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Dear Sir/Madam,

**Representation from Charnwood Borough Council in response to the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies, and Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies (Submission Drafts)**

Thank you for the opportunity to comment on the submission draft of the Leicestershire Minerals Development Framework, and Leicestershire and Leicester Waste Development Framework. The comments below represent the views of officers at Charnwood Borough Council, and have not been endorsed by Cabinet at the Borough Council. The next Cabinet will meet on 4<sup>th</sup> September 2008.

**General Comments**

At the Preferred Options consultation stage in November 2007 Charnwood Borough Council raised the following concerns:

- the lack of transparency that potentially contentious facilities are put forward for public engagement and the explanation of the evaluation process for energy from waste
- that the area around Loughborough and Shepshed does not represent a suitable location for strategic waste facility incorporating energy from waste
- given the timescales involved in adopting a Waste Core Strategy, whether there would be an adequate planning framework in place to support the delivery of the Leicestershire Municipal Waste Strategy.
- there should be reference in the Minerals Development Framework to joint working for proposals for a Charnwood Forest Regional Park.

With regard to the Waste Development Framework, officers at Charnwood Borough Council welcome the greater openness within the document given to the role for energy from waste within the overall strategy. It is also beneficial to have greater explanation of the different types of technology that are encompassed within energy from waste. This satisfies some of the concerns that Borough Council had with how contentious waste facilities are put forward for public engagement. Concern remains about how the evaluation process has been carried out and expressed in the Core Strategy and accompanying sustainability appraisal.



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### **Comments regarding tests of soundness**

As the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies, and Leicestershire and Leicester Waste Development Framework Core Strategy t have been submitted prior to 1st September 2008, the documents are not caught by transitional arrangements and the submission is therefore proceeding under the provision of the 2004 Regulations under Regulation 29. These representations therefore refer to the tests of soundness set out in PPS12 published in 2004.

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

#### Spatial Strategy

Policies CS11, CS12, DC15 and DC18 deal with the National Forest, Charnwood Forest, the reclamation and aftercare of waste sites and planning obligations respectively. The effectiveness of these policies in supporting the National Forest and Charnwood Forest is questioned. The spatial vision and strategy need to refer to Green Infrastructure strategies for the 6Cs area, and the substantial role that waste sites may be able to play in bringing about a net gain in biodiversity and other aspects of Green Infrastructure. Policies CS11, CS12, DC15 and DC18 should set out how the spatial strategy is to be achieved. Box 3 in Policy DC18 Planning Obligations could usefully refer to the National Forest, Charnwood Forest and contributions to Green Infrastructure.

For the reasons outlined above, the Council objects as the strategy fails to meet tests (iv), as it is not a spatial plan which has properly had regard to any other relevant plans and strategies.

#### Policy CS6 Energy/Value Recovery from Waste

Energy from waste is a fundamental part of the strategy for dealing with waste within the framework area. This aspect of the strategy seems to be poorly justified in terms of evidence, there has not been the necessary engagement on the alternative options and therefore has not been subject to the necessary rigour within the sustainability appraisal.

The reports in 2007 of the procurement of long-term waste management facilities<sup>1</sup> is not adequately reflected within the Core Strategy or the accompanying sustainability appraisal. Paragraphs 37 to 41 of this report describe an options evaluation process which resulted in energy from waste being selected as the preferred approach for dealing with waste. Paragraph 42 of this report indicates that:

*The short list of options has been evaluated based on a range of technical, economic and environmental/ social criteria. The latter criteria have used a WRATE (Waste and Resource Assessment Tool for the Environment) which is the latest Defra approved modelling approach to compare environmental impacts/ burdens of waste management scenarios.*

Although the evaluation document referred to above is a public document<sup>1</sup>, this economic, environmental and social evaluation is not explained or reflected within the Core Strategy document, or within the accompanying sustainability appraisal document. It is not clear how the alternative options in the procurement evaluation exercise were used to arrive at a preferred option for the Core Strategy, or how the alternative options were put forward for public engagement.

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<sup>1</sup> Director of Highways, Transportation and Waste Management, Leicestershire County Council Cabinet 24<sup>th</sup> July 2007 and Director of Highways, Transportation and Waste Management, Leicestershire County Council Environmental Scrutiny Committee 6<sup>th</sup> September 2007

For the above reasons the council objects to the plan as the strategy fails to meet test of soundness (vii) the strategy does not represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base.

#### Monitoring Framework

Policy CS 12 Charnwood Forest is not mentioned in the monitoring framework, and so it is not clear how the effectiveness of this policy is to be assessed.

DC1: Design has a target that 75% of applications with permanent buildings should incorporate sustainable design principles. This target seems rather arbitrary and it is not clear what the justification is for this target is. It is reasonable to expect that 100% of applications incorporate such design principles.

For the above reasons the Council objects to the plan because the strategy fails to meet test of soundness (viii) as there are not clear mechanisms for implementation and monitoring.

### **Leicestershire Minerals Development Framework Core Strategy and Development Control Policies**

#### Spatial Strategy

Policies CS12, CS13, DC20 DC18, and DC19 and DC21 deal with the Strategic River Corridors, National Forest, Charnwood Forest, the reclamation and aftercare of mineral sites and planning obligations respectively. The effectiveness of these policies in supporting the National Forest and Charnwood Forest is questioned. The spatial strategy and vision need to refer to Green Infrastructure strategies for the 6Cs area, and the substantial role that mineral sites may be able to play in bringing about a net gain in biodiversity and other aspects of Green Infrastructure. Box 7 in Policy DC20 Reclamation and Aftercare could usefully refer to the National Forest, Charnwood Forest and contributions to Green Infrastructure.

For the reasons outlined above, the Council objects as the strategy fails to meet tests (iv), as it is not a spatial plan which has properly had regard to any other relevant plans and strategies, and the strategy is not consistent

#### Green Wedges

The supporting text to Policy CS 15 indicates that:

*'the level of protection afforded land designated as Green Wedge is very similar to the national policy presumption against development in Green Belts.*

This approach does not accord with national or regional policy. The Panel in the draft RSS8 EIP Report (November 2007) found green wedges 'do not have the national policy status of the Green Belt and it seems that there is justifiable concern that they should not be regarded as unduly restrictive'. [paragraph 14.48].

For these reasons the Council objects because the strategy fails to meet test of soundness (iv) as it is not a spatial plan which is consistent with national planning policy or in general conformity with the regional spatial strategy.

#### Key Diagram

There is concern that a specific location is given for the location of a sustainable urban extension at land east of Thurmaston. Charnwood Borough Council has not yet published its Preferred Options for its

Core Strategy. Land East of Thurmaston has not been agreed by the Borough Council, and remains one option only. It is suggested that alternative notation is used that doesn't commit to a specific location.

For this reason the Council objects because it considered that the strategy in its current form fails to meet test (iv) as it has not properly had regard to relevant plans relating to the area.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Richard Brown', with a long horizontal flourish extending to the right.

Richard Brown  
Principal Planning Officer  
Charnwood Borough Council