

Worcestershire Minerals and Waste Local Development Scheme (February 2025 – December 2027)

This scheme has been prepared in compliance with the Planning & Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

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1. Introduction

Purpose of the Minerals and Waste Local Development Scheme

- 1.1. The County Council is the Minerals and Waste Planning Authority for Worcestershire and is responsible for all minerals and waste planning matters in the county.
- 1.2. The Minerals and Waste Local Development Scheme (MWDS or LDS) is intended to set out the Council's priorities for producing planning policy documents over the coming three-year period. It is currently a requirement of the Planning and Compulsory Purchase Act 2004 (as amended) that each Local Planning Authority should produce an LDS, which must include any Development Plan Documents it intends to publish, their area of coverage, subject matter and a timetable indicating the main milestones of production and revision.¹

Uncertainty affecting updates to the Minerals and Waste Local Development Scheme

- 1.3. The Planning and Compulsory Purchase Act allows the Council discretion to revise the LDS "at such time as they consider appropriate" (S15 (8)), but Government guidance² suggests that the LDS is expected to be reviewed and updated at least annually and may need updating more frequently if there are any significant changes in the timescales or the plans being prepared.
- 1.4. The LDS has previously been updated periodically to reflect changes to timetables to ensure it provides a useful source of information for interested parties and meets the requirements of the Planning and Compulsory Purchase Act 2004.
- 1.5. Worcestershire County Council Cabinet resolved on 24th September 2020 that during the period 2020-2023, the Strategic Director of Economy and Infrastructure be delegated authority, in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure, to approve updates to the Mineral and Waste Local Development Scheme, subject to call-in, and that an updated Mineral and Waste Local Development Scheme be returned to Cabinet for approval in 2023.
- 1.6. However, during 2023 the Levelling Up and Regeneration Bill was being progressed in parliament and, due to significant uncertainties about the implementation of a revised plan-making system, it was considered that it was not possible to produce a meaningful update to the Local Development Scheme at that stage.³

¹ The Levelling Up and Regeneration Act 2023 includes provisions to remove the requirement for planning authorities to produce a Local Development Scheme and instead to prepare and maintain a "local plan timetable" (Schedule 7). However, these provisions have not yet been brought into effect.

² Ministry of Housing, Communities and Local Government, Planning Practice Guidance: "Plan-making" Paragraph: 035 Reference ID: 61-035-20190723, Revision date: 23 07 2019

³ Record of Officer Executive Decision (03 August 2023)

https://www.worcestershire.gov.uk/sites/default/files/2023-09/7.lds_delay_roed.pdf.

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- 1.7. Whilst the Levelling Up and Regeneration Act received Royal Assent in October 2023, the provisions relating to plan-making have not yet been brought into effect. Secondary legislation and changes to national policy and guidance are anticipated, but the detail and timing of these is not yet known. However, the current government has stated that it intends “to implement the new plan-making system as set out in the Levelling-up and Regeneration Act from summer or autumn 2025”.⁴
- 1.8. There are still therefore significant uncertainties which prevent the preparation of a traditional LDS setting out anticipated timescales for known stages of plan-making, but this LDS has been produced in order to:
 - report progress made since the publication of the previous LDS;
 - inform interested parties about the cessation of preparation of the Mineral Site Allocations Development Plan Document (subject to Cabinet’s approval of this LDS); and
 - provide a timetable of the activities to be undertaken over the course of the next two years to prepare for the development of a new Waste Local Plan for Worcestershire under the anticipated new plan-making system.
- 1.9. The timetable set out in this LDS reflect the direction of travel indicated by the Government consultations outlined above, but will be subject to change as the governments timescales for implementation become clearer and the exact requirements of the new plan-making system are published. This will require the development of a new “Minerals and Waste Plan Timetable” in due course.
- 1.10. This Local Development Scheme came into effect on 12th February 2025. It covers the period February 2025 to December 2027 and replaces the previous LDS dated July 2022.
- 1.11. The Local Development Scheme is available on the Worcestershire County Council website at: www.worcestershire.gov.uk/lids. A printed copy is also available on request.
- 1.12. If you have any questions about the LDS or how to access it, please contact the Mineral and Waste Planning Policy Team by e-mail: minerals@worcestershire.gov.uk or wcs@worcestershire.gov.uk or telephone 01905 766374.

⁴ [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system). Chapter 12, paragraph 11.

2. Progress made since the previous LDS and reasons for review

- 1.13. Despite the uncertainties outlined above, progress has been made since the publication of the LDS in July 2022, as outlined below.

Minerals Local Plan

- 1.14. Since the July 2022 LDS came into effect, the Minerals Local Plan (including the modifications recommended in the Inspectors' report) was adopted by full Council on 14th July 2022, superseding the "saved" policies in the County of Herefordshire and Worcestershire Minerals Local Plan (April 1997). This took place in Q3 of 2022, in line with the timetable set out in the July 2022 LDS.
- 1.15. The Worcestershire Minerals Local Plan is now part of the Development Plan and is being used by Worcestershire County Council's planning officers and Planning and Regulatory Committee to make decisions about planning applications for mineral extraction, processing and restoration. It is also being used by the City, Borough and District Councils in Worcestershire to ensure other types of development do not lead to sterilisation of mineral resources where this should be avoided, or negatively impact mineral infrastructure.

