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| REPORT TO: | ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE | AGENDA ITEM: 15 |
| DATE OF MEETING: | 20 AUGUST 2015 | CATEGORY |
| REPORT FROM: | DIRECTOR OF COMMUNITY AND PLANNING SERVICES | OPEN |
| MEMBERS' CONTACT POINT: | KEVIN EXLEY (EXT 8717) Kevin.exley@south-derbyshire.gov.uk | DOC: |
| SUBJECT: | LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN CONSULTATION | REF: |
| WARD(S) AFFECTED: | CHURCH GRESLEY, WOODVILLE, OVERSEAL | TERMS OF REFERENCE: EDS03 |

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable

2.0 Recommendations

- 2.1 That the contents of Leicestershire Minerals and Waste Local Plan Consultation be noted; and
- 2.2 That Leicestershire County Council, in their role as Minerals Planning Authority, (MPA) be informed that South Derbyshire has no objection to the policies and allocations in the Plan,

3.0 Purpose of Report

- 3.1 To inform Members of the proposals relevant to South Derbyshire set out in the current consultation on the Minerals Local Plan being undertaken by Leicestershire County Council.
- 3.2 Responses are required to be submitted to Leicestershire County Council by 28th August 2015. A copy of the draft documents are available online at:
http://www.leics.gov.uk/minerals_and_waste_local_plan

4.0 Executive Summary

- 4.1 The Minerals Local Plan includes a spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County over the period to the end of 2031.

- 4.3 Once adopted the Minerals Local Plan will provide the main policy guidance for assessing planning applications for minerals development in Leicestershire.

5.0 Detail

Minerals Sites

Fireclay

- 5.1 A sequence of quality pottery, pipe and refractory clays is associated with the upper seams of the Middle Coal Measures of North West Leicestershire. Although restricted to a relatively small basin between Swadlincote and Moira, these deposits have been recognised as an important national resource. Fireclays are used principally in the production of buff and pale-bodied engineering and building bricks, clay pipes and ceramics.
- 5.2 The principal source of fireclay in Leicestershire is the Donington Island clay stocking facility, which is located within Ashby Woulds to the south of Albert Village. The site contained around 1.4 million tonnes of clay in stockpiles at the end of 2013. Planning permission for the clay stockpiling facility at the site is currently due to expire at the end of 2017.
- 5.3 In order to maintain a sufficient supply to serve local manufacturing works during the plan period, provision of an area for continued clay stocking and blending beyond the current permitted life of the Donington Island site is proposed within the area of the current site. Any such proposal would provide for the further rationalisation of the current site and should allow for the restoration of adjacent land together with enhanced landscaping and other necessary improvements to minimise potential impacts on the environment and local residents.
- 5.4 The document includes a policy regarding Fireclay as follows:
Policy M6: Fireclay
The County Council will ensure a steady and adequate supply of fireclay by:
1. allowing proposals for extraction where it can be demonstrated that the clays are required to meet a proven need, or particular qualities of clay are required that cannot be obtained from existing permitted reserves;
 2. establishing a stocking and blending facility within the Donington Island site, subject to the provision of appropriate landscaping, site infrastructure and amelioration measures including the routing of HGVs; and
 3. supporting the recovery of fireclays associated with the extraction of surface coal.

Comment

- 5.5 In 2005 Leicestershire accounted for almost one third of total fireclay sales in England with the majority being provided from the Donington Island site. The importance of the Donington Island stocking facility in terms of scarcity of fireclay provides a strong case for its continued operation. This plan would support the long term continuation of the use of this site for blending and stockpiling fireclay past 2017. The previous application to extend the life of the site indicated that an estimated 500 local jobs and 2000 nationally, are directly or indirectly dependent on the Donington Island clay stocking facility. A significant proportion of the clay is transported to the Forest Works in Blackfordby.
- 5.6 Presently the existing planning consent prevents the site from generating more than an average of 88 lorry movements per day (in and out) with the vast majority of

these (72) routing down Occupation Lane to Park Road and then on to the A444. A smaller number (no more than an average of 16 per day over a five day period) can route via Spring Cottage and Hepworth Road to Forest Works in Blackfordby. However actual vehicle movements to and from the site are lower than the conditions allow for. A vehicle count for the six month period March to August 2009 showed the number of clay vehicles using the site averaged 54 per week.

