

**EXECUTIVE – 22 JANUARY 2014**

**PROPOSED RESPONSE TO THE LEICESTERSHIRE COUNTY  
COUNCIL MINERALS & WASTE LOCAL PLAN ISSUES  
CONSULTATION**



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**WARDS AFFECTED: ALL**

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1. **PURPOSE OF REPORT**

- 1.1 The purpose of this report is to inform Executive of Leicestershire County Council's (LCC) consultation on its 'Minerals & Waste Local Plan Issues Document', the key matters considered to be of strategic importance in terms of the potential relationship and impacts to Hinckley and Bosworth Borough Council (HBBC) and to seek endorsement of the Borough Council's proposed response to the consultation.

2. **RECOMMENDATION**

- 2.1 To request Executive to:

- Note and consider the key matters arising from the LCC Minerals & Waste Local Plan (MWLP) Issues document Consultation;
- Endorse the proposed response to the MWLP Issues Consultation; and
- Note that there will be a further statutory period of consultation prior to the MWLP being submitted to the Secretary of State for Examination.

3. **BACKGROUND TO THE REPORT**

- 3.1 The current adopted planning policies for minerals and waste in Leicestershire are contained in the:

- Minerals Core Strategy and Development Control Policies Development Plan Document 2009; and the,
- Leicestershire and Leicester Waste Core Strategy Development Control Policies Development Plan Document 2009.

- 3.2 Leicestershire County Council (LCC) is now at the initial stage of a review of its minerals and waste policies. LCC has taken the decision to undertake this review in response to changes to planning resulting from the Localism Act and the National Planning Policy Framework (NPPF). LCC intends to prepare a single Local Plan document and has therefore published a Minerals & Waste Local Plan (MWLP) 'Issues' Document for consultation.

- 3.3 The MWLP Issues report is the first stage in reviewing the adopted Minerals and Waste Core Strategies. The document sets out a range of key issues that the County Council considers are likely to influence the future strategy for minerals and waste planning in Leicestershire. The document is broken down by each issue, with a question at the end of each section questioning whether

the Council's preferred approach is appropriate and if not what else should LCC be considering in preparing the Pre-submission Plan. The Pre-submission Plan will be the subject of statutory consultation in due course.

- 3.4 This initial consultation provides the Borough Council the opportunity to influence and shape the strategy and policy framework for minerals and waste planning in the county to be contained in a future Pre-submission version of the Plan.

#### 4 KEY MATTERS & ISSUES

##### **MINERALS**

- 4.1 The document considers a range of issues relating to minerals provision. Those of particular relevance to the Borough Council are discussed below which in turn inform the proposed consultation response.
- 4.2 Leicestershire is one of the principal producers of crushed rock aggregate minerals in the country. This accounts for around 75% of the mineral extracted within the county (11 million tonnes sold in 2012) together with a small proportion of sand and gravel (1mt sold in 2012). Some construction minerals such as brickclay and building stone are also extracted on a small scale. Sand and gravel deposits are located throughout the Borough. Based upon the information available from the County Council, there is one active sand and gravel working operating west of Newbold Verdon (Cadeby Quarry); one extraction site for crushed rock (Cliffe Hill Quarry); one working for building stone near Stanton-under-Bardon and one brickclay site near Bagworth.

*The amount of minerals the County Council should be planning for*

- 4.3 The National Planning Policy Framework (NPPF) requires county councils to maintain a landbank (provision of mineral extraction sites with planning permission) of at least 7 years for sand and gravel and 10 years for crushed rock based upon an average annual requirement. The NPPF advises that to inform the requirement to be made, a Local Aggregate Assessment (LAA) is prepared based upon a rolling 10-year average of sales data and other relevant local information. LCC propose that the MWLP will cover the period up to 2031.
- 4.4 LCC acknowledge that in preparing a LAA it is appropriate to consider population forecasts, future house building; and major infrastructure projects. LCC make reference to the housing provision set out in existing and emerging Core Strategies and notes that housing completions are forecast to be some 13% higher than the last ten years. LCC are therefore seeking further information to inform the LAA to assess the likely required future level of provision.
- 4.5 Whilst regard should be had to existing Core Strategies as a starting point, it is recommended that LCC should also be aware of the emerging Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) to inform the LAA. As Executive are aware, the SHMA will consider the need for additional housing to 2036 and in turn will inform the housing provision to be

made through future Local Plans in Leicester and Leicestershire. This will ensure the most up-to-date evidence is considered when forecasting the future demand for aggregates, enabling LCC to make the necessary provision and minimising the risk of ad-hoc planning applications for mineral workings coming forward over the plan period.