Mineral Site Allocations Development Plan Document (DPD)

- 1.16. The July 2022 LDS anticipated consultation on the Preferred Options draft of the Mineral Site Allocations DPD in Q2-Q3 2023. However, it also highlighted that there were significant uncertainties inherent in the timetable, including that there was *"potential for significant reforms to planning legislation and policy through the Levelling Up and Regeneration Bill which was put before parliament in May 2022, but it is not yet known what the implications of this might be for the timescales of developing and adopting the Mineral Site Allocations DPD. It is very likely that the LDS will need to be revised during the course of the development of the Mineral Site Allocations DPD."*
- 1.17. Following the publication of the July 2022 LDS, progress continued until August 2023 on assessing sites and on the preparation of the draft Mineral Site Allocations DPD for consultation in Q2-Q3 2023 as scheduled.
- 1.18. A statement (text included in Appendix 3 of this LDS) was published on 8th September 2023 setting out that Worcestershire County Council was delaying the development of the Mineral Site Allocations DPD due to uncertainties about changes to national policy and legislation. These national changes included proposed legislative requirements for developing planning policy documents under the (then) Levelling Up and Regeneration Bill, as well as published changes to the National Planning Policy Framework, and further anticipated changes to national policy to implement proposals in the Bill.
- 1.19. The 2023 consultation on implementing plan-making reforms stated that plan-makers would have until 30 June 2025 to submit plans under the current legislation, with examinations to be concluded and plans adopted by 31 December 2026. However, the 2024 consultation included a section on "Transitional arrangements for emerging plans

in preparation” which updated this, stating that plans would need to be submitted for examination under the existing 2004 Act system no later than December 2026.

- 1.20. Whilst this is a significant extension to the previous proposals, the steps which would be required in order to progress the DPD to submission are unlikely to be achievable within this timeframe, particularly when restrictions associated with the Council’s elections in 2025 are taken into account. If the Council were to continue with the preparation of the Mineral Site Allocations DPD but this deadline were not met, it would not be possible to simply submit the DPD under the new legislative regime as different requirements would apply. The Levelling Up and Regeneration Act 2023 indicates that the preparation, submission and examination of separate site allocation documents will no longer be possible under the new legislation.
- 1.21. Although the Minerals Local Plan commits to the preparation of a Mineral Site Allocations DPD to allocate specific sites and preferred areas in order to help facilitate mineral development and provide certainty for communities and developers, nonetheless the Minerals Local Plan includes a comprehensive suite of policies which will facilitate the consideration of any planning applications which come forward. A number of planning applications have already been received and are under consideration for some of the sites previously put forward to be considered for allocation. In any case, it is likely that these applications will be determined more quickly than the DPD could be progressed to adoption.
- 1.22. The level of financial risk associated with continuing to develop the Mineral Site Allocations DPD is considered to significantly outweigh the potential benefits offered given that it is highly unlikely that the DPD would reach submission and adoption within the allowed timescales for transition.
- 1.23. In addition, there is now some urgency to review and replace the Waste Core Strategy (as outlined below), and it is not possible to progress both workstreams with current resources.
- 1.24. It is therefore no longer considered that producing the Mineral Site Allocations DPD is the most appropriate use of the Council’s resources at this time. Subject to approval of this LDS by resolution of the Cabinet, the preparation of the Mineral Site Allocations DPD is therefore formally ceased.
- 1.25. Any future mineral site allocations are likely to be progressed as part of the review of the Minerals Local Plan under the new plan-making regime, which will follow after the development of the Waste Plan.

Review of the Waste Core Strategy for Worcestershire

- 1.26. The Waste Core Strategy was adopted in 2012 and plans for the period up to 2027.
- 1.27. Under Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities must review local plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.
- 1.28. The Authority Monitoring Report published in July 2020 included a statement on the review of the Waste Core Strategy. This concluded that although the majority of the

objectives of the Waste Core Strategy were being delivered, there were some areas which need to be addressed through policy revisions. In addition, the Waste Core Strategy is now approaching the end of the period it was intended to cover.

- 1.29. The July 2022 LDS anticipated that work on the detailed review of the Waste Core Strategy to establish the scope and purpose of a revision would be undertaken in Q2 2023 to Q2 2024, with preparatory work and development of “Issues and Options” consultation documents commencing from Q2 2024 and continuing beyond Q2 2025 (the period covered by the July 2022 LDS). Work began in Q4 2023.
- 1.30. Due to the uncertainties outlined above, focus since Q4 2023 has been given to workstreams which were considered most likely to be required and least likely to change with the implementation of the new planning system. This is primarily the collection and analysis of data about the scale of waste arisings and waste management capacity to inform a “Waste Needs Assessment”, and work to establish an annual programme for monitoring and evidence gathering which will ensure the plan is based on up-to-date information as it is developed and ensure that the Council is well placed to undertake review and revision of the mineral and waste plan in due course. This work is ongoing, as set out below.
- 1.31. Once the relevant provisions are brought into effect, the Levelling Up and Regeneration Act 2023 will require minerals and waste planning authorities to prepare one or more documents which are to be known collectively as their “minerals and waste plan”. As the Minerals Local Plan is up to date (adopted in 2022), the intention is to prioritise the preparation of a separate Waste Plan under the new legislation.
- 1.32.

3. Workstreams February 2025 to December 2027

- 1.33. Over the course of the next three years, Worcestershire County Council aims to ensure it is in the best possible position to develop a new Waste Plan to replace the Waste Core Strategy, and subsequently to review the Minerals Local Plan, within the requirements of the new plan-making system.

