



County Offices  
Newland  
Lincoln  
LN1 1YL

11 February 2021

**In accordance with the powers granted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 this will be a virtual meeting.**

### **Council**

A meeting of the Council will be held on **Friday, 19 February 2021 as a Virtual - Online Meeting via Microsoft Teams, commencing at 10.00 am** for the transaction of the business set out on the attached Agenda. The attendance of all Councillors is requested.

Access to the meeting is as follows:

Members of the Council and officers of the County Council supporting the meeting will access the meeting via Microsoft Teams.

Members of the public and the press may access the meeting via the following link: <https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=5729> where a live feed will be made available on the day of the meeting.

Yours sincerely

A handwritten signature in cursive script that reads 'Debbie Barnes'.

Debbie Barnes OBE  
Chief Executive

### **Membership of the Council** **(70 Members of the Council)**

Councillors M Brookes (Chairman), T Bridges (Vice-Chairman), B Adams, W J Aron, Mrs P Ashleigh-Morris, T R Ashton, Mrs A M Austin, M D Boles, Mrs W Bowkett, Mrs P A Bradwell OBE, D Brailsford, C J T H Brewis, Mrs J Brockway, R D Butroid, L A Cawrey, K J Clarke, Ms K Cook, P E Coupland, G E Cullen, C J Davie, R G Davies, B M Dobson, M T Fido, I G Fleetwood, R L Foulkes, M A Griggs, R Grocock, A G Hagues, M J Hill OBE, R J Kendrick, P M Key, Mrs J E Killey, S R Kirk, Mrs C J Lawton, C S Macey, C E H Marfleet, C Matthews, A P Maughan, D McNally, Mrs A M Newton, Mrs M J Overton MBE, C R Oxby, R B Parker, S R Parkin, N H Pepper, Clio Perraton-Williams, E J Poll, Mrs S Rawlins, C E Reid, R P H Reid, R A Renshaw, S P Roe, P A Skinner, E J Sneath, A J Spencer, H Spratt, A N Stokes, M J Storer, E W Strengiel, Mrs C A Talbot, Dr M E Thompson, R H Trollope-Bellew, A H Turner MBE JP, M A Whittington, Mrs S Woolley, L Wooten, R Wooten, C N Worth, B Young and 1 Vacancy



**COUNCIL AGENDA  
FRIDAY, 19 FEBRUARY 2021**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Councillors' Interests</b>	
<b>3</b>	<b>Minutes of the meeting of the Council held on 11 December 2020</b>	<b>5 - 10</b>
<b>4</b>	<b>Chairman's Announcements</b>	
<b>5</b>	<b>Questions to the Chairman, the Leader, Executive Councillors, Chairmen of Committees and Sub-Committees</b>	
<b>6</b>	<b>Council Budget 2021/22</b>	<b>11 - 20</b>
<b>7</b>	<b>Pay Policy Statement</b>	<b>21 - 42</b>
<b>8</b>	<b>Lincolnshire County Council's Green Masterplan</b>	<b>43 - 64</b>
<b>9</b>	<b>Review of the Lincolnshire Minerals and Waste Local Plan</b>	<b>65 - 218</b>
<b>10</b>	<b>Changes to the Constitution</b>	<b>219 - 260</b>
<b>11</b>	<b>Executive Decision - Rule 17 (Special Urgency)</b>	<b>261 - 264</b>
<b>12</b>	<b>Motions on notice submitted in accordance with the Council's Constitution</b>	

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**Please note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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All papers for council meetings are available on:

<https://www.lincolnshire.gov.uk/council-business/search-committee-records>



**COUNCIL  
11 DECEMBER 2020**

**PRESENT: COUNCILLOR M BROOKES (CHAIRMAN)**

Councillors T Bridges (Vice-Chairman), B Adams, W J Aron, T R Ashton, Mrs A M Austin, M D Boles, Mrs W Bowkett, Mrs P A Bradwell OBE, D Brailsford, C J T H Brewis, Mrs J Brockway, R D Butroid, L A Cawrey, K J Clarke, Ms K Cook, Mrs P Cooper, P E Coupland, G E Cullen, C J Davie, R G Davies, B M Dobson, M T Fido, I G Fleetwood, R L Foulkes, M A Griggs, R Grocock, A G Hagues, M J Hill OBE, R J Kendrick, P M Key, Mrs J E Killey, S R Kirk, Mrs C J Lawton, C S Macey, C E H Marfleet, C Matthews, A P Maughan, D McNally, Mrs A M Newton, Mrs M J Overton MBE, C R Oxby, R B Parker, S R Parkin, N H Pepper, Clio Perraton-Williams, E J Poll, Mrs S Rawlins, C E Reid, R P H Reid, R A Renshaw, S P Roe, P A Skinner, E J Sneath, H Spratt, A N Stokes, M J Storer, E W Strengiel, Mrs C A Talbot, Dr M E Thompson, R H Trollope-Bellew, A H Turner MBE JP, M A Whittington, Mrs S Woolley, L Wooten, R Wooten, C N Worth and B Young

36 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A J Spencer.

37 DECLARATIONS OF COUNCILLORS' INTERESTS

Councillor K Cook declared an interest in agenda item 12 – Motions on Notice submitted in accordance with the Council's Constitution as she worked for LPFT. She advised that she would leave the meeting for consideration of this item.

Councillor P M Key declared, that in relation to agenda item 12 – Motions on Notice submitted in accordance with the Council's Constitution, it should be noted that he worked in local government.

38 MINUTES OF THE MEETING OF THE COUNCIL HELD ON 18 SEPTEMBER 2020

RESOLVED

That the minutes of the meeting held on 18 September 2020 be signed by the Chairman as a correct record.

