

**DEVELOPMENT CONTROL AND REGULATORY BOARD****17<sup>th</sup> November 2022****REPORT OF THE CHIEF EXECUTIVE****PART A – SUMMARY REPORT**

**PURPOSE:** A report which sets out the conclusions of the Review of the Leicestershire Minerals and Waste Local Plan (adopted 25th September 2019).

**RECOMMENDATION:** That Members endorse the conclusions of the report on the Review of the Leicestershire Minerals and Waste Local Plan (LMWLP) ahead of it being reported to Cabinet.

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## **PART B – MAIN REPORT**

### **What is the Local Plan?**

1. Local authorities are required to prepare, maintain and publish a Local Plan by the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the National Planning Policy Framework (NPPF). The Local Plan is a statutory plan which guides development in the area (in this case for minerals and waste). It sets out the priorities, challenges and opportunities for the area and is vital as part of ensuring that development can happen whilst protecting the wider environment and what is unique.
2. The policies of the Leicestershire Minerals and Waste Local Plan are used in the determination of planning applications. As part of the plan-led system, the Local Plan is at the heart of the planning process. It makes sure development happens in the right place, at the right time, and is sustainable, taking account of communities.

### **Adopted LMWLP**

3. The current Leicestershire Minerals and Waste Local Plan (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 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<sup>th</sup> 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 Review**

5. 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 requirement for Review does not imply a requirement to change the Plan.
6. There are a number of reasons why a Review of the LMWLP has been undertaken in advance of the statutory 2024 deadline, including:

- Leicestershire has low Sand & Gravel reserves within the County. The Review has assessed this situation further to consider whether an alternative policy approach is 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 current estimates that it will be 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 and it is anticipated that further changes will be forthcoming.
- 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 anticipated following the recent announcement by Government of the Levelling Up and Regeneration Bill (LURB).
- Other changes to the baseline in Leicestershire since adoption of the LMWLP such as the effects of the Covid-19 pandemic; the economic slowdown; Ukraine war; cost-of-living crisis; and growth aspirations for the county and the region.

### **Scope and Nature of Plan Review**

7. The Review of the LMWLP has considered whether a full update of the Plan is needed, a partial update is needed, or whether the Plan does not need updating at all. This has considered a variety of factors, including Government changes to the planning system, wider environmental legislation and the performance of policies within the existing LMWLP.
8. In reaching its conclusions, the Review has considered a variety of factors including the existing evidence base; any changes in local circumstances; external factors (such as the Government's changes to the Planning System and environmental legislation); the performance of the Plan itself and any trigger points identified in the existing Plan. It should be noted that the Review can only consider the existing legislation, policy, and guidance at time of writing. Whilst further changes are likely due to the Levelling Up and Regeneration Bill (LURB), there is no definite timescale for these. An assessment of the LMWLP against the current National Planning Policy Framework (NPPF) and the changes to the baseline has also been conducted using the Planning Advisory Service (PAS) Toolkits from the Local Plan Route Mapper (October 2021).

9. As part of the review, evidence on the performance of the LMWLP includes the 2019-21 Authority Monitoring Report (AMR) and further casework-related policy performance between April 2021 and March 2022.
10. The Review has concluded that the LMWLP is performing well and remains flexible to accommodate the changes which have occurred and those which continue to occur.
11. Under current legislation, further review of the LMWLP would be needed in advance of December 2027 at the latest. However, there are expected changes to the planning system proposed by the Levelling Up and Regeneration Bill (LURB) and the implications of this will be considered once this has become an Act.
12. A further Minerals and Waste Development Scheme (MWDS) will be necessary in advance of any future Review.
13. The report of the Review is included as an Appendix to this report.

### **Recommendation**

14. That Members endorse the conclusions of the Report of the Review of the Leicestershire Minerals and Waste Local Plan 2019-2031 (attached at Appendix A) ahead of it being reported to Cabinet.

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