It is anticipated that the new plan-making system will include changes with the primary aim of significantly speeding up plan-making. Previous government consultations have suggested measures such as a 30-month timeline for formal stages of plan development (with acknowledgement that there would be scoping and early participation activities which need to take place prior to the commencement of the 30-month period), and interim “Gateway Assessments” which are intended to identify any issues earlier in the process and therefore speed up the Examination stage. These or other measures will need to be confirmed through Regulations and national policy.

- 1.34. The Council will not undertake any formal public engagement (such as notifying and inviting views on what the plan should contain, feedback on key issues that should be addressed, and how communities and key stakeholders would like to be engaged throughout the process) until such time as there is sufficient clarity about how the new plan-making system will be implemented and what statutory and regulatory requirements must be met.
- 1.35. However, on the basis of the government’s most recent expectation that it will “implement the new plan-making system as set out in the Levelling- up and Regeneration Act from summer or autumn 2025”,⁵ the following workstreams and activities will be undertaken:

1. Developing a Waste Needs Assessment:

- The Waste Needs Assessment will form the primary evidence base for the scale and type(s) of waste management development which the new Waste Plan will need to plan for and will inform the plan’s spatial strategy.
- This workstream commenced in Q3 2023, with work undertaken to date including:
 - gathering, cleansing and analysing baseline data on waste arisings and management capacity,
 - considering options for establishing baselines which meet the requirements of the current Planning Practice Guidance, and recording any assumptions where the available data is not 100% complete or robust, and

⁵ [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system). Chapter 12, paragraph 11.

- gathering information about the waste management facilities in Worcestershire to enable digitisation of site locations.
- Remaining stages of the development of the Waste Needs Assessment will involve:
 - establishing the baseline waste arisings by waste stream and analyse recent trends,
 - establish the baseline of waste management capacity in the county by waste stream and type of waste management facility and analyse recent trends,
 - digitising locations of existing waste management facilities, analyse trends in scale of different types of waste management facilities, and analyse spatial distribution of waste management capacity,
 - developing anticipated projections for different waste streams, including research and analysis of regulatory, policy and other drivers of change across different waste streams and waste management technologies,
 - analysing the scale of waste movements into and out of the county, and liaise with other waste planning authorities to explore potential strategic matters,
 - calculating the scale and timing of capacity gaps for different waste streams and/or types of waste management facilities,
 - for each of the above tasks, building in mechanisms for ongoing monitoring to inform the plan-making and review cycle, and
 - recording the data sources, assumptions and methodologies used in a format suitable for consultation with both technical experts and members of the public.
- The Waste Needs Assessment workstream is anticipated to continue from Q1 2025 through to Q4 2025.

2. Preparing a draft Project Initiation Document for the Waste Plan

- The 2023 consultation⁶ proposed that a digital Project Initiation Document template may be provided by government, and that this document will form the basis of discussions at the first “gateway assessment”. It should set out the context, trends and possibilities of the plan area. It should:
 - i. define the scope of the plan and identify evidence required to create a sound plan;
 - ii. identify any local issues likely to be relevant to the plan or environmental assessment;

⁶ [Plan-making reforms: consultation on implementation - GOV.UK \(www.gov.uk\), paragraph 49.](https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation)

- iii. set out the project management, governance, risks to delivery and resourcing arrangements; and
 - iv. outline the overall approach to community and stakeholder engagement.
- It will only be possible to define the Council's expectations of what will be included in the Waste Plan and what is not in scope once more details are known about the requirements for plan-making through the publication of regulations and policy..
 - The Waste Needs Assessment will provide a starting point for the identification of local issues specifically relating to waste arisings and management capacity. A review of other existing evidence base documents will be required to identify other local issues relevant to the plan or environmental assessment, as well as identifying any gaps where other evidence may need to be gathered.
 - Some work may be possible to set out the project management, governance, risks to delivery and resourcing arrangements in the short term, but this will be limited until more details are known about the requirements for plan-making through the publication of regulations, policy, and the digital Project Initiation Document template.
 - It will only be possible to draft an approach to community and stakeholder engagement once more details are known about the requirements for digital and other engagement through the publication of regulations and policy.
 - The Council does not currently use any specialist plan-making software. Over the last few years, the Government has sought to grow the market for plan-making software solutions to help facilitate more efficient plan-making processes and effective community engagement. This specialist software could help to facilitate internal processes for the development of policies, engagement with stakeholders and communities, the management and consideration of consultation responses, and the submission and consideration of spatial data. This would facilitate the development of plans within the proposed challenging timescales. Consideration will need to be given to software options and a business case developed to identify whether there would be a benefit to Worcestershire for such software, once more details are known about the requirements for plan-making and for digital and other engagement.
- v. **Procure specialist consultants**
- The development of mineral and waste plans requires a number of assessments and appraisals to be undertaken. These provide information for the development of plans, as well as ensuring that legal obligations are fulfilled. This includes:
 - **Equality Impact Assessment.** Undertaking an Equality Impact screening, and full assessment if required, ensures that consideration is given to the likely effects on people in respect of protected characteristics, both in terms of the process of developing a plan and

the policies it contains. This facilitates and evidences compliance with the Public Sector Equality Duty⁷.

