



DEVELOPMENT CONTROL AND REGULATORY BOARD

10 FEBRUARY 2022

REPORT OF THE CHIEF EXECUTIVE

**REVISED MINERALS AND WASTE DEVELOPMENT SCHEME FOR
LEICESTERSHIRE**

PART A – SUMMARY REPORT

PROPOSAL: Revised Minerals and Waste Development Scheme for Leicestershire

RECOMMENDATION: That Members endorse the Minerals and Waste Development Scheme (attached as Appendix A) ahead of it being reported to Cabinet in April seeking adoption.

Officer to Contact

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PART B – MAIN REPORT

What is the Local Development Scheme?

1. Local authorities are required to prepare, maintain and publish a Local Development Scheme (LDS) by the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
2. The LDS establishes the programme for the production of the Leicestershire Minerals and Waste Local Plan and other complimentary planning documents and sets out the key stages for their production such as engagement with stakeholders and public consultation. This enables local communities, businesses, developers, service and infrastructure providers and anyone else with an interest in the County to know what is being prepared for their area and when they will be able to get involved.

Adopted LMWLP

3. The current Leicestershire Minerals and Waste Local Plan (LMWLP) was adopted on 25th September 2019. This replaced the remaining saved policies of the Leicestershire Minerals Local Plan and the Leicestershire, Leicester and Rutland Waste Local Plan and also the more recent Leicestershire Minerals Core Strategy and Development Control Policies DPD and the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD, both of which were adopted in October 2009. Therefore, from 25 September 2019 the LMWLP became the new document for making planning decisions, including determination of planning applications.
4. This single document 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.

Need for LDS Review

5. The current LDS dates from 2017 and since its publication the Leicestershire Minerals and Waste Local Plan (LMWLP) has been adopted (September 2019). The MWDS now needs to set out work on ensuring that this Plan remains up to date.
6. Planning Authorities are required by the National Planning Policy Framework (NPPF) to review policies in their Local Plans at least once every 5 years to assess whether they need updating. This means the Leicestershire MWLP needs to be reviewed prior to September 2024. The timing of the commencement of substantive work on the Review of the Plan may be impacted by the nature of the forthcoming changes to the planning system and wider environmental legislation and the requirement for review does not imply a requirement to change the Plan. It is therefore considered inappropriate to set out a detailed timetable for stages of the Plan at this stage.

7. There are a number of reasons why it is proposed to review the LMWLP in advance of the statutory 2024 deadline, including:
- Leicestershire has low Sand & Gravel reserves within the County. A review will provide opportunity to assess this situation further and consider whether an alternative policy approach may be warranted.
 - The adopted MWLP has based its Local Authority Collected Waste (LACW) and Commercial and Industrial (C&I) waste capacity forecasts on the delivery of the Newhurst Energy from Waste (EfW) facility by 2020/21. The facility is currently under construction but has not been delivered within the anticipated timescales, with it anticipated to become operational at some point in 2023. The MWLP commits to a review of the plan where the 2020/21 deadline is not met.
 - The LMWLP was examined against the NPPF 2012. The NPPF has been updated in July 2018, February 2019 and July 2021.
 - Wider changes to the environmental legislation have taken place such as the introduction of the Environment Act. In addition, changes to the planning system are expected to be announced during 2022 in response to the Planning for the Future White Paper consultation.

Scope and Nature of Plan Review

8. The Review of the LMWLP will establish whether a full update of the Plan is needed, a partial update is needed, or whether the Plan will be found to not need updating at all. This will depend on a variety of factors, including Government changes to the planning system, wider environmental legislation and the performance of policies within the existing MWLP.
9. The Minerals and Waste Development Scheme (MWDS) therefore will set out the timetable for the review of the Plan itself, rather than the stages of updates or changes to the Plan. A further MWDS will be necessary upon completion of the review, and this will either plot the timetable for any changes, or to the next review.
10. The proposed MWDS is included as an Appendix to this report.

Recommendation

11. That Members endorse the Minerals and Waste Development Scheme (attached at Appendix A) ahead of it being reported to Cabinet seeking adoption.

Officer to Contact

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