

# LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN

## LOCAL DEVELOPMENT SCHEME

May 2016

**CONTENTS**

	<b>Page Number</b>
1. Introduction.....	1
2. What is a Local Plan? .....	1
3. Existing Minerals and Waste Development Plan Documents.....	2
4. Leicestershire Minerals and Waste Local Plan.....	3
5. Other Documents.....	4
6. Relationship to other Plans.....	4
7. Evidence Base and Background Documents.....	5
8. Monitoring and Review.....	5
9. Resources.....	5
10. Managing Risk and Uncertainty.....	6
11. Profile of Leicestershire Minerals and Waste Local Plan.....	6

## 1. INTRODUCTION

- 1.1 Leicestershire County Council is the Mineral and Waste Planning Authority for the county of Leicestershire and as such is responsible for preparing Development Plan Documents (DPD) for mineral and waste planning in Leicestershire. Under the Planning & Compulsory Purchase Act 2004 as amended, all local planning authorities must prepare a Local Development Scheme. Similarly, a Minerals and Waste Development Scheme must be prepared by Minerals and Waste Planning Authorities setting out the programme for preparing DPDs.
- 1.2 This Leicestershire Minerals and Waste Development Scheme provides a timetable for the preparation of the Leicestershire Minerals and Waste Local Plan (MWLP) over the next two years. The Scheme sets out the planning policy document that the Council is preparing and the various stages that it will go through, including opportunities for public participation. This has been revised since the previous scheme was produced in 2010, in the light of changes to the planning system, the current rate of progress and the availability of resources.

## 2. WHAT IS A LOCAL PLAN?

- 2.1 A Local Plan is any document prepared by a local planning authority which contains statements regarding: the development and use of land; the allocation of sites for a particular type of development or use; and development management and site allocation policies which are intended to guide the determination of applications for planning permission.

### Document Preparation and Public Involvement

- 2.2 For a document with full development plan status, there are five main stages of preparation (See Box 1).

#### Box 1: Summary of Main Stages in Preparing a Local Plan

1.	Pre-Production	<ul style="list-style-type: none"> <li>• Background studies and collation of evidence base</li> </ul>
2.	Production	<ul style="list-style-type: none"> <li>• Engage public and stakeholders in defining issues and options.</li> <li>• Prepare and consult on Initial Sustainability Appraisal (SA) Report.</li> <li>• "<i>Preferred Options</i>" Consultation (optional stage)</li> <li>• Publication of proposed submission DPD (Regulation 19) (statutory six week consultation).</li> <li>• Consider responses and prepare submission DPD.</li> </ul>
3.	Submission	<ul style="list-style-type: none"> <li>• Submit DPD and SA to Secretary of State (Regulation 22).</li> <li>• Six week period for representations on submission DPD.</li> </ul>
4.	Examination	<ul style="list-style-type: none"> <li>• Examination of DPD by independent Inspector to assess soundness.</li> </ul>
5.	Adoption	<ul style="list-style-type: none"> <li>• Inspector issues binding report.</li> <li>• Council adopts DPD</li> </ul>

- 2.3 Further information on Local Plan procedures is contained in publications from the Government, including:-  
*National Planning Policy Framework (NPPF: 2012), paragraphs 150 – 185*  
*Planning Practice Guidance – Local Plans, ID: 12*  
*Town and Country Planning (Local Planning) (England) Regulations 2012*

### **3. EXISTING MINERALS AND WASTE DEVELOPMENT PLAN DOCUMENTS**

#### **Leicestershire Minerals Local Plan**

- 3.1 The Leicestershire Minerals Local Plan was adopted in 1995 and was largely replaced by the Leicestershire Minerals Core Strategy and Development Control Policies DPD. However, the following policies have been saved:
- Policy 2: Assessment of Proposals
  - Policy 12 (in part): After Use
  - Policy 15: Sand and Gravel Sites (Extensions)
  - Policy 16: Sand and Gravel (New Sites)
  - Policy 21 (in part): Brickclay
  - Policy 28: Mineral Exploration

#### **Leicestershire, Leicester and Rutland Waste Local Plan**

- 3.2 The Leicestershire, Leicester and Rutland Waste Local Plan was adopted in 2005 and was largely replaced by the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD. However, the following policies have been saved:
- Policy 1: Waste Minimisation
  - Policy 7: Assessment of Proposals
  - Policy 15: Waste Disposal Site for Household/Civic Amenity/Industrial/Commercial Wastes (New Site)
  - Policy 19: Disposal of Waste from Major Construction Projects

#### **Minerals and Waste Core Strategies**

- 3.3 The Leicestershire Minerals Core Strategy and Development Control Policies DPD and the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD were both adopted in October 2009.