- **Habitat Regulations Assessment.** As a competent authority, the Council must carry out assessment under the Habitats Regulations⁸ to test if a plan could significantly harm the designated features of a protected European site.
 - **Strategic Flood Risk Assessment.** The National Planning Policy Framework requires local planning authorities to produce Strategic Flood Risk Assessments as evidence to inform local development plans and policies. They should assess the risk from all sources of flooding, any cumulative impact that development or changing land use would have on the risk of flooding, and the effect of climate change on flood risk. They should also identify opportunities to reduce the causes and impacts of flooding, and any land likely to be needed for current and future flood risk management features and structures.
 - **Sustainability Appraisal** (incorporating the requirement for Strategic Environmental Assessment).⁹ A sustainability appraisal is a systematic process for the consideration of ways by which a plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal is an iterative process informing the development of the plan.
- Many of these require specialist input, and appropriate consultants will need to be procured. However, it will be necessary to have more clarity on the timescales for implementation of the new planning system and how these assessments are to be integrated in to the proposed new Gateway Assessment stages before accurate tender specifications can be prepared.
 - In addition, Part 6 of the Levelling Up and Regeneration Act 2023 sets out powers to implement a new system of environmental assessment known as Environmental Outcomes Reports to replace the Strategic Environmental Assessment (and therefore likely the wider Sustainability Appraisal) process. There is not yet any detail available about how or when this change will be implemented.

1.36. Subject to Government progress in providing the necessary clarity for the new plan-making system to be implemented in Summer/Autumn 2025, including through publication of Regulations, national policy updates and templates, and unless

⁷ Equality Act 2010.

⁸ The Conservation of Habitats and Species Regulations 2017 as amended.

⁹ Part 6 of the Levelling Up and Regeneration Act 2023 sets out powers to implement a new system of environmental assessment known as Environmental Outcomes Reports. This is not yet implemented, but the intention is for Environmental Outcomes Reports to replace the EU-derived Strategic Environmental Assessment and Environmental Impact Assessment processes.

Government directs when the Council can or must commence plan-making,¹⁰ the following timescales are the earliest each stage of plan development may be anticipated to take place:

- Q4 of 2025 – Consultation notifying and inviting views on what the plan should contain, feedback on key issues that should be addressed, and how communities and key stakeholders would like to be engaged throughout the process
- Q1-Q2 of 2026 – Consider consultation responses and prepare Project Initiation Document
- Q2 of 2026 - Give four months' notice of start of plan-making
- Q3 of 2026 – Submit for Gateway 1 (which lasts 4-6 weeks)
- 2027 – undertake plan visioning and strategy development, evidence gathering, drafting the plan, and potentially public consultation and Gateway 2.

3. Annual programme for monitoring and evidence gathering

- It is currently a statutory requirement that the Council prepares an Authority Monitoring Report (AMR)¹¹ under section 35(2)(3) and (4) of the Planning and Compulsory Purchase Act and Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Levelling Up and Regeneration Act 2023 makes provision (in Schedule 7, 15LC) for the Secretary of State to be able to prescribe for similar monitoring information requirements.
- The AMR must include information about the implementation of the Local Development Scheme, and the extent to which policies set out in the Development Plan are being achieved and implemented.
- During 2024, officers have taken stock of the requirements in the above legislation and the types of data which an ongoing programme of monitoring and evidence gathering could provide to ensure the Council is well placed to undertake review and revision of mineral and waste plans within challenging timescales. The proposed programme includes:
 - Local Aggregate Assessment
 - The National Planning Policy Framework requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates in various ways, including by preparing an

¹⁰ The 2023 [Plan-making reforms: consultation on implementation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation) proposed a number of options for rolling out the new system, including placing authorities in to cohorts or “waves”, each allocated a 6 month plan-making commencement window in order to avoid overwhelming the system with too many authorities progressing to Gateway Assessments and Examination at the same time. It has not been confirmed whether or how this will be implemented.

¹¹ Formally called the “Minerals and Waste Local Development Scheme Authority Monitoring Report”. Available at www.worcestershire.gov.uk/amr.

annual Local Aggregate Assessment (LAA). The Mineral Planning Authority must also participate in the operation of an Aggregate Working Party (for Worcestershire County Council, this is the West Midlands Aggregate Working Party), and take into account the advice of the Aggregate Working Party when preparing the Local Aggregate Assessment.

- As part of the operation of the Aggregate Working Party, a survey is undertaken annually of aggregate mineral operators to establish the level of sales and remaining permitted reserves, and Government commissions a more detailed survey every four years to provide additional data about the scale of movements of aggregate minerals between regions.
 - The LAA forecasts future demand for aggregates based on a rolling average of 10 years' sales data (using the survey data referred to above), consideration of other relevant local information and an assessment of all supply options. It uses this information to set an annual "production guideline", and calculates the landbank for sand and gravel and for crushed rock in the county to indicate the security of supply.¹²
 - Updating the Local Aggregate Assessment annually and, particularly, understanding the aggregate landbank position provides important data for the determination of planning applications, as well as to inform the review and revision of mineral planning policies.
- Local Industrial Minerals Assessment:
 - The National Planning Policy Framework requires Mineral Planning Authorities to plan for a steady and adequate supply of industrial minerals in various ways, including by maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment.¹³
 - There is no established mechanism for the collection of industrial minerals data. The Minerals Local Plan relied on data published in the "Mineral extraction in Great Britain, Business Monitor PA1007" reports for 2005 to 2014. However, the last of these surveys published by Government was 2014.

