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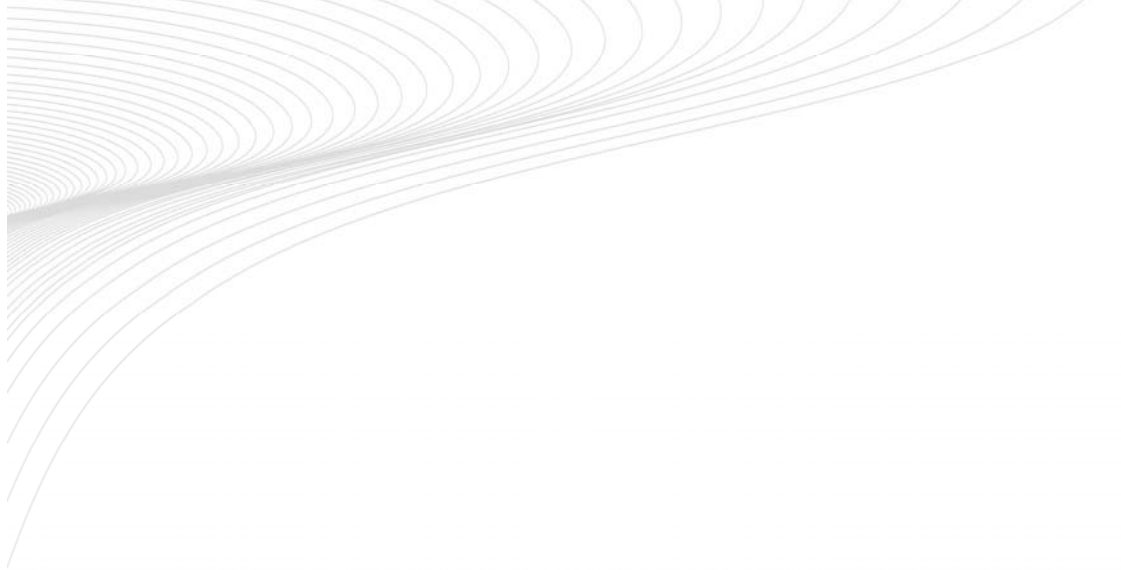
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INTRODUCTION

- 4.1 It is clear from published guidance that the Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Section 54A of the Town and Country Planning Act 1990 and more recently Section 38 of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) confers a presumption in favour of development proposals which accord with the Development Plan (which now comprises the Regional Spatial Strategy and the Development Plan Documents taken as a whole¹), unless material considerations indicate otherwise. Sub Section 5 of Section 38 also states that, “*if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)*”.
- 4.2 Accordingly, policy and plans play an important role in determining any planning application. Planning policy is set out at the national level through a series of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), which address general principles and policies together with detailed guidance on particular subjects and land use issues. National guidance is translated into more detailed policy through the Development Plan.
- 4.3 The Planning Act 2008 introduced changes to the planning system through the creation of a new determining body for “*National Significant Infrastructure Projects*” (NSIPs). From October 1 2009 the Infrastructure Planning Commission (IPC) became the decision-making body for NSIPs. NSIPs are large scale facilities that support the economy and vital public services. This includes railways, wind farms, power stations, reservoirs, harbours, airports and sewage treatment works. Thresholds for individual types of infrastructure can be found in Sections 15-30 of the Planning Act 2008. As the proposals for Newhurst do not generate more than 50MW of energy, or manage hazardous wastes, then the application does not fall within the scope of NSIP.
- 4.4 This section firstly identifies the main documents that comprise the Development Plan and then provides an analysis of the key policies contained in these documents which are relevant to the proposals for the ERF. It should be noted that relevant planning policies and both National and local level have also been considered in Section 4 of the ES.

