Market Harborough, and Melton Mowbray could be met by SUEs.'	4.21
WPC11	2.36	At the end of Para 2.36 add: 'East Midlands Airport lies in the north of the framework area, providing flights to a wide range of destinations.'	10.2
WPC12	2.39	At end of Paragraph 2.39 add: 'The County Historic Landscape Characterisation will also contribute to the understanding of the character of the landscapes of Leicestershire and the survival of historic landscapes and can allow the prediction of hitherto unrecorded components of the historic landscape, including above-ground and buried archaeological remains.'	10.2
WPC13	Spatial Vision	Add the following text after 'landfill' in the final bullet point: 'by increased energy recovery'. Delete from 'sufficient' to 'in' and replace with 'waste facilities with capacity equal to the amount of waste generated and requiring management within Leicestershire and Leicester in'.	3.4
WPC14	Objective 2	Delete and replace with 'To enable the timely delivery of sufficient waste management facilities in the Waste Development Framework Area at the key dates of 2009/10, 2014/15 and 2019/20 to meet the waste management capacity apportionment requirement and spatial distribution identified by the draft Regional Spatial Strategy to at least 2021.'	3.10
WPC15	Objective 8	Add the word 'people and' before 'local communities'. Insert after 'environment': (particularly the River Mease Special Area of Conservation).	3.10
WPC16	4.2 – 4.7	Amend as in the Topic Note on New Waste Management Capacity (LCC W1b) but delete the sentence in the text (Para 4.3) preceding Table 4.3 and insert the following: 'It is likely that facilities brought into use prior to 2019/20 would have the infrastructure capacity to deal with the shortfall at that date (14,056 tpa).' Throughout, use the dates 2009/10, 2014/15 and 2019/20 (not 2010, 2015 and 2020).	4.17
WPC17	All policies	Prefix all policies and related references with a 'W' before either 'CS' or 'DC'.	10.2
WPC18	4.16	Delete third sentence and replace with: 'Strategic sites are defined as sites located near to the centres of high population density (Leicester City, Loughborough and Coalville) which will divert a significant proportion of either municipal and/or C&I waste away from landfill by value and/or energy recovery.' Add 'built' between 'be' and 'for' in final sentence and delete 'only'. Add after final sentence: 'Such a site would also have the potential to deal with municipal waste.'	5.8
WPC19	4.17	Add 'all of' between 'have' and 'the'. Delete 'waste streams other than'. Add 'and/' after 'municipal' and add 'waste' to end of the sentence in bullet point C.	5.8
WPC20	4.18	Insert the following text in the first sentence between 'preference' and 'for': 'from the Issues and Options consultation'. Delete 'proposed in the DRSS'.	10.2
WPC21	4.19	Add the following text after 'such as': 'landfill to secure the restoration of despoiled or previously quarried land,'	5.8

Change No	Policy/ Para	Required change	Report Ref
WPC22	CS3	Add 'for Strategic Sites' to bullet point (i) after 'Locations'. Add after 'facility' in bullet point (iv) the following: 'where it can be demonstrated that transport, operational and environmental benefits arise from co-location.'	5.8
WPC23	4.20	Delete second sentence up to and including 'following' and insert 'Priority will be given to'.	5.8
WPC24	4.22	Delete 'and then' from first sentence.	5.8
WPC25	4.24	Delete from 'The next priority will be for' and add 'will' instead of first 'to'.	5.8
WPC26	4.25	Delete 'land in Green Wedges and agricultural land' and replace with 'greenfield land'. Add to end of sentence 'where it meets the intentions of other policies, in particular those intended to protect such land.'	5.8
WPC27	CS4	Amend the text following the second bullet to: "Thereafter, priority, in no order of preference, will be given to:" Add third bullet point: 'Finally, consideration will be given to greenfield sites;'	5.8
