

Mr John Wright  
Planning Group Manager  
Environment & Heritage Services  
Community Services Department  
Leicestershire County Council  
County Hall  
Glenfield  
Leicestershire  
LE3 8TE

The Belgrave Centre  
Stanley Place  
Talbot Street  
Nottingham NG1 5GG  
Switchboard: 0115 9719971  
Direct Line: 0115 9712582  
Email:  
stephen.birkinshaw@goem.gsi.gov.uk  
Website: www.goem.gov.uk.

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Dear John Wright

## **LEICESTERSHIRE & LEICESTER MINERALS DEVELOPMENT FRAMEWORK CORE STRATEGY AND DEVELOPMENT CONTROL POLICIES SUBMISSION**

Minerals pose a unique challenge to development planning, in that minerals can only be extracted where they occur. This fundamentally restricts the range of options that can be considered in a Minerals Development Framework. Nevertheless, it is the function of a Minerals Core Strategy to take high level strategic decisions in order to provide all stakeholders, including the minerals industry and the communities affected by that industry, a clear picture of what they can reasonably expect over the plan period. Decisions made in the Leicestershire Minerals Core Strategy include:

- That the regional apportionment of minerals requirements can be met sustainably.
- For sand and gravel, to meet requirements from extensions to existing sites where possible (paragraph 4.22, Policy CS2).
- For crushed rock, to aim to meet requirements from existing permitted reserves (paragraph 4.27, Policy CS2).
- For brick-clay, to allow extensions to existing sites, and new sites if needed, in order to maintain production (Policy CS3).
- For fireclay, to probably allow further extraction and to extend stocking at the Donnington Island site (paragraphs 4.39-40, Policy CS4).
- For gypsum, to allow extensions to existing sites, and to allow new sites if needed (Policy CS5).
- For building and roofing stone, to allow extraction where locally needed (Policy CS6).
- For coal, to duplicate national policy in MPG3 paragraph 8 (Policy CS7).
- For oil and gas, to allow environmentally acceptable sites (Policy CS8).
- For new energy production technologies, to allow environmentally acceptable sites (Policy CS9).
- For Minerals Safeguarding, to define these areas in the subsequent Site Allocation DPD (CS10).

GOEM is aware that the Minerals Planning Authority is very conscious of the need to provide adequate evidence for all proposals and also to provide flexibility for unforeseen circumstances in coming to the above decisions. Nevertheless, it is considered that the Core Strategy could have gone somewhat further in its decision making, and some examples of this are summarised in Appendix 1 to this letter. Though those matters may not in themselves give rise to a fundamental unsoundness in the Minerals Core Strategy, they all defer strategic decisions that will have to be made at some time and in that sense are contrary to the intentions of PPS12.

Furthermore, there are some specific matters that give rise to more serious issues of soundness that could benefit from some further attention and, if considered necessary, modification by the Inspector:

#### **Fireclay & Coal (Tests 4, 6 & 7)**

Despite acknowledgement in paragraph 4.37 that Leicestershire contributed 31% of national fireclay sales in 2005, and in paragraph 4.39 that current stockpiles at Donnington Island would be exhausted before the end of the plan period if that rate of sales was sustained, there is no target for fireclay production against which proposals could be assessed in Policy CS4. As the Core Strategy stands, it appears that the test of need in Policy CS4 will currently be met by any proposal, and is therefore superfluous.

Despite the apparent need for fireclay, and the fact that any new fireclay extraction would most likely be in association with new opencast coal, this is not referred to in Policy CS7 as a factor in favour of opencast coal proposals.

#### **Brick-Clay Safeguarding (Tests 4, 6 & 7)**

Paragraph 4.83 suggests that it is not justified to safeguard the whole Triassic Mercia Mudstone outcrop as a Brick-Clay resource. This is contrary to national policy in MPS1, the whole resource should be shown on Key Diagram 2 and consequently protected through a subsequently defined Mineral Safeguarding Area.

Paragraph 4.84 suggests that only sand & gravel and opencast coal will be suitable for prior-extraction from development sites. Consideration should also be given to the prior extraction of brick-clay in this paragraph.

#### **Green Wedges (Tests 4, 6 & 7)**

Green Wedges as designated by district level development plans in Leicestershire are not similar to Green Belt as suggested in paragraph 4.104. That paragraph should be deleted. The RSS Proposed Changes, taking account of the recommendation of the EIP Panel, do not support Green Wedges for their “undeveloped” or general “amenity” value, and those references should be removed from paragraph 4.103.

It is unclear what function Policy CS15 is intended to fulfil. In terms of the various possible functions of a Green Wedge, it is unclear how minerals extraction could cause coalescence of settlements, whilst eventual restoration could positively enhance biodiversity and recreation value. It is considered that the main qualities of Green Wedges, their biodiversity, recreation, flood plain and landscape / townscape function are adequately addressed by other local, regional or national policy and that Policy CS15 can be deleted.