THE DEVELOPMENT PLAN

- 4.5 The Planning and Compulsory Purchase Act 2004 (PCPA 2004) has introduced new requirements on Local Planning Authorities to prepare a new portfolio of Development Plan Documents (DPDs) that together will form the Councils Local Development Framework (LDF). These Development Plan

¹ Section 38(3) Planning and Compulsory Purchase Act 2004
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Documents will replace the existing Structure and Local Plans for the “Shire” areas, and Unitary Development Plans (UDP) for Unitary Authorities. Leicestershire County Council was previously responsible for preparing the Structure Plan and the Mineral and Waste Local Plans, whilst the individual Borough and District Councils were responsible for preparing the Local Plans. The County Council is now responsible for preparing the Minerals and Waste Development Framework, which will comprise a “Core Strategy” and several DPDs, including a site specific allocations DPD and a proposals map.

4.6 To maintain continuity in the development plan system during transition to the new LDFs, the new arrangements provide for the existing adopted Structure Plan and the Minerals, Waste and District Local Plans to be ‘saved’: the PCPA 2004 initially provided for such plans to be saved for a period of three years, or until replaced by the emerging DPDs. After this transitional period (i.e. post September 2007) the PCPA 2004 provides that each planning authority must seek a direction from the Secretary of State as to which policies are to be saved. Policies which are no longer to be used are deleted; this is usually because they either duplicate other national, regional or local planning policies, or because they are not needed. This is set out in the Minerals and Waste Development Scheme, the latest Review of which became effective on 27 April 2007.

4.7 In relation to this planning application, the Minerals and Waste Development Scheme provides that the Development Plan (now termed “*saved Development Documents*”) currently comprises:

- The East Midlands Regional Plan (RSS8) (Adopted March 2009)
- Leicestershire Waste Local Plan (Adopted September 2002)
- Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies (Adopted October 2009)
- Charnwood Borough Local Plan (Adopted January 2004)

4.8 The Borough Local Plan covers all matters involving the development or other use of land, with the exceptions of mineral and waste developments, which by virtue of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 fall to be considered against the Minerals Local Plan and Waste Local Plan respectively. The main considerations therefore relate to the general policies, and those aimed at safeguarding the environment.

4.9 The extent to which a plan is up to date is a material consideration in the determination of planning applications. This advice is expanded on in paragraph 18 of “*The Planning System: General Principles*” (2005), which accompanies PPS1, which states that:

“Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached”.

- 4.10 In addition to the above noted plans, consideration is to be given to the emerging Site Allocations DPD. A Preferred Options consultation on this DPD was undertaken for 6 weeks, from 25th August 2006 to 6th October 2006. As this DPD has not been formally adopted, then the weight attached to it has to be moderated; however, it still forms a material consideration.

LOCATION OF WASTE MANAGEMENT FACILITIES

National Policy Guidance

- 4.11 At the national level, paragraph 21 of PPS 10, together with Annex E and Section 7.5.2 of the *Companion Guide "Planning for Sustainable Waste Management"*² provide guidance on identifying suitable sites for waste management facilities. Paragraph 21 (i) provides that consideration should be given to:
- the extent to which they support the policies in PPS 10;
 - the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);
 - the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;
 - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.
- 4.12 Annex E to PPS 10 provides 12 more detailed considerations and focuses on environmental concerns such as safeguarding the water environment; visual intrusion; protecting the natural and cultural environments; traffic; air quality (dust and odour) and noise. The companion guide comments that "*The criteria in PPS10 mostly focus on environmental concerns, but the WPA are also required to consider, as a test of suitability, the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.*"
- 4.13 The issues contained in both paragraph 21 and Annex E have been fully addressed through Sections 6 to 15 of the accompanying ES in the context of land use planning, with no significant adverse impacts being identified. At the same time, no significant cumulative impacts with other existing, or historic, waste operations would arise though the proposed development. It can therefore be concluded that there would not be any significant adverse impact upon the well being of the local community.

