



Charnwood

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Ask for: Richard Brown Planning Officer

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My ref:RB/LP/LCC/6

Your ref:



Dear Sir/Madam,

Representation from Charnwood Borough Council in response to the Leicestershire Minerals Development Framework and Leicestershire and Leicester Waste Development Framework (Preferred Options)

The Borough Council thanks Leicestershire County Council for the opportunity to comment on Leicestershire and Leicester Minerals and Waste Development Frameworks. The Borough Council considered the documents at its Cabinet meeting 21st September, and resolved that the following representations be made (min 78 refers).

With regard to the Waste Development Framework, the Borough Council acknowledges that a degree of flexibility is necessary so that planning permission could be considered on less contentious non-allocated sites if they come forward. However strong objection is raised regarding Policies 5 and 10 of the Core Strategy. The flexibility that the Framework provides for potentially contentious waste management proposals to be considered at the planning application stage on non-allocated sites is inappropriate. The Borough Council considers that for more contentious facilities at the lower end of the waste hierarchy, alternatives should be clearly set out in the Framework itself. This could be on the basis of a reserve site list. In particular, the Framework should provide clearer guidance on the role the County Council and envisage for incineration including the identification of potential sites if necessary. This would provide the opportunity for stakeholders and other interests to make representations on these proposals through the plan preparation process.

The Borough Council objects to the Waste Development Framework's proposed allocation of Newhurst Quarry, Shepshed as a location for energy from waste facilities (Mechanical Biological Treatment (MBT) and Biomass Waste to Energy), due to the sites location in relation to prevailing winds and its close proximity to the large centres of population at Shepshed and Loughborough. The Framework fails to justify the selection of Newhurst Quarry, as a suitable location for energy from waste facilities.

In particular, the Sustainability Appraisal does not adequately assess the potential impacts of proposed energy from waste facilities at Newhurst Quarry in relation to the sites proximity to the large population centres of Shepshed and Loughborough. In addition, as the only preferred site identified for these facilities there is also concern that facilities could attract waste from a wide area. The Borough Council wish to make it clear that it would have strong objection to any proposal to site an incinerator at Newhurst Quarry. This is due to its position in relation to the prevailing winds and large centres of population at Shepshed and Loughborough.

Newhurst Quarry is a geological SSSI and a RIGS. The Borough Council understands that the current Waste Local Plan mitigation measures were drawn up with the agreement of English Nature to retain the geological interest of the site. Measures involved the retention of exposed quarry face to a height of 80m to preserve the site's geological interest. It is acknowledged that detailed mitigation would not be set out at this stage in the preparation of the Waste Development Framework, but the Borough Council considers that the geological interest of the site is of paramount importance which needs to be addressed in the preparation of the later stages of the framework. As a portion of the site overlies a major aquifer, there is a potential impact on surface and groundwater. Protection measures should be incorporated to address the risk of contamination.



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The Borough Council also wishes to raise serious concerns about the potential environmental impact of the proposed allocation of Brooksby Quarry for landfill. A watercourse runs through the site and downstream to Rearsby in Charnwood. The proposal could have a potentially significant negative effect on the quality of ground and surface water in the area. Appropriate protection measures should be incorporated into the design of the site to ensure that ground and surface waters are not at risk from contamination.

With regard to the rejected sites at Anstey Lane, Thurstaston and Wanlip Sand and Gravel, Syston, the Borough Council supports the reasons for rejecting these sites.

Although not part of the Cabinet's formal resolution, members were concerned that there has been no consultation event organised to take place within Loughborough. There are significant implications on the town from the Waste Development Framework, and the Borough Council requests that an event for Loughborough is organised.

The Borough Council has no comments to forward in relation to the Minerals Development Framework.

A copy of the relevant minutes and Cabinet report are attached for your information.

Yours Faithfully



Richard Brown

Senior Planning Officer

Encs: Minutes

Cabinet Report

CABINET – 21st September 2006

Report of the Director of Development

ITEM 19 LEICESTERSHIRE AND LEICESTER MINERALS AND WASTE DEVELOPMENT FRAMEWORKS

Purpose of the Report

To advise Cabinet of the publication of the Leicestershire and Leicester Minerals and Waste Development Frameworks 'Preferred Options' for a six week period of consultation. The report summarises the preferred options and potential implications for Charnwood Borough are identified. A recommended response to those Preferred Options consultations is presented for Cabinet approval.