*Where and how future minerals provision should be located*

- 4.6 To make the necessary provision and provide greater certainty of where future mineral workings will take place, LCC can seek to allocate specific sites; Preferred Areas (areas of known resource where planning permission might reasonably be expected) or Areas of Search (broader areas where knowledge of mineral resources may be less certain and require further exploration) to meet the required plan provision.
- 4.7 It is advisable that the Borough Council encourage the County Council to make provision through specific sites. Specific sites provide greater certainty as to where mineral extraction is likely to take place minimising the risk of ad-hoc proposals coming forward over the plan period. The Borough Council would have greater awareness and opportunity to comment on any sites being proposed within the Borough and influence any policy requirements such as amenity and environmental safeguards.
- 4.8 When considering future provision of mineral extraction, existing Policy of the Minerals Core Strategy (Policy MCS2) favours extensions to existing mineral workings which offers benefits such as minimising environmental disturbance elsewhere and utilising existing infrastructure (such as existing access and processing facilities). This approach can however result in the ongoing and cumulative impacts of continued extraction in a relatively small location and the environmental benefits of ongoing impacts may be outweighed by new provision elsewhere.
- 4.9 It is recommended that the strategy of favouring extensions to existing workings where this is considered environmentally acceptable compared to the creation of new sites. The Borough Council would request that LCC undertake an appraisal of extensions to existing sites as well as potential new sites to inform allocations for future mineral working and that the Borough Council is involved or consulted on this appraisal process prior to consultation on the Pre-submission plan. It is recommended this is the preferred strategy for the extraction of all mineral workings.

*The safeguarding of mineral resources.*

- 4.10 The safeguarding of mineral resources prevents the loss of known economically viable mineral deposits from built development. It also prevents development encroaching on mineral workings to protect both the amenity of occupants and the loss of mineral resource where a buffer would be required between the extraction and the development. Development proposals which lie within a Mineral Safeguarding Area (MSA) are required to undertake further assessment to identify the value of the resource and whether prior extraction is required.

- 4.11 The approach towards mineral safeguarding is standard practice. LCC had intended to delineate the boundaries of MSAs within the county more precisely in preparing its site allocations development plan. However, this work has not yet been undertaken. The Borough Council would recommend to the County Council that this work is undertaken to assist in the assessment of development proposals which may / may not lie within or adjacent to MSAs. This will help determine whether further investigation or the extraction of mineral resources is required prior to development taking place.

## **WASTE**

- 4.12 The County Council is required to make provision for waste management facilities to manage the equivalent amount of waste likely to be generated in the County over the plan period. Primarily the County Council needs to make provision for facilities to manage Municipal Solid Waste (household and other waste collected by the Waste Collection Authorities i.e. HBBC); Commercial and Industrial (C&I) Waste generated by businesses and industry and Construction and Demolition (C&D) waste.

*The amount of waste the County Council should be planning for over the Plan period*

- 4.13 The amount of waste management provision to be planned for in the Leicestershire Waste Core Strategy was informed by the technical evidence used to underpin the former East Midlands Regional Plan including projections of waste arisings and growth rates over the period to 2026. Whilst any further work to underpin future modelling will be a matter for waste industry experts, it is recommended that LCC undertake a review of projected waste arisings and consider the outputs of projected housing demand from the emerging SHMA, and ensure the baseline population projections from 2011 are used. This will ensure the most up-to-date and robust projections to inform the overall provision to be made consistent with emerging and future Local Plans throughout the County.

*Where and how future waste management provision should be made*

- 4.14 In seeking to make provision for strategic waste management capacity, the County Council propose to maintain the approach as currently presented in Policy WCS2 of the existing Core Strategy. 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 MSW and / or C&I waste away from landfill by recovery processes (i.e. to generate heat and power). It is recommended that the Borough Council supports the approach for the majority of waste to be managed as close as possible to where it arises.
- 4.15 For non-strategic (smaller) waste management sites such as those suitable for recycling and waste transfer facilities, the County Council propose to maintain the approach set out in Existing Core Strategy Policy WCS3 which states:

*“The strategy for non strategic waste sites is to locate them in the following areas taking into account the principles set out in Policy WCS4: Waste Location Principles:*

- (i) the Broad Locations for Strategic Sites indicated in the Key Diagram;*
- (ii) in or close to the main urban areas of Hinckley or Melton Mowbray;*
- (iii) within sustainable urban extensions...”*

Policy WCS4 provides land use hierarchy such as favouring existing waste management sites first then various land uses with Greenfield sites considered last.

