

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

Report to:	County Council
Date:	24 February 2017
Subject:	Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft)

Summary:

The County Council is producing a Minerals and Waste Local Plan (MWLP) that will form the key to the delivery of sustainable minerals and waste development in the County. This is being prepared in two parts and covers the period up to the year 2031.

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.

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.

A Draft Site Locations Document setting out the County Council's preferred sites and areas for minerals and waste development was subject to public consultation between 4 December 2015 and 29 January 2016. The results of that consultation exercise have informed the preparation of the current version of the plan, the Site Locations (Pre-Submission Draft) (attached at Appendix A). This document was endorsed by the Executive on 1 November 2016 and approved for publication/consultation (in accordance with the statutory regulations) as to its soundness and legal compliance. The Executive also recommended that the County Council approve the document for submission to the Secretary of State for Communities and Local Government, for examination together with, if appropriate, a schedule of recommended minor modifications to address issues arising through the consultation process.

Consultation on the Site Locations (Pre-Submission Draft) was carried out for a six week period commencing on 7 November 2016. Only 45 respondents made representations, including representations expressing no objection or advising that previous concerns have been addressed (Appendix B). Although some

objections were received, for the main part these relate to issues that have previously been considered and dismissed on sound planning grounds. It is therefore considered that the document is sound and legally compliant. In addition, some respondents have asked that further details are incorporated into the document. These are very minor in nature and at this stage no modifications are proposed. Instead, the issues will be considered during the examination process.

Subject to the approval of the County Council, the Site Locations (Pre-Submission Draft) document will be submitted for examination in April 2017. If the inspector takes a different view on the document's soundness and legal compliance, at the request of the Council's officers he/she will recommend modifications to the plan. The County Council will then have an opportunity of considering whether the document should be adopted with the modifications.

Recommendation(s):

That the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State for Communities and Local Government in April 2017 for examination.

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 (2006), except Policies WLP2, WLP6, and WLP12 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. In 2009 a consultation exercise was carried out that invited the mineral and waste industries to submit details of sites or areas for consideration for future mineral and waste development. Although the findings of this exercise were subject to consultation in 2010, further work was delayed due to resources being concentrated on delivering the CSDMP. However, in 2014 work resumed and a second "call for sites" exercise was undertaken in order to update the list of sites to be considered for allocation.
- 1.6 On 1 December 2015, the Executive approved a Draft Site Locations Document, setting out the "Preferred Sites and Areas", for consultation. At that stage, the examination of the CSDMP had not been completed and as a result the Draft Site Locations Document was based on an earlier Pre-Submission version of the CSDMP.
- 1.7 The consultation took place between 4 December 2015 and 29 January 2016 with a total of 97 respondents making 368 representations on the document.
- 1.8 Following that consultation exercise, the examination of the CSDMP resulted in modifications to that document and, in particular, to the level of provision that needs to be made in the Site Locations document to ensure a steady and adequate supply of sand and gravel for aggregate purposes during the plan period. This was reduced from an annual requirement of 3.28 million tonnes to 2.37 million tonnes to more appropriately reflect recent production data.
- 1.9 Both the modifications of the CSDMP and, where appropriate, the representations received through the consultation exercise, were taken into account in the preparation of a "final" draft intended for submission to the Secretary of State for examination. This version is known as the "Site Locations (Pre-Submission Draft)" (attached at Appendix A).
- 1.10 On 1 November 2016 the Executive resolved to approve the publication of the Site Locations (Pre-Submission Draft) document for consultation as to its soundness and legal compliance. That consultation commenced on 7 November 2016 and ran for a period of six weeks. The results of that exercise are discussed later in this report.

2. Policy Framework for the Site Locations Document

- 2.1 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.

2.2 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			

2.3 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.

2.4 The CSDMP also proposes that the County continues to be divided into three Production Areas (Lincoln Trent Valley; Central Lincolnshire; and South Lincolnshire). This reflects that fact that most of the quarries are concentrated into three areas that serve local markets.

2.5 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.

