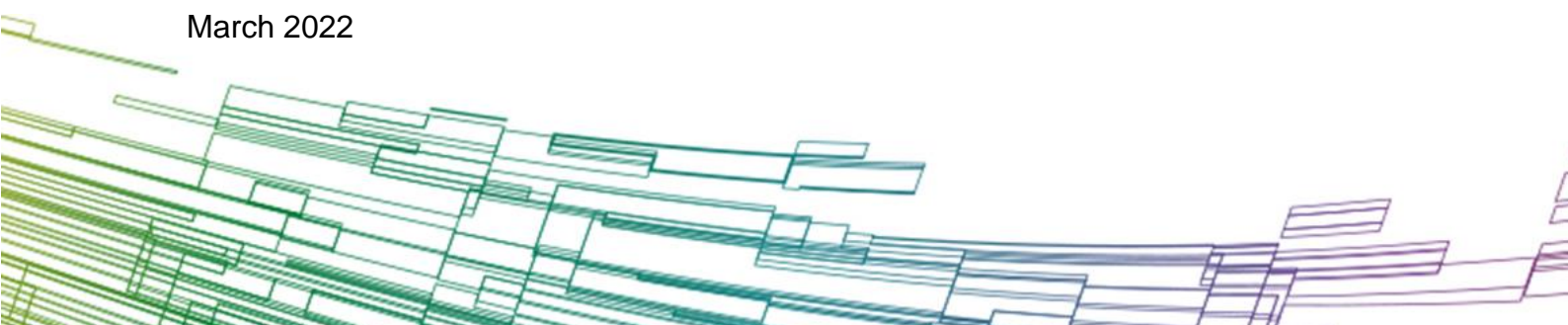


LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN



MINERALS AND WASTE DEVELOPMENT SCHEME

March 2022



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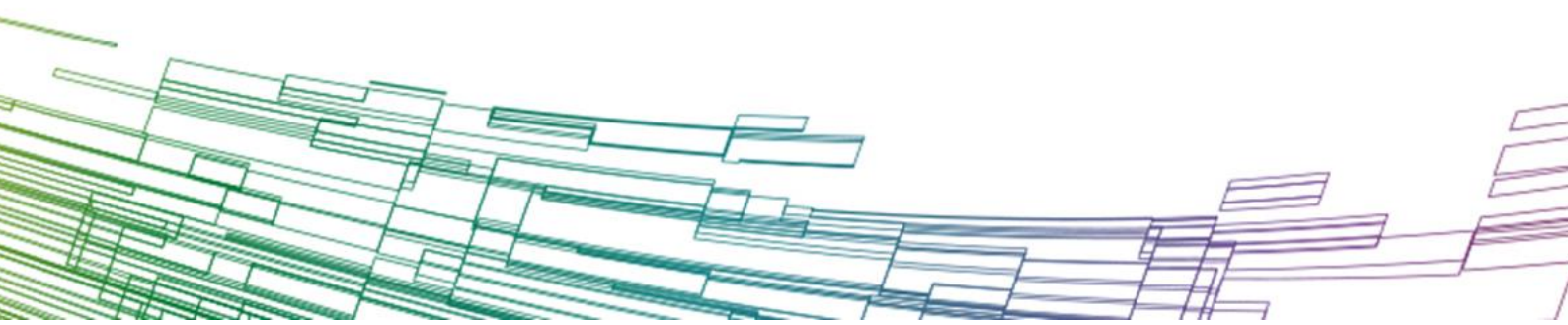
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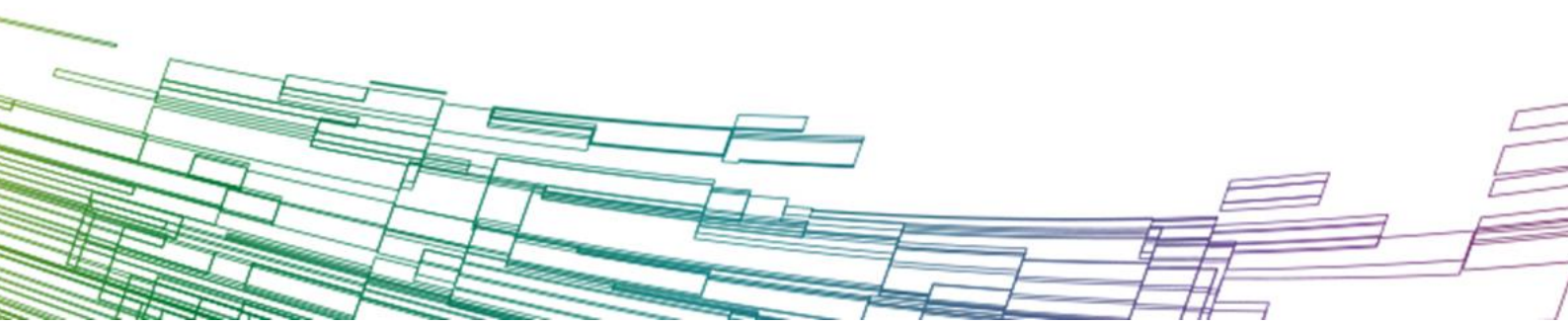
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1. Introduction

In the County of Leicestershire there is a two tier local government structure, with Leicestershire County Council comprising the 'upper tier' and the 'lower tier' consisting of the seven district and borough councils: Blaby, Charnwood, Harborough, Hinckley and Bosworth, Melton, North West Leicestershire and Oadby & Wigston.

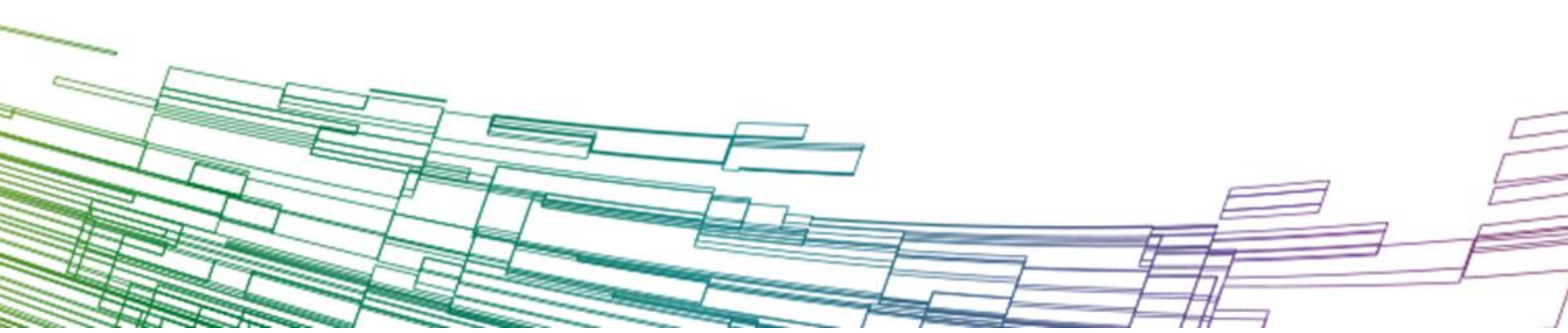
In this two-tier system, the district and borough councils are the planning authorities responsible for most types of development, with Leicestershire County Council responsible for planning matters relating to minerals and waste development. This is a distinct area of planning dealt with by county councils and unitary authorities.

Part of Leicestershire County Council's responsibility as the Minerals and Waste Planning Authority is the preparation and adoption of policy to assess the minerals and waste needs of the county, guide it to appropriate locations and form the basis for the assessment of planning applications. This existing policy is set out in the Leicestershire Minerals and Waste Local Plan (LMWLP), which was adopted in September 2019.

Section 16 of The Planning & Compulsory Purchase Act 2004 (as amended) requires the County Council to produce a Minerals and Waste Development Scheme (MWDS) setting out a timetable for the preparation and revision of the LMWLP, and the various stages that it will have to go through to reach adoption. An equivalent document called a Local Development Scheme (LDS) is required for district and borough councils and the two titles are often used interchangeably. Indeed, the County's previous Scheme was referred to as an LDS.

