

**Request for a
direction to retain
Mineral and Waste
Local Plan policies**

**Leicestershire County Council
and
Leicester City Council**

This report is submitted to ask the Secretary of State's permission to 'save' specified policies from Leicestershire County Council's Minerals Local Plan and Leicestershire, Leicester and Rutland's Waste Local Plan. As per the criteria laid out in the DCLG protocol the report states those policies the Authority wishes to save and those it does not. The report demonstrates that the policies to be saved reflect the principles of local development frameworks and are current with national policy. Therefore, a direction is sought to save specified policies beyond the 3 year period till the time when the new framework policies are in place.

Proposed Waste Local Plan policies to be 'saved' beyond September 2007

Policy	Subject	Government criteria						Policies that the government will also have particular regard to					Comment
		Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
Policies to be saved													
1	Waste Minimisation	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	Policy required to continue encouragement of waste minimisation initiatives – links to WLP8 which states the criteria to which this type of development must be subject to.
2	Recycling and Re-Use of Waste	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	This policy is still required to state when these types of waste developments would or would not be acceptable. This is not reported elsewhere in the Plan.
3	Anaerobic Digestion	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	This policy is still required to state when these types of waste developments would or would not be acceptable. This is not reported elsewhere in the Plan.

4	Composting	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	This policy is still required to state when these types of waste developments would or would not be acceptable. This is not reported elsewhere in the Plan.
5	Incineration	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	This policy is still required to state when these types of waste developments would or would not be acceptable. This is not reported elsewhere in the Plan.
6	Submission of Planning Applications	n/a	✓	✓	n/a	n/a	✓	n/a	n/a	n/a	✓	x	The policy guides developers to the detailed requirements needed by the Authority with a planning application.
7	Assessment of Proposals	n/a	✓	✓	n/a	n/a	✓	n/a	n/a	n/a	✓	✓	Policy lists factors taken into account in assessing waste proposals not repeated elsewhere.
8	Environmental Considerations	✓	✓	✓	n/a	n/a	✓	n/a	n/a	n/a	✓	✓	Policy needs to be saved because it lays out the detailed instances when development would be unacceptable. This is not repeated elsewhere and is the policy to which many others refer to.
9	Transportation of Waste	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	States waste transportation should be by means other than road and that support will be given to grant applications under the Railways Act.
10	Traffic Management	n/a	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	x	Required to continue policy of restricting operations from using unsuitable roads.
11	Planning Conditions	n/a	✓	✓	n/a	n/a	✓	n/a	n/a	n/a	✓	✓	Contains detailed information of the type of conditions which, where appropriate, would be imposed upon planning permissions. Not repeated elsewhere.
12	Planning Obligations	n/a	✓	✓	n/a	n/a	✓	n/a	n/a	n/a	✓	x	Contains detailed information of the type of the matters which, where appropriate, would be imposed as planning obligations. Not repeated elsewhere.

13	Restoration and Aftercare Conditions	x	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	x	Required to ensure continuation of imposition of conditions, where appropriate, for restoration. Matters listed in policy not repeated elsewhere.
14	After-Use	x	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	x	This policy states the proposed after-uses the MPA considers appropriate to return land to.
15	Waste Disposal Sites (New Sites)	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	Policy contains an allocated site, as yet not taken up but which is currently a preferred option in the evolving development framework. It is important this remains allocated until the framework is in place.
16	Waste Disposal Sites (Unallocated Sites)	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for an unallocated site. Links to WLP Policy 8.
17	Extensions to Existing Sites	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for an extension of an existing site. Links to WLP Policy 8.
18	Construction and Demolition Waste Sites	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for a new site or an extension of an existing site. Links to WLP Policy 8.
19	Waste from Major Construction Projects	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	x	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for a new disposal site. Links to WLP Policies 7 and 8.
20	Extraction, Treatment, Recovery and Utilisation of Landfill Gas	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	✓	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for use of landfill gas. Links to WLP Policy 8.

Proposed Minerals Local Plan policies to be 'saved' beyond September 2007

Policy	Subject	Government criteria						Policies that the government will also have particular regard to					Comment
		Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the regional spatial strategy	Policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration, including policies for retailing and town centres	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
Policies to be saved													
1	Submission of Applications	n/a	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	The policy guides developers to the detailed requirements needed by the Authority with a planning application.
2	Assessment of Proposals	n/a	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Policy lists factors taken into account in assessing mineral proposals not repeated elsewhere. Policies for specific mineral operations refer back to this policy.
3	Environmental Considerations	n/a	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Policy needs to be saved because it lays out the detailed instances when development would not be acceptable. This is not repeated elsewhere and is the policy to which many others refer to.

