

Introduction

INTRODUCTION

a. Reason for Reviewing the Plan

- 1.1 The principal objective of the County Council as Mineral Planning Authority is to balance its responsibilities to ensure a supply of minerals for the needs of the community with its responsibilities to keep the environmental impact and other effects of mineral extraction to an acceptable level. The policy framework to ensure the maintenance of such a delicate balance is provided by the Leicestershire Structure Plan and the Minerals Local Plan. The Minerals Local Plan, which was adopted in 1986, states that its policies and proposals will be reviewed at least once every 5 years. When abandoning a subsequent Alteration to the Local Plan, the County Council agreed that a draft review of the Plan be published not later than 1991.
- 1.2 It is timely that consideration be given to the changing situation since existing policy was prepared. There have been changes not only in general operational circumstances but also in attitudes towards the need to improve the protection of the environment. A range of issues related to the extraction of minerals within Leicestershire needs to be re-examined. Central government has advised strongly that plans must be kept up-to-date if they are to play a proper part in discussions on planning applications. The main objectives of the review are:
- (i) to review and elaborate where necessary policies and proposals contained in the adopted Minerals Local Plan;
 - (ii) to prepare clear, positive and up-to-date policy guidance;
 - (iii) to assess pressures for mineral development;
 - (iv) to ensure a sensible and prudent use of resources;
 - (v) to establish priorities between the use of land for mineral extraction and other uses and activities;
 - (vi) to bring mineral planning issues before the public in a comprehensive manner.

The plan should be read as a whole and separate policies should not be read in isolation.

b. Publicity and Procedures

- 1.3 As the first stage in the review of the plan, the County Council published a key issues document in April 1989. This examined eight principal topics and identified 26 key issues to which it was considered particular attention should be paid in the review of the existing policies. The document was circulated for comment to District Councils within Leicestershire, adjoining County Councils, public bodies with interests and/or responsibilities in respect of minerals planning, the minerals industry itself together with local environmental/interest groups. In the light of the responses received, certain issues were subjected to more detailed examination, and policies and proposals subsequently prepared.

- 1.4 Draft policies and proposals for the Minerals Local Plan Review were published for the purposes of public consultation at the end of August 1991. District Councils within Leicestershire, adjoining County and District Councils, Parish Councils, Statutory Undertakers, Government Departments, the industry, conservation and amenity groups were all consulted. Publication of the plan was publicised in local newspapers and seven public meetings were held during September and October. Publicity arrangements are set out in a separate statement prepared by the County Council.
 - 1.5 1,132 responses were received on the draft plan. Most responses related to the proposals for sand and gravel extraction. The greatest number of replies were objections to a proposed new site at Hathern. Of the other sites, the largest number of objections related to land at Ashby Parva/Dunton Bassett and at Sileby. As far as specific policies were concerned, the greatest number of responses were in respect of planning conditions for the protection of the environment, after-use, assessment of proposals and environmental considerations.
 - 1.6 Following consideration of representations, the County Council made certain amendments to the draft plan. No change was made to 15 policies. 5 policies were deleted to be replaced by direct quotes of structure plan policy or incorporated into revisions to other policies. Various amendments were made to the remaining policies, the most significant being in respect of environmental considerations, legal agreements, after-use, and the disposal of waste materials. In respect of sand and gravel, the sites at Sileby and Hathern were deleted while the proposed areas at Ashby Parva/Dunton Bassett and Lockington were amended.
 - 1.7 The revised plan was placed on deposit for a period of six weeks ending on 14th October 1992. A total of 203 objections were made within the statutory period and 56 late objections were received. Most objections were related to the section on sand and gravel and the proposed areas for release for sand and gravel extraction. A public local inquiry was held between 7th September 1993 and 7th October 1993 at which representations were heard by an Inspector appointed by the Secretary of State. The Inspector reported to the County Council in February 1994. At its meeting on 28th September 1994, the County Council resolved to accept all of the Inspector's recommendations and to approve proposed modifications to the plan. The proposed modifications were placed on deposit between 10th November and 22nd December 1994.
- c. National and Regional Policy Framework
- 1.8 In January 1988, the Department of the Environment introduced a new series of Minerals Planning Guidance notes (MPG) dealing with the control of minerals development. MPGs will be the main source of national policy guidance on minerals planning matters. MPG1 covers the general principles and national policy considerations of minerals planning with specific advice on the development plan system. MPG2 covers planning applications for minerals development, planning permissions and the imposition of planning conditions. MPG3 provides advice to mineral planning authorities (MPAs) and the coal industry on the development of coal resources and the disposal of colliery spoil. MPG4 covers the review of mineral working sites. MPG5 covers those aspects of the General Development Order which are of special relevance to minerals interests.

MPG6 provides guidelines for aggregates provision in England. It provides advice to MPAs and the minerals industry on how to ensure that the construction industry receives an adequate and steady supply of material at the best balance of social, environmental and economic costs, whilst ensuring that extraction and development are consistent with the principles of sustainable development. Indicative figures are given for aggregates provision in each region for the period 1992 to 2006. MPG7 gives advice on planning considerations, consultations and conditions which are relevant to the reclamation of mineral workings. MPG8 sets out the statutory provisions and procedures to be followed for Interim Development Order (IDO) permissions under the Planning Compensation Act 1991. MPG9 gives advice on the considerations to be taken into account by applicants and the MPAs in preparing and determining the conditions to which registered IDO permissions should be subject. MPG10 gives advice to MPAs on the exercise of planning control over the provision of raw material for the cement industry. MPG11 provides advice on how the planning system can be used to keep noise emissions from surface mineral workings within environmentally acceptable limits without imposing unreasonable burdens on mineral operators.

- 1.9 Regional Planning Guidance for the East Midlands, as contained in RPG8, is provided by the Secretary of State for the Environment to assist Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire County Councils and the Peak Park Joint Planning Board in reviewing their approved structure plans. The guidance has been produced in response to the Regional Strategy submitted as advice to the Secretary of State by the East Midlands Regional Planning Forum of Local Authorities in February 1992.
- 1.10 Regional Aggregates Working Parties were established in 1974. They comprise representatives from all Mineral Planning Authorities, the Department of the Environment and the aggregates industry. Leicestershire County Council is directly represented on the East Midlands Working Party. The Working Party monitors reserves available, short-term demand and longer-term market trends. The County Council has taken account of the findings and recommendations of the East Midlands Aggregates Working Party in the preparation of this plan.

d. Statutory Planning Background

- 1.11 The Leicestershire Structure Plan 1991-2006 was adopted by the County Council on 11th January 1994. It establishes the County Council's main land use proposals and policies for the County. This plan has been prepared to accord with the policies set out in the Structure Plan.
- 1.12 The Leicestershire Minerals Local Plan (MLP) was adopted in June 1986. The Plan covers the extraction of all minerals throughout the County. An Alteration to the Plan in respect of land at Hathern was placed on deposit in September 1986, but subsequently abandoned in October 1987.
- 1.13 The Structure Plan and Minerals Local Plan provide the policy framework within which proposals for mineral working are assessed. They have proved to be successful in guiding the minerals industry and the public as to how much extraction is to be permitted, where it might

occur and what conditions will be imposed on any planning permissions. They have helped to steer development to the least environmentally damaging areas.

- 1.14 The Planning and Compensation Act 1991 requires MPAs to draw up a minerals local plan covering the whole of their area. Planning Policy Guidance Note 12 on Development Plans and Regional Planning Guidance, issued in February 1992, and MPG1 "General Considerations and the Development Plan System" provide guidance on the preparation of minerals local plans.