- 4.16 It is considered that the policy approach presented in bullet points (ii) and (iii) could preclude further opportunities for other non-strategic facilities to come forward elsewhere, particularly as significant housing growth is to occur throughout Leicestershire. It is presumptuous of the County Council to identify Hinckley for non-strategic waste management capacity without considering growth requirements from the emerging SHMA. It is also presumptuous of the County Council to assume that the policy approach in WCS3 is deliverable i.e. new provision can be located within the urban area of Hinckley without considering site opportunities and undertaking a site appraisal process. It is therefore recommended Bullet points (ii) and (iii) should be deleted and the Policy approach should be reviewed by the County Council informed by evidence to justify the inclusion of such criteria.
- 4.18 LCC does not intend to allocate sites for waste management use in the emerging Local Plan. It is considered that this approach, in conjunction with the proposed policy approach referred above, will result in ad-hoc proposals, particularly with the potential for proposals to come forward in Hinckley.
- 4.19 Whilst the principle of co-locating facilities on existing waste management sites is acceptable in principle, officers consider that the MWLP should be making the necessary waste management provision (allocations) to conform to the NPPF with regards to plan-making, notably paragraphs 156 and 157 and for the Plan to be found ‘sound’. It is considered that provision should be made throughout the county to provide for a balanced spatial distribution of sites rather than focussing on the two urban areas of Hinckley and Melton Mowbray. Furthermore it is uncertain as to whether the proposed policy is deliverable, taking into account that the Core Strategy was adopted on the basis that a Site Allocations DPD would be prepared to make the necessary allocations. The Policy approach in WCS3 is considered to be unsound on the basis that the plan will not allocate sites.

*The safeguarding of existing waste management facilities*

- 4.20 Existing suitable waste management sites are safeguarded to ensure that the current capacity or land use is not lost or redeveloped to another use and that a sufficient distance is maintained between the facility and other forms of development or sensitive land uses. This is to avoid adverse impacts upon amenity and adjacent land uses do not prejudice the operation of the facility. The principle of safeguarding existing sites is acceptable, particularly where this would minimise the need to identify new capacity elsewhere. Sites should only be safeguarded where they are operationally acceptable and do not result in adverse impacts on amenity or the environment. It is recommended

that the County Council undertake a thorough site search and appraisal process to identify new potential waste management provision and explore the opportunities of extending or reconfiguring existing sites to increase capacity. The appraisal process should consider factors such as impact on amenity from the operational and vehicle movements to and from facilities; other highway impacts and environmental impacts. The Borough Council would request the opportunity to maintain dialogue with the County Council to identify which sites within the Borough are appropriate for safeguarding.

#### *Development Management Policies*

- 4.21 The document also considers development management criteria policies and policies for mineral restoration and aftercare proposals. Officers have no specific comments to make on the above issues at present and propose to save comment until the County Council have drafted the preferred policies.

#### 5 PROPOSED CONSULTATION RESPONSE

- 5.1 The issues explored above are those most likely to be of importance to future minerals and waste provision within the Borough, considering the impacts of potential allocations and making the necessary provision to support future growth. The proposed HBBC response to the Leicestershire Minerals and Waste Local Plan Issues document is provided in Appendix A.

#### 6 FINANCIAL IMPLICATIONS [KP]

- 6.1 It is not expected at this time that the consultation and any associated outcomes will require financial input from Hinckley and Bosworth Borough Council. Any staff time required to complete the consultation will be funded from existing budgets.

#### 7 LEGAL IMPLICATIONS [AB]

- 7.1 None raised directly by this report.

#### 8 CORPORATE PLAN IMPLICATIONS

- 8.1 Not applicable.

#### 9 CONSULTATION

- 9.1 The consultation on the Leicestershire Minerals and Waste Local Plan Issues document closes **17:00 on Friday 24 January**.

#### 10 RISK IMPLICATIONS

- 10.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 10.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with

this decision / project have been identified, assessed and that controls are in place to manage them effectively.

- 10.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
The M&W Local Plan could allocate sites for mineral extraction and waste management within the Borough. Without ongoing dialogue with the Borough Council, any allocations for such uses could result in conflict of other land uses within the Borough.	Maintain ongoing dialogue with the County Council to inform any site allocations appraisal process and respond to future M& Local Plan consultation.	Bill Cullen

## 11 **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

- 11.1 To understand the implications of the emerging Leicestershire Minerals and Waste Local Plan upon the Borough of Hinckley and Bosworth.

## 12 **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications – None arising from this report
- Environmental implications – None arising from this report
- ICT implications – None arising from this report
- Asset Management implications – None arising from this report
- Human Resources implications – None arising from this report
- Planning Implications – Contained within the body of the report.
- Voluntary Sector – None arising from this report

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## **Background Papers**

Appendix A: Draft Consultation Response

Contact Officer: Chris Colbourn Ext. 5749  
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