

Councils' response to comments received on the Scoping Reports (2010)

Resp. Name	Resp. Organisation	Para	Policy	Table	Resp. Comments	Council Response
Geoff Platts	Environment Agency			1	<p>We note that on page 3 it is stated that to “ test the plan objectives against the S/A Framework / Sea objectives is not a task required at the Scoping Stage, however one of our Officers has done some work on this and instead of disregarding (sic) this I have included it for future reference:-</p> <p>There is uncertainty in the way the Sustainability Appraisal objectives link in with the Core Objectives and Policies. Table 6 provides the ‘general assessment principles’ but fails to clearly demonstrate how the assessment process links to Core Strategy Objectives and Policies. For example, the process does not appear to promote co-location of waste management facilities even though this is a priority under Policy WCS4 of the Core Strategy. Other examples are presented below:</p> <p>SA Objective 01 links to: Policy WCS 10,11& 12; Policy WDC 2 & 3 and CS Objective 11.</p> <p>SA Objective 02 links to: Policy WCS 4, 10, 11, 12 & 13; Policy WDC 5 & 6 and CS Objectives 11 & 7.</p> <p>SA Objective 03 links to: Policy WDC 2, 3 & 4; and CS Objective 11.</p> <p>SA Objective 04 links to: Policy WCS 10 & 12; and CS Objectives 5 & 8.</p> <p>SA Objective 05 links to: Policy WDC 12; and CS Objective 8.</p> <p>SA Objective 06 links to: Policy WCS 2, 3, 4, 5, 6, 7, 8 & 9; and CS Objectives 1, 2, 3, 4, 5 & 6.</p> <p>SA Objective 07 links to: Policy WCS 4, 10; Policy WDC 8 & 9; and CS Objectives 8 & 10.</p> <p>SA Objective 08 links to: Policy WCS 3, 4 & 14; Policy WDC 8, 9 & 10; and CS Objectives 7 & 9.</p> <p>Although the accuracy or completeness of the above can not be guaranteed, it illustrates the need for the site allocation assessment process to clearly show linkages with the Core Strategy, which it currently does not.</p>	<p>Correct but it does go on to say that nevertheless it has been done. Table 4 shows, clearly, the relationship between the two sets of objectives and is an accepted manner of undertaking this task – see page 67 of A Practical Guide to the Strategic Environmental Assessment Directive. The Core Strategy’s policies have been produced from the objectives and, therefore, that is the link between the two sets of objectives.</p> <p>As to the first example supplied – in Table 6 for SA Objective 2 in the principles of assessment it states that ‘sites will be scored according to their relative position in the sequential approach of Policy WCS4’.</p>
Ann Plackett	English Heritage			2	<p>We recommend that the European Landscape Convention is added to the list for landscape and the draft PPS15: <i>Planning for the Historic Environment</i> to the list of cultural heritage documents.</p>	Agreed.
Ann Plackett	English Heritage			2	<p>Key issues and problems - The box for cultural heritage makes no reference to archaeology, whether designated or not. The issue of ‘setting’ may be an issue for certain types of waste management development.</p>	<p>The key issues and problems are derived from the baseline data in Appendix Table E and there are no quantifiable data on archaeology and, therefore, no reference. However, the SA objective does include archaeology and sites will be assessed on their potential to</p>