39 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that Christmas was a time for reflection, to look back on the year that had passed and to think about what was to come. Nobody could have

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predicted what 2020 had in store with the coronavirus pandemic and this year, more than ever, time would be taken to reflect and truly appreciate what we had.

He stated that we had seen the devastating loss of lives all around the world. We had also witnessed local communities giving their time and support to help others in need. The NHS staff, care workers and other key workers were continuing to work hard and tirelessly to keep everyone safe and well.

The Chairman continued to feel so proud of local government officers and members for their efforts in ensuring important council services were delivered to the usual high standard.

Hopefully there was now light at the end of the tunnel with the rolling out of a vaccine, but it was important that the guidelines continued to be followed and everyone adhered to the rules of hands, face and space.

The Chairman had been pleased to see Remembrance commemorations being observed, albeit in a very different way to normal proceedings. He had been honoured to lay a wreath on Remembrance Day at his local war memorial in Swineshead on behalf of Lincolnshire County Council.

The Chairman wished the members and their families a very merry Christmas and a happy and healthy new year.

40 STATEMENTS/ANNOUNCEMENTS BY THE LEADER AND MEMBERS OF THE EXECUTIVE

Statements by Members of the Executive had been circulated with the agenda.

In addition to the statement previously circulated, the Executive Councillor for Commercial and Environmental Management reported that a permit system for the Household Waste Recycling Centre had been introduced to allow residents to book a timeslot for a van or trailer. This system would be in operation from 15 December 2020.

41 QUESTIONS TO THE CHAIRMAN, THE LEADER, EXECUTIVE COUNCILLORS, CHAIRMEN OF COMMITTEES AND SUB-COMMITTEES

Questions pursuant to Council Procedure Rule 10.3 were asked and answered as follows:

<u>Question by:</u>	<u>Question to:</u>	<u>Subject</u>
a) R J Kendrick	M J Hill OBE	Update on the Covid-19 situation in Lincolnshire
b) R A Renshaw	M J Hill OBE	Enforcement of Covid-19 restrictions

c) K Cook	R G Davies	DfT announcement of second round of Active Travel Fund
d) M D Boles	Mrs S Woolley	Out-patient clinics at Gainsborough Hospital
e) E W Strengiel	C N Worth	Usher Gallery
f) K J Clarke	R G Davies	Traffic issues in the south of Lincoln
g) N H Pepper	C N Worth	Update on Chief Fire Officer post
h) G E Cullen	M J Hill OBE	Education and skills provision in Mablethorpe
i) A M Austin	C J Davie	Development of Boston as a freeport
j) Mrs M J Overton MBE	C J Davie	Sustainable developments
k) L A Cawrey	R G Davies	Proposed work for Hykeham Relief Road
l) Mrs J E Killey	M J Hill OBE	Management of the return of Lincoln University students
m) R D Butroid	C J Davie	Reinstatement of footbridge at Kettlethorpe
n) R B Parker	M J Hill OBE	Support for the hospitality sector
o) C Matthews	C J Davie	"Levelling up" agenda and potential benefits for the coast
p) Mrs S Rawlins	Mrs S Woolley	Upgrade to the parish councils' websites

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42 GREATER LINCOLNSHIRE JOINT STRATEGIC OVERSIGHT COMMITTEE

It was moved, seconded and

RESOLVED

That the County Council supports the creation of a joint committee under section 102 (1(b)) of the Local Government Act 1972, to exercise the executive functions and responsibilities referred to in the report and operating as the Greater Lincolnshire Joint Strategic Oversight Committee.

43 MEMBERS' ALLOWANCES SCHEME 2021/22

(NOTE: Councillor B Adams and Councillor Mrs W Bowkett left the meeting at 12.16 pm and did not return)

It was moved, seconded and

RESOLVED

1. That the IRP recommendations be noted;
2. That the Scheme of Members' Allowances for 2021/22 be the same as the Scheme of Members' Allowances for 2020/21.

44 POLITICAL PROPORTIONALITY AND ALLOCATION OF SEATS TO COMMITTEES AND SUB-COMMITTEES

It was moved, seconded and

RESOLVED

1. That the Council note the change in membership of the political groups on the County Council and agreed the allocation of seats illustrated in the proportionality spread sheet attached as Appendix A to the report;
2. That the Council confirms the Independent Group as the Opposition Group on the Council.

45 AUDIT COMMITTEE ANNUAL REPORT 2020

It was moved, seconded and

RESOLVED

That the Audit Committee's Annual Report for 2020 be noted.



46     EXECUTIVE DECISION - RULE 17 (SPECIAL URGENCY)

It was moved, seconded and

RESOLVED

That the decision made under Rule 17 of the Access to Information Procedure Rules in the Council's Constitution by the Leader of the Council be noted.

47     MOTIONS ON NOTICE SUBMITTED IN ACCORDANCE WITH THE COUNCIL'S CONSTITUTION

(NOTE: Councillor K Cook left the meeting at this point, having previously declared an interest in this item, and did not return)

(1) Motion by Councillor R P Parker

The coronavirus crisis has brought home to all of us the exceptional commitment of Lincolnshire County Council staff and care workers who, alongside NHS workers and other public sector workers, have been on the front line in the battle against Covid-19 and can rightly be called the true heroes of this pandemic.

Despite such sterling work by public sector workers across the country, on 25 November the Chancellor of the Exchequer announced a pay freeze for 2021/22 for most public sector workers with the exception of NHS workers and those who earn below the median wage of £24,000 per annum. In local government this is expected to be put into effect by reducing council funding. This announcement comes just three years after the ending of a public sector freeze that had been in place since 2012. Indeed public sector pay is still lower in real terms than in 2010.