WPC28	4.32	Delete first sentence and replace with 'There is a good distribution of these facilities throughout the WDF area.'	10.2
WPC29	4.43	Delete 'delivered to any new facilities' from second sentence.	10.2
WPC30	CS6	Rearrange bullet points moving (iii) to (i) and, (i) to (iii).	5.10
WPS31	4.48	Delete 'but with limitations' in first sentence. Insert 'and recovery' after 'recycling' in second sentence. Delete final sentence and replace with 'Provision of recycling and recovery beyond the minimum targets set will necessitate less landfill being required as set out in Table 4.4.'	10.2
WPC32	CS7	Delete ', with the exception of site allocations'.	10.2
WPC33	4.55	Delete '; principally' and 'former' in the last sentence and insert after 'disposal sites' 'including in particular' and add to the end of the same sentence 'with inert waste to achieve reclamation.'	10.2
WPC34	4.57	Add after the first sentence 'A national strategy is currently being prepared by government for the management of non-nuclear industry low level radioactive waste and this will be a relevant consideration when adopted.' Delete the second sentence.	5.13
WPC35	CS10	Policy CS10 – addition of a bullet point – '- sites of geological interest;'	10.2
WPC36	4.64	In first sentence add after 'is' 'to achieve the overall vision of the National Forest Strategy, which sets an overarching aim'.	6.5
WPC37	4.66	Insert after 'conservation' in last sentence 'and cultural heritage'.	6.5
WPC38	CS11	Delete 'make' and insert 'reflect the National Forest Strategy by making'.	6.5
WPC39	4.70	Delete final two sentences.	6.8
WPC40	CS13	Delete 'greenfield'.	6.8
WPC41	CS14	Transpose word 'markets' for 'arisings'.	10.2
WPC42	5.1	Change sub-heading to 'Sustainable Design'	7.14
WPC43	5.4	Insert after last sentence the following: 'Enviros on behalf of DCLG, CABE and DEFRA have produced a document specifically on the use of good design in waste developments. The publication, <i>Designing Waste Facilities: A Guide to Modern Design in Waste</i> gives a steer to the non-functional components of waste facilities.'	7.14
WPC44	DC1	Add 'Sustainable' before 'Design' in the title. Addition of the text 'during construction and operation;' after waste in bullet point (iii). Replace 'enhance' in bullet point (v) with 'contribute positively to'.	7.14
WPC45	5.6	Insert after '(SAC)' '(of which the River Mease SAC is the only such designation)'.	6.5
WPC46	5.7	Delete final sentence in its entirety.	10.2

Change No	Policy/ Para	Required change	Report Ref
WPC47	DC2	Delete 'effect' and add 'direct effects on sites of national historic importance or', change 'the' to 'their' and delete 'the need for and benefits of the' and add 'there are overriding reasons of national importance for'.	10.2
WPC48	5.10	After final sentence add 'The County's Sites and Monuments Record and the City's Archaeological Alerts Map provide a full list of archaeological sites and contain information on the known and reported archaeology. Developers should look to the Council's archaeological curator to identify those areas that have archaeological potential and in turn to recommend how that potential should be assessed.'	7.14
WPC49	5.11	Delete 'Open' from heading and from first sentence. Delete first sentence up to 'development' and start sentence with 'The Companion Guide to PPS10 advises that greenfield sites should not be ruled out and, therefore,'. Add to end of paragraph 'It is recognised that on farm composting (by windrows) frequently require a location outside of the defined built-up areas in the countryside.'	6.10 and 10.2
WPC50	DC5	Policy DC5 – delete 'Open' from heading.	10.2
WPC51	DC6	Policy DC6 – add 'significant' before first 'loss'.	10.2
WPC52	5.13	Add 'published in the Landscape and Woodland Strategy.' after 'Areas' in the final sentence.	10.2
WPC53	5.14	Delete first two sentences. Add the following text after the last sentence: 'The County Historic Landscape Characterisation contributes to the understanding of the character of the landscapes of Leicestershire and the survival of historic landscapes.'	10.2