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						impact upon known or surmised archaeology.
Ann Plackett	English Heritage			2	We recommend that you use the source data and not that derived from the Regional Plan AMR, although this does contain some estimates of the numbers of Grade II buildings at risk derived from the local authorities. Sources of data are listed in our draft SA/SEA guidance. In particular, the data reports (2006 and 2008) to be found at http://www.english-heritage.org.uk/hc/server/show/nav.008007002 and the annual Heritage at Risk register, which extends and replaces the Buildings at Risk register http://www.english-heritage.org.uk/server/show/nav.19074 are probably most relevant.	The source of the data within Table 2 is, principally, the ENABLE publication (see Appendix Table E) and where figures differ from those provided by English Heritage they will be updated. Agree to use the Heritage at Risk register.
Ann Plackett	English Heritage			2	We suggest that the wording of the SA objective be amended to: 'To protect the character of place and heritage assets and their setting, including archaeology.'	Disagree. The current SA objective states that the intention is to protect per se rather than to protect only the character. In its current form it covers not only character but also appearance and/or setting. The word 'asset' is rather unclear when taken in isolation and the Authorities prefer the terminology used.
Ann Plackett	English Heritage			2	We also suggest that there could be potential cumulative effects in relation to historic sites as is the case for wildlife sites (see also Table 3).	Agreed.
Geoff Platts	Environment Agency			2	Catchment Abstraction Management Strategy documents should be referred to (Soar CAMS, Tame Anker and Mease CAMS and Welland CAMS are the main ones for Leicestershire). These documents should be referred to Air, Water, Soil and Minerals (AWSM) section – protecting the quality of inland waters.	Agreed.
Geoff Platts	Environment Agency			2	Environment Agency - Groundwater Protection: Policy and Practice (GPP3) should be referred to in the AWSM section – protecting the quality of inland waters.	Agreed.
Geoff Platts	Environment Agency			2	Environment Agency Public Register of Abstraction should be referred to in the AWSM section – protecting the quality of inland waters.	Disagree, this is neither a plan, a programme nor a strategy. It is a record of those who hold abstraction licences.
Geoff Platts	Environment Agency			2	PPS23 should be included in the AWSM section – reusing previously developed land.	Agreed.
Geoff Platts	Environment Agency			2	The Leicestershire or Leicester Municipal Waste Management Strategies should be included under Climatic Factors and Waste Management.	Agreed insofar as Leicestershire but the City has no such strategy.
Geoff Wise	Highways Agency			2	The HA supports the objectives to maximise the sustainable transport of waste through	Noted.

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					use of non-road transport modes and minimising the distance between the waste source and waste treatment facility. The approach to scoring policies and sites relating to the location of waste facilities, which favours sites with access to non-road transport and strategic sites within the Broad Locations identified in the Core Strategy, is therefore encouraged as a means of increasing the sustainability of sites and ensuring that the impact of new waste sites on the Strategic Road Network (SRN) will be minimised.	
Geoff Wise	Highways Agency			2	The HA recommends that as the Site Allocations document is taken forward, consideration is given to the cumulative impact of additional traffic movements that may be generated by waste development and the extent to which these could give rise to specific problems on the highway network, particularly the SRN. The HA would like to see evidence to demonstrate that this is likely to be the case, in preference to leaving the consideration of transport impacts of developments to the individual planning application stage. I note that the Leicester and Leicestershire Integrated Transport Model (LLITM), now in its final stages of preparation as coordinated by your colleague Sonny Tolofari, is likely to be of assistance in preparing such evidence.	Noted. The assessment of individual sites is the next stage and the Highways Agency and the Highway Authority will be asked for their input.
Marie Wykes	Hinckley & Bosworth Borough Council			2	Biodiversity, Geodiversity, Flora and Fauna. How much regard has been given to more localised evidence bases such as biodiversity strategies?	Agree that the local district and borough assessments (where they exist) are not included in the list of plans etc and need to be added.
Marie Wykes	Hinckley & Bosworth Borough Council			2	Cultural Heritage & Landscape. Is there any scope for the inclusion of Local and Regional Landscape Character Assessments?	Concur that these need to be added.
Marie Wykes	Hinckley & Bosworth Borough Council			2	Climactic Factors & Minerals Development, localised strategic flood risk assessments may have much more relevance that something at a higher level, whilst LA's will allocate future development in non-flood areas, this will not be fully disseminated until site allocation documents start coming forward which is not likely to be soon in any LPA's case.	Noted. Again reference to these more local documents is needed but within the air, water, soil and minerals section.
Marie Wykes	Hinckley & Bosworth Borough Council			2	Plans, Programmes & Strategies, has regard been given to local Economic Regeneration Strategies and local priorities?	Noted. Reference to these more local documents is needed.
Spencer Warren	Lafarge			2	Firstly, Table 2 within both documents sets out the development of sustainability objectives. Our overriding impression is that this table is a little negative. We wonder whether there is scope to include opportunities. For example, the third column of Table 2 is titled Key issues and problems – we recommend this be amended to be titled, Key issues, problems and opportunities. Within the final column for the SA objectives, each objective talks about conserving or protecting, there may be scope for conserving and increasing the sustainability of certain interests such as biodiversity.	Disagree – the SEA Guidance refers to this stage of the process as 'identifying environmental problems'. The terminology used is concordant with guidance. Table 6 states that sites which could enhance biodiversity will