The current Local Development Scheme (LDS) was prepared for the development of the existing LMWLP and dates from 2017. It is now necessary to set out a new timetable for work on the review of the adopted LMWLP.

In contrast to the existing LDS, this new MWDS will not detail stages in the preparation of MWLP documents but will instead set the timetable for the review of LMWLP, so as not to pre-empt the results of the Plan review process. A report setting out the results of the review, together with a further LDS will be prepared once the review of the Plan has been completed.



2. What is a Local Plan?

Local Plans guide decisions on future development proposals and address the needs and opportunities of the area. For the County Council, this relates specifically to minerals and waste matters. Local Plans are at the heart of the planning system and are the main framework in which decisions on particular proposals are taken locally. Local Plans set out the spatial vision and strategic objectives for future development and contain policies and site allocations to deliver these objectives. The Plan also contains a framework for monitoring and implementation.

2.1 Stages in Plan Making

The diagram below summarises the main stages in the preparation of a Local Plan. This usually starts with the gathering of evidence in a pre-production stage. This stage allows the preparation of a report on the main issues and options, outlining the challenges, opportunities which face the area and suggested solutions and ways of maximising these opportunities.

This stage is followed by consultation with industry on suggested sites; consultation with stakeholders on suggested policies; and then publication of submission document for further consultation.

Plan-making is an iterative process, and planning authorities are required by legislation and guidance to involve all stakeholders who may have an interest. This is known as the 'Duty-to-Cooperate'. Consultation is an important part of the process and is built into plan-making timetables.

An Examination in Public (EiP) of the Local Plan is undertaken by an independent Inspector to assess its soundness and legal compliance. Following the EiP the Inspector issues a binding report on their findings and whether the plan is 'sound'. The Inspector will often suggest changes (as part of their report) to be made in order to make the Plan sound. Once any changes have been made the Council can formally adopt the plan for use.