The announcement of a pay freeze for most Local Government staff could be seen to demonstrate just how little their hard work, loyalty and willingness to go the extra mile over the last eight months is valued by their employers. That said, it needs noting that the Council Leader and Chief Executive have regularly gone on record in praise of the extra efforts of our work force during the Covid-19 pandemic. But more could be done to support our staff by councillors pressing the case for a re-think by the Chancellor of the Exchequer.

I therefore move that:

This council calls on the Leader of the County Council to write to the Chancellor of the Exchequer arguing that a pay freeze for most public sector workers is not the right approach when staff are still working in a pandemic to deliver vital services to so many people, and calling on him to re-consider his decision to impose a pay freeze on most Public Sector workers.

Upon being put to the vote, the motion was lost.

The meeting closed at 1.23 pm

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**Open Report on behalf of Andrew Crookham,  
Executive Director - Resources**

Report to:	<b>County Council</b>
Date:	<b>19 February 2021</b>
Subject:	<b>Council Budget 2021/22</b>

**Summary:**

Council Budget 2020/21

This report includes recommendations which impact on the current year's budget and this report seeks approval for those budget recommendations.

Council Budget 2021/22

The appended Budget Book - "Council Budget 2021/22" describes the budget and council tax proposals recommended to the full Council by the Executive. This report seeks approval for those budget recommendations.

**Recommendation(s):**

It is recommended that the Council:

Council Budget 2020/21

1. approves that the budget for 2020/21 be amended as follows:

1.1 a new Support for Businesses Reserve of £12.000m be created for the purpose of implementing schemes for supporting Lincolnshire businesses, by a transfer of £12.000m from the Financial Volatility Reserve; and

1.2 £0.200m be transferred from the Financial Volatility Reserve to the existing Flood and Water Risk Management reserve for the purpose of providing 5,000 sandbags across the county, the part refilling of grit bins throughout the winter, and localised sandbags provided for emergency response to Parish Councils.

## Council Budget 2021/22

It is recommended that the Council:

2. has due regard to the responses to the consultation on the Council's budget proposals as contained in the appended Budget Book (**Appendix D** - Budget Consultation Feedback);
3. has due regard to the Section 151 Officer's Statement on the Robustness of the Budget and the Adequacy of Reserves as set out in the appended Budget Book (**Section 11** - Section 151 Officer's Statement on the Robustness of the Budget and Adequacy of Reserves);
4. has due regard to the Impact Analysis relating to increasing the Council Tax by 1.99% in 2021/22 set out in the appended 'Budget Book' (**Appendix C** – Impact Analysis relating to increasing the Council Tax by 1.99% in 2021/22);
5. approves:
  - 5.1 the service revenue budgets for 2021/22 contained in the appended Budget Book, (Table 2 - Net Service Revenue Budget 2021/22);
  - 5.2 the capital programme and its funding contained in the appended Budget Book (**Section 8** - Capital Programme) and (**Appendix P** - Capital Programme);
  - 5.3 the County Council element of the council tax for a Band D property at £1,364.16 for 2021/22 contained in the appended Budget Book (**Appendix B** - County Precept 2021/22);as together being the Council's Budget.
6. approves the Council's Medium Term Financial Strategy contained in the appended Budget Book (**Appendix E** – Medium Term Financial Strategy);
7. approves the Council's Capital Strategy 2021/22 contained in the appended Budget Book (**Appendix O** – Capital Strategy 2021/22);
8. approves the Council's Flexible Use of Capital Receipts Strategy 2021/22 contained in the appended Budget Book (**Appendix G** - Flexible Use of Capital Receipts Strategy);
9. approves the prudential targets for capital finance and notes the prudential indicators contained in the appended Budget Book (**Appendix N** - Prudential Indicators);
10. approves that the minimum revenue provision (MRP) be based on the asset life method, charged on an annuity basis for major infrastructure projects and in equal instalments for all other assets, over the estimated life of the assets acquired through borrowing as set out in the appended Budget Book (**Section 10** - Minimum Revenue Provision).

## 1. Background

1.1 At its meeting on 2 February 2021 the Executive met to approve its recommended budget for 2021/22. At the meeting the Executive resolved not just to approve a recommended 2021/22 budget, but also to recommend to full Council two in year changes to the 2020/21 budget to transfer money from the Financial Volatility reserve as follows:-

- £12.000m to a new Support for Businesses Reserve created for the purpose of implementing schemes for supporting Lincolnshire businesses; and
- £0.200m to the existing Flood and Water Risk Management reserve for the purpose of providing 5,000 sandbags across the county, the part refilling of grit bins throughout the winter, and localised sandbags provided for emergency response to Parish Councils.

1.2 These proposals are reflected in Recommendation 1 of this Report, the effect of which is to make budgetary provision for the developments referred to. Making the changes immediately in the current financial year enables a swift response to urgent requirements both in supporting businesses and in responding to emergencies. Decisions as to the nature and detail of the schemes intended to support businesses in Lincolnshire are executive decisions which will be taken through executive decision processes subject to full Council approving the budgetary provision

1.3 As regards the proposed budget for 2021/22 dealt with in recommendations 2 to 10 inclusive, this Report should be read alongside the Budget Book at Appendix A which sets out the proposed budget in more detail together with an explanation of and the reasons for the budget being proposed.

1.4 The final Local Government Finance Settlement, published on 4 February 2021, provided us with confirmed levels of funding for 2021/22. This settlement rolled forward grants from 2020/21 for one further year to take account of the delay in the implementation of funding reforms due to the Covid-19 pandemic. These funding reforms are currently due to be in place for 2022/23 although this is still subject to another possible deferral.

1.5 The recommended budget, which is set out in detail in the Budget Book at Appendix A, is therefore for a one year financial plan for revenue and capital budgets.