Recommendation

1. That Leicestershire County Council be thanked for the opportunity to comment on the Leicestershire and Leicester Minerals and Waste Development Framework and that the following comments be submitted in response to the consultation.

Recommended Response

With regard to the Waste Development Framework, the Borough Council acknowledges that a degree of flexibility is necessary so that planning permission could be considered on less contentious non-allocated sites if they come forward. However strong objection is raised regarding Policies 5 and 10 of the Core Strategy. The flexibility that the Framework provides for potentially contentious waste management proposals to be considered at the planning application stage on non-allocated sites is inappropriate. The Borough Council considers that for more contentious facilities at the lower end of the waste hierarchy, alternatives should be clearly set out in the Framework itself. This could be on the basis of a reserve site list. In particular, the Framework should provide clearer guidance on the role the County Council envisage for incineration including the identification of potential sites if necessary. This would provide the opportunity for stakeholders and other interests to make representations on these proposals through the plan preparation process.

The Borough Council objects to the Waste Development Framework's proposed allocation of Newhurst Quarry, Shepshed as a location for energy from waste facilities (Mechanical Biological Treatment (MBT) and Biomass Waste to Energy), due to the sites location in relation to prevailing winds and its close proximity to the large centres of population at Shepshed and Loughborough. The Framework fails to justify the selection of Newhurst Quarry, as a suitable location for energy from waste facilities.

In particular the Sustainability Appraisal does not adequately assess the potential impacts of proposed energy from waste facilities at Newhurst Quarry in relation to

the sites proximity to the large population centres of Shepshed and Loughborough. In addition as the only preferred site identified for these facilities there is also concern that facilities could attract waste from a wide area. The Borough Council wish to make it clear that it would have strong objection to any proposal to site an incinerator at Newhurst Quarry. This is due to its position in relation to the prevailing winds and large centres of population at Shepshed and Loughborough.

Newhurst Quarry is a geological SSSI and a RIGS. The Borough Council understands that the current Waste Local Plan mitigation measures were drawn up with the agreement of English Nature to retain the geological interest of the site. Measures involved the retention of exposed quarry face to a height of 80m to preserve the site's geological interest. It is acknowledged that detailed mitigation would not be set out at this stage in the preparation of the Waste Development Framework, but the Borough Council considers that the geological interest of the site is of paramount importance which needs to be addressed in the preparation of the later stages of the framework.

With regard to the rejected sites at Anstey Lane, Thurgaston and Wanlip Sand and Gravel, Syston, the Borough Council supports the reasons for rejecting these sites.

The Borough Council has no comments to forward in relation to the Minerals Development Framework.

Reason(s)

1. To ensure that Leicestershire County Council is informed of the Borough Council's view in terms of the 'Preferred Options' Paper.

Policy Context

One of the key aims of the Corporate Plan is to secure a clean, safe and healthy environment, by amongst other things working with the community to ensure that waste is minimised and recycled. The introduction of kerbside recycling collections in the Borough in 2004 has been successful in increasing recycling rates from approximately 17% in 2004 to 39.8% in 2006. It is important that the Waste Development Framework supports these initiatives by planning for sufficient waste facilities to meet needs.

Minerals and Waste sites identified in the adopted Leicestershire and Leicester Minerals and Waste Development Frameworks will have to be shown on a proposals map in the Charnwood Local Development Framework. The location of minerals and waste sites will also have implications for the formulation of policy and for the allocation of land in the Charnwood Local Development Framework.

Background

The Planning and Compulsory Purchase Act 2004 (2004 Act) introduced a requirement for the County Council as the Minerals and Waste local planning authority to produce a Waste Development Framework and a Minerals Development Framework. These documents will replace the Leicestershire,

Leicester and Rutland Waste Local Plan adopted in 2002, and the Leicestershire Minerals Local Plan adopted in 1995. Both these existing plans cover the period to 2006. The Development Frameworks look forward to 2021 and once adopted will form part of the Development Plan.

The first phase of consultation on Issues and Options Consultation was carried out in June and July 2005.

