



**CABINET – 16 DECEMBER 2022**

**REVIEW OF THE LEICESTERSHIRE MINERALS AND WASTE  
LOCAL PLAN**

**REPORT OF THE CHIEF EXECUTIVE**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to inform Cabinet of the results of the Review of the Leicestershire Minerals and Waste Local Plan (LMWLP) which has taken place between April and October 2022. The report of the Review is appended to this report.

**Recommendations**

2. It is recommended that the Cabinet notes the findings of the Report of the Review of the Leicestershire Minerals and Waste Local Plan (LMWLP) and that the LMWLP does not need to be updated.

**Reasons for Recommendation**

3. County Councils are required to prepare, publish and maintain a Minerals and Waste Local Plan. It is a legal requirement for planning authorities to review their plans every 5 years. The Review concludes that the LMWLP Vision and Strategic Objectives remain up to date; it is in accordance with national policy and guidance; and policies are performing effectively. As such, the LMWLP does not require updating at present.

**Timetable for Decisions (including Scrutiny)**

4. The Minerals and Waste Development Scheme (MWDS) timetable for the Review was supported by the Development Control and Regulatory Board on 10<sup>th</sup> February 2022.
5. The outcome of the Review was reported to Development Control and Regulatory Board on 17<sup>th</sup> November 2022 and its conclusions were supported. Comments of the Board are set out in Part B of this report.
6. The Planning and Compulsory Purchase Act (2004) (as amended) requires planning authorities to review their Local Plan every five years. The LMWLP will require further review by December 2027 or earlier if this becomes

necessary due to changes in legislation, such as the Levelling Up and Regeneration Bill.

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

7. 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.
8. 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. 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.
9. The County Council at its meeting in September 2019 approved the Leicestershire Minerals and Waste Local Plan 2019 - 2031.
10. This meant the Leicestershire MWLP needed to be reviewed prior to September 2024. The requirement for Review does not imply a requirement to change the Plan. 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.
11. The Cabinet on 26<sup>th</sup> April 2022 adopted the MWDS which set out the timetable for the Review of the Leicestershire MWLP during 2022.

### **Resource Implications**

12. There are no resources implications arising from the recommendation in this report. The Review has been conducted using current staff resources. As the Review found that there is no need to update the LMWLP, resourcing implications are limited to existing staffing required to undertake ongoing annual monitoring requirements.
13. Should circumstances indicate that a Review of the LMWLP is necessary prior to December 2027 and result in a need to update the Plan, a further MWDS would be prepared to set out detailed timescales for this work and resource considerations would be highlighted through that process.

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

14. This report will be circulated to all members.

### **Officer(s) to Contact**

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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 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 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 MWDS includes a timetable for the Review of the Leicestershire MWLP. This has been carried out throughout 2022.

### **Need for Review**

18. Planning Authorities are required by the NPPF to review policies in their Local Plans at least once every 5 years to assess whether they need updating. The requirement for Review does not imply a requirement to change the Plan.
19. There are a number of reasons why the LMWLP was reviewed in advance of the statutory 2024 deadline, including:
  - Leicestershire has low Sand and Gravel reserves within the County. The Review provided the opportunity to assess this situation further and consider whether an alternative policy approach may be warranted.
  - The adopted LMWLP has based its Local Authority Collected Waste and Commercial and Industrial waste capacity forecasts on the delivery of the Newhurst Energy from Waste 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 fully operational in April 2023. The LMWLP committed to a Review of the Plan where the 2020/21 deadline was 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 through the Levelling Up and Regeneration Bill.
- 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**

20. Planning Authorities are required by the NPPF to review policies in their Local Plans at least once every 5 years to assess whether they need updating.
21. The Review considered whether the Plan required a full update, a partial update, or whether no update was needed. 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.
22. 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 the time of writing. Whilst further changes are likely due to the Levelling Up and Regeneration Bill, there is no definite timescale for these. An assessment of the LMWLP against the current NPPF and the changes to the baseline has also been conducted using the Planning Advisory Service Toolkits from the Local Plan Route Mapper (October 2021).
23. Evidence on the performance of the LMWLP includes the 2019-21 Authority Monitoring Report and further casework-related policy performance between April 2021 and March 2022. The Local Aggregate Assessments also formed part of the evidence for the Review, together with performance at appeal.
24. There is no statutory requirement for the Council to consult the public on the Review process, nor is it normal practice to do so.

### **Views of the Development Control and Regulatory Board**

25. The Development Control and Regulatory Board considered a report on the outcome of the Review at its meeting on 17<sup>th</sup> November.
26. The Board noted that paragraph 4.1.33 of the Review Report referred to the Growth Plan announced by the Chancellor of the Exchequer on 23 September but since superseded by the Autumn Statement (17 November), and that

paragraph 4.1.58 referred to the lifting of the moratorium on fracking, now re-imposed. (The Report has been amended to reflect this).

27. In response to a question, officers advised that the evidence indicated that sand and gravel development proposals continued to come forward and the policy landscape was not preventing this. Current pending planning applications amounted to some 5.2 million tonnes of sand and gravel in Leicestershire. The Local Aggregate Assessments indicated that supply of sand and gravel would continue regardless of whether the proposed quarry near the village of Misterton was granted planning permission.
28. In response to questions as to whether early action could be taken to prevent delays in the restoration of former quarry sites, officers explained that whilst the NPPF encouraged early engagement with communities the Council could not act until quarrying work had been completed.
29. The Board supported the conclusions of the Review and asked that its comments were forwarded for the Cabinet's consideration.

### **Conclusion of the Review**

30. The full report of the Review is appended. In summary, 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.
31. Under current legislation, a further Review of the LMWLP would be needed before December 2027. There are potential changes to the planning system proposed by the Levelling Up and Regeneration Bill. Once this has become an Act it will be considered whether another Review is necessary.

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

32. There are no direct equality or human rights implications arising from the recommendations in this report.

### **Background Papers**

Report of the Chief Executive to Cabinet on 26 April 2022 "Revised Minerals and Waste Development Scheme for Leicestershire" and minutes of that meeting:  
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=6743&Ver=4>

Report of the Chief Executive to the Development Control and Regulatory Board on 17 November 2022 "Review of the Leicestershire Minerals and Waste Local Plan" and minutes of that meeting:  
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=144&MId=7137>

### **Appendix**

Report of the Review of the Leicestershire Minerals and Waste Local Plan 2019-2031

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