

**CABINET - 28 APRIL 2026****THE NEW PLAN-MAKING SYSTEM AND A JOINT MINERALS AND WASTE LOCAL PLAN WITH RUTLAND COUNTY COUNCIL AND LEICESTER CITY COUNCIL****REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet regarding the new plan-making system for England and its implications for Leicestershire County Council as the Minerals and Waste Planning Authority; and to seek approval in principle for Leicestershire County Council to work with Leicester City Council and Rutland County Council to prepare a joint Minerals and Waste Local Plan (M&WLP) across the three authority areas. The production of a joint M&WLP would be subject to the formal agreement of each authority and the submission of a further report to the Cabinet on the proposed governance, resourcing and timetable arrangements.

Recommendations

2. It is recommended that
 - a) Approval is given in principle for the County Council to participate with Leicester City Council and Rutland County Council to prepare a joint Minerals and Waste Local Plan for the Leicester, Leicestershire and Rutland local authority areas, subject to:
 - i) Leicester City Council and Rutland County Council, via their respective governance processes, also giving formal approval;
 - ii) all three authorities agreeing appropriate governance and decision-making, resourcing, and cost-sharing arrangements for the joint plan-making;
 - b) That subject to agreement of a) above, a further report be submitted to the Cabinet in autumn 2026 regarding the Plan timetable, publication of the Intention to Commence and governance arrangements for joint plan-making.

(KEY DECISION)

Reasons for Recommendation

3. Leicestershire County Council has a statutory function to prepare an M&WLP for the County and keep it up to date. The Government has introduced a new plan-making system which requires the County Council to start preparing a new M&WLP before the end of 2026.
4. As minerals and waste are strategic issues, preparing a joint plan across the larger area of LLR is a sensible geography to plan for. It will also mitigate the uncertainty associated with the currently unknown boundaries of a future authority under local government reorganisation (LGR) and allow for sharing of resources across the authorities participating in the joint plan. Approval in principle is sought to ensure that the Cabinet is supportive in advance of committing resources to a joint plan-making approach.

Timetable for Decisions (including Scrutiny)

5. Key dates as required by the Government for the preparation of a new M&WLP are set out below (these dates are fixed, irrespective of whether a joint plan approach is taken):
 - a) The County Council must publish its Intention to Commence a new M&WLP before 31 December 2026.
 - b) The County Council must publish a Gateway 1 self-assessment by 30 April 2027. This marks the start of a 30-month period in which the new plan must be prepared, examined and adopted.
 - c) Based on the above dates and timeline, the adoption of a new M&WLP would be due to take place in Autumn 2029.
6. The County Council is also required to publish a local plan timetable either in advance of, or at the same time as, the publication of the Intention to Commence (notification of the start of the formal process). Subject to the Cabinet's approval and the agreement of Leicester City Council and Rutland County Council, the County Council will prepare a timetable which will set out the necessary steps and associated timings over the plan-making period.
7. Subject to all three authorities wishing to proceed with a joint plan, it is intended that a report seeking authorisation to publish the timetable and Intention to Commence is brought to the Cabinet in autumn 2026. This report will also set out governance arrangements for joint plan-making across the participating authorities.

Policy Framework and Previous Decisions

8. A package of regulations to implement the new plan-making system was laid before Parliament on 4 March 2026. The package includes the new Town and Country Planning (Local Planning) (England) Regulations 2026, which

commenced on 25 March 2026 and replaces the 2012 plan-making regulations. More details of all the new regulations are set out in Part B of this report.

9. This is the first report to the Cabinet relating to the new plan-making system and its implications for the County Council as the Minerals and Waste Planning Authority. However, there is an interrelationship with the emerging requirement for Spatial Development Strategies (SDSs) and working across LLR: the Cabinet at its meeting on 16 December 2025 agreed *inter alia* that the County Council should take a longer-term approach to strategic spatial and transport planning through the preparation of an SDS.
10. The current Leicestershire M&WLP up to 2031 was adopted by the Council at its meeting in September 2019.