The County Council has now published for consultation its preferred options for both minerals and waste including a Core Strategy and Development Control Policies Document and a Site Allocations Document. Their objectives, policies and proposals have to be subject to sustainability appraisal and strategic environmental assessment. Sustainability Appraisal Reports have been produced for each of the documents. Consultation on the Sustainability Appraisal is taking place alongside preferred options papers. The consultation period commenced on 25th August for a six week period until 6th October. The County Council arranged a series of exhibitions in locations most likely to be affected by waste and minerals proposals. An exhibition was held at Shepshed Town Council Offices on the 5th September.

Copies of the consultation documents can be found in the Members room and can be viewed on the County Council website.

The Waste Development Framework

The Core Strategy outlines a vision to address the need to produce less waste, to significantly increase levels of waste recovery and recycling and to move away from a reliance on waste disposal by landfill. The strategy aims to achieve this by promoting waste reduction measures and making provision to enable the establishment of new waste management facilities for recycling, composting and value/energy recovery from waste that remains. The strategy seeks to encourage integrated waste management through the co-location of waste management facilities. However the strategy also recognises that landfill will still have a role to play and that there will be a need for additional landfill capacity over the period to 2021.

Underpinning the strategy is the concept of the waste hierarchy- decisions on ways of dealing with waste should be based on an order of preference from reduction, to re-use, then recycling and composting, then energy recovery and lastly disposal.

The Framework includes a number of policies to guide decisions on applications for planning permission and also site specific allocations for new or improved waste management facilities.

These main policies are summarised at Appendix I. Whilst the Framework proposes the allocation of specific sites, it also includes policies that seek to provide a degree of flexibility so that planning permission could be granted on other non-allocated sites if they come forward. In addition, although no sites are allocated for incineration, the Framework notes the role that incineration could play and includes a policy to guide the consideration of planning applications for such facilities.

For less contentious facilities such as re-use and recycling, providing some flexibility to enable permission to be granted on non-allocated sites in this was is not likely to be objectionable.

However, for often more contentious facilities at the lower end of the waste hierarchy, alternatives should be clearly set out in the Framework itself. This could be on the basis of a reserve site list. In particular the Framework should be clear about the role incineration could play and identify potential sites if necessary. The flexibility the Framework provides for potentially contentious waste management proposals to be considered as planning applications on non-allocated sites is inappropriate.

The Site Allocations document is required to conform to the Core Strategy. The Preferred Options report indicates that the selected sites are those that meet criteria set out in Core Strategy including, being sited with other waste management facilities, making use of previously developed land, being in urban or fringe areas and not having a Green Wedge designation.

Appendix 2 lists the allocated sites and their potential uses. There are 18 sites within Leicestershire that have been selected out of a possible 29 sites that have been put forward. There are 4 sites that lie within the Borough of Charnwood and these are (see maps at Appendix 3):

An extension to the existing Loughborough Civic Amenity Site, Railway Terrace. The current use is a civic amenity waste site, where the public can dispose of their waste. The proposal is an extension to the current site, which will also include a waste transfer station for municipal waste. The current site has between 12,000 and 15,000 tonnes of waste deposited per annum. This equates to about 5 HGVs and 550 cars per day. The potential total capacity of the site is given to be 45,000 tonnes per annum of municipal waste recycled or transferred.

The extension of the Loughborough site for recycling where there would be co-location of waste facilities is supported, and it is recommended that no objection should be raised to this proposed allocation.

Mountsorrel Quarry (Site A) Northeast of existing quarry northwest of Mountsorrel, south of Wood Lane. This is a completely new waste site. The site currently is part of the quarry complex, used as a parking area. The potential use for the site is for a recovery/recycling and transfer facility for commercial, industrial and municipal waste. Its potential capacity is shown to be 40,000 tonnes per annum of Municipal, Commercial and Industrial Waste. It is estimated that between 80 and 90 HGVs would enter the site per week.

The use of Mountsorrel Site A, where there would be the co - location of waste recovery, recycling and waste transfer, is supported. The location of the site 200m from residential properties and access from Granite Way is considered to be acceptable, and it is recommended that no objection be raised.

Mountsorrel Quarry (Site B) Southeast of existing quarry processing area on north western edge of Mountsorrel, west of Bond Lane. The site is part of the

quarry complex, currently used for aggregate bagging and stocking. The proposal is an extension to a current site which lies south of Mountsorrel Site B and which is used for Construction and Demolition waste. Current throughput of the adjacent site of up to 50,000 tonnes per annum. Mountsorrel B would have a potential capacity of 40,000 tonnes of construction and demolition waste. (Extended site having a combined capacity of 90,000 tonnes per annum).