² Living Draft to Support DEFRA/ODPM Seminars. November 2005

Local Policy Guidance

RSS

- 4.14 RSS 8 is generally silent on the issue of the location of waste management facilities; of the 11 regional core objectives **Regional Core Objectives (g) and (i)** in **Policy 1**, are the most relevant. These aim *inter alia* to make the best use of existing infrastructure; promote sustainable design and construction; and ensure major traffic generating uses are well located.

Waste Local Plan

- 4.15 With the adoption of the Core Strategy and Development Control Policies DPD, much of the WLP has been superseded. In terms of the management of residual waste, the plan relies heavily on landfill, with a specific allocation at Newhurst, to which **Policy WLP15** refers. The supporting text to the policy indicates that “*the adjoining quarry processing area could beneficially accommodate various waste treatment and energy recovery options subject to the policies contained in the Plan...*”.

Waste Development Framework

Core Strategy and Development Control Policies DPD

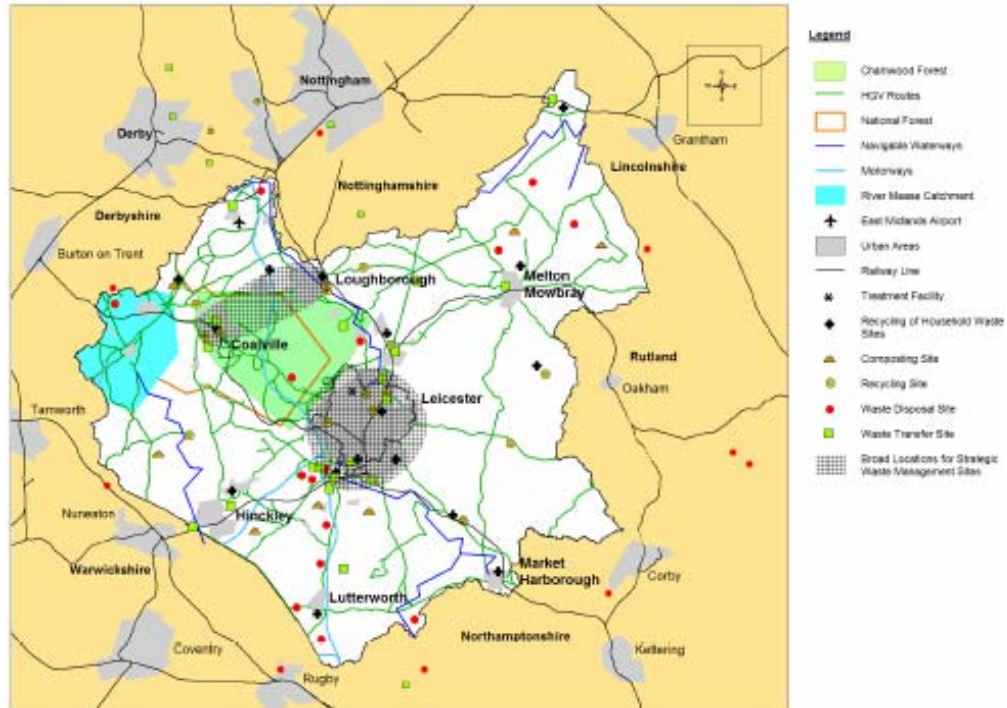
- 4.16 The Core Strategy and Development Control Policies DPD to the Waste Development Framework was adopted on 8 October 2009. As such it is the most up to date policy document and thus significant weight can be attached to its policies.
- 4.17 The Core Strategy provides strategic guidance for the location of waste management facilities. Paragraphs 4.16 and 4.17, together with **Policy WCS2**, consider the location of “*strategic waste sites*”. Paragraph 4.17 defines a strategic waste site as having the following characteristics:
- A. Sites which have the capacity to make a significant contribution to municipal or C&I waste recovery by reducing the amount of residual waste going to landfill.
 - B. Sites that offer potential for the co-location of complimentary waste facilities and/or end users of recovered materials or energy.
 - C. Sites which have potential to deal with waste streams other than municipal or C&I.
 - D. Sites which are well located to waste arisings and have good transport links.
 - E. Sites of sufficient area and characteristics to deliver a strategic function (2ha minimum)

- 4.18 Policy WCS2 states:

*“The strategy for **strategic waste sites** is to locate them within the Broad Locations indicated in the Key Diagram, in or around the urban areas of*

Leicester, Coalville, Shepshed and Loughborough, taking into account the principles set out in Policy CS4: Waste Location Principles”.