¹² The National Planning Policy Framework (December 2024) paragraph 226(f) requires Mineral Planning Authorities to maintain "landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock".

¹³ The National Planning Policy Framework (December 2024) footnote 81 states that these reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

- A “Local Industrial Minerals Assessment” (LIMA) will be updated annually to assess the demand for and supply of industrial minerals in the county, to mirror (as far as possible and reasonable) the considerations in the Local Aggregate Assessment. This will include annual surveys of the brick clay, silica sand and brine operators in the county.¹⁴
 - Understanding the scale of permitted reserves of industrial minerals may influence the determination of planning applications, as well as inform the review and revision of mineral planning policies.
- Waste Needs Assessment
- Once the baseline Waste Needs Assessment (using data up to 2023) has been completed, it will be necessary to ensure that the data it contains is kept up to date. Data on waste arisings and waste management capacity in the county will need to be collected annually and considered against projections and targets. The main data sources usually become available in October relating to the previous calendar year (i.e. data relating to 2023 became available in October 2024).
 - Consideration will also need to be given to whether any national and local policy changes are likely to impact on the projections, and whether there are any significant changes to the pattern of waste movements between authorities.
 - Understanding the latest capacity gap position may influence the determination of planning applications, as well as inform the development, review and revision of waste planning policies.

¹⁴ The small number of active sites for each type of industrial mineral may restrict the publication of some commercially sensitive data.

4. Resources and Risk Assessment

Resources

- 1.37. The Council's existing Minerals and Waste Planning Policy team will lead on the development of the Waste Plan and supporting evidence.
- 1.38. This will be supported as required through existing staff and expertise from the wider Planning unit (Place Planning, Development Management, and Environmental Policy) as well as from the Council's Archive and Archaeology, Highways Development Management and Strategy, Sustainability, Countryside and Flood Risk Management teams.
- 1.39. Support and specialist expertise from external consultants will be required to undertake statutory assessments of the plans as they progress (Sustainability Appraisal or Environmental Outcomes Reports, Habitats Regulations Assessment, Strategic Flood Risk Assessment) and may also be required to provide other technical support or specialist expertise. Contracts will be managed by staff in the Minerals and Waste Planning Policy, Strategic Planning, or Environmental Policy teams (as most appropriate) to ensure delivery of specified outputs and outcomes.

Procedures for Member Approval

- 1.40. In order to develop the Waste Plan in a timely and efficient manner the Cabinet authorised¹⁵ the Strategic Director of Economy and Infrastructure in consultation with the Cabinet Member with Responsibility for Economy and Skills¹⁶ to approve the preparation of a new draft Waste Local Plan, carry out informal preliminary consultations on them in accordance with the LDS, and make any amendments to them to create a final draft, without the need for further formal approval by Cabinet. This resolution was updated at the Cabinet meeting of 6th February 2024 to reflect the anticipated terminology change to "Waste Plan".
- 1.41. However, the statutory Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) require that the plans must be approved by Cabinet and Council before submission to the Secretary of State for Examination and subsequently approved by them for adoption. The Waste Plan will therefore be submitted to Cabinet and Council for approval before it is submitted to the Secretary of State for examination.
- 1.42. In addition, all of the Council's Members will be consulted as part of every formal consultation and will be contacted as appropriate to inform them of any specific matters which might affect their division.
- 1.43. It is possible that the Regulations to implement the new plan-making system may specify other procedures for member involvement in the development of plans. If this is the case, a further resolution may be required by Cabinet.

¹⁵ Cabinet meeting of 12 July 2018, Minute 1863.

¹⁶ Formerly the Cabinet Member with Responsibility for Economy and Infrastructure

Risk Assessment

- 1.44. The Council recognises that there are risks in delivering any Local Development Scheme. Some of these risks are within the Council's control and some are not. Some have the potential to cause a plan to fail tests of soundness or legal compliance, whilst others could cause delays to timescales.
- 1.45. The main areas of risk are set out below.
- Changes in external context (national policy and guidance, legislation, or other parts of the Development Plan)
 - Timescales for the production of evidence can be difficult to accurately anticipate, particularly where this is original work and no standard templates exist, and unanticipated difficulties can be encountered such as data issues or complex options with potential for downstream implications (such as for ongoing monitoring and implementation).
 - Unexpected issues or major objections raised through public consultation
 - Statutory assessments (such as Sustainability Appraisal, Habitats Regulations Assessment, Strategic Flood Risk Assessment, Equality Impact Assessment)
 - Unexpected staffing and resourcing issues
 - Timescales for decision making and political processes, including pre-election restrictions.
 - Ability of stakeholders (particularly statutory consultees) to participate and provide advice on policy development outside statutory stages
 - Capacity of the Planning Inspectorate
 - Legal challenges.
- 1.46. Whilst potential impacts from these areas of risk and ways to overcome them have been considered as far as possible in developing the programme in this Local Development Scheme, this is a time of significant change and uncertainty for the planning system. The Local Development Scheme will need to be revised when more detail is available about the implementation of the new plan-making system through the publication of Regulations and revised national planning policy.

