Executive Decision Report

The New Plan-Making System and a Joint Minerals and Waste Local Plan with Rutland County Council and Leicestershire County Council

Decision to be taken by: Deputy City Mayor – Housing, Economy, and Neighbourhoods

Decision to be taken on: 24 July 2026

Lead director: Andrew L Smith

Useful information

■ Ward(s) affected: All

■ Report author: Lewis Hammerton, Paul O'Neill

■ Author contact details: Paul.ONeill2@leicester.gov.uk, Lewis.Hammerton@leicester.gov.uk

■ Report version number: 1

1. Summary

1.1 The purpose of this report is to provide an update on the new plan-making system and its implications for Leicester City Council as the Minerals and Waste Planning Authority; and to seek authorisation to work with Leicestershire County Council and Rutland County Council to prepare a Joint Minerals and Waste Local Plan across the three authority areas (subject to their agreement).

1.2 The Leicestershire & Leicester Waste Development Framework Core Strategy and Development Control Policies (L&LWDF) was adopted in October 2009. This Joint Plan between Leicester City Council and Leicestershire County Council included a spatial vision, spatial strategy, strategic objectives, core policies and development management policies which set out the key principles to guide waste management development in Leicester and Leicestershire. The plan period ended in 2021, and it is therefore out of date.

1.3 In 2021, the city council produced a Waste Needs Assessment (WNA), which was to be the first part of an evidence base for a replacement minerals and waste local plan (M&WLP) for Leicester. However, subsequent to the WNA, emphasis was placed on progressing the Leicester Local Plan, 2020-2036. The local plan was adopted in June 2026. It was intended that the replacement M&WLP would be progressed following adoption of the local plan. It would require its own examination. However, it is now considered that preparing a joint M&WLP with Leicestershire County and Rutland County would be more beneficial than preparing one covering only the Leicester City Council administrative area. The reasons for this include the pooling of resources between the three participating authorities, the strategic nature of minerals and waste planning, and the limited opportunities for locating minerals and waste uses within the city council's administrative area.

1.4 The Leicester Local Plan, 2020-2036 contains minerals and waste planning policies, which was considered to be an effective approach to updating policies in this area until such time that a new M&WLP could be adopted. The minerals and waste policies in the local plan set criteria to guide development management decisions on any applications for new minerals and waste uses in the city until a new M&WLP is adopted.

1.5 In line with national planning policy, the city has designated minerals safeguarding areas. These are mostly located within the city's green wedges. However, it is considered that there are no areas where it would be possible now or in the foreseeable future to sustainably extract these minerals due to the extensive size of workings required for extraction. Consequently, no extraction of primary land-won aggregates occurs within Leicester City.

1.6 Under the new plan-making system, introduced on 25 March 2026, local plans and minerals and waste local plans must be prepared and adopted within a 30-month timeframe. The city council must give notice of its intention to commence a new M&WLP by 31 December 2026 and must publish a Gateway 1 self-assessment by 30 April 2027, which will be the start of the 30-month plan-making period.

2. Recommendation

2.1 It is recommended that the Lead Councillor:

a) Notes the contents of the report, and
b) Approves Leicester City Council working in partnership with Leicestershire County Council and Rutland County Council to prepare a joint Minerals and Waste Local Plan (M&WLP) across the geographical area of Leicester, Leicestershire and Rutland (LLR) subject to their formal agreement.

3. Detailed report

3.1 Mineral resources are important to current growth aspirations, both locally and nationally. Minerals are essential to support sustainable economic growth, associated infrastructure, and quality of life.

3.2 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.

Minerals and Waste Planning in Leicester – Background

3.3 As a unitary authority, Leicester City Council has a statutory function to prepare a M&WLP for the city and keep it up to date.

3.4 The Leicestershire & Leicester Waste Development Framework Core Strategy and Development Control Policies (L&LWDF) was adopted in October 2009. This Joint Plan between Leicester City Council and Leicestershire County Council included a spatial vision, spatial strategy, strategic objectives, core policies, and development management policies which set out the key principles to guide waste management development in Leicester and Leicestershire. The plan period was to the end of 2021 and therefore, the plan is out of date.