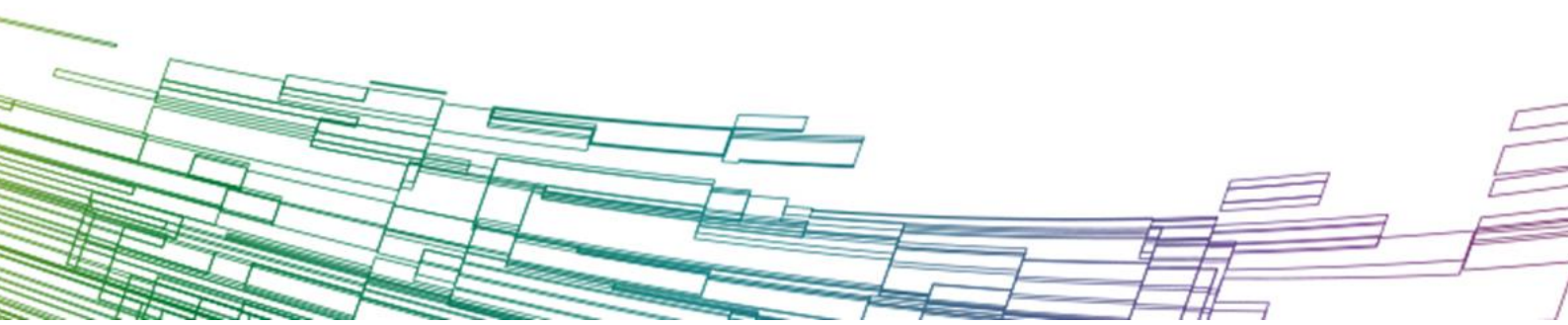
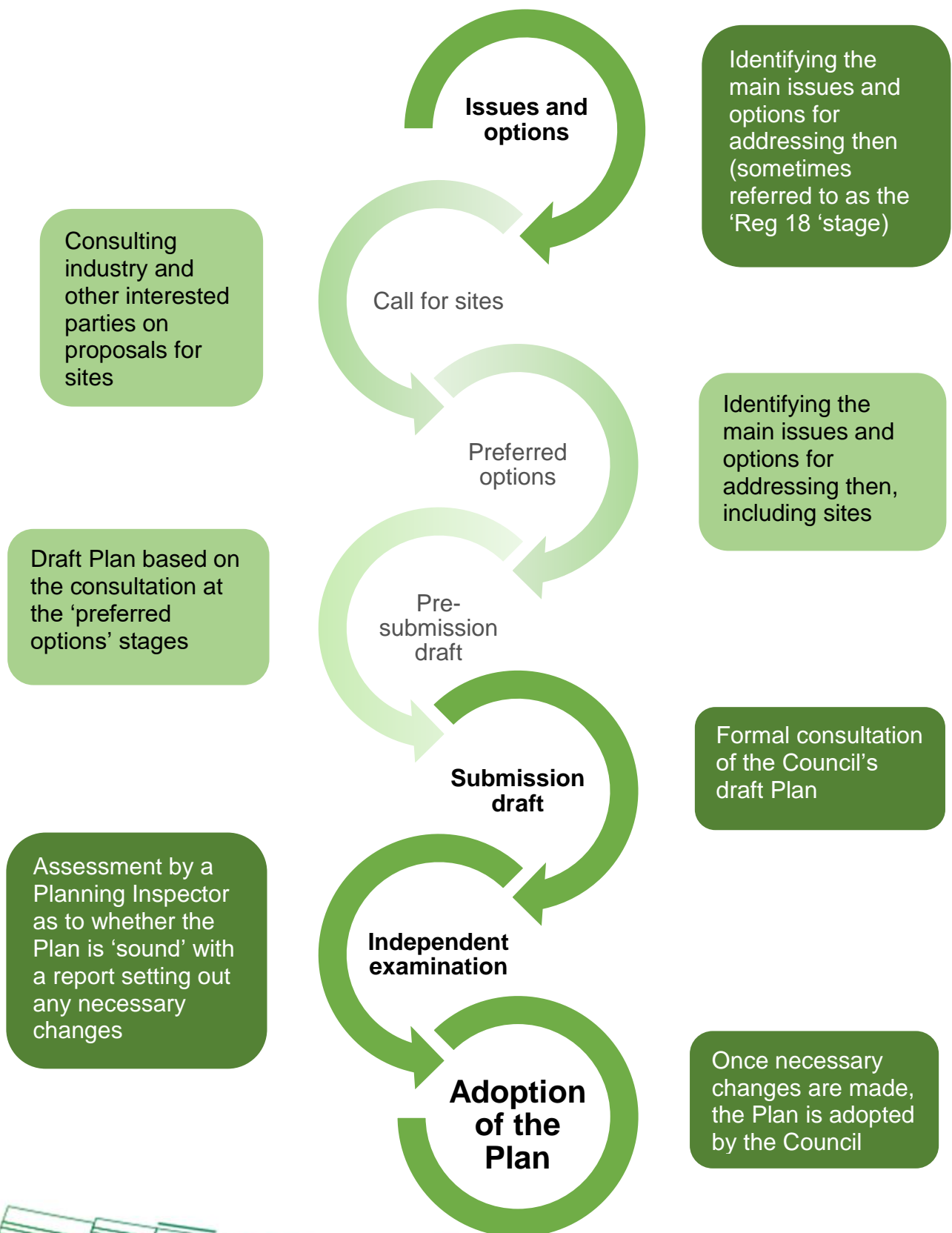


Figure 1: The Local Plan review process



3. Supporting Evidence and Appraisals

3.1 Supporting Documents

A variety of supporting documents provide the evidence base, assessments and methodology behind the Local Plan. These are produced, or commissioned, by the County Council and vary depending on the nature and content of the Local Plan, and the stage of preparation.

Examples of supporting evidence base documents include Local Aggregate Assessments (LAAs) and technical studies and topic papers, such as a Waste Needs Assessment.