1.6 The Council is recommended to set a Council Tax increase of 1.99% for 2021/22.

### Consultation

1.7 The Executive put forward a budget for consultation at its meeting on 5 January 2021. Since that time comments have been received from all Scrutiny Committees

and the Overview and Scrutiny Management Board, businesses, members of the public, public organisations and trade unions.

1.8 A summary of these comments is included within **APPENDIX D** of the appended 'Budget Book' and have been taken into account whilst finalising the budget proposals.

## **2. Legal Issues:**

### **2.1 Equality Act 2010**

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.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

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.

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.

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.

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.

These equality considerations do not preclude changes in services being made, but do require that these be fully appreciated. It is clear that the current and future financial challenges facing local authorities and the need for budget savings may result in changes to service provision and to some reduction in Council services. These may apply to services accessed by all people in Lincolnshire as well as services provided to specific groups. It is possible that there may be an adverse impact on some people and communities including those with a protected characteristic.

In order to meet its obligations, Equality Impact analyses will be carried out in relation to any proposed changes to services on an individual basis. The specific impacts on people with a protected characteristic will be investigated and the potential mitigation, if any, will be made clear, so that the implications of decisions are fully understood as they affect specific groups and communities. These have been and will continue to be regularly reported to the Executive as part of the decision making processes. Individual proposals will only be implemented after due regard to the legal matters that must be considered, including the public sector equality duty.

Consideration of the public sector equality duty and/or consultation may be necessary at the budget setting stage where a decision to reduce spending is significant, sufficiently focussed, and in financial terms, apparently rigid.

In the meantime consideration has been given as to whether there is any element of the current budget proposals that should be the subject of an equality impact analysis at this stage and as a result an assessment (attached at Appendix C to the Budget Book at Appendix A) has been carried out on the proposal to increase Council Tax. That assessment identifies the potential for the proposal to impact on people with low income and therefore disproportionately on certain people with a protected characteristics including older and younger people, people with a disability and women with children. Overall, however, the increase is modest and each District Council operates a Council Tax Support Scheme which has been designed following consultation and individual impact analyses to mitigate the effects of Council Tax levels on vulnerable people and people with low incomes. The savings of £11.867m built into this budget are all considered to have minimal impacts on service users but, as stated above, equality impact analyses will be carried out in relation to any proposed changes to services on an individual basis.

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the public sector equality duty.

As part of its decision-making the Executive will need to consider whether any alternative approaches could alleviate or at least mitigate the impact of the decision such as making reductions in other areas which do not have the same impacts, including particularly equality impacts. The result could be to require additional resources to be used in certain areas than has been budgeted for. In this event the usual budget management processes such as virement would be followed and approval sought at the appropriate levels in accordance with Financial Regulations including full Council where necessary. In particular a contingency has been built into the budget proposals in the form of the Financial Volatility Reserve (the balance will be £40.483m after implementing recommendation 1 of this report) and the annual Contingency budget of £3.000m for 2021/22, for when additional funding cannot be found by way of virement from other service areas.

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

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

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.

### Crime and Disorder

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.

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the duty under section 17 of the Crime and Disorder Act 1988.

## **2. Conclusion**

This Report seeks Full Council approval for in-year budget changes to the budget for 2020/21 and for the proposed budget for 2021/22 in each case as recommended by the Executive.



### **3. Legal Comments:**

#### Council Budget 2020/21

The transfers from the Financial Volatility Reserve referred to in recommendation 1 require Full Council approval in accordance with Financial Regulations

#### Council Budget 2021/22

Robust decision making requires that the results of the Council's budget consultation as well as the Section 151 Officer's Statement on the Robustness of the Budget and the Adequacy of the Reserves and the Impact Analysis on the 1.99% increase in Council Tax are taken into account by the County Council in coming to its decision. Compliance with recommendations 2, 3 and 4 ensures that this is done.

Case law has established that generally it is lawful for a Council first to decide its budget and then to consider the question of consultation and the specific impact of proposed policies and service changes at the time they are developed and decisions are taken on them. Consideration has been given to whether there are any specific proposals within the budget that would require such consideration prior to the budget being set and, apart from the proposed Council Tax increase which is dealt with in the Report, there are not considered to be any such proposals

With regard to recommendation 5 under the law and the Constitution it is for the County Council to approve the Budget.

With regard to recommendation 6 approval of the Medium Term Financial Strategy is within the remit of the Council.

With regard to recommendation 7, the Prudential Code for Capital Finance in Local Authorities (2017 edition) sets out that the setting and revising of a Capital Strategy will be done by the same body that takes decisions on the Budget i.e. the full Council. The Council is required to have regard to the Prudential Code when carrying out its duties under Part 1 of the Local Government Act 2003.

With regard to recommendation 8, Statutory Guidance on the Flexible Use of Capital Receipts (updated) issued by the Department of Communities and Local Government in March 2016 states that the Council's Flexible Use of Capital Receipts Strategy should be approved by full Council.

With regard to recommendation 9, Section 3 of the Local Government Act 2003 requires a local authority to determine and keep under review how much money it can afford to borrow. The determination must be made by County Council. The prudential targets include the Council's borrowing limit and must therefore be approved by the County Council.

Regarding recommendation 10, the requirement to make a minimum revenue

provision that is prudent is a requirement of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 and the statutory guidance that accompanies the regulations. Minimum revenue provision is relevant to the control of the Council's capital expenditure and must be referred to the County Council for approval.

The legal position in relation to the recommended level of Council Tax is set out in paragraph 3.11 of the Budget Book.

#### **4. Resource Comments:**

The budget proposals are consistent with the Council's Medium Term Financial Strategy.