GOEM recognises that each Minerals Core Strategy examination is a valuable opportunity to develop the practice of Minerals Development Frameworks. Therefore, if the Inspector is minded to invite debate on any of the following points, GOEM would be happy to contribute to that discussion also.

### **Spatial Strategy (Tests 6, 7 & 8)**

Though Box 1 under paragraph 4.19 identifies the shortfall in sand & gravel reserves to meet the regional requirement, a target for the new reserves sought over the plan period has not been included in Policy CS2. Such a target would effectively substitute for the first, second, third and sixth bullet of that policy and provide a clear focus for delivery and monitoring. Where there is sufficient evidence to do so, setting specific targets for other minerals would provide similar benefits.

### **Duplication of National Policy (Tests 4 & 7)**

The purpose of Minerals Development Frameworks and other local development plans is to put national policy into a local context, not simply to repeat it. PPS12 actively discourages the repetition of national policy in Local Development Documents, and in this respect MPS1 paragraphs 10-19 provides a useful national policy context for decision making. Policies of this Waste Core Strategy that appear to repeat elements of MPS1 and other national guidance include CS11, DC1, DC3, DC5, DC7, DC10, DC11, DC12, DC13, DC15 & DC16. Indeed, the supporting text to DC3, DC7, DC10 and DC16 acknowledge that these matters are addressed by specific national policy.

### **Development Control Guidance (Tests 4 & 7)**

Some of the policies of the Waste Core Strategy provide useful guidance to developers in the form of checklists, e.g. Policies DC17, DC18, DC19 & DC20. However, the supporting text to all four indicates that not all the elements in the lists will apply to every application. Though the inclusion of such material clearly has value, it is not so clear that it constitutes policy that should be the starting point for the consideration of applications.

### **Non Land Use Policies (Test 4)**

PPS12 specifically allows Local Development Documents to include policies that go beyond strict land-use policies in order to implement their objectives. It is noted that Waste Core Strategy Objectives 2 & 4 are not, and possibly can not be, strongly supported by the land-use policies submitted. If there are no other relevant programs flowing from the Sustainable Community Strategy, it is hoped that these objectives will provide the support for such programs to be developed. Any commitment to this effect possible through the Core Strategy would help justify the inclusion of these objectives.

Yours sincerely

STEPHEN BIRKINSHAW  
Strategic Planning Area Manager  
Government Office for the East Midlands



## **Appendix 1 – Topics With Potential for Further Development in the Leicestershire Minerals Development Framework Core Strategy**

### **Crushed Rock**

Despite the environmentally sensitive location of quarries for crushed rock and the identification of adequate reserves in Box 2 under paragraph 4.26 to meet requirements over the plan period, no decision has been made to restrict the extension of any quarries in Policy CS2.

Despite policy preference for alternatives to road transport (Objective 6), there is no preference for extensions at rail served quarries in Policy CS2 which would help to advance this objective.

### **Brick-Clay**

Despite adequate reserves being identified at Ellistown in the box under paragraph 4.34, that general location is not excluded from the support for extensions in Policy CS3.

Despite the clear implications in the text of a requirement for significant extensions at Desford, Heather and especially Shepshed, no decision to directly support further development at those general locations is made in Policy CS3.

### **Strategic River Corridors**

Despite the major potential of quarry restoration to contribute to the floodplain, biodiversity and recreation functions of river corridors, that contribution and specifically the future role of Brooksby, Lockington and Fosse Way sand & gravel quarries is not addressed in Policy CS12.

### **Transportation of Minerals**

Despite strong support for the bulk transportation of minerals by waterway or rail, no proposals to create new wharfs / railheads are included in Policy CS16. Given that the Core Strategy seeks to make provision mostly through extensions to existing sites, the prospects for improved links should be apparent. If there are no such prospects, then the value of Policy CS16(iii) is questionable.

### **Restoration**

The requirement of Policy CS17 for early reclamation of workings may conflict with the strategy of preferring extensions, which would prolong the life of quarries and could prevent their restoration and effective after-use. Support for phased restoration, the preferable extension of quarries suitable for phased restoration, and the identification of quarries not suitable for extension and therefore appropriate for early restoration could be considered.

### **Cumulative Effects**

The Core Strategy with its preference for extension to existing quarries and its identification of shortfalls in sand & gravel and brick-clay over the plan period has largely determined the general location of future extraction. Despite this, no general areas vulnerable to cumulative effects have been identified in strategic policy. If no such areas exist, then the value of Policy DC 13 is questionable.

### **River Mease Special Area of Conservation (SAC)**

Paragraph 5.10 correctly states that PPS9 prevents the duplication of statutory protection of European sites in planning policy. However, the Key Diagram does not show the actual River Mease SAC, but rather the drainage catchment area for that SAC. Despite making this designation on the Key Diagram, there is no indication of how the Core Strategy seeks to manage proposals in that area. The drainage catchment includes all of the likely Leicestershire fireclay resources, most of the shallow coal resources, the Measham brick-clay works, an oil exploration licence area and some sand & gravel resources. The Core Strategy could usefully indicate how a precautionary approach could be applied to each of these resources.