#### **Minerals and Waste Site Allocations**

- 3.4 The County Council had proposed to produce two other documents related to Minerals and Waste Site Allocations. At its meeting on 27<sup>th</sup> July 2010, however, the Council's Cabinet agreed not to proceed with further work on the Minerals Site Allocations document until further guidance was provided by Government on how it intended planning for aggregate supply to operate in the new planning regime. The Waste Site Allocations DPD was submitted to the Secretary of State for examination in May 2011. However, in the light of the Council's subsequent decision to terminate its

long-term waste treatment procurement project, the DPD was withdrawn in November 2011.

#### **4. LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN**

- 4.1 The Leicestershire Minerals and Waste Local Plan (MWLP) will eventually replace the Leicestershire Minerals Core Strategy and Development Control Policies DPD, the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD, and remaining saved policies in the Leicestershire Minerals Local Plan and the Leicestershire, Leicester and Rutland Waste Local Plan. Until these planning documents are replaced, they will remain of relevance as a planning framework for making planning decisions, including determining planning applications.

##### **Scope and Nature of MWLP**

- 4.2 The Minerals and Waste Local Plan includes a spatial vision, 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 of Leicestershire over the period to the end of 2031. Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered. A monitoring framework is included to examine the efficacy and effects of the policies.

##### **MWLP Preparation and Timetable**

- 4.3 The 'Development Framework' was the previous terminology used for Local Plans before the introduction of the Localism Act 2011. The previous system had advocated the preparation of a portfolio of development plan documents and other local development documents but, at its meeting on 12<sup>th</sup> June 2013, the County Council's Cabinet resolved to commence the roll forward of the adopted Minerals and Waste Core Strategy DPDs as a single Minerals and Waste Local Plan, excluding the City of Leicester and incorporating site allocations if required.
- 4.4 The following stages in the preparation of the MWLP have already been carried out:  
 Issues consultation: November 2013  
 Draft Plan consultation: July 2015
- 4.5 The anticipated timetable for delivery for the remaining stages of the Plan is as follows:  
 Pre-submission consultation: July/August 2016  
 Submission: October 2016  
 Examination: November 2016 – April 2017  
 Adoption: July 2017

## 5. OTHER DOCUMENTS

- 5.1 The Planning and Compulsory Purchase Act requires other documents to be produced to support the process of producing development plan documents.
- 5.2 These other documents are:-
- an **Annual Monitoring Report** (as required by Section 35 of the Act). This reviews actual plan progress compared with the programme set out in the Development Scheme; assesses the effectiveness of policies in meeting targets; and considers whether policies need adjusting or replacing and if so determines what action should be taken.
  - a **Statement of Community Involvement** (SCI) (as required by Section 18 of the Act). This sets out the standards to be achieved by the County Council in involving the community in the preparation, alteration and continuing review of planning policy documents and the determination of planning applications. The current SCI was adopted in March 2015.
- 5.3 In addition Section 39 of the Act requires development plan documents to contribute to achieving sustainable development. In order to demonstrate this, development plan documents must be subject to appraisal. In addition, the provisions of European Directive 2001/42/EC must be complied with. This requires formal strategic environmental assessment of certain plans and programmes.
- 5.4 The Local Plan is, therefore, accompanied by a **Sustainability Appraisal** (SA), which evaluates the social, environmental and economic effects of the strategies and policies of the Local Plan from the outset of the preparation process. This incorporates a Strategic Environmental Assessment (SEA), as required by European Directive 2001/42/EC, which assesses the Local Plan for any likely significant effects on the environment that may occur.

## 6. RELATIONSHIP TO OTHER PLANS

- 6.1 Other local development documents will be produced by the various borough and district councils in Leicestershire which will cover local planning matters apart from minerals and waste, such as housing, employment, retail, and recreation. The MWLP will be prepared in close co-operation with the county's district Local Plans, especially with regard to housing and economic growth targets and the allocation of land for minerals and waste development.