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						score positively.
	Northamptonshire County Council			2	Need to refer to Mines Waste Directive as a relevant policy /programme	Agreed.
Jake Barnes-Gott	Scott Wilson			2	In Table 2, Column 1 ('Plans, Programmes and Strategies') the Council has listed a very wide range of documents - from European Directives to local strategies - in what seems to be no particular order. This makes it very difficult to understand which plans the Council considers to be most relevant to the SEA/SA process (best practice in SEA/SA is to consider only those plans that are most relevant to the assessment - these are likely to be regional and local level plans only).	There are in alphabetical order. By virtue of the fact the SEA Directive requires relevant ones to be considered if they are listed they are relevant – no distinction is made on the scale of the relevance. European Directives are included because the SEA Directive requires the Councils to state those from International and European Community level down to National which are relevant.
Jake Barnes-Gott	Scott Wilson			2	Only one SA objective is given (Table 2, bottom of page 4) to cover the broad subject area of 'Air, Water, Soil and Minerals' (grouped together as 'natural resources'). The SA objective is 'to protect the natural resources of the County and City - including air, water, soil and minerals'. Given that these are each quite different issues, arguably the assessment should consider separate, more specific objectives for each (it is recognised however that, whilst this point relates to undertaking a thorough SEA/SA of sites, in the views of the operator, having a broader, perhaps less scrutinising approach may be beneficial).	Noted.
Jake Barnes-Gott	Scott Wilson			2	Under 'Climate Factors and Waste Management' (Table 2, top of page 6) it is stated that one of the key issues and problems is that Leicestershire is unlikely to meet its renewable targets, however there is no SA objective which relates to 'helping to meet renewable energy targets' (the SA objective on climate change is simply to reduce greenhouse emissions by increased reuse, recovery and recycling).	See Table 6 and the principles of assessment for SA Objective 6 where it states that the ability to recover energy will be assessed.
Spencer Warren	Lafarge			3	Paragraph 2.4 and Table 3 of both documents discusses Cumulative Effects – this section is very unclear, further clarification should be provided on how these conclusions have been reached and what the implications may be for the site allocations document.	The Table lists the likely cumulative effects and causes the Councils will consider when assessing sites. A full assessment upon each site will be published and the assessment will include cumulative effects.
Jake Barnes-Gott	Scott Wilson	2.8			Paragraph 2.7 and Table 5 (page 10) - approach to assessing significance of effects is broadly supported. However, in relation to paragraph 2.8 (page 11), effective mitigation may be relatively easy to achieve on certain sites and therefore in such cases, arguably this should be taken into account in the assessment of significance.	No, the assessment of effects is undertaken on the basis of no mitigation. The ways of mitigating the adverse effects is then

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						undertaken.
Geoff Platts	Environment Agency			6	The impact of waste facilities on the physical and environmental constraints on development, including existing and proposed neighbouring land uses are key considerations, as are the issues around after use. The appraisal process does not appear to address these.	SA Objectives 1, 2, 3, 4, 5, 7 and 8 would all assess the effects on adjacent land uses.
Geoff Platts	Environment Agency			6	We note that Sustainability Appraisal Objective 06 seeks to promote sites that move non-inert waste up the hierarchy to reduce green house gases, which is fine, however, it is also important to promote the same trend in inert waste too.	The second sentence in the principles of assessment of SA objective 6 covers this.
Geoff Platts	Environment Agency			6	The assessment principle for Sustainability Appraisal Objective 06 also states that 'facilities that recover energy would be assessed more favourable than comparable facilities that don't'. We believe that recovering energy from waste can contribute to a balanced energy policy; and we consider that it may be appropriate for local authorities to include energy from waste in their strategies and plans provided that: -it does not undermine preventing or minimising waste, re-use, recycling or composting; - it forms part of a properly considered and appraised regional or local strategy; - it is consistent with the statutory aim to establish an integrated and adequate network of waste disposal installations and enable waste to be disposed of in one of the nearest appropriate installations.	Noted, see adopted Core Strategy for further information.
Spencer Warren	Lafarge			6	SA objective 1 seeks to conserve biodiversity etc interests. It recommends that sites that have designated wildlife sites/ protected species will be scored negatively. Sites with no impact <u>or</u> could enhance biodiversity/ geodiversity will score positively. How will sites score which lie within a site of biodiversity interest but could provide overall enhancements?	Please see page 31, paragraph 5.B.9 of <i>A Practical Guide to the SEA Directive</i> which states that prediction of effects involves describing changes over the time period they occur, i.e. the effect may change over time. Such tack was taken for the SA of the Core Strategy and the Scoping Report in paragraph 1.6 does state that ' <i>the Scoping Report does not seek to amend the methodology used</i> '.
Spencer Warren	Lafarge			6	SA objective 2 seeks to conserve the quality of the countryside and landscape. Given the recommendations of the panel report at the RSS that plays down the importance of Green Wedges, and the amendments made to the Minerals and Waste Core Strategies, we question whether it is appropriate to score impact upon Green Wedges as strongly negative. We would also question whether it is appropriate to score any impact upon the Charnwood Forest as strongly negative, given that it is not a landscape of national importance and this does not provide for any mitigation	Disagree. The emphasis of the Core Strategy is not to locate sites in Green Wedges unless there is an overriding requirement. Disagree. Charnwood Forest is recognised at regional level as an area special to the people of the

