

30th January 2014

Agenda Item: 8

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

LEICESTERSHIRE COUNTY COUNCIL MINERALS AND WASTE LOCAL PLAN ISSUES DOCUMENT 2013

Purpose of the Report

1. To inform Committee of the formal response which was agreed by the Chairman and sent to Leicestershire County Council (LCC) on the 18th December 2013 in response to the request for comments on the Leicestershire Minerals and Waste Local Plan Issues Document 2013 (LCC M & WID).

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the Leicestershire Minerals and Waste Local Plan Issues Document (2013) and this report compiles responses from Departments involved in providing comments and observations on such matters. The consultation period ran from the 22nd November until the 24th January 2014. In line with the agreed protocol, comments have been sent to LCC to meet their consultation deadline. These comments were agreed with the Chairman.

Background Information

3. Leicestershire County Council (LCC) is responsible for minerals and waste planning in Leicestershire. LCC is consulting on the first stage in reviewing their current minerals and waste planning policies, which were adopted in 2009. The adopted minerals and waste policies are being reviewed to ensure they remain current and within planning and environmental legislation. The review is necessary, in part, to ensure consistency with the National Planning Policy Framework (NPPF).
4. LCC raises a number of key questions for responses:
 - The spatial strategy for the provision of future mineral supply and waste management facilities within the County, i.e. where in broad terms should new provision come from?

- How to protect, or 'safeguard', minerals and waste operations against other competing types of development.
- The role that minerals and waste developments can play in helping to tackle climate change.
- Whether to update some of the planning policies needed to inform decisions on minerals and waste applications (so-called development management policies).
- Whether additional measures should be adopted to protect residential amenity, such as buffer zones.
- The strategy for the restoration of mineral and landfill sites.

Key Issues for Nottinghamshire

5. Nottinghamshire County Council has a significant interest in the production of a minerals and waste Local Plan for the Leicestershire area. The County Council is a strategic planning authority in terms of service provision and the interests of its residents, community groups and businesses, as well as the concerns relating to the environment and heritage assets within the County. It is therefore important that up-to-date, relevant and robust plans, within and adjoining the County are in place to assist the County Council in meeting its service requirements and helping to make Nottinghamshire a prosperous place.

Highways

6. The County Council highways team has raised no concerns in strategic transport/sustainable transport terms. LCC are promoting extensions of four quarries already transporting (about a third) material by rail and elsewhere they are promoting facilities either close to the source of waste or close to likely markets for minerals so as to minimise distances material is moved by road. They are also minded to route HGVs on an already well-established HGV route system and it would be expected that by the time vehicles reach Nottinghamshire they will be on the Highway Agency's Strategic Road Network.
7. The County Council would not wish to make any strategic transport objections to the Consultation.

Minerals

8. As recognised in the document, Leicestershire supplies limestone to other authorities in the region and beyond. This includes Nottinghamshire, where imports from Leicestershire represent around 30% of our limestone use. The continued supply of limestone to Nottinghamshire from Leicestershire is supported.
9. However, there is caution about the suggestion that a figure higher than the 10 year average should be used to calculate future provision. LCC cites local circumstances of high export levels and anticipated growth in these areas as justification for a higher figure, but NCC consider that LCC could be open to challenge at a public examination. NCC consider that the 10 year average from

2003 – 2012 takes in years of economic growth and decline and as such should sufficiently cover some level of growth. Instead of adopting a higher figure at the outset on the basis of anticipated growth, annual monitoring through the Local Aggregate Assessment (LAA) using both the 3 and 10 year averages could identify any significant increase in demand, enabling a review of the apportionment figure (and or allocation of further sites if needed) later in the plan period.

10. As recognised in the Nottinghamshire Minerals Local Plan Preferred Approach, the life of Marblaegis Gypsum Mine in Nottinghamshire is due to end in 2026 and that any future expansion would be into Leicestershire. As the Leicestershire Local Plan now proposes to look ahead to 2023, there may be a case for considering specifically the approach to the future of Marblaegis Mine in Leicestershire. It is therefore considered that in future it may be prudent to consider the need to safeguard the gypsum resource relating to the Marblaegis Mine.