Figure 5/1
Core Strategy Key Diagram



4.19 At paragraph 4.21, it is interesting to note that “Evidence gathering to identify potential waste sites indicates that the availability of industrial sites in the WDF Area for waste management development is restricted. Although industrial sites may be suitable for waste management development there is competition for such sites from non waste development and the availability of plots on industrial estates is changeable, particularly plots that are suitable for a variety of users”.

4.20 Finally, **Policy WCS4** provides the following hierarchal (or sequential) approach for locating waste management facilities:

“priority one will be given to land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities;

(ii) thereafter, priority, in no order of preference, will be given to:

- a) land forming part of new major development proposals;
- b) existing industrial/employment land;
- c) other previously-developed land;
- d) contaminated or derelict land;
- e) existing mineral workings;
- f) unused and under-used agricultural and forestry buildings and their curtilages;

(iii) finally, consideration will be given to greenfield sites”

- 4.21 Whilst derelict land appears within the second tier of the hierarchy, the Newhurst site has planning permission for waste management uses, including recycling and disposal of residual non-hazardous waste. As such, it lies at the top of the hierarchy.

Site Allocations DPD: Preferred Options

- 4.22 Referring to Section 3 of the Site Allocations DPD out of a possible 29 sites 18 have been identified as preferred allocations. Essentially the selected sites were those that met such criteria as being sited with other waste management facilities, making use of previously developed land, being in urban or urban fringe areas and not having a Green Wedge designation. Some sites were also rejected because of issues that could not be resolved, such as inadequate access arrangements, and the potential for significant adverse effect on local amenity. Table 3.1 in the DPD lists the 18 allocations and their preferred uses; these sites are considered suitable for meeting the waste management needs of the framework area for a period of at least 10 years.

- 4.23 Paragraph 3.3 then adds *“Allocation of a site means that in accordance with Policy 4 of the Core Strategy and Development Control Policies there is in principle support for the waste management uses identified as being suitable on these sites”*.

- 4.24 In relation to allocations for *“Energy/Value Recovery/Treatment”* (which, from paragraphs 4.35 to 4.43 of the Core Strategy includes energy from waste), three sites are proposed:

- Whetstone RHWS
- Newhurst Quarry
- Nailstone Colliery

- 4.25 Referring to the descriptions of these three sites, it is noted that the capacity of the Whetstone site is stated as being 150,000tpa, with inputs potentially limited due to highways constraints. In relation to Nailstone, it would appear that this site lies outside of the area identified in the Core Strategy for strategic waste management facilities. Referring to the *“Outline Business Case”* produced by Leicestershire County Council in relation to the PFI procurement process, on page 113 it states:

“This site [Nailstone Colliery] has now been discounted as a potential residual waste treatment site because it is outside the broad areas identified to locate strategic waste sites in the WDF”.

- 4.26 Turning to the Sustainability Appraisal Report³ for the Site Allocations DPD it is noted at paragraph 5.33 that *“the results of the assessments indicate that*

³ Leicestershire and Leicester Waste Development Framework Site Allocations DPD Sustainability Appraisal Report June 2006
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of the sites being proposed for collocation of landfill, recycling and energy to waste facilities Site C3 (Newhurst Quarry) scores the best in sustainability’.

