

**CABINET - 13<sup>TH</sup> SEPTEMBER 2019****LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN 2019-  
2031****REPORT OF THE CHIEF EXECUTIVE****PART A****Purpose of the Report**

1. The purpose of this report is to advise members of the findings of the inspectors appointed to examine the Leicestershire Minerals and Waste Local Plan Up to 2031 (MWLP), and to seek approval for the revised Plan prior to its submission to County Council for approval.
2. The inspectors' report including the schedule of main modifications is at Appendix A to this report, and a copy of the MWLP incorporating the inspectors' recommendations is at Appendix B.

**Recommendation**

3. It is recommended that:
  - a) The key recommendations of the independent examination of the Leicestershire Minerals and Waste Local Plan as detailed in paragraph 13 of the report be noted;
  - b) The County Council at its meeting on the 25 September 2019 be recommended to:
    - i) Approve the revised Leicestershire Minerals and Waste Local Plan 2019 - 2031 which incorporates the main modifications recommended by the inspectors in their report dated 21<sup>st</sup> May 2019;
    - ii) Authorise the Chief Executive, following consultation with the Lead Member, to make any necessary additional modifications that do not materially affect the Plan policies in accordance with Section 23 (3) (b) of the Planning and Compulsory Purchase Act 2004; and
    - iii) Authorise the Chief Executive to carry out the steps required for adoption of the Minerals and Waste Local Plan up to 2031 in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**Reasons for Recommendation**

4. The Planning and Compulsory 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 Development Plans being up to date for determining planning applications.
5. The Policy falls within the plans and strategies forming part of the County Council Policy Framework and thus requires approval by the County Council.
6. A delegation to enable the Chief Executive to make amendments to the Policy is being sought to enable minor changes to be made to keep the document up to date and consistent with revised policy and legislation. It will also enable the Authority to comply with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 which sets out a number of measures that must be implemented as soon as reasonably practicable after the local planning authority adopts a local plan.

**Timetable for Decisions (including Scrutiny)**

7. The draft MWLP was considered by the Environment and Transport Overview and Scrutiny Committee on 5<sup>th</sup> September 2019 and its comments will be reported to the Cabinet
8. Subject to approval by the Cabinet, the Plan will be considered by the County Council at its meeting on the 25 September 2019 after which it would become adopted as County Council policy

**Policy Framework and Previous Decisions**

9. On 12<sup>th</sup> 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 (MWLP) to cover Leicestershire for the period up to 2031. The Scrutiny Committee considered a draft MWLP at its meetings on 3<sup>rd</sup> September 2015 and 7<sup>th</sup> April 2016. On 29<sup>th</sup> June 2016, the Council approved the Pre-Submission Draft MWLP for consultation.
10. On 7<sup>th</sup> September 2017 the Scrutiny Committee considered Proposed Changes to the Pre-Submission Draft MWLP, and on 27<sup>th</sup> September 2017 the Council approved the Proposed Changes for consultation as amendments to the Pre-Submission Draft MWLP. The Council also approved the subsequent submission of the amended document to the Secretary of State for Communities and Local Government to be examined by an independent inspector, and agreed to authorise the Head of Planning following consultation with the Cabinet Lead Member to make such minor changes he considered necessary to the Pre-Submission Plan in response to the consultation and issues raised by the Planning Inspectorate post submission.

**Resource Implications**

11. None arising from this report. The Planning, Historic and Natural Environment Service within the Chief Executive's Department is responsible for preparing the Local Plan, and the costs are contained within the budget for the Service.

**Circulation under the Local Issues Alert Procedure**

A copy of this report has been circulated to all members of the County Council.