The robustness of the budget proposals and the adequacy of the reserves held by the Council are considered in **Section 11** of the appended Budget Book. This concludes that the budget is realistic and that the level of reserves is adequate.

#### **5. Consultation**

##### **a) Has Local Member Been Consulted?**

n/a

##### **b) Has Executive Councillor Been Consulted?**

Yes

##### **c) Scrutiny Comments**

These are set out in the appended Budget Book (**APPENDIX D** - Budget Consultation Feedback)

##### **d) Risks and Impact Analysis**

An Impact Analysis relating to the proposed increase in Council Tax has been carried out and is contained in the appended Budget Book at **APPENDIX C**.

Proposed service changes to give effect to the budget will be subject to their own policy proofing considerations.

#### **6. Appendices**

These are listed below and attached at the back of the report

Appendix A	Attached separate booklet - "Council Budget 2021/22" - the Budget Book
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## 7. 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
Report to the Executive 5 January 2021 "Council Budget 2021/22" & Report to the Executive 2 February 2021 "Council Budget 2021/22"	<a href="https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&amp;MId=5750">https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&amp;MId=5750</a> <a href="https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&amp;MId=5751">https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&amp;MId=5751</a>

This report was written by Michelle Grady, who can be contacted on 01522 553235 or [michelle.grady@lincolnshire.gov.uk](mailto:michelle.grady@lincolnshire.gov.uk).

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**Open Report on behalf of Andrew Crookham,  
Executive Director – Resources**

Report to:	<b>County Council</b>
Date:	<b>19 February 2021</b>
Subject:	<b>Pay Policy Statement</b>

**Summary:**

This Report seeks approval of the Pay Policy Statement for 2021/22 in accordance with the requirements of the Localism Act 2011

**Recommendation(s):**

That the Council approves the Pay Policy Statement 2021/22 attached at Appendix A as recommended by the Pay Policy Sub-Committee.

## **1. Background**

Under section 38 of the Localism Act 2011 the County Council must prepare a pay policy statement for each financial year.

The pay policy statement must set out the authority's policies for the financial year relating to:-

- (a) the remuneration of its chief officers,
- (b) the remuneration of its lowest-paid employees, and
- (c) the relationship between the remuneration of its chief officers, and the remuneration of its employees who are not chief officers.

The statement must state the definition of “lowest-paid employees” adopted by the authority for the purposes of the statement, and the authority's reasons for adopting that definition.

This has been supplemented by government Guidance to which the Council must have regard in producing its Pay Policy Statement.

The Pay Policy Statement attached at Appendix A has been prepared in line with the requirements of the legislation and the best practice put forward in the guidance.

Full Council is requested to note that the policy has been updated to reflect:

- Section 25 - the up to date position on pay multiples
- Appendix A – Senior Manager Pay Structure – from April 2020 and Fire & Rescue Service Management Team salaries
- Appendix B - Salary Structure from 1 April 2020 - 2021 - NJC for local Government Services
- All links have been updated to the Council's new Employment Policy Handbook

The Pay Policy Statement was considered by the Pay Policy Sub-Committee of the Appointments Committee at its meeting on 26 January 2021 and the Sub-Committee resolved to recommend the attached document at Appendix A to full Council for approval.

## **2. Legal Issues:**

Equality Act 2010

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.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

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.

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.

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.

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.

The Equality Act duty has been taken into account. It is one of the principles of the Council's Pay Policy statement that it is fair and the Council's pay structures apply to all employees regardless of protected characteristics. All jobs are subject to job evaluation to ensure pay is related to the requirements of each role. The Pay Policy Statement sets out details of the gender pay gap which the Council publishes by 31<sup>st</sup> March each year.

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

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.

The JSNA and JHWS have been taken into account and there are not considered to be any direct implications arising out of this Report

#### Crime and Disorder

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.

The JSNA and JHWS have been taken into account and there are not considered to be any direct implications arising out of this Report.

### **3. Conclusion**

The Pay Policy Statement sets out the County Council's policy on pay and conditions for senior managers and employees (excluding operational fire fighters and schools based employees).

The Pay Policy Statement ensures the Council has a fair and transparent approach to these matters.

**4. Legal Comments:**

The Council is required to publish its Pay Policy Statement annually under section 38 of the Localism Act 2011 and to have regard to Guidance in developing that Pay Policy Statement.

Approval of the Pay Policy Statement is reserved in law to the full Council.

**5. Resource Comments:**

The policy ensures that all employees are treated fairly and transparently and that all posts can be funded from within existing Council budget.

**6. Consultation**

a) **Has Local Member Been Consulted?** N/A

b) **Has Executive Councillor Been Consulted?** Yes

**c) Scrutiny Comments**

The approval of the Pay Policy Statement is a decision for Full Council to make under the legislation. It has not been considered by a Scrutiny Committee but has been considered by the Pay Policy Sub-Committee at its meeting on 26 January 2021. The Pay Policy Sub-Committee approved the Pay Policy Statement for recommendation to Full Council.

**d) Risks and Impact Analysis**

No risks identified. This update reflects current practice.

**7. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Pay Policy Statement



## 8. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

Document title	Where the document can be viewed
Pay Policy Statement	Employment Policy Handbook <a href="https://www.lincolnshire.gov.uk/employment-policies/pay-policy-statement/1">https://www.lincolnshire.gov.uk/employment-policies/pay-policy-statement/1</a>
Report to Pay Policy Sub-Committee dated 26 January 2021	<a href="https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=134&amp;Mid=6064">https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=134&amp;Mid=6064</a>

This report was written by Fiona Thompson, Head of HR, who can be contacted on 01522 552207 or [fiona.thompson@lincolnshire.gov.uk](mailto:fiona.thompson@lincolnshire.gov.uk)

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# PAY POLICY STATEMENT

**For year 2021/2022  
HR Service**

This document applies to all Council employees except:

- Employees on Teachers' Terms & Conditions
- Employees on Soulbury Terms & Conditions

*This document may not be applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.*

<b>Last Review</b>	January 2019
<b>Next Scheduled Review</b>	January 2022
<b>Last Updated</b>	January 2021

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# 1 INTRODUCTION

This Pay Policy Statement sets out Council policy on pay and conditions for senior managers and employees (excluding operational Fire Fighters and schools' based employees) for 2020-2021.