IDENTIFIED LAND USE PLANNING CONSTRAINTS

- 4.27 In terms of land use planning constraints, the application site is not located within a National Park or Area of Outstanding Natural Beauty (AONB). It also does not directly impinge upon any archaeological or ecological designations of international or national importance. Whilst there is a geological Site of Special Scientific Interest at Newhurst Quarry, this is within the quarry void, and thus would be unaffected by the proposals. In view of this, many elements of the policy framework provided within the Development Plan are not relevant.
- 4.28 The application site does though lie on the edge of an area designated in the Charnwood Borough Local Plan as an “*area of particularly attractive countryside*”, which also coincides with the boundary of the National Forest and Charnwood Forest.
- 4.29 The application site is also situated in close proximity to a Registered Park and Garden (Garendon Park) which also contains a number of listed buildings and a Scheduled Monument. Further afield are five Registered Park and Gardens (Bradgate Park, Coleorton Hall, Prestwold Hall, Stanford Hall and Whatton House); all of which are in excess of 2.5km from the application site. Scheduled Monuments are also located at Beacon Hill and Belton, again over 2.5km from the application site and two biological Sites of Special Scientific Interest lie within the 2.5km of the application site. The proposals may indirectly impact upon ecological and cultural designations.
- 4.30 The various documents that constitute the Development Plan are abbreviated as follows:
- | | |
|------|---|
| RSS | East Midlands Regional Spatial Strategy |
| WCS | Leicestershire and Leicester Core Strategy and Development Control Policies DPD |
| CBLP | Charnwood Borough Local Plan |

Landscape

- 4.31 **Policy 31** (RSS) sets out the priorities for the management and enhancement of the Region’s landscape. This includes the promotion of initiatives to protect and enhance the particular character of the Charnwood Forest and ensure development proposals respect intrinsic landscape character in rural and urban fringe areas.
- 4.32 Policy **WCS10** (WCS) provides an overarching policy aimed at protecting a number of facets of the environment, including the character and quality of the landscape. **Policy WSC12** (WCS) sets the strategy for waste development within, or adjacent to the Charnwood Forest. This mirrors the RSS Policy 31, in that proposals should include measures to protect and enhance the character of the Forest, whilst the siting, scale design and

materials of the development reflect and compliment the character of the surrounding landscape.

- 4.33 Within the Charnwood Borough Local Plan, **Policy CT/1** provides an overarching policy regarding development outside of the development limits. Of particular note, **Policy CT/7** addresses development within the “*area of particularly attractive countryside*”, whilst **Policy CT/2** considers development in the countryside. The former policy seek to protect the character and visual amenity of the area, whilst the latter safeguards its historic, nature conservation, amenity, and other local interest.
- 4.34 Section 7 within the ES (Volume 3) provides a detailed Landscape and Visual Assessment of the proposals, paying particular regard to the local landscape designation, considering the potential impacts upon visual amenity and landscape character.
- 4.35 The proposed development of the ERF would not alter the “*industrial*” local landscape character of the application site, as the proposed buildings and operations are similar to those that would otherwise occur if the extant planning permission were implemented.
- 4.36 The overall significance of landscape impacts would be slight and adverse mainly due to the introduction of a larger scale industrial structure within an industrial setting. Therefore there would be no significant landscape impacts.
- 4.37 The visibility of the application site is restricted to varying degrees by two factors: firstly the undulating topography which is characteristic of the area, and in particular, the rising ground and ridges to the south which prevent visibility. Secondly, the surrounding vegetation and buildings.
- 4.38 Notwithstanding this, the proposed development is large in scale and height and the main building mass, stack and plume all have the potential to be visible, depending on conditions. The main approach to mitigation has therefore focused on the design of the building ensuring a high design standard in terms of the concept and layout.
- 4.39 The Landscape and Visual assessment has concluded that the proposed development would not result in significant visual effects for the virtually all of viewpoints within the study area, with the exception of a very localised area at Junction 23 of the M1, east of Shepshed. At this location the upper parts of the proposed facility would be visible above the existing tree planting on the eastern side of the application site and break the skyline.
- 4.40 These visual effects would be limited in extent and would reduce very quickly within relatively close proximity of approximately 1-2km surrounding the ERF including the majority of rights of way, National Cycle Route 6, recreational and residential receptors.