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					measures to be implemented.	East Midlands and the Core Strategy Policies of WCS3 and WCS4 give strong direction for waste facilities outside the Forest.
Spencer Warren	Lafarge			6	SA objective 3 seeks protection of archaeological and cultural heritage interest. The approach being taken is the same as SA objective 1 – we have the same concerns.	See answer to said point.
Spencer Warren	Lafarge			6	SA objective 5 concerns flood risk. The approach is to score a site either positively or negatively dependent on which flood zone it falls within irrespective of any potential mitigation/ improvements to flood capacity.	Yes. As stated in paragraph 2.8 of the Scoping Report, assessment is undertaken without mitigation. As per the guidance, ways of mitigating adverse effects are considered post evaluation of the effects.
Spencer Warren	Lafarge			6	SA objective 6 seeks to minimise climate change. We are concerned by the approach being promoted that mineral sites that seek restoration without the need for waste will be scored positively. Firstly, this does not take into account that there is a need for continued disposal of waste to landfill during the Plan period, as stated in the Waste Core Strategy. Secondly, this approach fails to take into account the restoration requirements for a site – for example by using material to restore land to a higher level may negate the need for a water based restoration, thereby allowing a vegetative covering to the site which in turn may provide its own environmental benefits.	Approach remains the same. The assessment upon climate change is one which reflects the waste hierarchy by reducing waste to landfill. It is correct that landfill should score the lowest to promote other alternatives which the Core Strategy favours. Although, it should be noted that the waste site allocations document will not be assessing mineral sites with no waste inputs. In terms of restoration, any restoration may score positively, in the long term, on SA Objectives 1 and 2.
Jake Barnes-Gott	Scott Wilson			6	Table 6, row 4 (protection of natural resources) – it is considered that the principles of assessment are not entirely clear and perhaps should be expanded.	Disagree.
Jake Barnes-Gott	Scott Wilson			6	Table 6, row 6 (minimise contribution to climate change) - again (as in row 1), the principles of assessment seem to infer that the type of development proposed/likely on a site will be included in the assessment - how will the assessors know what type of development is proposed/likely on individual sites? (this isn't an appropriate approach and the assessment should be technology/type neutral).	PPS10 states Authorities should identify the type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area, taking care to avoid stifling innovation in line with the waste hierarchy. If it is unclear from

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						potential developers the worst case will be assessed against the SA objectives.
Ann Plackett	English Heritage			Appendix Table E	<p>APPENDIX TABLE E: BASELINE DATA, INDICATORS, TRENDS FOR CULTURAL HERITAGE/ LANDSCAPE</p> <p>Quantified Data and Source</p> <p>The figures for Leicestershire and Leicester (excluding Rutland; the <i>additional</i> figures for Rutland are included in brackets) from Heritage Counts are as follows:</p> <p>197 Scheduled Monuments (31) [2006 Heritage Counts]</p> <p>21 Registered Historic Parks and Gardens (2) (including one partly within the county)</p> <p>1 Battlefield (Bosworth)</p> <p>4,337 Listed Buildings (1,408) (based on the number of entries not individual buildings)</p> <p>Data on Conservation Areas are held locally.</p> <p>Comparators and Targets</p> <p>Taking into account the primary asset at risk, the 2009 figures for Leicestershire and Leicester (excluding Rutland; the <i>additional</i> figures for Rutland are included in brackets) are:</p> <p>Scheduled Monuments – 9 (2)</p> <p>Listed Buildings (Grade I and II*) – 14 (2)</p> <p>Registered Park and Garden – 1</p> <p>Conservation Areas – 17.</p>	Newer data on these now exists and this will be used to update this information.
Bryn Walters	EMRA	General			In terms of the sustainability appraisal methodology contained within the scoping reports, the Regional Assembly supports the approach outlined as robust having considered all likely SA / SEA related issues. As such we would have no comments to raise at this time.	Noted.
Geoff Platts	Environment Agency	General			We feel that the process should also assess the flexibility of sites to cater for changes in the type and quantity of waste dealt with, different technologies/advances technology and changes in regulatory requirements.	Disagree. Any assessment must be on the type(s) of facilities and the scale put forward at this stage and that may be developed. Land use planning cannot judge sites on the merits of surmised unknowns.
Geoff Platts	Environment Agency	General			We also support the view that energy generated should be recovered as far as practicable, for example using Combined Heat and Power (CHP) schemes, consistent with the requirements of Best Available Techniques (BAT).	Noted.
Geoff Platts	Environment Agency	General			We believe that consideration should be given to the significance of hazardous waste arisings in the plan area and make provision for the management of this waste stream. This is in line with Policy RWS 1.6 of the East Midlands Regional Waste Management	See paragraph 4.6 of adopted Core Strategy. Hazardous waste is not precluded from

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					Strategy. We have published hazardous waste data for 2008 on our website, which covers information on hazardous waste arisings by sector/waste stream and details of imports and exports.	consideration.
Geoff Platts	Environment Agency	General			We also consider provision for commercial and industrial waste to be essential, especially as a detailed Strategy for municipal waste already exists. We would particularly welcome a focus on reducing the landfilling of commercial and industrial waste.	The Core Strategy sets out the requirements for this waste stream and Policy WCS1 states that recycling and composting targets for this waste stream are minimum requirements.
Geoff Platts	Environment Agency	General			The construction sector generates a larger amount of waste than any other sector. Both nationally and regionally the sector has a huge challenge in halving the waste it sends to landfill by 2012, as outlined in the new Sustainable Construction Strategy (June 2008), therefore provision for this waste stream is also important.	Noted. Provision for this waste stream will be made in line with the requirements set out in the adopted Core Strategy.
Geoff Platts	Environment Agency	General			For further information, the Environment Agency publishes Position Statements on a range of topics, which are relevant to sustainable waste planning and sustainability issues in general. Our position statements outline where we stand on important issues and the solutions we call for and can be found on our website (http://www.environment-agency.gov.uk/research/library/position/default.aspx). We believe that early consideration of these statements would help this process. The agency also produces waste data relating to the sites that it regulates. This information is also available from our website. http://www.environment-agency.gov.uk/research/library/data/34169.aspx The Council may or may not be aware of the WRATE (Waste & Resource Assessment Tool for the Environment), which is a software programme designed by the Environment Agency and Golders Associates for comparing different systems of managing and processing waste. The WRATE programme uses a life cycle assessment tool to consider the environmental impact of all the stages involved in managing and processing waste from collection through to disposal, including any benefits from recycling and energy recovery. WRATE helps waste producers to make the most informed decisions on environmental costs and benefits when choosing their waste management options. More information can be obtained by visiting the WRATE website at http://www.environment-agency.gov.uk/research/commercial/102922.aspx	Noted.
Geoff Platts	Environment Agency	General			We found the scope of the process to be unclear. Is it for allocating sites only or will it also influence the technology that sites can accommodate? If the latter is true, then it seems necessary for the assessment process to take into account the number of additional facilities and types required to meet waste management needs and also to establish the level of land-take this would require. The	The number of additional facilities and the land they would take is all tabulated in the adopted Core Strategy. It is against these requirements sites will be

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					<p>process also needs to be able to deal with the issue of different facilities having different location related requirements and consideration.</p>	<p>allocated. As to specifying technology, it is the Government's directive in PPS10 that the type or type(s) of waste management suitable on a piece of land are identified but care should be taken to avoid unnecessary prescription.</p>
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