2.6 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, based on an annual requirement of 2.37mt (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 Kirkby on Bain Quarry (S73 application) Kirkby on Bain Quarry Baston No 2 Quarry Fox's Land, Manor Pit Quarry (Baston)	2.2mt	0.06mt 3.5mt	2.25mt 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

3. Proposed Allocation of Sites/Areas for Waste Development

- 3.1 The Site Locations (Pre-Submission Draft) makes provision to meet the requirement for waste facilities through a specific site that has been put forward by the waste industry, and 16 areas (industrial estates) where waste uses are considered acceptable alongside other industrial and employment uses, providing flexibility and choice. These are listed 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	Heaptham 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

4. Proposed Allocation of Sites for the Extraction of Sand and Gravel

4.1 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

Production area (and shortfall)	Site reference	Site name	Total reserves	Minimum contribution to the shortfall
Lincoln/Trent Valley (shortfall 4.56mt)	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, Greatford	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

5. Results of the Consultation Exercise

- 5.1 A total of 45 respondents have made representations on the Pre-Submission draft document. Details are attached to this report as Appendix B. This is a significant reduction compared with the previous stage of consultation when 97 respondents made representations. This is largely due to the fact that a controversial site contained within the previous draft, and which received a large number of objections, was removed. As a result only two responses have been received directly from the general public.
- 5.2 A large number of the respondents have no objections to the pre-submission Site Locations document, or have acknowledged where issues previously raised have now been addressed. They also include significant support from local nature conservation groups and other organisations associated with the natural environment, acknowledging the proactive

engagement and cooperation that contributed to the formulation of the site development briefs and restoration options.

5.3 The other issues raised include:

- Concerns that no specific provision has been made for additional inert landfill capacity. It is suggested that if the Council's approach to inert waste (as set out in the CSDMP) is not effective it could displace waste to adjoining authorities. Concerns are also raised in relation to the associated restriction on utilising imported waste in restoration schemes, which it is suggested would create hurdles to the beneficial restoration of sites.
- A number of requests for minor changes and inclusion of additional detail in the development briefs to ensure consistency. These generally relate to consideration of constraints, and restoration objectives and priorities such as identification of priority habitats and opportunities for site/habitat linkages.
- Comments from several different regulatory bodies and infrastructure providers setting out their respective responsibilities and consent requirements, as well as any asset safeguarding requirements and associated easements in relation to particular sites. It is requested that these requirements be adhered to when proposals come forward on sites.
- Objections from several site promoters where their mineral sites have been discounted during the site selection process and have not therefore been proposed for allocation, and also where mineral sites that were previously proposed for allocation at the 'Preferred Sites and Areas' stage have since been removed following further assessment. Such sites continue to be promoted. Reasons cited in the objections include the need to maintain sufficient provision and productive capacity within working areas and ensure flexibility to accommodate future growth, as well as preventing anti-competitiveness. Objections also challenge the adequacy of the assessment process, including the Habitats Regulations Assessment, the weighting given to different considerations, and the reasons why particular sites have not been allocated.
- Requests from non-statutory consultees to be consulted in relation to any future development proposals on allocated sites where they have an interest.
- Some concerns by the local community in the Baston/Greatford/West Deeping area with regard to the local amenity and environmental impacts of proposed allocations for mineral extraction, and the extent/cumulative impact of further extraction in this area.
- Concerns in relation to the potential impacts of one proposed mineral allocation on the historic environment and its setting.
- A number of comments and concerns received from several district councils and landowners regarding the relationship between particular waste area allocations and the district council's employment allocations on which they were based. These include concerns over variations in boundaries; the appropriateness of particular waste uses in certain locations within the allocations; and also more substantial objections to

particular waste area allocations, where it suggested that they conflict with the emerging policies of the districts.

- Concerns and objections have been raised by a district council in relation to a site specific safeguarding area associated with a proposed mineral allocation, and to the allocation itself on the basis that it could constrain proposed future housing development.

5.4 Many of the issues raised above have already been considered in depth during the examination of the CSDMP or at earlier stages in the preparation of the Site Locations Document and have been dismissed on sound planning grounds. Even where new issues have been raised, they are not considered to affect the soundness or legal compliance of the Site Locations (Pre-Submission Draft) document.

5.5 In addition, a number of respondents have asked that further details are incorporated into the Site Locations (Pre-Submission Draft). These are considered to be very minor in nature.

6. The Next Steps

6.1 Subject to the approval of the County Council, the Site Locations (Pre-Submission Draft) document will be submitted to the Secretary of State for Communities and Local Government, for examination in April 2017. The Secretary of State will then appoint an Inspector to conduct the examination which is likely to include public hearing sessions. During the examination the Inspector, at the request of the Council's Officers, will consider whether any modifications are necessary to make the plan sound and legally compliant. If such modifications are required, these will need to be subject to a further period of consultation.

6.2 It is anticipated that the examination will be completed by the end of this year when the inspector issues his/her report. Any modifications recommended by the Inspector will be reported to the County Council early next year together with the recommendations of the Executive on whether the Site Locations document, incorporating the recommended modifications, should be adopted.