Cultural Heritage

- 4.41 **Policy 26** (RSS) provides a general overarching policy to protect and enhance cultural assets. **Policy 27** (RSS) sets out the Regional priorities for

the historic environment, indicating that the historic environment should be “*understood, conserved and enhanced in recognition of its intrinsic value and its contribution to the Region’s quality of life*”.

- 4.42 At the local level, **Policy WCS 10** (WCS) provides an overarching environmental policy, which includes historic and cultural features of acknowledged importance, whilst **Policy WDC2** addresses Sites of National Historic Importance. This policy provides a presumption against development that would have a significant adverse impact on such designations, unless there are overriding reasons of national importance. **Policy WDC4** (WCS) considers important archaeological remains. Finally, Within the Charnwood Borough Local Plan, the main saved policy relating to cultural heritage is **Policy EV/9** relating to Historic Parks and Gardens.
- 4.43 These policy issues have been taken into account within the Cultural Heritage Assessment which is set out in Section 12 of the ES. In this respect, the application site is not affected by any cultural heritage designations, and the likelihood for buried archaeology is low due to previous mineral working. The only surviving feature of interest is the Charnwood Canal, which is located in the woodland along the eastern edge of the application site. This part of the application site would not be developed. Opportunities exist to improve the condition of this feature, and allow for interpretation boards to be installed within the visitor centre to expand upon the heritage of the site.
- 4.44 It is noted that the Garendon Historic Park and Garden lies to the north east of the site and the indirect impacts upon this have been assessed.
- 4.45 Firstly, in relation to the Scheduled Monument within the park, Cistercian abbey sites were normally chosen for their seclusion and remoteness. Remains exist extensively below ground, but visible surface features comprise the exposed remains of the chapter house and a section of the drain, the top of which is at the present ground level. Satellite photographs suggest that these features would be fully or partially screened from the application site by trees close by to the south-west. Due to enclosure and to the formation of the 18th century park, the encroachment of Loughborough to the east and the M1 to the south-west, little remains of the remoteness which would have formed the wider setting of the abbey, or indeed of the medieval field boundaries and other contemporary features which will have formed the wider setting of the abbey. Mount St Bernard Abbey is not related, having been founded in 1835.
- 4.46 The park itself has been much altered since the construction of the key ornamental structures in the 18th century. The railway has truncated it to the south, the M1 to the west. Much of the earlier parkland character has also been removed by conversion to arable farmland.
- 4.47 The area of greatest visual impact has been much altered by the railway and M1 encroachments, the formation of the quarry and the reversion to arable agriculture, with some alteration to the outlook in the general direction of the proposed ERF from tall buildings.