The use of Mountsorrel B for the recycling of aggregates is supported and it is recommended that no objection be raised.

Newhurst Quarry, Shepshed This site is located southeast of Shepshed, southwest of M1 junction 23 and south of A512 Ashby Road. The site is included in the current Waste Local Plan as a landfill waste disposal site for industrial commercial household civic amenity waste. The inclusion of the site within the current Waste Local Plan was supported by an Inspector at a Public Local Inquiry. Although this site, a dormant rock quarry, was allocated in the current Waste Local Plan it is not currently in use as a Waste facility. A number of potential uses are outlined for the site. These potential uses are:

- Mechanical Biological Treatment (MBT) Municipal as well as commercial and industrial waste. MBT is a combination of mechanical and biological processes. Typically plant and equipment are used to sort and process material that can be recycled (the mechanical part). The organic part is then treated biologically, for example by composting. There is a residue after this process that can be land filled or incinerated.
- In vessel composting (Municipal as well as commercial and industrial waste)
- Landfill for non-inert waste
- Materials Recovery Facility (Construction and Demolition Waste and Commercial and Industrial Waste)
- Biomass Waste to Energy Plant (Commercial and Industrial Waste). This involves the anaerobic digestion of biodegradable organic matter to produce methane which can then be used in heat or electricity generation.

The County Council consider it is very unlikely that all of these uses will be taken up on the site.

The maximum capacity of the site is given as 375, 000 tonnes per annum. A large proportion of this is likely to be land fill, with the remainder made up waste treatment, recycling and recovery. An estimated 174 vehicles would enter the site each week, 144 of which would be HGVs.

There has been no change in circumstance since the Inspector supported the allocation of Newhurst Quarry as a landfill site in the adopted Waste Local Plan. In view of the planning history of the site it is considered there are few grounds to object to the site being used for landfill.

Other identified potential uses for the site include Mechanical Biological Treatment (MBT) and Biomass Waste to Energy. As forms of energy recovery from waste these processes fall towards the bottom of the waste hierarchy. These processes

are likely to have less damaging impacts than either landfill or traditional incineration. However the processes can involve burning of the residue.

There are concerns in relation to the possible environmental and health implications of these facilities in terms of emissions from burning of residues, and the possible exposure to micro-organisms and odours from composting. In view of these concerns, it is considered that the close proximity of Newhurst Quarry to the large population centres of Shepshed and Loughborough make it an inappropriate location for MBT or Biomass Waste to Energy.

The Waste Development Framework does not provide adequate justification for the selection of Newhurst Quarry as a suitable location for these facilities.

The sustainability appraisal assessed 6 potential locations for landfill, recycling and energy from waste facilities, including Newhurst Quarry and Nailstone Quarry. The appraisal concludes that Newhurst represents the most sustainable option. One of the sustainability criteria used was potential public nuisance. Against this criterion the appraisal identifies the same potential negative impact for the Newhurst site, close to large urban centres of population, and the more isolated Nailstone Colliery and Brooksby Quarry sites. This appears to be inconsistent.

The appraisal does not adequately assess the potential impacts of proposed energy from waste facilities at Newhurst Quarry in relation to the sites location south and west of the large population centres of Shepshed and Loughborough. As the only preferred site identified for these facilities there is also concern that a facility could attract waste from a wide area. In addition the Borough Council should register its strong objection to any future proposals for the site being used as a location for the incineration of waste. Concerns should also be raised in relation to the need for any landfill proposals to safeguard the geological value of the site.

Two other sites within Charnwood have been considered by the County Council as site allocations. These sites are Anstey Lane, Thurcaston and Wanlip Sand and Gravel, Syston. The Thurcaston site was rejected for highway safety and green wedge issue, whilst the Syston site was rejected for reasons of highway safety. It is recommended that the Borough Council support the reasons for rejecting these sites.

There are other existing waste sites in Charnwood at Sileby and Shepshed, but there are no extensions planned to these sites, and are not featured in the Waste Development Framework.

Minerals Development Framework

The Core Strategy outlines a vision to manage mineral extraction in Leicestershire in a way which meets the social and economic interests of the County and makes an appropriate contribution to the national and regional needs for minerals in ways which seek to protect the quality of life for existing a future generations, in accordance with the principles of sustainable development.

