

Written statement of a budget and policy framework decision
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Title	Approval for submission of Minerals and Waste Local Plan (MWLP)
Decision maker	Cabinet for recommendation to: Council * Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251
Date of decision	23 September 2021
Report exemption class	Open
A notice was served in accordance with Part 3, Section 9 (Publicity in connection with key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	
General exception or special urgency (as defined in the constitution)	No
Purpose	<ul style="list-style-type: none"> • To consider and agree the schedule of suggested main modifications and minor changes (Appendix A) to the Herefordshire Minerals and Waste Local Plan (MWLP or ‘the Plan’) development plan document (DPD) (see background papers), which have been produced following the completion of the pre-submission publication period, consideration of duly made representations and subsequent discussions with statutory undertakers; and • to refer the MWLP, together with the schedule of suggested main modifications and minor changes, to Council with a recommendation that these, along with the Plan’s supporting documents (including updates as necessary), be submitted to the Secretary of State for independent examination, in accordance with section 20(1) of the Planning and Compulsory Purchase Act 2004 (as amended) and regulation 22 of the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended); and • to consider and agree the granting of delegated authority to officers of the council (and their appointed consultants) who will attend the examination to discuss and agree modifications to the MWLP with the Planning Inspector, so that there are no unnecessary delays to the examination process and to

	recommend the approval of such delegated powers to Council.
Decision	<p>That:</p> <ul style="list-style-type: none"> a) the draft MWLP development plan document (see background papers) and the schedule of suggested main modifications and minor changes (Appendix A) be recommended for approval by Council for submission to the Secretary of State for examination in public; b) to agree that the Planning Inspector be invited to recommend any main modifications necessary to the MWLP in order to find it legally compliant and sound; and c) delegated authority be given to the Assistant Director for Regulatory, Environment and Waste and to the Lead Development Manager to agree, with the Planning Inspector, any additional modifications to the MWLP, if it is appropriate and necessary to do so, in order to facilitate efficient progress of the Plan through the examination process. Subsequently, such modifications will be subject to public consultation.
Reason for the decision	<p>As set out in the report. Documents relating to this decision are available at</p> <p>http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?IId=50038634</p>
Options considered	<ol style="list-style-type: none"> 1. Not to progress the MWLP would leave the council in a position where the extant Unitary Development Plan policies are out of date. This would be contrary to the recommendation of the Core Strategy's Planning Inspector, who stated that a separate MWLP should be prepared in accordance with the local development scheme. When adopted, this will form part of the Herefordshire Local Plan. 2. Instead of submitting the MWLP, along with a schedule of suggested main and minor modifications to the Planning Inspector for consideration at the examination, another option would be to alter the text of the Plan and undertake a second regulation 19 (Town and County Planning (Local Planning) (England) Regulations 2012) consultation prior to submission. This option was discussed with the Planning Inspectorate at an Advisory Meeting on the 26 July 2021 and it was considered to be both acceptable and more expedient to continue to the submission stage with the schedule of modifications. (Details about how both the statutory and internal governance consultation requirements have been met during the Plan's development are provided in paragraphs 7-9 and 102-119 below). 3. To undertake a second pre-submission consultation would: significantly delay the progression of the Plan; risk the evidence base which underpins the Plan becoming out of date; mean continued reliance on the out of date saved minerals and waste policies in the Unitary Development Plan; and incur additional consultancy costs. 4. The MWLP and its associated documents are numerous

	<p>and complex, consequently, minor corrections may come to light following the preparation of this report. Not to delegate authority to make and submit additional minor amendments, to be suggested for consideration at examination, is not recommended because it would be impractical to await a further meeting of Full Council to address small adjustments to the Plan's text.</p> <p>5. The Planning Inspectorate (at the Advisory Meeting) suggested that approval be sought from Council to give authority to officers to discuss modifications with the Inspector during the forthcoming examination. This is to ensure that these issues can be dealt with expediently. Not to approve this delegation could significantly delay the examination process and would not be in accordance with the advice of the Planning Inspectorate.</p>
Declarations of interest (see below)	
Call-in expiry date	<p>Budget and policy framework item</p> <p>Under part 4, section 3 of the constitution, this decision is not subject to the usual call-in procedure as it is a budget and policy framework item and therefore must be decided at a meeting of the full Council.</p>

Councillor: Leader of the Council (Councillor D Hitchiner)	Date 23 September 2021
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- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted.