

**Open Report on behalf of Richard Wills
Executive Director for Environment and Economy**

Report to:	Environmental Scrutiny Committee
Date:	14 October 2016
Subject:	Lincolnshire Minerals and Waste Local Plan: Site Locations Document (Pre-Submission Draft)

Summary:

The County Council is producing a Minerals and Waste Local Plan that will form the key to the delivery of sustainable minerals and waste development in the County up to the year 2031. This is being prepared in two parts. The first part, the "Core Strategy and Development Management Policies", is now complete and was formally adopted by the County Council on 1 June 2016.

The second part of the plan, "the Site Locations Document", is at an advanced stage in its preparation and sets out specific proposals and policies for the provision of land for minerals and waste development.

This report relates to the Pre-Submission Draft version of the Site Locations Document (Appendix A), which is the version intended for submission to the Secretary of State for examination. This document has taken into account representations received on an earlier version of the plan, which was subject to public consultation between 4 December 2015 and 29 January 2016.

The Executive's approval will be sought on 1 November 2016 to publish this plan and undertake a further period of consultation in November/December 2016. The Executive will also be asked to authorise the Planning Manager, in consultation with the Executive Councillor (Development), to prepare any necessary modifications to the plan to address issues arising from that consultation exercise. It is then proposed that the County Council's approval will be sought in February 2017 to submit the document together with any recommended modifications to the Secretary of State for examination.

It is anticipated that submission to the Secretary of State for examination will take place in spring 2017 and that, following the examination, the document will be ready for adoption in Winter 2017-2018.

Actions Required:

That the Environmental Scrutiny Committee:

- consider and endorse the Site Locations (Pre-Submission Draft) document for public consultation for a six week period commencing on 7 November 2016;
- authorise the Planning Manager in consultation with the Chairman of this

Committee to make changes to the Site Locations (Pre-Submission Draft) document prior to consideration by the Executive where these are necessary to amend any minor errors;

- consider and endorse the proposal that authorisation be sought from the Executive for the Planning Manager in consultation with the Executive Councillor (Development) to recommend to the County Council any modifications necessary to address issues that arise through the consultation exercise;
- recommend that the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State for examination together with any recommended modifications referred to above; and
- consider and endorse the revised programme set out in this report for the completion of the Site Locations document through to adoption.

1. Background

- 1.1 As the Minerals and Waste Planning Authority for the County, Lincolnshire County Council has a statutory responsibility for producing a Minerals and Waste Local Plan (MWLP). This is being prepared in two parts and covers the period up to 2031.
- 1.2 The first part of the MWLP, the Core Strategy and Development Management Policies (CSDMP) document, is now complete and was formally adopted by the County Council on 1 June 2016 following a public examination. This document sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County, together with the criteria against which planning applications for minerals and waste development will be considered. It replaces the former Lincolnshire Minerals Local Plan (1991) and most of the policies in the Lincolnshire Waste Local Plan, except Policies WLP2, WLP6, and WLP 12 of that document. These policies are saved until the second part of the plan has been adopted.
- 1.3 This report relates to the second part of the MWLP, the Site Locations document, which is at an advanced stage of preparation and includes the specific proposals and policies for the provision of land for minerals and waste development in line with the strategic policies of the CSDMP.
- 1.4 The MWLP must take into account European and National policy and legislation. It is a key part of meeting the planning requirements of the EU Waste Framework Directive and the need to identify where future waste will be managed including the identification of specific sites and areas. It must also meet the requirements of the National Planning Policy Framework and National Planning Policy for Waste.
- 1.5 Development of the Site Locations document began in 2008. A consultation exercise was carried out in 2009, which invited the mineral and waste industries to submit details of sites or areas for consideration for future mineral and waste development. The findings of this exercise were subject to consultation in 2010 although further work was delayed due to resources

being concentrated on delivering the CSDMP. However, in 2014 work resumed, which resulted in the preparation of the Draft Site Locations Document (Preferred Sites and Areas) in 2015.

- 1.6 On 31 July 2015 the Environmental Scrutiny Committee endorsed the preferred mineral and waste sites/areas set out in the Draft Site Locations Document (Preferred Sites and Areas). This document, subject to minor amendments, was then approved by the Executive on 1 September 2015 for consultation, which took place between 4 December 2015 and 29 January 2016. A total of 97 respondents made 368 representations on this document. Respondents included statutory bodies, local authorities, parish councils, proponents of sites and individuals. A large number of the preferred sites and areas attracted comments from bodies with nature conservation and heritage interests, highlighting the need to protect these assets, providing further information about them, or stating that further information should be provided, and seeking reassurance that they would be protected. Concerns were also raised that the accompanying documents (Sustainability Appraisal, Sequential Test and Habitats Regulations Assessment were flawed). Only one site received significant public opposition, a site put forward for the extraction of sand and gravel at Urn Farm in Greatford which is discussed later in this report.
- 1.7 Having taken into account the results of the above consultation exercise, an up-dated Site Locations document has been produced known as the "Site Locations (Pre-Submission Draft)" (Appendix A). This is the version intended for submission to the Secretary of State for examination. The associated Sustainability Appraisal, Sequential Test and Habitats Regulations Assessment are also being updated to take into account the representations made during the consultation exercise.

Policy framework for the Site Locations Document

- 1.8 The CSDMP sets out the strategic framework for identifying the preferred locations for new minerals and waste development in the County for the plan period up to 2031. It is therefore the starting point for assessing the selection of sites and areas for the Site Locations Document.
- 1.9 The earlier version of the Site Locations Document, the "Draft Site Locations Document (Preferred Sites and Areas)" was prepared prior to the completion of the examination into the CSDMP, and was therefore based on the earlier Pre-Submission Draft of that plan. The examination, however, led to a number of modifications to the CSDMP in order to make it sound and legally compliant. As a result, these modifications have been taken into account in the preparation of the Site Locations (Pre-Submission Draft) document. The most significant of these modifications relates to the reduction in the amount of sand and gravel that needs to be allocated during the plan period (as discussed later in this report).
- 1.10 In relation to waste the focus is for new waste management facilities to be located in and around Lincoln; Boston; Grantham; Spalding; Bourne; Gainsborough; Louth; Skegness; Sleaford; and Stamford. The Lincolnshire

Waste Need Assessment 2014 (which was subject to Addenda in May 2015 and October 2015) identifies the waste management requirements of the County during the plan period. This is reflected in the CSDMP and Table 1 below shows the facilities required. This sets out the need for built waste management facilities for recycling and an energy from waste facility which is mainly for the management of commercial, industrial, construction and demolition waste. There is no requirement for any further landfill facilities. The need for specialised thermal treatment and hazardous landfill will continue to be met by national facilities outside of the County.

Table 1: Predicated Requirements for Waste Facilities 2014-2031

Facility type	Annual capacity	New facilities needed			
		Short term	By 2020	By 2025	By 2031
Mixed LACW & C&I waste recycling	75,000	1	1		1
Energy recovery from LACW & C&I	200,000	1			
Specialised thermal treatment	25,000	1			
CD&E and aggregates recycling	50,000			1	2
Hazardous waste landfill	25,000	1			

- 1.11 For minerals, the CSDMP has only identified a need to provide additional resources to maintain an adequate supply of sand and gravel to the County during the plan period. Allocations will therefore be restricted to this mineral.
- 1.12 The CSDMP also proposes that the County continues to be divided into three Production Areas (Lincoln Trent Valley; Central Lincolnshire and South Lincolnshire). It was previously proposed to make provision for an overall requirement of 68.88 million tonnes of sand and gravel during the plan period (2010-2031) split between the three Production Areas. However, a modification to the CSDMP has updated and reduced this figure to 42.66 million tonnes for the period 2014-2031, to more appropriately reflect recent production data.
- 1.13 Priority is to be given to extensions to existing active mineral sites and to only allocate new quarries where they are required to replace existing mineral sites that will become exhausted during the plan period. If new sites are required these are to be located in the Areas of Search for Sand and Gravel as set out in the key diagram of the CSDMP.
- 1.14 Table 2 below provides information on the sand and gravel requirements by Production Area to be met through allocations in the Site Locations document. This is derived from the CSDMP, but has been updated to take into account additional reserves that have been, or will be, released following the determination of recent planning applications

Table 2: Sand and Gravel Requirements 2014-2031

	Lincoln/Trent Valley	Central Lincolnshire	South Lincolnshire
Required Provision for the period 2014-2031 (from Policy M2)	18.00mt	9.00mt	15.66mt
Permitted Reserves @ 31 December 2013	11.24	4.23mt	7.43mt
Applications granted planning permissions since 1 January 2014 or with a resolution* to grant permission:			
Whisby Quarry	2.2mt		
Kirkby on Bain Quarry (S73 application)		0.06mt	
Kirkby on Bain Quarry		3.5mt	
Baston No 2 Quarry			2.25mt
Fox's Land, Manor Pit Quarry (Baston)			0.63mt
Total reserves from the above applications.	2.2mt	3.56mt	2.88mt
Shortfall	4.56mt	1.21mt	5.35mt

* Pending the completion of S106 Planning Obligations

Proposed Allocation of Sites/Areas for Waste Development

1.15 The Draft Site Locations Document (Preferred Sites and Areas) made provision to meet the requirement for waste facilities though:

- specific sites put forward by the waste industry; and
- areas (industrial estates) where waste uses are considered acceptable alongside other industrial and employment areas and which provide flexibility and choice.

That plan identified 2 sites and 17 areas for potential allocation for waste development. A further 16 sites and 13 areas were discounted.

1.16 The Pre-Submission Draft version of the plan makes the following amendments:

- A site at Caythorpe (WS14-SK) has been removed from the proposed allocations because it has subsequently been granted planning permission for waste management and therefore no longer needs to be allocated.
- The Wragby Industrial Estate (WA12-EL), previously proposed for allocation, has been discounted because the District Council has

subsequently granted planning permission on the area for mixed residential/industrial use.

The revised sites and area are shown in table 3.

Table 3: Proposed allocations for waste development

Site Reference	Name	Town	Area
WS17-SK	Vantage Park, Gonerby Moor	Grantham	2.4 ha

Area Reference	Name	Town	Area
WA01-WL	Heapham Road	Gainsborough	34 ha
WA02-CL	West of Outer Circle Road	Lincoln	31.3 ha
WA03-CL	Allenby Road Trading Estate (North)	Lincoln	14.8 ha
WA04-CL	Allenby Road Trading Estate (South)	Lincoln	24.8 ha
WA05-CL	Great Northern Terrace	Lincoln	31.1 ha
WA09-NK	Woodbridge Road Industrial Estate	Sleaford	18.9 ha
WA11-EL	A16 Grimsby Road	Louth	88.5 ha
WA14-EL	Holmes Way	Horncastle	28 ha
WA16-SK	North of Manning Lane and West of Meadow Drove	Bourne	16 ha
WA22-BO	Riverside Industrial Estate	Boston	119 ha
WA25-SH	Wardentree Lane / Enterprise Park	Spalding	195.6 ha
WA26-SH	Clay Lake Industrial Estate	Spalding	25 ha
WS03-WL	Gallamore Lane	Market Rasen	10.2 ha
WS08-NK	Land to the south of the A17, Sleaford Enterprise Park	Sleaford	14.6 ha
WS09-NK	Bonemill Lane	Sleaford	9.3 ha
WS12-EL	A158 Burgh Road West	Skegness	9.6 ha

Proposed Allocation of Sites for the Winning and Working of Sand & Gravel

- 1.17 As stated previously in this report, since the previous Draft Sites and Areas Locations Document (Preferred Sites and Areas) was prepared, the amount of sand and gravel for which the County Council must make provision in the Site

Locations document has been reduced. This therefore gives the County Council some flexibility to reduce the number of sites previously proposed for allocation.

1.18 The Draft Site Locations Document (Preferred Sites and Areas) proposed to allocate 13 sites for the winning and working of sand and gravel; a further 17 sites were discounted. The Pre-Submission Draft version of the plan makes the following amendments:

- Lea Marsh, near Gainsborough (MS01-LT) was previously allocated as a replacement for the Whisby Quarry. This site, however, is adjacent to a Site of Special Scientific Interest and the proponent has failed to demonstrate that it could be worked without having a detrimental impact on that SSSI. As the site is no longer required to meet the significantly reduced level of provision required for the Lincoln/Trent Valley Production Area, it has been discounted.
- Kirkby on Bain (Phase 1) (MS13-CL) was previously allocated as an extension to the Kirkby on Bain Quarry. An application for that development has since been approved subject to the completion of a S106 Planning Agreement. The allocation is therefore no longer required and has been removed.
- Red Barn, Castle Bytham (MS17-SL) was previously allocated as an extension to the Red Barn Quarry, but the proponent has subsequently withdrawn the site.
- Urn Farm, Greatford (MS26a-SL) was previously allocated as a new quarry, which could have replaced the Baston No 1 Quarry that is nearing exhaustion. This site has been subject to considerable public opposition mainly due to its proximity to Baston and the River Glen, the potential impacts from quarry traffic and its potential effect on two public rights of way. It has now been discounted in favour of Manor Farm (MS25-SL) (see below).
- Manor Farm, Baston (MS25-SL) was previously discounted due to the lack of information supplied and doubts over whether it would be worked during the plan period. Since then, the proponent has provided more information about the site, including details of the mineral deposit. A major operator has also indicated an interest in working the site. This site has several benefits over the Urn Farm site: firstly, it is located further away from Baston; secondly, it does not affect public rights of way; and thirdly, unlike Urn Farm, it is not crossed by a power line and associated pylons. It is also further away from the River Glen than Urn Farm and lies in an area that is in general less susceptible to flooding.
- Baston No 2, Langtoft (Phase 3) was previously allocated as an extension to the Baston No 2 Quarry. However, given the reduced level of provision for this Production Area, it is now considered that it is unlikely to be worked during the plan period. It has therefore been discounted.

1.19 Two other issues have arisen since the previous Draft Site Locations Document (Preferred Sites and Areas) was prepared. Firstly, an additional site was put forward at Langtoft Fen (MS30-SL). This site has been assessed but, due to the lack of information provided on the mineral deposit and on how the site would be worked, has been discounted. The second issue relates to the "Swinderby Supersite" (MS03-LT) that was discounted in the previous draft plan. The proponent for that site has subsequently requested that part of the southern area, known as "Newton's Farm" (MS03b-LT), is assessed separately as a replacement for the nearby Whisby Quarry (which they purport is nearing exhaustion). This assessment has now been carried out, but it is proposed that it should be discounted for the following reasons:

- (a) The proponent's assertion that the Whisby Quarry is nearing exhaustion is incorrect. An application at that quarry has relatively recently been approved subject to the completion of a S106 Agreement. Once the planning permission is granted, the quarry will have significant reserves. Therefore, in practice, Newton's Farm would represent an additional quarry unit (in an area already subject to extensive quarrying) rather than a replacement site. This proliferation of sites would be contrary to the objectives of the CSDMP.
- (b) The site is not needed to meet the required level of provision for this Production Area.

1.20 The Committee should note that the sites proposed for allocation in the Site Locations (Pre-Submission Draft) document have been put forward by mineral operators and landowners and cover the areas where they intend to make applications for planning permission at some time before the end of the plan period. In some cases, sites will not be required until well into the plan period and as a result only part of the reserve would be worked out within that period. In these cases it is not proposed to split the sites and to restrict the allocations to those parts that would be worked by 2031. Such an approach may be unviable for the operators concerned and could limit the restoration options. Instead, for each site selected for allocation it is proposed to allocate the entire area, but subject to a proviso that only the reserves estimated to be worked during the plan period would contribute towards meeting the required level of provision (i.e. to ensure that it is deliverable). This approach will allow some flexibility if demand for sand and gravel exceeds the forecast levels.

1.21 The proposed allocations are set out in table 4. All of the sites are extensions to existing quarries, except Manor Farm. This would be a new quarry to replace the Baston No 1 Quarry which is nearing exhaustion, and is needed to make up the required level of provision. The minimum estimated contribution that each site would make to the shortfall is also shown in the table. For the quarry extensions, the estimates have, where possible, taken into account the existing level of permitted reserves and the anticipated annual production rates (supplied by the operators). In practice those production rates have been based on levels of production achieved prior to 2008 when sales were significantly higher. The estimated contributions within each Production Area have therefore been adjusted so that they accord with the overall shortfall.