3.2 Sustainability Appraisal and Strategic Environmental Assessment

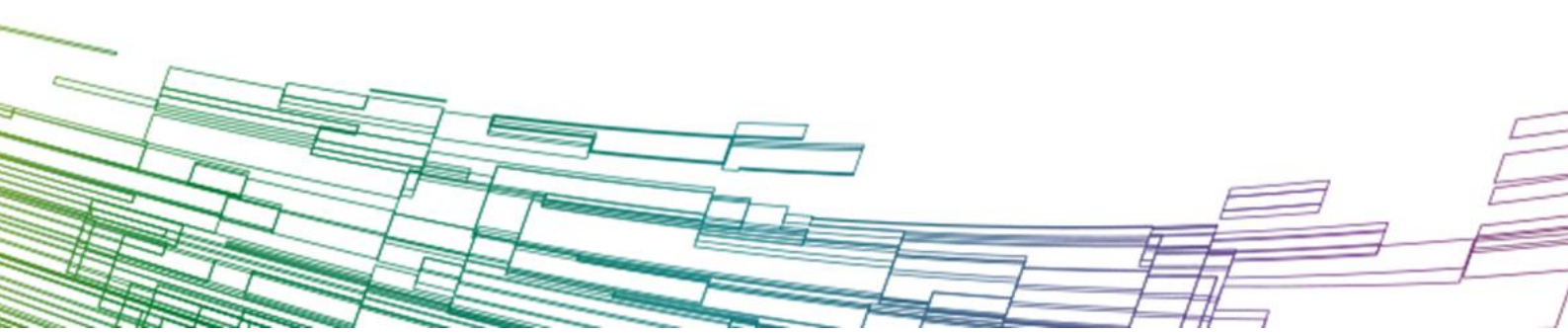
Plans, programmes and policies are required to go through a process of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). The purpose of SA is to ensure sustainable development through the integration of social, environmental and economic considerations into the preparation of planning policy. The aim is to think about ways in which it can improve conditions, as well as ways to mitigate any negative effects. The SA incorporates an SEA carried out under the Environmental Assessment of Plans and Programmes Regulations 2004. SA and SEA is undertaken as an integral part of preparing Local Plans. It is carried out at key stages of preparation and the results are published.

3.3 Habitats Regulations Assessment

Appropriate Assessment, also known as Habitats Regulation Assessment, is the means by which plans are assessed for their impacts upon 'European Sites' and is required under the Conservation of Habitats and Species Regulations 2017 (as amended). European Sites are sites which are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community. Whilst the UK has left the EU, this requirement has been transposed into and remains part of British law.

3.4 Human Rights and Equalities Impact Assessment

All Local Plans are also subject to an Equalities and Human Rights impact assessment (EHRIA) to ensure that new policies do not discriminate against certain groups with protected characteristics and that all opportunities to promote equality and protect rights of individuals are sought in plan preparation.



4. The Adopted Leicestershire Minerals and Waste Local Plan

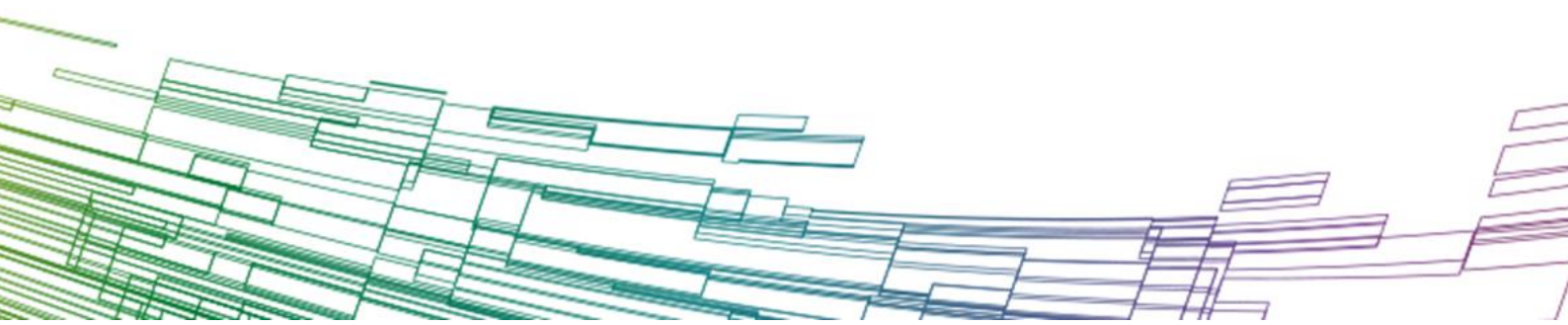
The current Leicestershire Minerals and Waste Local Plan (LMWLP) was adopted on 25th September 2019. This replaced the remaining saved policies of the Leicestershire Minerals Local Plan and the Leicestershire, Leicester and Rutland Waste Local Plan and also the more recent Leicestershire Minerals Core Strategy and Development Control Policies 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. From the date of adoption, the LMWLP became the new document for making planning decisions.

This LMWLP 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 over the period to the end of 2031. Development Management Policies set out the criteria against which planning applications for minerals and waste development are to be considered. A monitoring framework is included to examine the efficacy and effects of the policies on an ongoing, regular basis.

5. Monitoring and Review

Monitoring of the LMWLP takes place annually through the production of an Authority Monitoring Report (AMR) which assesses progress of plan preparation or the effectiveness of adopted policies against the timescales and targets set out within the document.

Separately, the County Council is also required to carry out a Local Aggregates Assessment (LAA) which is an annual assessment of the demand for and supply of aggregates in a mineral planning authority's area. Data from the LAA feeds into the review of the effectiveness of adopted policies in the AMR.

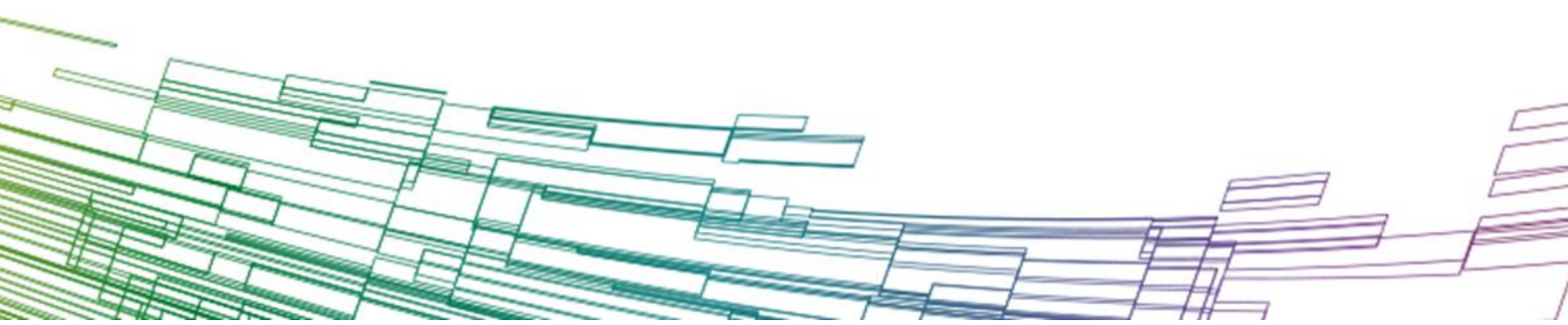


5.1 Need for Review of LMWLP

To be effective plans need to be kept up-to-date. The National Planning Policy Framework (NPPF) states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. As the LMWLP was adopted in September 2019, this means that the County Council is required to undertake a review by September 2024.

The Council has taken the decision to review prior to 2024 due to a variety of factors:

- 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 expected timescales, with it anticipated to become operational at some point in 2023. The current LMWLP commits to a review of the plan where the 2020/21 deadline is not met.
- The MWLP 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.



5.2 Scope, Timetable and Nature of Review

For the reasons set out above and to ensure that the LMWLP remains current and valid, a review will be undertaken. The Review will cover the entire Plan and will consider whether it is still in line with current guidance and regulations.

The review will include 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.

Whilst there is a requirement to review the Plan, any subsequent updating of the plan will only take place if necessary, based on the outcome of the review process. Therefore, at present the MWDS sets out the intended timescales for the review and not beyond. If the Review does identify a need to update the LMWLP, then the MWDS will be updated. Table 1 below sets out the timetable for the review of the LMWLP.

