



CABINET - 15TH SEPTEMBER 2017

LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN
PROPOSED CHANGES AND FUTURE PROGRAMME

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to seek the Cabinet's approval for Proposed Changes to the pre-submission draft Leicestershire Minerals and Waste Local Plan (MWLP) to be recommended to the full Council for publication and public consultation and for a subsequent submission to the Secretary of State for Communities and Local Government for Examination by the Planning Inspectorate. A copy of the Proposed Changes is attached as Appendix A to this report.

Recommendations

2. It is recommended that:
 - a) The Cabinet approves the amendments to the Minerals and Waste Development Scheme as set out in Appendix B to the report;
 - b) The County Council be recommended to:
 - i. Agree that the Proposed Changes to the pre-submission draft Minerals and Waste Local Plan attached as Appendix A to this report be published for consultation as amendments to the document to be submitted to the Secretary of State for Communities and Local Government in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequently to be submitted to the Secretary of State;
 - ii. Authorise the Head of Planning, following consultation with the Cabinet Lead Member, to make such minor adjustments to the Pre-Submission Plan or accompanying documents as he considers necessary, including changes considered appropriate in response to the consultation on the Proposed Changes and issues raised by the Planning Inspector post submission.

Reasons for Recommendations

3. In order to comply with the Planning and Compulsory Purchase Act 2004, and the Town and Country Planning (Local Planning) (England) Regulations 2012, the County Council must prepare a Minerals and Waste Local Plan for submission to the Secretary of State for independent Examination by a Planning Inspector before it can be adopted by the County Council.
4. Stakeholder consultation has taken place as part of the preparation of the MWLP and the Sustainability Appraisal report required to accompany it but there is a need to undertake further formal consultation on Proposed Changes prior to the submission of the Plan to the Secretary of State.

Timetable for Decisions (including Scrutiny)

5. On 9th May 2016, the Cabinet approved a revised Minerals and Waste Development Scheme which included an anticipated timetable for the preparation of the MWLP. The timetable agreed was for pre-submission consultation to take place in July/August 2016. Subject to no significant issues arising, the intention was then to submit to the Secretary of State to undergo the Examination by the Planning Inspectorate in October 2016. The adoption of the Plan was proposed in July 2017 subject to the Examination and public hearing being completed successfully and the document found sound.
6. It is considered that certain issues raised in the representations made during the recent consultation require some changes to the MWLP. Additional consultation on Proposed Changes means that there will be an inevitable delay in progressing the Plan to adoption and necessitates a revised programme of work. This report will be considered by the Environment and Transport Overview and Scrutiny Committee on 7th September 2017 and its comments will be reported to the Cabinet.
7. Both the Cabinet and County Council will need to approve the Proposed Changes before it goes through the statutory consultation. If approved by the Cabinet, it is proposed that the Council considers this on 27th September 2017.
8. Following consultation on the Proposed Changes, any comments received will be taken into account and any necessary amendments made in the preparation of the final 'Submission' document before then submitting it to Secretary of State for Examination.
9. It is intended to submit the Plan to the Secretary of State in the spring of 2018, with Examination taking place in the autumn of 2018. Adoption of the Plan would be expected to take place in the spring of 2019 subject to the Examination and public hearing process being completed successfully and the document being found sound.

Policy Framework and Previous Decisions

10. The Planning and Compulsory Purchase Act 2004 requires planning authorities to produce and keep up to date local plans. The National Planning Policy Framework sets out the Government's policy on preparing local plans and emphasises the importance of plans being up to date for determining planning applications.
11. In June 2013 the Cabinet agreed the commencement of the review and replacement of the adopted Minerals and Waste development plan documents with a single Minerals and Waste Local Plan to cover Leicestershire for the period up to 2031. In May 2016, the Cabinet approved a revised Minerals and Waste Development Scheme and in June 2016, the Council approved the pre-submission draft MWLP for consultation and authorised the Chief Executive to undertake the statutory publicity and consultation required prior to submission to the Secretary of State. This included authorisation to complete the preparation of the documents necessary to accompany the Submission Plan and comply with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Resource Implications

12. There are no resources implications arising from this report.

Circulation under the Local Issues Alert Procedure

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PART B

Background

13. The pre-submission draft MWLP was prepared following consultation on a draft consultation document between 3rd July and 28th August 2015. Consultation on the pre-submission draft MWLP took place between 29th July and 23rd September 2016.
14. The MWLP will eventually replace the Leicestershire Minerals Core Strategy and Development Control Policies Development Plan Document (DPD), the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD (both of which were adopted in October 2009), together with remaining saved policies in the Leicestershire Minerals Local Plan (1995) and the Leicestershire, Leicester and Rutland Waste Local Plan (2005).
15. Leicester City Council is preparing a new Local Plan for the City of Leicester and is dealing with mineral and waste planning issues within the City in that document. This has enabled minerals and waste issues within the County to be addressed in one plan. Cooperation with the City Council is needed on strategic issues that may affect matters across both areas.