Table 4: Proposed allocations for the winning and working of sand and gravel

Table Y: Estimated minimum contribution of allocated sites to the shortfall in the provision of sand & gravel 2014-2031

Production area (and shortfall)	Site reference	Site name	Total reserves	Minimum contribution to the shortfall
Lincoln/Trent Valley (shortfall 4.56 mt)	MS04-LT	Swinderby Airfield	7.0mt	2.25mt
	MS05-LT	Norton Bottoms Quarry, Stapleford	6.8mt	2.31mt
Total			13.8mt	4.56mt
Central Lincolnshire (shortfall 1.21mt)	MS07/08-CL	Kettleby Quarry, Bigby	3.25mt	0.86mt
	MS09-CL	North Kelsey Road Quarry, Caistor	0.15mt	0.13mt
	MS15-CL	Kirkby on Bain (Phase 2)	3.1mt	0.22mt
Total			6.5mt	1.21mt
South Lincolnshire (shortfall 5.35mt)	MS25-SL	Manor Farm, Baston	3.0mt	2.79mt
	MS27-SL	Baston No 2 Quarry, Langtoft	2.5mt	1.40mt
	MS29-SL	West Deeping	2.2mt	1.16mt
Total			7.7mt	5.35mt

Next steps

1.22 On 1 November 2016 the Executive will be advised of the comments of the Scrutiny Committee and recommended to endorse the Site Locations (Pre-Submission Draft) document for public consultation for a period of six weeks commencing on 7 November 2016. This consultation will also cover the supporting documents that assess the plan and provide its evidence base, including:

- the Sites and Areas Report – documenting the site assessment methodology and site selection process;
 - the Sustainability Appraisal;
 - the Habitats Regulation Assessment Screening Report;
 - the Sequential Test; and
 - the Consultation outcomes report for previous rounds of consultation.
- 1.23 To address any issues arising from that consultation exercise, the authorisation of the Executive will be sought to allow the Planning Manager, in consultation with the Executive Councillor (Development), to prepare any modifications for the consideration of the County Council. The Executive will also be recommended to endorse the programme for the progression of the document through to adoption.
- 1.24 It is proposed that the approval of the County Council will be sought in February 2017 for the submission of the Site Locations (Pre-Submission Draft) document to the Secretary of State for examination, together with any recommended modifications.
- 1.25 It is anticipated that on completion of the examination, the Site Locations document would be ready for adoption by the County Council during the winter of 2017/18.

2. Conclusion

- 2.1 It is important that the County Council has in place an up-to-date Minerals and Waste Local Plan to help ensure that both mineral extraction and waste management in the County accord with the principles of sustainable development. This will be achieved through the timely progression and adoption of the Site Locations document which will complete the Minerals and Waste Local Plan.
- 2.2 Accordingly it is recommended that Members:
- consider and endorse the Site Locations (Pre-Submission Draft) document for public consultation for a six week period commencing on 7 November 2016;
 - authorise the Planning Manager in consultation with the Chairman of this Committee to make changes to the Site Locations (Pre-Submission Draft) document prior to consideration by the Executive where these are necessary to amend any minor errors;
 - consider and endorse the proposal that authorisation be sought from the Executive for the Planning Manager in consultation with the Executive Councillor (Development) to recommend to the County Council any modifications necessary to address issues that arise through the consultation exercise;
 - recommend that the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State for

examination together with any recommended modifications referred to above; and

- consider and endorse the revised programme set out in this report for the completion of the Site Locations document through to adoption.

3. Consultation

a) Policy Proofing Actions Required

n/a

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft) (NOTE: due to the size of the document Appendix A has not been printed and is available electronically at http://lincolnshire.moderngov.co.uk/ieListMeetings.aspx?CIId=127&Year=0)

5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
Lincolnshire Minerals and Waste Local Plan: Draft Site Locations Document (Preferred Sites and Areas) December 2015	

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