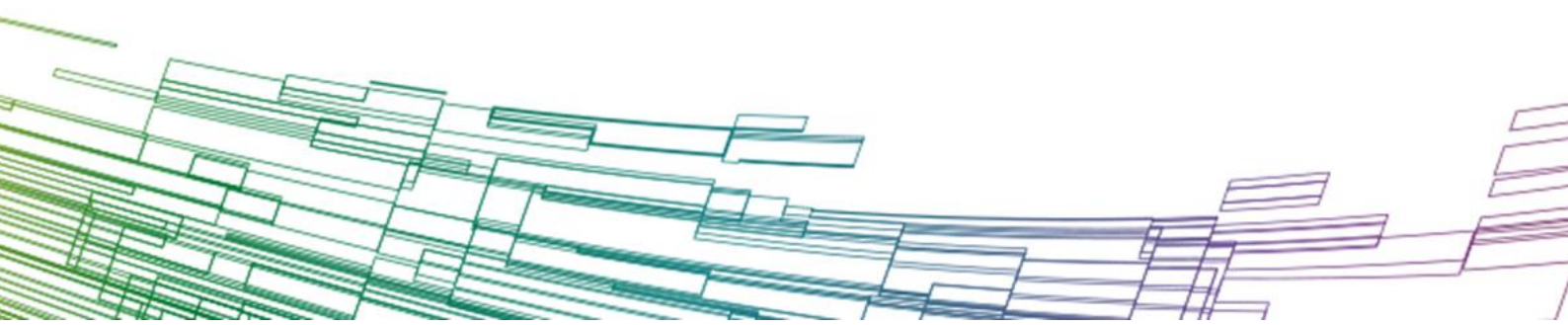
Table 1 – Leicestershire Minerals and Waste Local Plan review timetable

Stage	Dates
Early evidence gathering and document review	Sept 2021-Mar 2022
Assessment of Scope of Review	Mar 2022-July 2022
Conclusion of review and next steps	August – October 2022
Present report on findings of review and any recommendations to DCRB for endorsement	November 2022
Following endorsement from DCRB, present findings of review and recommendation to Cabinet	December 2022
If the findings of the review result in a need to update the MWLP new MWDS to DCRB and then Cabinet	Spring 2023.

6. Managing Risk and Uncertainty

Whilst setting out the timetable for work on the LMWLP review (or any work on Local Plans and Policy), it is important to consider possible issues which may arise, and ensure that any timescales are both realistic and achievable. A number of variables and unknowns can impact upon the achievement of the timetable. The main areas of risk and uncertainty are in relation to the following:

- Changes to National Policy and Guidance – this is particularly relevant as a review of the planning system is being carried out by the Government and the outcome of the ‘Planning for the Future’ consultation is expected at some point in 2022. It is expected that any changes can be reflected in the LMWLP review process.
- Consultation responses – Consultation will be necessary on any updates to the LMWLP itself. Outcomes of consultation could mean that new issues and options emerge, or the scale of opposition to certain approaches could significantly increase workloads. This is primarily a factor if the review results in the LMWLP needing to be updated.
- Other external factors – other changes to local circumstances and issues such as the changes to the housing calculations and major regeneration projects which could have impacts upon mineral needs or waste provision needs.
- Planning Inspectorate capacity – the availability of Planning Inspectors, their workload and the possibility of delays and Modifications can affect Plan progress and timescales. This is primarily a factor if the review results in the LMWLP needing to be updated.
- Co-operation – any updates to the LMWLP will require co-operation with other authorities which may give rise to previously unidentified issues. Again, this is primarily a factor if the review results in the LMWLP needing to be updated.
- Staff resources – Staff may be required to change priorities and react to unexpected tasks, or priorities may change as a result of workloads or staffing changes.



7. Other Documents

A review of the Statement of Community Involvement (SCI) is being undertaken to ensure it is up to date and takes into account current circumstances and guidance, as well as to align with the LMWLP review. This sets out how we will aim to engage with the community in the planning process.

8. Further Information

If you require further information in relation to this Minerals and Waste Development Scheme or any of the work or documents mentioned, please contact Planning Services on the contact details at the front of this document, or through the e-mail address: planningcontrol@leics.gov.uk. Information on the MWLP can also be found on the County Council website at: <https://www.leicestershire.gov.uk/environment-and-planning/planning/minerals-and-waste-local-plan/local-plan-adoption>