Scope and Nature of the Plan

16. The Plan includes a spatial vision, strategic objectives, and core policies which set out the key principles to guide the future extraction of minerals and the form of waste management development in the County over the period to the end of 2031. It also includes Development Management Policies which set out criteria against which planning applications for minerals and waste development will be considered.
17. The Plan addresses the need to provide protection to the environment and the amenity of local residents, whilst ensuring a steady supply of minerals and the provision of waste management facilities in accordance with Government policy and society's needs. It aims to maximise the use of alternative materials in order to reduce the reliance on primary-won minerals, to significantly increase levels of reuse and recovery of waste, and move away from landfill as a means of disposal. It also provides controls relating to the beneficial reinstatement of land following mineral working and landfill operations.

Proposed Changes

18. One of the key issues raised in response to the Pre-submission draft MWLP has been in relation to how the plan is catering for construction and demolition wastes, particularly in relation to waste forecasts and the assumption made about recovery targets. This has led to a review of the calculations which essentially removes excavated waste types (e.g. soils etc., from construction sites) from the recovery assumptions used for all Construction and Demolition

waste. The updated calculation means that there is potentially a shortfall of inert waste sites within the County over the plan period.

19. Two potential additional sites for the disposal of inert waste were also put forward in response to the consultation on the pre-submission draft MWLP, namely at Ibstock Quarry and Husbands Bosworth Quarry, which could satisfy this shortfall. In order to assist in deciding whether these sites should be included in the Plan, views were sought from Parish and District Councils and other consultees on these additional sites in January/February 2017. Having assessed the suitability of the potential additional sites put forward for the disposal of inert waste in the light of the responses received, it is proposed that the MWLP includes allocations at both Ibstock and Husbands Bosworth Quarries.
20. Proposed Changes to the MWLP are set out in Appendix A. These include amendments to reflect the new calculations for inert waste (PC1 and PC2), and the allocations for inert waste disposal (PC3, PC4, PC5, PC9 and PC11). There are consequential amendments to the Key Diagram and County Plan (PC6 and PC7).
21. The opportunity has also been taken to include minor amendments to the site requirements in respect of the proposed sand and gravel allocation at Cadeby (PC8) and the clay stocking proposal at Donington Island (PC10) in the light of comments received from the Environment Agency and National Forest Company respectively.

Consultation

22. This report seeks approval for Proposed Changes to the MWLP to undergo public consultation in October and November 2017 and, after any necessary consequent changes being made, to submit the Plan to the Government to go through an Examination process, undertaken by a Planning Inspector, who will test its 'soundness'. The consultation will be advertised using press notices and the Council's website. All organisations and individuals consulted previously or who have expressed a wish to be consulted will be contacted directly. Organisations that will be consulted include Parish, District, and adjoining County Councils and other statutory consultees. Organisations and individuals who make representations to the Council on the Plan will have the opportunity to take part in the Examination which will include a Public Hearing.

Minerals and Waste Development Scheme

23. Local Planning Authorities are required to produce a Local Development Scheme that sets out the progress of the Local Plans that they are statutorily required to provide. In the case of the County Council, this relates to the MWLP. A Minerals and Waste Development Scheme was approved by the Cabinet in May 2016 and now needs updating to reflect the anticipated timetable for its production. Amendments to the Minerals and Waste Development Scheme are attached as Appendix B.

24. The anticipated timetable for delivery for the remaining stages of the Plan is as follows:

Consultation on Proposed Changes: October/November 2017

Submission to Government: March 2018

Examination: September 2018 – February 2019

Adoption: May 2019.

Equality and Human Rights Implications

25. There are no equality and human rights implications arising from this report. An Equalities and Human Rights Impact Assessment (EHRIA) has been undertaken which has concluded that a full EHRIA is not required.

Background Papers

Report to the Environment and Transport Overview and Scrutiny Committee - 7th April 2016 – Minerals and Waste Local Plan

[http://cexmodgov1/Published/C00001044/M00004481/AI00047463/\\$9MineralsandWasteLocalPlan.docxA.ps.pdf](http://cexmodgov1/Published/C00001044/M00004481/AI00047463/$9MineralsandWasteLocalPlan.docxA.ps.pdf)

Report to the Cabinet - 9th May 2016 - Leicestershire Minerals and Waste Local Plan

<http://politics.leics.gov.uk/documents/s118738/5.%20Minerals%20and%20waste%20Local%20Plan.pdf>

Report to the Cabinet - 9th May 2016 - Leicestershire Minerals and Waste Local Plan – Appendix A – MWLP Pre Submission Document FINAL:

<http://politics.leics.gov.uk/documents/s118729/Appendix%20A%20-%20MWLP%20Pre-submission%20Document%20FINAL.pdf>

Report to the Cabinet - 9th May 2016 - Leicestershire Minerals and Waste Local Plan – Appendix B – Local Development Scheme 2016:

<http://politics.leics.gov.uk/documents/s118730/Appendix%20B%20-%20Local%20Development%20Scheme%202016.pdf>

Report to the Environment and Transport Overview and Scrutiny Committee - 7th September 2017 – Minerals and Waste Local Plan

Appendices

Appendix A – Minerals and Waste Local Plan: Proposed Changes.

Appendix B – Proposed Amendments to Minerals and Waste Development Scheme 2016