- 4.48 The triumphal arch is not a particularly large structure and appears to have been designed as a gate. It is currently screened by trees in the direction of the proposed ERF. The key sightlines forming the primary setting of the listed buildings in Garendon Park are through the arched approaches to the site of the hall orientated south-south-east, due south from the hall over the ha-ha, and the alignment through the Triumphal Arch and Temple of Venus (east/west). None would be aligned on the application site. A south-south-west tree-lined avenue shown in 1886 was not present in 1835 and has now been removed.
- 4.49 There is no public access to this designation.
- 4.50 Views towards the park from the south-west, can be found on a bridleway at Lubcloud Farm to the south-west of the application site and from the south from Snell's Nook Lane, north of Nanpantan. From both locations there is a view of the ridge in the south part of the park which includes the White Lodge, the Triumphal Arch (partly obscured by adjacent trees) and the Temple of Venus, laid out in an east-west line along the ridge. The land falls away immediately to the north and the remainder of the park beyond appears as woodland with no further detail visible of the buildings which it contains.
- 4.51 The proposed ERF would block the view of the three designated structures from the bridleway, but not from Snell's Nook Lane, from where it would appear well to the left of the park.
- 4.52 Views towards and from the northern part of the park and the scheduled monument and listed buildings there are masked by trees. The setting of the combined park and the scheduled monument and listed buildings within it are judged to be of medium *sensitivity*, and the *magnitude* of visual impact from the ERF negligible, resulting in a *significance* of visual impact of negligible.
- 4.53 The principal visual impact from the proposed ERF would be on the southern part of the park and the three listed buildings (the White Lodge, the Triumphal Arch and the Temple of Venus). There would be a partial loss of views of the park from the south-west. The setting of the southern part of the park and the three listed buildings within it are judged to be of medium *sensitivity*, the *magnitude of impact* from the proposed scheme medium adverse, and the resulting *significance of impact* thus moderate adverse.

Protection of the Environment

- 4.54 The plans considered above, together with the Charnwood Borough Local Plan contain specific policies on safeguarding and protecting the environment, covering aspects such as the countryside; the natural environment; built and cultural heritage; agriculture; and landscape. They also set out polices aimed at minimising the loss of amenity through pollution.
- 4.55 The Newhurst site comprises a former hardstone quarry. The original surface has been removed. It is not affected by any international, national or local cultural or ecological designations. It is also not within a national landscape designation, nor green belt. As such, many of the policies in the Development Plan are not relevant. The Charnwood Borough Local Plan designates part of

the site as an “*area of particularly attractive countryside*”, which also coincides with the boundary of the National Forest and Charnwood Forest.

- 4.56 Accordingly, the proposals would have minimal impact upon policies aimed at safeguarding features of cultural or ecological interest, or those aimed at safeguarding the water environment or areas of woodland. However, for completeness, the following paragraphs provide a brief overview of those policies aimed at protecting the environment. The various documents that constitute the Development Plan are abbreviated as follows:

RSS	East Midlands Regional Spatial Strategy
WCS	Leicestershire and Leicester Core Strategy and Development Control Policies DPD
CBLP	Charnwood Borough Local Plan

Natural Environment

- 4.57 **Policy 26** (RSS) provides a general overarching policy protecting, managing and enhancing the Region's natural and cultural assets (together with their settings), seeking to minimise the loss or damage of such features wherever and as far as possible. Unavoidable damage is to be minimised and justified by a need for the development, and where damage can not be mitigated, should be compensated for, preferably in a relevant local context. **Policy 28** (RSS) sets out the priorities for the Region's environmental and green infrastructure, whilst **Policy 29** sets the priorities for enhancing the regions' biodiversity, seeking a step change increase in the level of biodiversity across the Region.
- 4.58 There does not appear to be a specific policy within the WCS to protect nationally designated sites. **Policy WCS10** provides an overarching policy, which includes *inter alia* nationally and internationally important sites. **Policy WDC3** provides protection to sites of regional and local importance.
- 4.59 Within the Charnwood Borough Local Plan, the main saved policies relating to natural heritage are **Policy EV/22** (relating sites of Regional, County and district level) and **EV/23** (relating to sites of parish level).
- 4.60 The application site is not affected by any ecological designations and currently comprises bare ground resultant from previous mineral working. In view of this, the application site has been assessed as having negligible ecological value. This is explored further in Section 11 of Volume 3.

Transportation

- 4.61 **Policy WCS14** (WCS) considers the transportation of waste, seeking to minimise the distance travelled by locating facilities close to the source of waste. It also provides that facilities should be located close to the County's lorry route network, and avoid residential areas and minor roads. **Policy WDC10** also addresses transport, considering issues such as alternatives to road transport, the suitability of the access arrangements and the highway network to accommodate the traffic.