## **7. EVIDENCE BASE AND BACKGROUND DOCUMENTS**

- 7.1 The MWLP will set out the Council's planning policies and proposals related to minerals and waste. However, in preparing these documents, a range of background work needs to be undertaken to provide a robust evidence base for the Local Plan.
- 7.2 Technical background work that is prepared by or for the Council will normally be published in the form of background documents. Each of these will be made publicly available at the same time as, or before, any published DPD that relies on its contents for justification.
- 7.3 Whilst a number of these background documents are already completed or are in the course of preparation, the Council may publish others if the need for such work is identified.

## **8. MONITORING AND REVIEW**

- 8.1 The Leicestershire LDS will be monitored on an annual basis and will:-
- assess progress against the timescales and targets in the LDS;
  - provide information on the extent to which policies in the Local Plan are being achieved;
  - provide an up-to-date list of relevant background documents;
  - update the situation in relation to "saved" local plan policies;
  - set out any other changes proposed for the LDS.
- 8.2 This report will be called the Leicestershire Annual Monitoring Report (AMR). It will be made publicly available on the Council's web-site.

## **9. RESOURCES**

- 9.1 Preparation of the MWLP will be the responsibility of the Planning, Historic and Natural Environment Section in the Chief Executive's Department of the County Council. Specifically, project management will be undertaken by the Head of Planning, Historic and Natural Environment and the Team Leader Planning whose team is tasked with the preparation and review of the Local Plan and associated documents.
- 9.2 The Planning, Historic and Natural Environment Section includes 9 planning posts and, in addition to the production of the Mineral and Waste Development Documents, it is responsible for all planning development control, monitoring and enforcement work for the County Council. A Principal Planning Officer and a Senior Planning Officer are involved directly in Local Plan preparation. Other posts within the Section could be used to provide support on the preparation of the Minerals and Waste Local Plan as necessary, subject to balancing the work demands of other statutory planning work.

## **10. MANAGING RISK AND UNCERTAINTY**

- 10.1 The Leicestershire Minerals and Waste Local Plan needs to:-
- be prepared within the timescales set;
  - provide the appropriate content to guide and assess development.
- 10.2 The potential risks are set out below:
- Unexpected delays caused by changes in guidance;
  - Significant public objections slow down the preparation process;
  - Staffing and resourcing difficulties;
  - Ability of third parties to resource input to process, e.g. the Planning Inspectorate;
  - Legal challenges.
- 10.3 The above risks will be considered in detail as part of the preparation of the MWLP. The Council has, however, carefully assessed these uncertainties in putting forward the proposals in this LDS, but recognises that changes may be necessary in response to new circumstances.

## **11. PROFILE OF LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN**

- 11.1 A Profile Sheet for the MWLP follows. This gives information on the scope and content and timetable for production and consultation of the document.



## PROFILE SHEET FOR MINERALS & WASTE LOCAL PLAN

<b>SCOPE OF DOCUMENT</b>	
Status	Development Plan Document
Role and content	Sets out the overarching strategy for mineral extraction and waste management planning in Leicestershire up to 2031. Contains core strategic policies and spatial strategies for minerals and waste. Also contains mineral site allocations; minerals and waste safeguarding lists and plans; development management policies to control and manage future development; a Key Diagram and Policies Map.
Geographic area	County of Leicestershire
Partner Authorities	None
Chain of Conformity	In general conformity with NPPF
<b>TIMETABLE</b>	
Commencement, prepare issues and alternative options & SA Scoping Report	June – November 2013
Consultation on Issues document & SA Scoping Report	November 2013 – January 2014
Consultation on Draft Plan & SA Report	July 2015 – August 2015
Publication of pre-submission document and consultation period for formal representations	July 2016
Submission to Secretary of State	October 2016
Examination by Inspector	Autumn/Winter 2016/17
Adoption and publication	Summer 2017
<b>PREPARATION DETAILS</b>	
Management arrangements	Managed by the Head of Planning, Historic and Natural Environment
Member involvement	Environment and Transport Overview and Scrutiny Committee; Cabinet; Full Council.
Resources required	Staff within Planning, Historic and Natural Environment Section
Approach to stakeholder involvement	As set out in Statement of Community Involvement

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