

**CABINET – 26 APRIL 2022****REVISED MINERALS AND WASTE DEVELOPMENT SCHEME FOR  
LEICESTERSHIRE****REPORT OF THE CHIEF EXECUTIVE****PART A****Purpose of the Report**

1. The purpose of this report is to seek the Cabinet's approval of a revised Minerals and Waste Development Scheme (MWDS). The revised MWDS is appended to this report.
2. MWDSs (also known as Local Development Schemes) establish the programme for the production of Local Plans and sets out the key stages for their production. 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 the area and when they will be able to get involved. In this case, the new MWDS sets out the timetable for the Review of the Leicestershire Minerals and Waste Local Plan. Should the review result in a need to update the Local Plan, a further MWDS will be produced.

**Recommendations**

3. It is recommended that the Cabinet adopts the Minerals and Waste Development Scheme (MWDS) as the new timetable for work on the Review of the Leicestershire Minerals and Waste Local Plan (LMWLP).

**Reasons for Recommendation**

4. County Councils are required to prepare, maintain and publish a MWDS (often referred to as a Local Development Scheme). The current MWDS, referred to as a Local Development Scheme, dates from 2017 and since its publication the LMWLP has been adopted (September 2019). A new MWDS is now needed to set out work on ensuring that the Plan remains up to date.

**Timetable for Decisions (including Scrutiny)**

5. The Development Control and Regulatory Board (DCRB) at its meeting on 10<sup>th</sup> February 2022 considered a report on the draft MWDS and supported the document.

6. The draft MWDS sets out the timetable for the Review of the Leicestershire MWLP during 2022, the outcome of which will be reported to the DCRB in November 2022 and the Cabinet in December 2022.
7. Should the Review lead to the LMWLP needing to be changed or updated, a timetable for further work set out in an updated MWDS will be reported to the DCRB and then the Cabinet in Spring 2023.

### **Policy Framework and Previous Decisions**

8. Local authorities are required to have an up-to-date Local Plan by the National Planning Policy Framework and the Planning and Compulsory Purchase Act 2004.
9. The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires County Councils to prepare, maintain and publish a MWDS which sets out the timetable for the Local Plan and any updating of that Plan as required.
10. The revised MWDS aligns with outcomes in the Council's Strategic Plan, especially with regard to having the right infrastructure for sustainable clean growth and an economy which works with the natural environment. This also aligns with Leicestershire being an attractive place where businesses can flourish. The Review will help ensure that policy continues to deliver development which protects the environment, delivering the outcome of people acting to protect the environment and enhance it for current and future generations.

### **Resource Implications**

11. The Review will be conducted using current staff resources and, therefore, there are no resource implications relating to the revised MWDS. However, there may be potential resourcing, budgeting and procurement implications should the Review recommend the LMWLP be updated.
12. Should the Review of the LMWLP result in a need for it to be updated, a further MWDS will need to be prepared to set out detailed timescales for this work. Resource considerations will be highlighted through the Review process.
13. If an updated LMWLP is considered necessary, a procurement exercise may be required to secure consultancy support to prepare the evidence base for the updated Plan. This could include for example an update of the Waste Needs Assessment (WNA) and the production of reports such as the Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA).

### **Circulation under the Local Issues Alert Procedure**

14. This report will be circulated to all members.

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## **PART B**

### **Background**

15. The current LMWLP was adopted on 25<sup>th</sup> September 2019. This replaced the remaining saved policies of the Leicestershire Minerals Local Plan and the Leicestershire, Leicester and Rutland Waste Local Plan. It also replaced the more recent Leicestershire Minerals Core Strategy and Development Control Policies Development Plan Document (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<sup>th</sup> September 2019 the LMWLP became the new document guiding minerals and waste planning decisions within the county.
16. 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 until 2031. Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered and a monitoring framework is included to examine the efficacy of the policies.
17. The current Local Development Scheme (LDS) dates from 2017 and since its publication the LMWLP has been adopted (September 2019). The draft Minerals and Waste Development Scheme (MWDS) sets out the scheme of work to review whether this Plan remains up to date.
18. The draft MWDS includes a timetable for the Review of the LMWLP. Should the Review find that the LMWLP needs updating, a further MWDS will set out the details of, and timetable for, the work required.

### **Proposals**

19. Planning Authorities are required by the National Planning Policy Framework 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.
20. An updated MWDS is required as they are required to be prepared and updated as necessary by the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
21. The current Local Development Scheme dates from 2017 and requires updating in order to set out a timetable for the Review of the LMWLP. The Review of the LMWLP is required before 2024 as it was adopted in 2019.

**Consultation**

22. There is no statutory requirement for the Council to consult the public on the MWDS, nor is it normal practice to do so.
23. There is no examination process for new/revised MWDSs and the document will not need to be submitted to the Secretary of State.

**Conclusion**

24. It is recommended that the draft MWDS be approved, which will form the new timetable for the Review of the LMWLP.

**Equality and Human Rights Implications**

25. There are no direct equality or human rights implications arising from the recommendations in this report. Implications will be further considered in relation to the outcome of the Leicestershire MWLP Review.

**Background Papers**

Report of the Chief Executive to the Development Control and Regulatory Board on 10<sup>th</sup> February 2022 and minutes of that meeting:

<https://bit.ly/3xdyciK>

<https://bit.ly/3DPlqaE>

**Appendix**

Minerals and Waste Development Scheme

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