Resource Implications

11. Since adoption of the current plan, it has not been necessary to resource the Planning Team for active plan-making. As such, additional staff capacity (and experience) will be required to prepare a new M&WLP.
12. The new plan-making system places a requirement to deliver a plan within a fixed 30-month timeframe – a substantially shorter period than the legacy plan-making system which does not have fixed timescales. Officers intend to commission an external review of staffing capacity requirements, and appropriate team structure, to deliver the new joint M&WLP with Leicester City Council and Rutland County Council.
13. Additional resource requirements relating to *inter alia* external consultancy support for evidence base work and a new plan-making IT system will also be required.
14. Funding of £150,000 has been set aside in reserves to support one-off costs towards the development of the new M&WLP. However, this is not expected to be sufficient to cover the County Council's cost even under a cost sharing arrangement. Pursuing a joint plan-making approach to the preparation of the new M&WLP is more cost effective, although further work is required to assess the financial implications and agree cost sharing arrangements with Leicester City Council and Rutland County Council. Any additional funding requirements, and any formal cost-sharing arrangement with partner authorities, will be subject to the Council's usual approval and budget processes.
15. The Director of Corporate Resources has been consulted on this report.

Legal Implications

16. Leicestershire County Council has statutory responsibility as the Minerals and Waste Planning Authority to prepare and keep under review an M&WLP. Legislation allows for joint plan-making with other authorities. If the Cabinet approves the principle of a joint plan, further formal governance arrangements to address decision making, officer support, consultation responsibilities and

cost-sharing will be required between the participating authorities before commencement.

17. The Chief Legal Officer and Monitoring Officer has been consulted on this report.

Circulation under the Local Issues Alert Procedure

18. This report will be circulated to all members.

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PART B

Background

19. Mineral resources are important to current growth aspirations, both locally and nationally. Indeed, Leicestershire's mineral resources are nationally important in some cases. Minerals are essential to support sustainable economic growth, associated infrastructure and quality of life.
20. Sustainable management of waste is important to ensure that the environment and human health are protected whilst ensuring that waste is managed sustainably and in accordance with the waste hierarchy and the principles of a circular economy.
21. The current Leicestershire M&WLP, adopted in September 2019, includes a spatial vision, spatial strategy, 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. The plan period is to the end of 2031.
22. Under the legacy plan-making system, plans were required to be reviewed every five years and then updated as necessary. An early review of the current Leicestershire M&WLP in 2022 concluded that it did not need updating at that time. The next review was due to take place during 2027, but has been superseded by the requirement to prepare a new M&WLP in the new plan-making system. Pending adoption of a replacement plan, the existing adopted Leicestershire M&WLP remains in force.
23. The new plan-making system was introduced through the Levelling-Up and Regeneration Act (LURA) 2023 with the aim of making local plans faster to prepare and adopt, simpler, and more digital. It introduced a 30-month preparation timeline and replaced the Duty-to-Cooperate (DtC) with a more flexible, non-statutory requirement for authorities to maintain effective cooperation on cross-boundary issues.
24. In late November 2025, the Government published guidance on the new local plan-making system which included some specific deadlines by which authorities must start preparing plans in the new system. This means that the County Council must:
 - a) Give notice of its intention to commence a new M&WLP by 31 December 2026;
 - b) Publish a Gateway 1 self-assessment by 30 April 2027, which will be the start of the 30-month period.
25. The Government has indicated in its guidance that if an authority fails to progress with its plan-making, it will consider intervening to accelerate progress.

26. More recently, the Government published the package of regulations which bring the new plan-making system outlined in the LURA 2023 into force, including:
- a) The Town and Country Planning (Local Planning) (England) Regulations 2026.
 - b) The Requirement to Assist with certain plan-making (Prescribed Public Bodies) (England) Regulations 2026.
 - c) The Town and Country Planning (Costs of Independent Examinations for Local Planning Etc.) (Standard Daily Amount) (England) Regulations 2026.
 - d) The Levelling-Up and Regeneration Act 2023 (Commencement No. 11 and Savings and Transitional Provisions) Regulations 2026.
 - e) The Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) Regulations 2026.
27. The above legislation introduces the details of the new plan-making system which includes 11 'tasks' that are required to be completed in sequence:
- i. **Timetable** – The local plan timetable will help the community know when they can get involved in the plan and must be kept up to date through the process. The timetable must be published before, or on the same day as, the Intention to Commence.
 - ii. **Give notice of plan-making** – Referred to as the Intention to Commence, this must be published a minimum of four months before formal plan preparation begins.
 - iii. **Run scoping consultation** – To engage with the public, statutory bodies and other stakeholders. This will invite feedback on matters including how an authority is to engage with third parties throughout the plan-making process and what the plan should contain.
 - iv. **Gateway 1** – Authorities must publish a self-assessment summary of what they have done to get ready. It is intended to help ensure readiness to prepare and adopt a plan within 30 months and to increase transparency for external stakeholders and communities.
 - v. **Publish summary of scoping consultation** – This includes a summary of the main issues raised in any responses received and how the authority has had regard to those responses.
 - vi. **Run consultation on proposed plan content and evidence and publish summary** – A consultation is required on the draft vision and any proposed aims and objectives; the proposed spatial strategy; a summary of the evidence the authority intends to gather, and details of evidence already gathered; and any other elements, which could include draft policies. Once the consultation is finished, a summary of the main issues

raised in any responses and how the authority has had regard to them must be published before moving on to Gateway 2.

- vii. **Gateway 2** – This involves seeking observations and advice from the Planning Inspectorate, who will appoint a gateway assessor to look at the documentation. The purpose of Gateway 2 is to support early resolution of potential soundness issues and progress towards meeting the ‘prescribed requirements’ (the things an authority needs to do to pass through Gateway 3). The observations and advice must be published.
 - viii. **Run consultation on proposed local plan and publish summary** – A consultation on the local plan must take place after Gateway 2. This will include inviting representations on the proposed local plan; a map of proposed local plan policies, site allocations and designations; and details of the evidence gathered. Also, where a SDS is in place, consultation on the conformity of the local plan with the SDS must take place. After the consultation, authorities must analyse and have regard to the feedback received and finalise any appropriate changes in readiness for Gateway 3.
 - ix. **Gateway 3** – Once an authority is satisfied that it is ready to pass through Gateway 3, the Planning Inspectorate will appoint a gateway assessor to provide observations and advice and decide whether the plan is ready to be submitted for examination. The assessor will advise whether an authority can submit its plan and supporting documents to the Planning Inspectorate for examination.
 - x. **Examination** – The examination will assess whether the plan is sound – meaning it meets the tests of soundness set out in national planning policy. After the examination has taken place, the Inspector will provide the authority with their recommendations and reasons.
 - xi. **Adoption** – If the plan is found sound, it may be adopted in accordance with the statutory requirements and constitutional arrangements of the participating authority or authorities.
28. The Government is also undertaking a fundamental overhaul of the National Planning Policy Framework (NPPF) to align with the new plan-making system and the final NPPF is expected to be published in summer 2026.

Options and Proposal

29. As a legislative requirement, Leicestershire County Council has a statutory duty to start the preparation of a new M&WLP before the end of 2026 and to complete the process within specific timescales, reaching the point of adoption during 2029. The options open to the County Council are:
- a) It prepares an M&WLP for its own administrative area only; or
 - b) It pursues a joint M&WLP with other authorities, namely Leicester City Council and Rutland County Council (subject to their agreement).