The Council aims to attract and retain employees to deliver the Council's objectives. In determining pay policy for senior managers and all other employees, the Council is committed to ensuring a fair and transparent approach. Within this, it is recognised that different approaches may be required between groups of employees reflecting factors such as difficulties in attracting and retaining key skills.

## 2 KEY PRINCIPLES FOR PAY POLICY

- To be fair, reasonable and transparent
- To be affordable
- To reward employees for their contribution to the Council's achievements
- To maintain rates of pay which are both competitive in the market place and reflect the need to retain key skills

## 3 EMPLOYEES IN SCOPE OF THE PAY POLICY STATEMENT

This Pay Policy Statement covers all employees (except teachers and uniformed fire fighters except those defined as Senior Managers.) As such, it goes wider than minimum legal requirements of the Localism Act 2011.

## 4 THE SENIOR MANAGEMENT PAY STRUCTURE

Senior Managers are defined for this purpose as the Chief Executive; Executive Directors – (referred to as Chief Officers); Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer and Senior Leadership Pay Band. The senior pay structure is attached at Appendix A.

### Chief Executive and Executive Directors

Remuneration is determined by the Pay Policy Sub-Committee and is based on salary comparison against similar posts in other Shire Counties in the Eastern and Midlands region and against the market place. The aim is to ensure the Council retains and motivates key employees by maintaining rates of around median pay which are both competitive in the market place and reflect the need to retain key skills. The Chief Executive post is paid on a spot salary<sup>1</sup>. Executive Director posts are all paid at the same single spot salary point because all roles have collective responsibility for the success of all service areas and for the Council as a whole.

### Senior Leadership

Remuneration is determined by the Head of Paid Service and underpinned by the KornFerry / Hay Job Evaluation Scheme. Periodically the pay structure will be reviewed to ensure that salaries offered are competitive in the market place, taking into account information from the annual benchmarking exercise with KornFerry Hay. Individual achievement is assessed using the [Council's Appraisal Scheme](#). Performance percentage uplifts are locally determined on an annual basis by the Chief Officer Pay Board and paid at the Council's discretion.

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<sup>1</sup> See Glossary Page 12

## **Fire & Rescue Service Management Team**

The pay structure is determined in line with the NJC for Brigade Managers (Gold Book<sup>2</sup>) with the Deputy Chief Fire Officer and Assistant Chief Fire Officer receiving 80% and 75% respectively of the Chief Fire Officer salary.

In accordance with the 2011 Code of Recommended Practice for Local Authorities on Data Transparency, information on payments over £50,000 in a year are available in the Council's published accounts on our website: [Statement of Accounts](#)

## **5 OTHER EMPLOYEES' PAY STRUCTURE**

### **(including lowest paid employees<sup>3</sup>)**

Remuneration for other employees is normally determined by the Council's Job Evaluation (JE) Scheme<sup>4</sup> which covers all staff on NJC Local Government Services terms and conditions of service. This includes the lowest paid council employees. The Council Pay spine for staff up to and including Service Managers is attached at [Appendices A and B](#).

The Pay and Grading structure used by the Council was implemented by Collective Agreement<sup>5</sup> in July 2008, backdated to be effective from 1 April 2007 and is anchored to the national NJC pay spine for Local Government Services. The JE Scheme, the Greater London Provincial Council Scheme, was selected through a process of consultation with staff and Trade Unions and complies with equal pay requirements.

The Council and Unions signed a Collective Agreement in 2015 incorporating changes to modernise the local conventions for Job Evaluation.

## **6 NON-STANDARD TERMS AND CONDITIONS**

Staff transferring into the Council under The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements, have the right to retain their existing terms and conditions.

Additionally some specialist posts, mainly in education related services, such as Educational Psychologists and the Youth Service are recruited to specific terms and conditions although they are in scope of the [Local Scheme of Conditions of Service](#).

## **7 THE NATIONAL PAY AWARD**

Pay levels are adjusted to take account of any cost of living increase negotiated nationally by the JNC for Local Authority Chief Executives<sup>6</sup>; the JNC for Chief Officers of Local Authorities and the NJC for Local Government Services. The exception to this is the pay rates in respect of the Senior Leadership Pay Band in Appendix A as these are locally determined on an annual basis by the Chief Officer Pay Board and paid at the Council's discretion. The pay rates in respect of the Lincolnshire Payspine in Appendix B are adjusted to reflect the NJC Local Government Services national pay award.

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<sup>2</sup> See Glossary Page 12

<sup>3</sup> The Council's definition of "lowest-paid employee" is an employee paid at SCP1 on the Pay Spine attached at Appendix B. The reason for adopting this definition is that SCP1 represents the lowest FTE salary paid by the Council.

<sup>4</sup> The Job Evaluation scheme ensures that all jobs are graded fairly and equitably between men and women

<sup>5</sup> A Collective Agreement is a formal agreement signed between the County Council and the recognised Trade Unions

<sup>6</sup> See Glossary Page 12

## **8 ATTRACTION AND RETENTION PAYMENTS**

The Council recognises that at times it may be difficult to recruit new employees or retain existing staff in key posts. To ensure the Council attracts and retains a skilled and experienced workforce, salary supplements may be paid in addition to the post grade. Further details can be found in the [Attraction and Retention Policy](#).