- 4.62 Within the Charnwood Borough Local Plan, the main saved policies relating to assessing the impacts of transportation are **Policy TR/5** and **TR/6**. Allied to this, **Policy TR/18** sets out the standards for car parking.
- 4.63 These policy issues have been addressed through the Transport Assessment which is contained in Section 8 of Volume 3.

Pollution and Amenity of Local Communities

- 4.64 **Policy 36** (RSS) sets the regional priorities for air quality, seeking to reduce air pollution. An integral aspect of this policy is the consideration of the potential impacts a new development may have upon air quality.
- 4.65 **Policy WDC8** (WCS) addresses “*health and amenity*”, indicating that planning permission will not be granted if it is likely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic.
- 4.66 The need to minimise impacts upon the environment and local amenity have been a key consideration of the design process. These issues have been addressed within separate sections of this ES; Section 6 addresses air quality, whilst Section 9 considers noise. Both Sections conclude that the proposals would not give rise to significant impacts upon local amenity.

Protection of Ground and Surface Water

- 4.67 **Policy 32** (RSS) sets out the regional approach to the water environment, seeking to protect and improve water quality, reduce the risk of pollution and locate and phase development to take account of constraints on water resources. **Policy 35** (RSS) considers flood risk, promoting the use of flood risk assessments. It provides a presumption against development which would *inter alia* be at an unacceptable risk from flooding or create an unacceptable risk elsewhere; inhibit the capacity of the floodplain, or impede the flow of floodwater.
- 4.68 **Policy WDC12** (WCS) provides a presumption against development that would either have an unacceptable impact upon the quality or flow of groundwater or surface water drainage, or exacerbate flood risk.
- 4.69 These policy issues have been taken into account within Section 10 (Geology, Hydrogeology and Hydrology) of Volume 3.

CONCLUSION

- 4.70 The Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Legislation confers a presumption in favour of development proposals which accord with the Development Plan, unless material considerations indicate otherwise.

- 4.71 Consideration has therefore been given within this section as to how the proposed development complies with the Development Plan. For the area within which the application site lies, the Development Plan comprises:
- The East Midlands Regional Plan (RSS8) (Adopted March 2009)
 - Leicestershire Waste Local Plan (Adopted September 2002)
 - Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies (Adopted October 2009)
 - Charnwood Borough Local Plan (Adopted January 2004)
- 4.72 In terms of the location of waste management facilities, national guidance (in the form of PPS 10) considers aspects such as the physical and environmental constraints, cumulative effects and the capacity of transportation network. The various assessments reported in Sections 6 to 15 clearly demonstrate the acceptability of the applications site against these criteria.
- 4.73 At the local level, the RSS indicates that best use should be made of exiting infrastructure, whilst the Core Strategy of the WDF directs strategic waste sites to an area between Loughborough, Shepshed and Coalville, together with the peripheral areas of Leicester. Priority is given to land with an existing waste management use, and then to a range of sites, including derelict land. With the existence of a planning permission for several waste management uses, the application site lies within the top of the hierarchy. With this in mind, the Preferred Options Site Allocations DPD specifically allocates land at Newhurst as one of three sites being suitable for energy/Value Recovery/Treatment. Within the previous WLP, the site was also allocated for waste management uses.
- 4.74 Finally, in terms of land use planning constraints, the application site lies within the Borough Council's "*Area of Attractive Countryside*" designation, and encroaches into the geological SSSI. Outwith the application site is the Garendon Historic Park and Garden, together with a small number of ecological sites. Through the EIA process, particular regard has been given to these designations, and the assessments conclude that no significant adverse impact would arise.
- 4.75 Consideration has also been given to other facets of the environment, and again, the EIA has shown that no significant adverse impacts would arise.
- 4.76 The overall conclusion therefore is that the development of the ERF accords with the Development Plan, in that it is an allocated site for waste use, lies within the area identified for strategic sites, and would not give rise to significant adverse impacts upon the environment or local community.