30. The joint plan is the preferred approach, primarily as it is a sensible geography to plan for. Minerals and waste are strategic matters, with some waste facilities serving sub-regional and regional catchment areas and large quarries in Leicestershire serving national markets (particularly those that are rail connected). The movement of minerals and waste regularly crosses local authority boundaries and needs to be planned for at larger spatial scales. This has historically been recognised through their separation from other planning matters in two-tier areas and why it falls as a function to County Councils. Due to the planned LGR, the two-tier system of local government will cease to exist in a few years' time, but the Government recognises that both minerals and waste comprise strategic infrastructure needed to deliver growth and can be planned for through the emerging SDSs. A joint M&WLP with Leicester City and Rutland County Councils would align with the expected geography of the emerging SDSs and other more advanced strategic policy such as the Local Nature Recovery Strategy.
31. Another key issue to consider is the timing of plan preparation alongside LGR. Whilst the County Council will initiate preparation of a new M&WLP, LGR may affect the authority or authorities responsible for progressing the plan through to adoption. The boundaries and governance arrangements of any successor authority or authorities remain uncertain. Preparing a plan across the LLR authorities would help mitigate risks arising from delay to, or uncertainty in, future boundary and governance arrangements.
32. The preparation of a joint M&WLP across multiple authorities will achieve some cost reductions through efficiencies of scale delivered through sharing of resources and systems, whilst ensuring greater integration of evidenced based strategic decisions. However, such costs are still to be quantified and cost sharing arrangements agreed. Recognising the financial pressures all authorities are under, joint plan-making would be a positive approach.
33. Notwithstanding the benefits identified above, joint plan-making will not be without its challenges; the most significant of which will be around the 30-month timescale. Organising the governance and approval process that will be necessary for many of the 'tasks' associated with the new system across multiple authorities will be complex and time consuming. Doing this within the new 30-month plan-making period will be difficult. Navigating all this whilst LGR takes place will exacerbate these difficulties. This underlines the need for clear and timely inter-authority governance arrangements before formal commencement of the joint plan.
34. Whilst it is important to recognise the challenges associated with the timescales, it is not a reason to pursue a plan for a less-than-optimal area. The benefits of planning strategically at scale, mitigating the difficulties associated with uncertain authority boundaries, and the sharing of resources mean that pursuing a joint plan is the recommended approach.

Consultation

35. No consultation has taken place to date. Consultation on the emerging plan will take place at the various stages, as set out in legislation and summarised in the list of 'tasks' identified at paragraph 27 of this report.
36. County Council officers have had informal discussions with officers from Leicester City Council and Rutland County Council. Officers at both authorities have indicated a strong preference for pursuing a joint M&WLP across the LLR geography, subject to their own internal governance and member approval processes. Indeed, the three authorities already collaborate extensively across this geography and have well established frameworks including for emergency and resilience planning, local nature recovery, road safety and strategic planning matters.

Equality Implications

37. No immediate equality impacts have been identified arising from the recommendation to pursue joint plan-making in principle. The Council has had regard to its duties under section 149 of the Equality Act 2010. Equality impacts will be kept under review and an Equality Impact Assessment will be undertaken at appropriate stages of the plan-making process.

Human Rights Implications

38. No immediate direct human rights implications have been identified arising from the recommendation in this report. Human rights considerations will continue to be taken into account as the plan-making process progresses, including where policies or site allocations may affect individuals or property interests.

Other Implications and Impact Assessments

39. Health – A decision on the principle of a joint plan-making approach is not anticipated to have any direct health implications. However, health factors will be considered through the plan-making process, including undertaking a Health Impact Assessment to evaluate the potential effects of the plan.
40. Environmental – From a joint plan-making perspective, planning across the wider LLR geography will enable alignment with the Local Nature Recovery Strategy. When formal plan-making commences, environmental assessment requirements will apply and will be taken into account throughout the process. On the current legal basis, the plan is expected to require Strategic Environmental Assessment, unless subsequent legislative change requires an alternative environmental assessment regime to apply.
41. Partnership working – The nature of pursuing a joint plan approach demonstrates partnership working with Leicester City Council and Rutland County Council. In addition, the new plan-making system requires cooperation between plan-making authorities, and this will take place with the district/borough councils (whilst in existence) and other minerals and waste

planning authorities with which there are significant movements of minerals and/or waste.

42. Risk assessment – Risks to delivery from staffing resource/capacity and delivery of a plan within the statutory timeframe are identified at paragraphs 11-14 and 32 of this report. Work is ongoing to mitigate these risks.

Background Papers

Report to the Cabinet on 16 December 2025: Strategic Spatial and Transport Planning

<https://democracy.leics.gov.uk/documents/s193694/Final+Strategic+Spatial+and+Transport+Planning+Report+-+Cabinet+161225.pdf>

Report to the Cabinet on 16 December 2022: Review of the Leicestershire Minerals and Waste Local Plan

<https://democracy.leics.gov.uk/documents/s172908/LMWLP%20report%20of%20review%2016dec22%20FINAL.pdf>