## **9 RELOCATION EXPENSES AND DISTURBANCE ALLOWANCES**

Relocation Expenses and Disturbance Payments are paid to employees to cover additional costs they may incur as a result of a change or disturbance to work base. These are paid in accordance with the [Relocation Policy](#) and the [Managing Change Policy](#).

## **10 STARTING PAY**

Employees, when appointed to posts within the Council are paid on an incremental scale and will normally be appointed at the minimum point of the pay grade for that post. However, in certain circumstances it may be appropriate to appoint to a higher point within the pay grade. This should be objectively justifiable and have regard to the pay of existing employees within the service area. See [Green Book Employees Pay and Conditions Policy](#)

It is also necessary to be aware of any restrictions to this, e.g. the requirement of a qualification which prevents this normal sequence of events from occurring.

Where an employee is appointed who does not yet meet the minimum competency requirements for that role, they are appointed one point below in accordance with the [Recruitment Policy](#).

## **11 PERFORMANCE RELATED PAY (PRP) AND “EARN BACK”**

There is a performance related pay framework for employees in scope of Senior Leadership Pay Band.

## **12 PAY PROGRESSION**

The Chief Executive, Executive Directors and Fire & Rescue Senior Managers are excluded from this scheme within the Council. They are appointed to a spot salary so no pay progression applies.

For other employees, from January 2018 all performance and development appraisal reviews included a rating of the employee's performance. This rating will be used to inform incremental pay progression decisions (award of scale points) for employees on GLPC grades, from 1 April 2019 onwards.

The expected minimum level of performance for all employees is an overall performance and development appraisal rating of successful (i.e. 3) The impact of ratings on incremental pay progression will only affect employees who are on GLPC grades and is not applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.

For those on GLPC grades it will only affect those who have not reached the top of their current GLPC scale as at 31<sup>st</sup> March 2019.

The pay of employees who are at the top scale point of their GPLC grade will not be affected.

To be eligible for a pay progression increment, employees must achieve an overall performance and development appraisal rating of successful or above. (i.e. 3 or above).

Eligibility for incremental progression will be in accordance with the [Local Scheme of Conditions of Service](#).

A pay increment may be withheld following an adverse report on an employee's performance (subject to the Council's capability / disciplinary procedures being followed).

Any pay increments withheld may subsequently be paid if the employee's performance becomes satisfactory, but are not backdated.

### **13 REVIEWING INDIVIDUAL PERFORMANCE**

Individual achievement is assessed using the [Council's Appraisal Scheme](#) and all employees will take part in an appraisal process. In most cases this will be the full Council appraisal process; however, there may be some cases where the process is amended so that it is appropriate to the role of the employee.

Learning and development needs will be linked to the [County Council's Core Values & Behaviours Framework](#) which are interchangeable with occupational national standards of competence where appropriate.

### **14 RESPONSIBILITY FOR REVIEWING PERFORMANCE**

The Chief Executive's individual performance will be assessed by the Leader of the Council together with the appointed cross-party group. For individual Executive Directors, the assessment will be made by the Chief Executive and reported to the cross-party group.

For all other employees, the assessment will be made by the individual's line manager, as appropriate.

### **15 ACTING UP ARRANGEMENTS**

Employees temporarily acting up into a role which is normally graded on a higher level should be paid at the appropriate level for the duties they are asked to perform. Further details can be found in the Council's [Green Book Employees Pay and Conditions Policy](#).

### **16 HONORARIA**

An honorarium payment may be made for exceptional or special work undertaken on a short term basis of not more than 6 months and will be in accordance with the Council's [Green Book Employees Pay and Conditions Policy](#) covering the NJC for Local Government Services Group.

### **17 EMPLOYEES ON FIXED TERM/TEMPORARY CONTRACTS**

The Council will not treat employees on fixed term or temporary contracts less favourably than employees on a permanent contract. Further information can be found in the [Fixed Term and Temporary Contracts Policy](#).

### **18 ALLOWANCES/EXPENSES**

#### **Chief Executive, Executive Directors and Senior Leadership**

Allowances will be in accordance with the [Local Scheme of Conditions of Service](#) or jointly agreed schemes in Director Areas. Business Travel will be reimbursed in accordance with



the [Travel and Expenses Policy](#). This policy applies to all staff in scope of the Local Scheme of Conditions of Service.

### **Fire & Rescue Service Senior Managers**

Allowances and expenses will be in accordance with the NJC for Brigade Managers Conditions of Service and Service Order 19<sup>7</sup> - Pay and Allowances.

### **19 SALARY PROTECTION**

Where an employee accepts a post on a lower grade as result of a restructuring or change in the workforce, personal salary protection will apply in accordance with the [Local Scheme of Conditions of Service](#) or Collective Agreement on Pay Protection for those in the Fire & Rescue Service, available on George.

### **20 SEVERANCE PAYMENTS**

For those in the Local Government Pension Scheme, (including Chief Officers) payments relating to redundancy and early retirement will be paid in accordance with the Council's [Managing Change Policy](#) and [Retirement Policy](#).

All employees / recruits (including Chief Officers) in receipt of a redundancy payment will be subject to the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modifications) Order 1999<sup>8</sup>.

### **21 PAYMENTS FOR RETURNING OFFICERS DURING LOCAL ELECTIONS**

Payments for the Chief Executive and Executive Directors who are Returning Officers are made in accordance with their respective JNC Conditions of Service. The current Head of Paid Service relinquishes this payment in the favour of the District Chief Executives who fulfil the role of the Deputy Returning Officers.

Payments for employees at Head of Service and below for Local Election duties are made in accordance with the [Local Scheme of Conditions of Service](#).