There are no new allocations for minerals sites within Charnwood. Existing sites within the borough have sufficient permitted reserves to meet requirements over the plan period. Proposals for future sand and gravel and fire clay are located elsewhere in the County.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Insufficient waste sites being identified to meet the Borough's recycling targets.	Low	High	Ensure effective engagement with Leicestershire County Council in the preparation of the Waste Development Framework.
Potentially contentious waste management facility on unallocated site being granted planning permission.	Med	High	Ensure effective engagement with Leicestershire County Council in the preparation of the Waste Development Framework.

Key Decision: No

Background Papers: Core Strategy and Development Control Policies Document (I for Waste and I for Minerals)
 Site Allocations Document (I for Waste and I for Minerals)
 Core Strategy and Development Control Policies SA Report (I for Waste and I for Minerals)
 Core Strategy and Development Control Policies SA Report Appendices (I for Waste and I for Minerals)
 Site Allocations SA Report (I for Waste and I for Minerals)
 Site Allocations SA Report Appendices (I for Waste and I for Minerals)

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Appendix I

Policy 2 of Waste Core Strategy reflects some aspects of the Regional Waste Strategy (RWS) and has implications for Planning Policy and for Development Control, as applications for large-scale new developments shall have to include waste audits to demonstrate how waste generated by the constructions and subsequent use of the development will be minimised and managed. Large scale is defined as 100 dwellings or more or non-residential development of 5000m² or greater.

Policy 5 Waste Management Development Outside Allocated Sites

The policy allows for a degree of flexibility as the ability to obtain planning permission for non-allocated sites is not ruled out, and has implications for sites in Charnwood, especially Newhurst Quarry in Shepshed. The way that Policy 5 is framed is of concern as it would appear that the plan led approach could be undermined. The comments to be forwarded to the County Council raise concern about the level of transparency with which potentially controversial waste facilities could be considered.

Policy 10 of the Waste Core Strategy and Development Control Document refers to incineration. It is important to point out that incineration is not indicated as a potential use for any site within Charnwood. Newhurst Quarry in Shepshed is identified as a biomass waste to energy plant, as distinct from an incinerator. Concerns raised about policy 5 are of relevance on the subject of incineration, as it would appear that some contentious proposals could be considered at the planning application stage rather than through the preparations of the Core Strategy and Site Allocations document. Concerns about the transparency of the process and reservation about the suitability of the Newhurst site for incineration are to be forwarded to the County Council.

Policy 15 Waste Core Strategy and Development Control Document refers to sites of international and national importance. Newhurst Quarry is the only site lying within Charnwood Borough that has been identified as having ecological or geological importance. This policy indicates that planning permission will not be granted for waste sites which would have a significant adverse impact upon character, appearance, ecological or geological value of the site. The Sustainability Appraisal of Newhurst Quarry indicates that there would be a significant negative impact upon geodiversity, but a non-significant effect on biodiversity. The planning requirements for Newhurst Sites require measures to safeguard the geological and ecological interests.

APPENDIX 2

List of Allocated Sites and Potential Uses

Site No.	Site	MSW/C&I Waste Recycling	C&D Waste Recycling	Composting	Energy/Value Recovery/Treatment	Waste Transfer	Integrated Waste Management	Inert Landfill	Non-inert Landfill
1	Whetstone RHWS	*		*	*	*	*		
2	Loughborough RHWS	*				*			
3	Swainspark	*	*	*			*		
4	Coventry Road, Narborough	*							
5	Manor Farm, Aston Flamville			*					
6	Thurlaston Sawmills	*	*						
7	Mountsorrel Quarry (Site A)	*				*			
8	Mountsorrel Quarry (Site B)		*						
9	Ulverscroft Road, Leicester		*						
10	Sunningdale Road, Leicester		*						
11	Hemington Quarry		*						
12	Little Wigston		*						
13	Lockington Quarry (Site A)		*						
14	Lockington Quarry (Site B)							*	
15	Newhurst Quarry	*	*	*	*		*	*	*
16	Brooksby Quarry	*	*	*			*	*	*
17	Shawell Quarry	*	*				*	*	*
18	Nailstone Colliery	*	*	*	*		*	*	*