3.5 Following adoption of the L&LWDF, Leicestershire County Council prepared the Leicestershire Minerals and Waste Local Plan which was adopted in September 2019 and is the current M&WLP for the County. Unlike the L&LWDF, the Leicestershire Minerals and Waste Local Plan is not a joint plan between Leicester City Council and Leicestershire County Council. It only covers the County. The plan period is to the end of 2031.

3.6 The city council made some progress towards developing an M&WLP of its own, which was to replace the L&LWDF. In 2021, the city council produced a Waste Needs Assessment (WNA), which was to be the first part of an evidence base for the replacement Leicester City M&WLP. However, subsequent to production of the WNA, emphasis was placed on progressing the Leicester Local Plan, 2020-2036, which was adopted in June 2026. The local plan contains minerals and waste planning policies, which was considered to be an effective approach to updating policies in this area until such time that a new M&WLP could be adopted.

3.7 The ‘Future Minerals and Waste Needs’ chapter in the recently adopted local plan contains policies on new waste and existing waste uses, end-of-life vehicle facilities, managing Leicester’s minerals resources, and provision of new aggregate recycling facilities. These policies set criteria to guide development management decisions on any applications for new minerals and waste uses in the city until a new M&WLP is adopted. However, the local plan does not lay out a spatial strategy, vision, or objectives for minerals and waste development within the city. The local plan period is to the end of 2036.

The new plan-making system and requirements

3.8 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.

3.9 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 city council must:

a) Give notice of its intention to commence a new M&WLP by 31 December 2026; and
b) Publish a Gateway 1 self-assessment by 30 April 2027, which will be the start of the 30-month period during which the new plan must be prepared, examined, and adopted.

3.10 As part of the guidance, the Government has indicated that if an authority fails to progress with its plan-making, they will consider intervening to accelerate progress.

3.11 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.

3.12 The above legislation introduces the details of the new plan-making system which includes 11 ‘tasks’ that are required to be completed in sequence. These tasks comprise the following:

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 throughout the process. The timetable may be published in advance of the Intention to Commence but must be published no later than on the same day as the Intention to Commence.

ii. **Give notice of intention to commence 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’ (i.e., 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 Spatial Development Strategy (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 and finalise 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 inspectors will provide the authority with their recommendations and reasons.

xi. **Adoption** – If the plan is found sound, it is ready to be adopted by the authority.

3.13 The Government is also in the process of a fundamental overhaul of the National Planning Policy Framework (NPPF) to align with the new plan-making system. A consultation on a draft version took place from December 2025 to March 2026 and the final NPPF is currently expected to be published in summer 2026.

<u>Minerals & Waste Local Plan – Options and Proposal</u>

3.14 As a legislative requirement, Leicester City Council has a statutory duty to give notice of intention to commence plan-making by 31 December 2026; and to complete the process within specific timescales. The options open to the city council are:

a) To prepare an M&WLP for the city council administrative area only; or
b) To prepare a joint M&WLP with Leicestershire County Council and Rutland County Council (subject to their agreement) which would cover the administrative areas of all the participating authorities.

3.15 The joint plan is the preferred approach. The reasons for this include:

a) 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. The movement of minerals and waste regularly crosses authority boundaries and needs to be planned for at larger spatial scales. 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 Leicestershire and

Rutland County Councils would align with the expected geography of the emerging SDS and other more advanced strategic policy such as the Local Nature Recovery Strategy.

b) Data on aggregates production within Leicester is currently limited. The city council has not produced a local aggregates assessment for many years. In line with national planning policy, the city council has designated minerals safeguarding areas. However, it is considered that there are no areas where it would be possible now or in the foreseeable future to sustainably extract these minerals due to the extensive size of workings required for extraction. Consequently, no extraction of primary land-won aggregates occurs within Leicester. There are some facilities within the city that produce recycled aggregates. However, the quantities of recycled aggregates produced within the city are unknown. A joint M&WLP with Leicestershire and Rutland County Councils would allow the three authorities to plan for and monitor the entire functional area.

c) Due to the highly urbanised nature of Leicester and its constrained boundaries, it is not appropriate for the city to accommodate certain types of waste facilities, including those for inert recovery, non-hazardous landfill, hazardous recovery and treatment, and hazardous landfill facilities. There are also very limited location options for facilities that are more suited to rural locations, such as composting and anaerobic digestion plants. Again, a joint M&WLP with Leicestershire and Rutland County Councils would allow the three authorities to plan for and monitor the entire functional area.