7. Legal Issues:

Equality Act 2010

7.1 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 7.3 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 7.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 7.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with the duties in section 149 may involve treating some persons more favourably than others.
- 7.6 The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.
- 7.7 An impact analysis has been undertaken on the Site Locations document (Pre-Submission Draft) in accordance with the Statement of Community Involvement. As the approval of the specific sites and areas for minerals and waste development, the decision is considered to be neutral between persons having all or any of the protected characteristics and persons who do not. In particular the plan will govern future decision-making regardless of whether any proposal is made by a person with or without a protected characteristic.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

- 7.8 The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

- 7.9 The Site Locations (Pre-Submission Draft) document together with the adopted Core Strategy and Development Management Policies (2016) document are considered to contribute to the aims of the strategy by providing a framework for development that takes into account and minimises impact on the environment.

Crime and Disorder

- 7.10 Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.
- 7.11 This obligation has been considered but is not thought to be directly affected by the proposals in this Report.

8. Recommendation of the Executive

- 8.1 On 1 November 2016 the Executive endorsed the Site Locations (Pre-Submission Draft) document and recommended to the County Council that they approve it for submission to the Secretary of State. They also resolved to delegate to the Planning Manager in consultation with the Executive Councillor (Development) authority to determine any minor modifications that should be submitted to the Secretary of State in order to address issues that arise through the consultation exercise and to recommend on behalf of the Executive to the County Council that such modifications be submitted to the Secretary of State alongside the document. There are no such modifications being recommended in this Report.

9. Conclusion

- 9.1 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.
- 9.2 Under the statutory regulations, the County Council cannot amend the Site Locations (Pre-Submission Draft) prior to submission. As a result, it can only approve it for submission for examination in its current form or resolve that a new plan should be prepared.
- 9.3 The preparation of the Site Locations (Pre-Submission Draft) document has involved a number of stages each requiring widespread publicity and consultation. As a result, many of the issues identified at the earlier stages of the plan preparation have been resolved.

- 9.4 A number of respondents have questioned the soundness and legal compliance of the Site Locations (Pre-Submission Draft) document. However, most of the issue raised were considered at an earlier stage and dismissed on sound planning grounds. None of the issues raised are considered to affect the soundness and legal compliance of the plan.
- 9.5 During the examination, the Inspector will consider all the representations made on the Site Locations (Pre-Submission Draft) document and may take a different view on the plan's soundness and legal compliance. In these circumstances it is normal practice for officers to ask the Inspector to consider modifications to ensure the plan is sound and legally compliant. Such modifications are known as "Main Modifications" and, if required, would need to be subject to a period of consultation/publicity during the examination. It should be noted that Main Modifications can only be incorporated into the final plan on the recommendation of the Inspector.
- 9.6 In addition, the County Council can make minor modifications to the final plan provided that they do not materially affect the policies in the plan. Such modifications are known as "Additional Modifications" and do not require the "approval" of the Inspector, but are very limited in scope. They include points of clarification and the correction of typographical errors. At this stage no Additional Modifications are proposed.
- 9.7 At the end of the examination the Inspector will issue his/her report. If any Main Modifications are considered necessary, the Inspector will set these out in the report. The County Council will then have an opportunity to consider the Main Modifications, although it will not be able to adopt the plan without them. It is also possible that officers will put forward Additional Modifications in response to issues raised during the examination. If this is the case, the County Council would have discretion over whether to incorporate such Additional Modifications in the final plan.
- 9.8 If the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State, a lead in time will be required prior to submission to notify interested parties and put in place a Programme Officer to assist the Inspector. It is therefore proposed to submit the document in April 2017.
- 9.9 In accordance with the Executive's recommendation, it is recommended that the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State for Communities and Local Government in April 2017 for examination.

10. Legal Comments:

The Council is under a statutory obligation to prepare and keep up to date a Minerals and Waste Local Plan. The Report seeks approval of the Site Locations (Pre-Submission Draft) which forms part of that Plan for submission to the Secretary of State.

The Minerals and Waste Local Plan forms part of the Policy Framework, approval of which is reserved to full Council. The decision is therefore within the remit of the Council.

11. Resource Comments:

Accepting the recommendations as set out in this report should have no direct financial impact on the council. Any future activity resulting from these recommendations will be managed within the budget available.

12. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

At its meeting on 14 October 2016, the Environmental Scrutiny Committee resolved to recommend that the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State for Communities and Local Government, for examination together with any recommended minor modifications approved by the Executive Councillor (Development).

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

No adverse impacts or benefits have been identified for the protected characteristics. The Equality Impact Assessment is available on the County Council's website:

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/site-locations/88170.article>

13. Appendices

These are listed below and attached at the back of the report (NOTE: due to the size of the appendices they have not been printed and are available electronically)

Appendix A	Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft)
Appendix B	Schedule of Representations and LCC Responses

14. Background Papers

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

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