5. Monitoring and Review

- 1.47. Under Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities must review local plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. This does not necessarily mean that wholesale revision will be required, but the government anticipates that most plans are likely to require revising in whole or in part at least every five years. It is not yet clear whether this requirement will be retained or altered when regulations are updated to bring the plan-making provisions of the Levelling Up and Regeneration Act 2023 into effect. However, the direction of travel from Government indicates that there will be a continued requirement to keep plans up to date.
- 1.48. As the Minerals Local Plan was adopted in 2022, it will fall due for a review in 2027. Due to the uncertainties of the implementation of the new plan-making system, and the need to prioritise the development of a new Waste Plan, no work on a formal review or revision of the Minerals Local Plan is timetabled during this LDS. However, the ongoing programme of monitoring and evidence gathering proposed in Chapter 3 will ensure the Council is well placed to undertake review and revision of the plan in due course.
- 1.49. It is a statutory requirement¹⁷ that the Council prepares an Authority Monitoring Report¹⁸ (AMR) to assess progress in the implementation of the Local Development Scheme and the extent to which the objectives of Worcestershire County Council's adopted development plan documents are being achieved or are still relevant.
- 1.50. In relation to each document included within the LDS, monitoring must be carried out on:
- The timetable included for that specific document;
 - The stage that the document has reached in the production process; and
 - If the document is behind the timetable set out in the LDS, the reasons for this.
- 1.51. The AMR will be published as soon as practical after the relevant data becomes available. The AMR both informs the council's own work and feeds into the preparation of Local Development Documents produced by the County, District and Borough Councils. As well as progress in plan-making, this will be the opportunity to report on the monitoring indicators in adopted Local Plans to assess policy performance. The AMR will provide the evidence to consider whether there is a need to review the Development Plan Documents adopted by Worcestershire County Council prior to the date of review set in those documents.

¹⁷ Authority Monitoring Reports are currently required under section 35(2)(3) and (4) of the Planning and Compulsory Purchase Act and Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Levelling Up and Regeneration Act 2023 makes provision (in Schedule 7, 15LC) for the Secretary of State to be able to prescribe for similar monitoring information requirements to be met.

¹⁸ Formally called the "Minerals and Waste Local Development Scheme Authority Monitoring Report". Available at www.worcestershire.gov.uk/amr.

Appendix 1: Minerals and Waste Development Framework Project Plan Schedules

Table 1. Schedule for the development of a new Waste Plan

Note: The following schedule is the earliest each stage of plan development may be anticipated to take place, and is subject to Government progress in providing the necessary clarity for the new plan-making system to be implemented in Summer/Autumn 2025, including through publication of Regulations, national policy updates and templates.

Key: **C** = Completed, **S** = Scheduled

Activity	Q2 - 2025	Q3 - 2025	Q4 - 2025	Q1 - 2026	Q2 - 2026	Q3 - 2026	Q4 - 2026	Q1 - 2027	Q2 - 2027	Q3 - 2027	Q4 - 2027	Beyond the period of this LDS
Developing a baseline Waste Needs Assessment	S	S	S									
Preparing a draft Project Initiation Document		S	S									
Procure specialist consultants			S	S								
PUBLIC PARTICIPATION: Consultation notifying and inviting views			S									
Consider consultation responses and prepare Project Initiation Document				S	S							
Give four months' notice of start of plan-making					S							
Submit plan for Gateway 1 assessment						S						
Gateway 1 assessment (4-6 week duration)						S	S					
Undertake plan visioning and strategy development, evidence gathering and drafting the plan, potentially public consultation and Gateway 2							S	S	S	S	S	Tasks may continue beyond the period of this LDS
Engagement, proposing changes, submission, including public consultation and Gateway 3												Tasks to be scheduled in a future LDS or Minerals and Waste Plan Timetable

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Activity	Q2 - 2025	Q3 - 2025	Q4 - 2025	Q1 - 2026	Q2 - 2026	Q3 - 2026	Q4 - 2026	Q1 - 2027	Q2 - 2027	Q3 - 2027	Q4 - 2027	Beyond the period of this LDS
Examination												Task to be scheduled in a future LDS or Minerals and Waste Plan Timetable
Finalisation and adoption of digital plan												Task to be scheduled in a future LDS or Minerals and Waste Plan Timetable

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Table 2. Programme of annual monitoring and evidence gathering activities

Key: **C** = Completed, **S** = Scheduled

Activity	Q2 - 2025	Q3 - 2025	Q4 - 2025	Q1 - 2026	Q2 - 2026	Q3 - 2026	Q4 - 2026	Q1 - 2027	Q2 - 2027	Q3 - 2027	Q4 - 2027
Local Aggregate Assessment and Local Industrial Minerals Assessment – survey of mineral operators	S				S				S		
Local Aggregate Assessment and Local Industrial Minerals Assessment – data analysis and document drafting		S	S			S	S			S	S
Local Aggregate Assessment – consultation with Aggregate Working Parties			S				S				S
Local Aggregate Assessment and Local Industrial Minerals Assessment – publication			S	S			S	S			S
Waste Needs Assessment – analyse national and local policy changes for impacts on projections		S	S			S	S			S	S
Waste Needs Assessment – collect and analyse latest waste arisings and waste management capacity data			S	S			S	S			S
Waste Needs Assessment – publication				S				S			
Publish summary of monitoring information and evidence gathering (Authority Monitoring Report)				S				S			

Appendix 2: Key tasks and stages in planning policy development

All references to Regulations in this section refer to The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This appendix will be updated once detail of the new plan-making system is available.