d) Through working collaboratively on a joint M&WLP, Leicester City Council, Leicestershire County Council, and Rutland County Council will benefit from pooling the resources available to each authority. A joint M&WLP would avoid the duplication of work that would happen if each authority was to pursue its own M&WLP. Furthermore, sharing the workload of preparing a joint M&WLP amongst the planning officers of the three participating authorities should mean that the plan could be prepared more efficiently, helping ensure that it can be prepared and adopted within the new planning system's 30-month timeframe.

e) Another key issue is the timing of plan preparation with that of Local Government Reorganisation (LGR). The boundaries associated with any new unitary authority(ies) is uncertain. Whilst this is expected to be resolved before formal plan-making is required to start, any delays to a decision would create uncertainty as to the area to be planned for. Preparing a plan across the LLR authorities would mitigate any issues that could arise from LGR delay and boundary uncertainty.

f) The preparation of a joint plan across multiple authorities will achieve some savings through efficiencies of scale. Whilst it is not possible to calculate a figure at this stage, it is reasonable to assume savings through the sharing of staff and resource and/or a proportional contribution from other authorities towards the cost of preparing the M&WLP. Recognising the financial pressures all authorities are under, joint plan-making would be a positive approach.

3.16 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.

3.17 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 currently uncertain authority boundaries, and the sharing of resources mean that pursuing a joint plan is the recommended approach.

4. Next Steps

4.1 If authorisation is given to work with Leicestershire and Rutland County Councils to prepare a Joint M&WLP covering the three authority areas and is agreed to by all participating authorities, then it is intended that a report seeking authorisation to publish the timetable and Intention to Commence is brought to the Lead Councillor in autumn 2026. This report will also set out governance arrangements for joint plan-making across the participating authorities.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

This report proposes that we collaborate with Leicestershire County Council and Rutland Council in the creation of a Waste & Minerals Local Plan. It is currently unclear how much the creation of the plan will cost over the next 3 years, in part because we have no experience of the new arrangements. Some work is being undertaken nationally, and this will reduce costs, and the cost to Leicester City will be lower as a result of working in partnership. There are no specific budgets identified towards this work, so Finance should be advised as work progresses and estimated costs start to crystalise.

Stuart McAvoy - Head of Finance
8th June 2026

5.2 Legal implications

There are no legal implications relating to the decisions requested in the report. The requirements on local authorities to produce plans together with a note relating to failure to comply are set out the report. Should the joint plan not be progressed, there would still be opportunity for a timely single authority plan process.

Zoe Iliffe, Principal Lawyer (Property Highways & Planning)
10/06/2026

5.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't. Protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The report is seeking approval to prepare a joint Minerals and Waste Local Plan (M&WLP) in partnership with Leicestershire and Rutland County Councils, covering the geographical area of Leicester, Leicestershire and Rutland (LLR). The 30-month statutory timeline needs to ensure that due regard has been paid to the aims of the PSED, and meaningful consultation on the plan will be an important method of collating evidence around any potential equality's implications. It is recommended that an Equality Impact Assessment (EIA) be undertaken to ensure equality considerations are embedded as part of the evaluation process. Building an evidence base is a vital part of an EIA and should include protected characteristic groups (through established groups, support organisations and individually as part of a representative sample of consultees) and other groups at risk of exclusion. A key part of this will be understanding how current policy and issues affect different groups. This will be an iterative process and should be undertaken in such a way that equalities considerations influence the final decision.

Where disproportionate negative impacts on any protected characteristic/s are identified, decision makers must consider steps to mitigate those impacts. It is important that, throughout the process of decision making, decision makers are aware of and act upon their duty to pay due regard to the PSED.

Sukhi Biring, Equalities Officer
10 June 2026

5.4 Climate Emergency implications

This report directly addresses action 6.02 of the Climate Ready Leicester Plan, the target of which is to facilitate waste management development in a sustainable manner, which addresses the need to produce less waste, to significantly increase levels of reuse and

recovery of the waste that is generated and to move away from reliance on landfill as a means of disposal.

Phil Ball, Sustainability Officer, Ext 372246
12th June 2026

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

6. Background information and other papers:

7. Summary of appendices:

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No.

9. Is this a "key decision"? If so, why? No.