Waste

11. The LCC data on collected municipal waste gives an accurate picture of current arisings and past trends but may not provide a reliable indicator of future trends if it is considered in isolation. Although difficult to quantify, it may be worthwhile to consider the possible impacts of future economic growth, planned housing and employment development etc. which are all likely to increase waste volumes to some degree. NCC note the commitment to annual monitoring within paragraph 6.9 of the LCC Plan and would suggest that a cross-reference to this could usefully be included within paragraph 5.3 of the LCC Plan to highlight that this will be kept under review.
12. It is considered that it may be risky to rely entirely on declining or zero growth rates. Whilst these are clearly desirable, there is no certainty over future arisings. From a Nottinghamshire perspective, it is suggested that it may be safer to make some allowance for possible future growth and allow a degree of flexibility in approach. Lead in times for new waste management facilities can be lengthy and a shortage of planned provision in one Waste Planning Authority (WPA) area could increase pressure on neighbouring facilities. 2011/12 is the lowest point in the 6 year period shown in Figure 5.1 of the LCC Plan and could therefore be argued as being very much a best-case scenario. Flexibility in the plan, guided by annual monitoring is alluded to within Chapter 6 but again it may be useful if this could be made clearer within Chapter 5 of the LCC Plan.
13. NCC supports the approach taken to estimating future Construction and Industrial waste arisings as this draws on all of the currently available data.
14. The assumptions made about the proportions of commercial and industrial waste are supported which would again presumably be subject to monitoring and review as and when relevant data is available.
15. The proposed higher recycling target for Municipal Solid Waste (MSW) and Commercial and Industrial (CI) waste over the longer term is supported.

16. The estimate of Construction and Demolition arisings is supported as this pre-dates the worst impacts of the recession and mirrors the Nottinghamshire approach.
17. With local data so difficult to obtain it would be appropriate to at least maintain existing provision whilst not precluding additional facilities where these would help move waste up the hierarchy and not prejudice other plan aims e.g. quarry restoration.
18. NCC support the approach to hazardous waste as it is not always practical to manage all forms of hazardous waste within a Waste Planning Authority boundary, the net-self-sufficiency approach will help to ensure the most sustainable and appropriate means of treating this waste stream.
19. The County Council would support the assertion that the LCC Plan should make provision for sufficient waste management facilities to handle the levels of waste arising within the County. This is consistent with the aim of net self-sufficiency set out in the Replacement Nottinghamshire and Nottingham Waste Local Plan: Part 1 - Waste Core Strategy.
20. NCC supports the spatial approach set out as this reflects national waste policy and wider sustainable waste management principles.
21. NCC supports the safeguarding of existing waste management sites; Nottinghamshire and Nottingham as waste planning authorities rely on a number of facilities in Leicestershire for the management of our waste: Wanlip Sewage Treatment Works, Cotesbach Landfill (significantly for the disposal of hazardous waste, for which there is no provision in Nottinghamshire and Nottingham) and New Albion Landfill.

Ecology

22. Leicestershire County Council have an in-house team of ecologists and as such the County Council do not wish to raise any objections to the LCC M&WID from an ecology perspective. It should be noted that support is provided for the recognition of questions raised in the Issues Document in relation to the protection of the natural environment and biodiversity gain through site restoration.

Overall Conclusions

23. The County Council would not wish to make any strategic transport objections to the Consultation.
24. The County Council supports the approach to Minerals and Waste provision put forward by LCC however raise concerns over the plans reliance on declining or zero growth rates for waste.

Other Options Considered

25. As the consultation requires representations to be made on the plan the only other option was not to make representations which would have implications for Nottinghamshire County Council role as a Minerals and Waste Planning Authority.

Reason for Recommendation

26. Having assessed the Leicestershire Minerals and Waste Local Plan Issues Document the County Council does not wish to raise any significant issues and provides overall support for the approach of the Plan.

Statutory and Policy Implications

27. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

28. There are no direct financial implications.

Implications for Sustainability and the Environment

29. The failure to consider the representations of the County Council on strategic planning and transport matters could lead to unsustainable development taking place, possibly without the adequate context of an adopted Local Plan.

RECOMMENDATION

1) That Committee note the officer response approved by the Chairman which was sent to Leicestershire County Council on the 24th January 2014.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, 0115 97 73793

Constitutional Comments (SHB.16.12.13)

30. Committee have power to decide the Recommendation.

31. Financial Comments (SEM 17/12/13)

32. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All