Table 3. Key tasks at each stage of plan development

Stage	Key tasks
Initial stages of plan development or revision, prior to first consultation	<p>Establish purpose and scope of plan development or revision, based on:</p> <ul style="list-style-type: none"> • Analysis of evidence, develop documented evidence base • Consideration of national policy and guidance • Consideration of key strategic matters with other authorities and bodies under Duty to Cooperate <p>Develop document for consultation:</p> <ul style="list-style-type: none"> • Outline the issues arising from evidence base, national policy and strategic matters which the plan intends to address • Develop broad options for vision & objectives, policies and monitoring framework, setting out pros and cons of the various options • Develop draft site selection criteria and undertake “call for sites”, if appropriate • Develop consultation questions <p>Once consultation document is fully drafted:</p> <ul style="list-style-type: none"> • Undertake statutory assessments, including Sustainability Appraisal, Habitats Regulations Assessment, Equality Impact Assessment
Issues and Options Consultation (Regulation 18)	<ul style="list-style-type: none"> • Consultation on whether all relevant issues have been included, whether additional evidence needs to be considered, and what options should be taken forward • Minimum of 6 week consultation period • Consultation in line with Statement of Community Involvement
Tasks to develop from Issues and Options stage to Preferred Options stage	<p>Take stock:</p> <ul style="list-style-type: none"> • Consider consultation responses • Consider recommendations from statutory assessments • Consider any changes to national policy and guidance • Update evidence base • Undertake further consideration of key strategic matters with other authorities and bodies under Duty to Cooperate <p>Assess sites:</p> <ul style="list-style-type: none"> • Develop robust site selection methodology

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Stage	Key tasks
	<ul style="list-style-type: none"> • Undertake site visits and assessments (such as Strategic Flood Risk Assessment, landscape, historic environment, transport, biodiversity and amenity assessments) • Further calls for sites may be necessary if sufficient options are not available to meet the level of need over the life of the plan <p>Refine document for consultation:</p> <ul style="list-style-type: none"> • Refine vision, objectives, policies and monitoring framework into a “preferred option”, setting out why this option is preferred • Develop consultation questions <p>Once consultation document is fully drafted:</p> <ul style="list-style-type: none"> • Document design and printing • Undertake further iteration of statutory assessments, including Sustainability Appraisal, Habitats Regulations Assessment, Equality Impact Assessment
Preferred Options Consultation (Regulation 18)	<ul style="list-style-type: none"> • Consultation on all aspects of the document • Minimum of 6 week consultation period • Consultation in line with Statement of Community Involvement
Tasks to develop from Preferred Options stage to Pre-submission Publication stage	<p>Take stock:</p> <ul style="list-style-type: none"> • Consider consultation responses • Consider recommendations from statutory assessments • Consider any changes to national policy and guidance • Update evidence base • Undertake further consideration of key strategic matters with other authorities and bodies under Duty to Cooperate <p>Refine document for submission:</p> <ul style="list-style-type: none"> • Refine vision, objectives, policies and monitoring framework into a final version which the Council intends to submit to the Secretary of State • Prepare pre-submission questions and guidance notes in line with legislative requirements <p>Once consultation document is fully drafted:</p> <ul style="list-style-type: none"> • Document design and printing • Undertake further iteration of statutory assessments, including Sustainability Appraisal, Habitats Regulations Assessment, Equality Impact Assessment
Pre-submission Publication Consultation (Regulation 19)	<ul style="list-style-type: none"> • Consultation only on whether the plan meets the tests of soundness set out in national policy¹⁹, and whether it is legally compliant (i.e. the document and the way it

¹⁹ Ministry of Housing, Communities and Local Government (December 2024) *National Planning Policy Framework*. Paragraph 36 states that plans are “sound” if they are positively prepared, justified, effective, and consistent with national policy.

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Stage	Key tasks
	<ul style="list-style-type: none"> has been prepared meet all requirements set in relevant legislation) • Minimum of 6 week consultation period • Consultation in line with legislative requirements
Tasks to be completed before the plan can be submitted to the Secretary of State	<ul style="list-style-type: none"> • Appoint a Programme Officer • Consider pre-submission representations • Collate pre-submission representations • Compile submission document library
Submission (Regulation 22)	<ul style="list-style-type: none"> • Submit the document to the Secretary of State, who will appoint an independent Planning Inspector from the Planning Inspectorate
Examination (Regulation 24)	<ul style="list-style-type: none"> • Respond to the Inspector's Matters, Issues and Questions in formal written statements • Public hearing sessions are usually required • Participate in public hearing sessions to answer Inspector's questions • Undertake any further work or develop any modifications necessary to address Inspector's concerns about soundness or legal compliance • Undertake Sustainability Appraisal (and potentially other appraisals or assessments) of modifications • Public consultation on any necessary modifications - Minimum of 6 week consultation period • Participate in any further hearing sessions which the Inspector may require following the responses to consultation on the modifications
Receipt of Inspector's Report (Regulation 25)	<ul style="list-style-type: none"> • This marks the end of the examination • The Inspector's Report will recommend either: <ul style="list-style-type: none"> ○ that the plan should be adopted, ○ that it should be adopted with modifications, or ○ that it should not be adopted. • Publish the Inspector's report
Adoption (Regulation 26)	<ul style="list-style-type: none"> • The plan will be returned to Council with the Inspector's recommendation for the Council to decide whether to adopt the plan. • As soon as possible after adopting the plan: <ul style="list-style-type: none"> ○ Publish the adopted Plan ○ Publish an Adoption Statement ○ Publish the Sustainability Appraisal report
After adoption: monitoring (Regulation 34) and review (Regulation 10A)	<ul style="list-style-type: none"> • Monitoring of the implementation of the plan via the Authority Monitoring Report • Complete a review every five years from the date of adoption to determine whether policies remain relevant and effectively address the needs of the local community

Appendix 3: Statement regarding delays to the preparation of mineral planning policy (8th September 2023)

Worcestershire County Council is delaying the development of its [Mineral Site Allocations Development Plan Document](#) due to uncertainties about changes to national policy and legislation.