- 5.6 Given the significance of the fireclay resource on the site its closure could result in stockpiled clay requiring early transport to other facilities which could have a significant and detrimental impact on local traffic flow by significantly boosting flows in the short term. With the above in mind it is recommended that this Authority supports Leicestershire County Council's approach to maintaining a sufficient supply of fireclay to serve local manufacturing works during the plan period is supported.

Coal

- 5.7 Coal deposits occur in north-west Leicestershire where they both crop out at the surface and are concealed. Shallow coal reserves suitable for extraction by means of surface mining are situated in a relatively small area. Surface coal mining operations are currently being carried out at the Minorca site, near Measham.
- 5.8 The County Council does not have the technical or commercial information relating to the quality and extent of reserves to enable the identification of specific areas for future coal working. The Coal Authority produced plans in 2008 showing surface mining potential areas within Leicestershire. These illustrate the spatial area which contains coal resources which are capable of being extracted by surface mining methods. For information there are a number of locations immediately south of Woodville and Church Gresley which are identified as being potentially suitable for surface mining.
- 5.9 The draft Leicestershire Minerals and Waste Local Plan states that the extraction of coal will be determined in accordance with the NPPF. This states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or, if not it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

Policy M9: Coal

- 5.10 In assessing proposals for the extraction of coal, particular regard will be had to:
1. the employment and other economic benefits of the proposal;
 2. any environmental improvements or other material planning benefits to the community likely to result from the proposal;
 3. the contribution of the proposal towards the comprehensive reclamation of areas of derelict or contaminated land, or the remediation of coal mining legacy issues;
 4. the avoidance of the sterilisation of mineral resources in advance of development;
 5. the avoidance of the piecemeal working of surface deposits; and
 6. the need for fireclay.
- 5.11 Any proposals would also be considered against a range of thematic policies included in the emerging Plan which seek to protect communities and the local environment from unacceptable levels of impact. Of most note is policy DM2: (Local Environment and Community Protection). This requires proposals for minerals and waste development be granted where it is demonstrated that the effects from

birdstrikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses and users and those in close proximity to the proposal would be acceptable. This policy also requires appropriate, separation distances between a development and other land uses where necessary.

Comment

5.12 The MPAs approach to coal is likely to be consistent with NPPF policy and is likely to be an appropriate approach to managing future applications for coal extraction in the County. The policies included in the plan would provide environmental safeguards to protect South Derbyshire's residents from unacceptable effects should any future coal extraction close to South Derbyshire's boundary take place.

Waste Sites

5.13 There are no waste sites allocated within this plan that would have an effect on communities in South Derbyshire. Members will be aware that the New Albion Landfill site to the south of Woodville is due to stop accepting waste in the middle of next year and will subsequently be restored with the remaining void flooded.

6.0 Financial Implications

6.1 None.

7.0 Corporate Implications

7.1 Proposals could have a limited effect on the delivery of a number of the Council's corporate objectives. Not least those to enhance the quality of life for all South Derbyshire Residents and to protect the environment now and for the benefit of future generations. However, the policies included in the plan should help ameliorate the worst effects of minerals development during extraction and in the longer term proposals could allow progress against both these objectives depending on the after use of sites.

8.0 Community Implications

8.1 Proposals could have limited effects on a number of local communities within the District particularly in the short-term to medium term. The after use of sites can have a significant beneficial impact to local communities in the longer-term through the provision of new green infrastructure including recreational or leisure uses.

9.0 Background Papers

- Minerals and Waste Local Plan Consultation Draft July 2015
- Habitats Regulations Assessment
- Leicestershire Local Aggregate Assessment 2015
- Sustainability Appraisal
- Waste Needs Assessment Nov 2014
- Mineral and Waste Safeguarding documents - North West Leicestershire District S6/2014