4	Transportation	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	✓	States mineral transportation should be by means other than road and that support will be given to grant applications under the Railways Act.
5	Planning Conditions for Protection of the Environment	n/a	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Contains detailed information of the type of conditions which, where appropriate, would be imposed upon planning permissions. Not repeated elsewhere.
6	Planning Obligations	n/a	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Contains detailed information of the type of the matters which, where appropriate, would be imposed as planning obligations. Not repeated elsewhere.
11	Restoration and Aftercare Conditions	n/a	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Required to ensure continuation of imposition of conditions, where appropriate, for restoration. Matters listed in policy not repeated elsewhere.
12	After Use	n/a	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	This policy states the proposed after-uses the MPA considers appropriate to return land to.
15	Sand and Gravel Sites (Extensions)	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Policy contains an allocated site, as yet not taken up but which is currently a preferred option in the evolving development framework. It is important this remains allocated until the framework is in place.
17	Sand and Gravel (Unallocated Sites)	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for an unallocated site. Links to MLP Policies 2 and 3.
19	Joint Coal and Fireclay Opencast Operations	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for a new joint coal and fireclay site.
20	Limestone	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for limestone extraction.

21	Brickclay	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for new land to be worked. Links to WLP Policies 2 and 3.
22	Fireclay	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Criteria based development control policy which sets out the factors to be taken into account in respect of proposals for fireclay extraction. Links to WLP Policies 2 and 3.
24	Gypsum	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Policy required to control proposals for gypsum working. Not repeated elsewhere in the Plan.
25	Oil and Gas	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Policy required because it states when such developments are/are not acceptable. Not repeated elsewhere in the Plan.
27	Borrow Pits	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Policy required to control proposals for borrow pits. Not repeated elsewhere in the Plan.
28	Mineral Exploration	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	Policy required to control proposals for mineral exploration. Not repeated elsewhere in the Plan.
30	Surface Disposal of Mineral Waste	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	x	Policy required to control proposals for surface disposal of mineral waste. Not repeated elsewhere in the Plan.
32	Associated Industrial Development	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	x	Policy required to control proposals for associated industrial development. Not repeated elsewhere in the Plan.
33	Substitute Materials	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	x	Policy required because it supports the use of substitute materials. Not repeated elsewhere in the Plan.
34	Safeguarding Mineral Resources	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	This policy is needed to protect mineral resources in the area.

Policies not to be saved													
7	Liaison Committees	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Policy no longer required, such committees are either long-standing or set up under Section 106 agreements.
8	Former Mineral Workings	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Policy written to deal with specific issue which arose at time of MLP production. Not been used since.
9	Review of Mineral Working Sites	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Policy does not add to national or regional policy.
10	Derelict Land Reclamation	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Policy does not add to national or regional policy.
13	Disposal of Waste	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	✓	x	Policy has since been superseded by Policy in Waste Local Plan which is being retained.
14	Lower Level Restoration	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Policy does not add to national or regional policy.
16	Sand and Gravel (New Sites)	✓	✓	✓	n/a	✓	✓	n/a	n/a	n/a	x	x	This policy is no longer needed, the emerging MDF indicates that further requirements for sand and gravel could be attained by extensions to existing sites.
18	Deep Coal Mining	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Operations involving deep coal mining are unlikely to take place within Leicestershire in the near future.
23	Ironstone	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Operations involving ironstone are unlikely to take place within Leicestershire in the near future.
26	Other Minerals	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Operations involving other minerals (i.e. those not covered by specific mineral policies) are unlikely to take place within Leicestershire in the near future.

29	Mineral Stocking Area	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	It is not envisaged that in the foreseeable future any proposals for such development would come forward.
31	Removal of Mineral from Mineral Working Deposits	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Policy does not add to national or regional policy.
35	Enforcement	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Policy does not add to national or regional policy.
36	Plan Review	x	✓	✓	n/a	n/a	x	n/a	n/a	n/a	x	x	Policy does not add to national or regional policy.