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## **Background**

12. Following approval by the County Council in September 2017 and a period of consultation, The Leicestershire MWLP was submitted to the Secretary of State in March 2018, and two inspectors were appointed in April 2018 to carry out independent examination of the Plan. Hearing sessions were held on 22 and 23 October 2018, following which a schedule of three proposed main modifications to the Plan was prepared and was subject to public consultation from January to March 2019. The consultation responses were provided to the inspectors to be taken into account in reaching their decision. The inspectors' report was received on 21<sup>st</sup> May 2019 and concluded that, subject to the main modifications, the MWLP provides an appropriate basis for the minerals and waste planning of the County, and should be adopted.
13. The modifications are summarised below. The full report of the inspectors, including the schedule of main modifications is included in Appendix A to this report.
  - An amendment to Policy M3 to provide more flexibility for sand and gravel extraction on unallocated sites where there is a need for further mineral supply;
  - Further guidance on the information to be provided with planning applications for hydrocarbons to ensure that they would not have any unacceptable impacts on local residents and the community; and
  - An amendment to Policy M10 to address ambiguity and non-conformity with the NPPF.
14. Once adopted, the MWLP , attached as Appendix B of this report, will 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 will continue to be required on strategic issues which 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.

### **Consultation**

18. The revised Leicestershire Minerals and Waste Local Plan 2019 - 2031 incorporates the main modifications recommended by the inspectors in their report dated 21<sup>st</sup> May 2019. The modifications were subject to public consultation from January to March 2019. All organisations and individuals consulted previously or who had expressed a wish to be consulted were contacted directly. These included Parish, District, Borough and adjoining County Council's and other statutory consultees. The consultation responses (23 in total) were provided to the inspectors to be taken into account in reaching their decision. An Adoption Statement will have to be produced in the future following adoption of the Plan as the final consultation stage. This would follow previous consultation procedures and be advertised using press notices and the Council's website.

19. A summary of the consultation undertaken on the Leicestershire Minerals and Waste Local Plan 2019 – 2031 prior to its submission is provided below;

- consultation between November 2013 and January 2014 on issues;
- consultation between July 2015 and August 2015 on draft policies and proposals;
- consultation between September 2015 and October 2015 on potential additional sites for sand and gravel;
- consultation between July 2016 and September 2016 on the Pre-Submission Draft;
- consultation between January 2017 and February 2017 on potential additional sites for the disposal of inert waste;
- consultation between November 2017 and December 2017 on Proposed Changes to the Pre-Submission Draft;
- consultation between March and May 2018 on the Submission version.

### **Next Steps**

20. Having received the report of the inspectors which concluded that the Plan should be adopted subject to the modifications as detailed in this report, The County Council may now adopt the MWLP and may make additional modifications on minor matters, such as factual updates, corrections, and clarifications that do not relate to the soundness of the Plan.
21. Should the Cabinet approve the Plan and it then be approved by the County Council at its meeting on the 26 September there will be a six week period, when any person aggrieved by the adoption of the Plan can make an application to the

High Court on the grounds that the document is not within the appropriate power and/or that a procedural requirement has not been complied with.

22. Once adopted the MWLP will be part of the Development Plan and will provide the principal basis for the determination of planning applications for minerals and waste development in the County.

### **Equality and Human Rights Implications**

23. There are no discernible implications to equalities and human rights arising as a result of the contents of this report. An Equalities and Human Rights Impact Assessment (EHRIA) of the MWLP 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%20Presubmission%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 Cabinet – 15<sup>th</sup> September 2017 – Leicestershire Minerals and Waste Local Plan Proposed Changes and Future Programme

<http://politics.leics.gov.uk/documents/s131564/Minerlas%20and%20Waste%20Local%20Plan.pdf>

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

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MId=4932&Ver=4>

Report to the Environment and Transport Overview and Scrutiny Committee – 5<sup>th</sup> September 2019 – Leicestershire Minerals and Waste Local Plan

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MId=5705&Ver=4>

### **Appendices**

Appendix A – Inspectors’ Report on the Examination of the Leicestershire Minerals and Waste Local Plan Up to 2031 dated 21 May 2019.

Appendix B – Leicestershire Minerals and Waste Local Plan Up to 2031 incorporating the inspectors' recommendations.

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