WPC54	DC8	Delete 'significant' and replace with 'unacceptable'.	10.2
WPC55	5.16	In final sentence delete from first 'impacts' and replace with 'the cumulative impacts of the development itself and the effects of several in the same locality.'	10.2
WPC56	DC12	Replace words 'a detrimental impact' with 'unacceptable impacts'.	10.2
WPC57	5.21	Delete the words 'local airport' and replacement with 'CAA (Civil Aviation Authority)'.	10.2
WPC58	Box 1	Add to end of point 18: 'including screening, landscaping works and site boundary treatments;'. Add to end of point 24: 'including a flood risk assessment and proposals for compensation, and site drainage details;'. Delete points 25 and 26; Add to point 29 at end 'and measures to ensure future ground stability;'. Add new point: 'Information necessary to undertake an Appropriate Assessment for any development having an impact on the River Mease SAC.'	7.14
WPC59	5.28	Delete first sentence and 'The suggested text' from second sentence and Replace with 'The RSS'. Also delete first 'to' in second sentence.	10.2
WPC60	5.29	After 'use' in first sentence add 'such as a landfill or waste facilities co-located with a landfill,'.	10.2
WPC61	5.36	Add following text after final sentence: 'Opportunities should be maximised for informal recreation and green networks for walking and cycling, linking into existing green infrastructure, natural greenspaces, and /or connecting rural and urban areas.'	10.2
WPC62	DC16	Before 'after-uses' in the second sentence insert 'non-agricultural' After 'network' in third bullet point add 'including links to surrounding green infrastructure.'	10.2
WPC63	Box 2	Add: '15. Bird management/control;'. Amend all subsequent numbers accordingly.	10.2
WPC64	Box 3	Change heading to: 'Matters to be considered for inclusion in planning obligations'.	10.2
WPC65	6.3	Add the following text after the final sentence: 'Should, through the annual monitoring process, a target be consistently missed this would be used to assist the Councils when undertaking the 5-yearly review of the DPD. A review of the DPD would also be carried out if and when it is no longer in general conformity with the RSS.'	4.21 and 8.4



<b>Change No</b>	<b>Policy/ Para</b>	<b>Required change</b>	<b>Report Ref</b>
WPC66	Monitoring	In Waste Management Provision box in second target change '80' to '100'. Delete '...and 100% by 2015.'	8.4
WPC67	Monitoring	In Historic and Natural Environment box in second indicator add 'enhancement' after 'mitigation'.	10.2
WPC68	Monitoring	In Countryside box replace reference to 'Open Countryside' with 'Countryside'.	10.2
WPC69	Monitoring	In Resource Management box delete proposed target and replace with '100% of applications with permanent buildings, excluding kiosks.'. Amend policy to be titled 'Sustainable Design'.	8.4
WPC70	Key Diagram	Remove SUEs from diagram. Add EMA on diagram.	10.2
WPC71	Appendix	Add new appendix with text as per WCD 6: 'Appendix 1: Table showing the relationship between the policies in this document and the Waste Local Plan.'	2.13
WPC72	All	<del>In all instances — replace '2009/10' with '2010', '2014/15' with '2015' and '2019/20' with '2020'.</del>	RSS
WPC73	3.4	Add new objective: '11. To complement and support wider strategies for the Waste Development Framework area including green infrastructure projects and strategies such as the National Forest and Charnwood Forest Regional Park.'	3.10
WPC74	3.4	Add to the end of Objective 1: '...in the construction and operation of new development.'	3.10
WPC75	All	Update text to reflect adoption of the East Midlands Regional Plan, March 2009 (RSS 8) – ie, delete references to the draft RSS.	Footnote 2
WPC76	Monitoring	Amend and add to the objectives listed in the tables to reflect required changes to the Waste Development Objectives in Paragraph 3.4 of the Plan.	8.4