This is in response to changes to the legislative requirements for developing planning policy documents which are proposed through the Levelling Up and Regeneration Bill, whose progress through Parliament has also taken longer than anticipated and has not yet received Royal Assent. Recent changes to the National Planning Policy Framework need to be considered, and further changes to national policy are anticipated in order to implement the proposals in the Levelling Up and Regeneration Bill.

A public consultation on the “Preferred Options” draft of the Mineral Site Allocations Development Plan Document had been due to take place in Autumn 2023. The Council has decided to delay this consultation until there is clarity about legislative and policy changes to the plan-making system.

The timescales and requirements for preparing plans under the existing planning system or transitioning to the revised system are not yet clear, and it is not possible to produce a meaningful update to the [Mineral and Waste Local Development Scheme](#) at this stage.

The Council will publish further updates on its website once there is greater clarity on the proposed changes and legislation.

Councillor Marc Bayliss, Worcestershire County Council’s Cabinet Member with Responsibility for Economy, Infrastructure and Skills, said:

“We remain committed to planning for the future needs of our residents and businesses by preparing planning policies which facilitate the supply of essential raw materials in a manner which protects and enhances Worcestershire’s environment and amenity. However, there is too much uncertainty about how national policy requirements will change or what the legislative requirements will be for us to take these documents through to adoption, and therefore we need to pause until the required certainty is provided in the best interests of Worcestershire’s businesses and communities.”

Frequently asked questions

- When will the “Preferred Options Consultation” on the Mineral Site Allocations Development Plan Document take place?
 - Due to uncertainties about changes to national policy and legislation, Worcestershire County Council has decided to delay the development of the Mineral Site Allocations Development Plan Document, including the “Preferred Options Consultation” until any changes to the National Planning Policy Framework can be considered and there is clarity about changes to the wider plan-making system resulting from the Levelling-up and Regeneration Bill.

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- How long is Worcestershire County Council delaying the development of its Mineral Site Allocations Development Plan Document for, and what happens next?
 - At the moment, we do not know how long this delay might be for. We are awaiting Royal Assent of the Levelling-up and Regeneration Bill. In order to implement the Bill following Royal Assent, Government will also need to develop secondary legislation and further changes to national policy and guidance. We will be closely monitoring progress and any communications from the Department for Levelling-Up, Housing and Communities over the coming months to understand how to proceed under the revised planning system. We will publish further updates on our website once there is greater clarity.
- Have any other authorities delayed preparation of their plans?
 - Yes. Many other Local Authorities have delayed or withdrawn their Local Plans since the introduction of the Levelling-up and Regeneration Bill to Parliament in May 2022 and the consultation on changes to the National Planning Policy Framework in December 2022. According to the [Home Builders Federation website](#), as of 7 August 2023 this had affected 60 Local Planning Authorities.
- Does this mean mineral development will not take place on the sites that have been put forward in response to previous calls for sites?
 - A number of sites have been proposed by mineral operators and landowners as sites which they would like to be allocated for mineral working. Worcestershire County Council has not yet made any decisions about which of the sites should or should not be allocated in a future Mineral Site Allocations Development Plan Document. However, Worcestershire County Council adopted the Minerals Local Plan in 2022 and this includes a comprehensive suite of policies which will facilitate the consideration of any planning applications which come forward, for these or any other sites.
- Does the delay to the allocation of specific sites and preferred areas mean that mineral development could take place anywhere in Worcestershire?
 - Worcestershire County Council adopted the Minerals Local Plan in 2022 and this includes a spatial strategy with policies to direct where mineral development should take place. It also includes a suite of Development Management policies to ensure that the environment, economy and amenity are protected and enhanced by mineral development proposals in Worcestershire.
- How will Worcestershire County Council ensure that mineral development in the county complies with local planning policy?
 - Worcestershire County Council adopted the Minerals Local Plan in 2022 and this includes a comprehensive suite of policies which will facilitate the consideration of any planning applications which may come forward. This includes a suite of Development Management policies which will apply to all mineral development proposals, including any sites which are allocated through the separate Mineral Site Allocations Development Plan Document in due course, to ensure that the environment, economy and amenity are protected and enhanced.

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- Does the delay to the development of the Mineral Site Allocations Development Plan Document mean that the supply of minerals from Worcestershire will not be able to keep up with demand?
 - Whilst Worcestershire County Council recognises that greater certainty would be provided by adopting site allocations which would help to ensure the steady and adequate supply of minerals from the county, we are unable to progress the Mineral Site Allocations Development Plan Document at this time due to the uncertainties about changes to national policy and legislation. The Minerals Local Plan adopted in 2022 provides a framework to facilitate the steady, adequate and sustainable supply of locally and nationally important minerals. It includes a comprehensive suite of policies which will facilitate the consideration of any planning applications which come forward.