### **22 PAY POLICY SUB-COMMITTEE**

The Pay Policy Sub-Committee undertakes an annual review of the salaries of the Chief Executive and Executive Directors. The Sub-Committee comprises of Councillors from the Appointments Committee, representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

### **23 LCC GREEN BOOK<sup>9</sup> NEGOTIATING TEAM**

The Negotiating Team considers pay issues relating to all employees within the scope of NJC pay awards.

### **24 RELATIONSHIP BETWEEN SENIOR OFFICERS PAY AND CONDITIONS WITH OTHER OFFICERS (including the lowest paid)**

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<sup>7</sup> See Glossary Page 12

<sup>8</sup> Under the Employment Rights Act 1996 (ERA), an employee can count service with an 'associated employer' towards the service requirement for a redundancy payment (i.e. two years) and, if appropriate, for calculating that payment.

<sup>9</sup> See Glossary Page 12

The approaches for determining senior management pay are set out in paragraph 4 above.

The approach for determining other employees' pay, including the lowest paid employees, is set out in paragraph 5 above.

## **25 PAY MULTIPLES (or pay dispersion)**

Pay multiple is the ratio between the salary of the highest paid employee and the median full time equivalent salary of the organisation. The pay multiple is often referred to as 'pay dispersion.'

For 2020-21 the pay multiple is 4 which is the same as the previous 3 years.

There is no formal mechanism for direct comparison between pay levels of the wider workforce with Senior Manager Pay and there are no Council policies on reaching or maintaining a specific pay multiple.

## **26 RE-ENGAGEMENT OF FORMER SENIOR MANAGERS**

The policy for appointing or re-engaging any Senior Manager who has previously been made redundant by the Council, or who is in receipt of a local government pension, is that there should be a presumption against re-employment for a period of 6 months following the end of their employment. However, in exceptional circumstances Senior Managers may be re-employed by the Council more quickly provided that it is not within one month and one day of their leaving date.

In approving a re-employment of a Senior Manager, Members will need to be satisfied that:

- the employee is not being re-employed in a role or capacity, which is broadly similar to the role from which they were made redundant;
- the rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grading which applied to the employee prior to the end of their current contract;
- the employment should be for a fixed term, not exceeding one year, unless there are exceptional circumstances; and the arrangement must provide financial / operational advantage to the Council.

The policy of the Lincolnshire Pension Fund is not to abate pensions should any officer retire and then return to work for the Council.

## **27 THE USE OF CONTRACTS FOR SERVICES AND APPOINTMENT OF CONSULTANTS**

The HMRC requires the Council to determine whether an arrangement with a consultant or contractor constitutes a contract of employment or can be deemed to be on a self-employed basis.

The determination will need to be made for every agreement that is proposed as the decision on status relates to the contract, not the individual. This must be undertaken before any engagement is agreed or any contract signed.

Where it is determined that an engagement constitutes a contract of employment, normal Council terms and conditions will apply and the work must be paid for at the evaluated rate for the job.

It may be appropriate to re-engage a former employee as a consultant with a contract for service in certain circumstances. This may be appropriate:

- For discrete pieces of work where the former employee has the appropriate skill and experience which is not available elsewhere in the Council.
- Where it is more cost effective
- Where it is difficult to recruit due to market conditions
- Where work of an urgent nature arises at short notice.

Such arrangements should be time limited, and be subject to appropriate written agreements covering the nature, duration, quality standards, and the basis on which the agreement will be terminated. The written agreement must be signed before the arrangement commences.

Initial consideration for providing cover for urgent work should be through the use of temporary employment contracts advertised in the usual manner or through acting up or secondment arrangements made available to existing staff. This should particularly be true where the work relates to the normal business of the service area, as opposed to defined projects or one off tasks.

It is our duty under the Pensions Act 2008 to comply with auto-enrolment Regulations and an assessment will be made on whether the contractor is an employee rather than a contractor and therefore pensionable under the Act.

In determining whether a consultant is genuinely self-employed, the Council will take into account, not only the contractual terms agreed, but also the realities of the employment relationship. This will include whether there is provision for substitution and whether resources are provided by the Council or by the consultant. These examples are not exhaustive and are purely illustrative of the type of factors to be taken into account.

## **28 PERSONAL SERVICE CONTRACTS**

In the contracting sector, the generally accepted definition of a personal service company is a limited company that typically has a sole director, the contractor, who owns most or all of the shares.

Many contractors choose to work for clients using their own [limited companies](#) for many reasons. Limited companies can be a tax efficient way for contractors to work, as they often split their income between [salary and dividends](#), which means they do not pay, employers' or employees' Class 1 National Insurance Contributions on a large part of their overall income.

Personal Service contracts prevent the risk of there being a contract of service, or an employment relationship with the Council which eliminates any income tax liability on the Council.

By using a limited liability company, contractors are also insulated to a certain extent from business risk.

The Council does not currently have any such contracts in place for normal employment.

From the 6 April 2017, the Government changed the rules in relation to [off-payroll working in the Public Sector for intermediaries](#). The Council's policy on [Agency, Relief and Off-Payroll Workers Policy](#) was updated in line with these changes.

## **29 GENDER PAY GAP INFORMATION**

In accordance with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, which came into force on the 31 March 2017, employers with at least 250 employees are required to publish annual information as at 31 March each year. This information is published on the Council's website and also externally and on the [Governments Gender Pay Gap website](#).

# APPENDIX A

## Senior Manager Pay Structure – from April 2020

Salary (£)	Chief Executive - 1/4/20 - £187,077
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	Executive Directors: 1/4/20 - £137,384
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### Senior Leadership Pay Band

Pay Zone	Zones	Post Titles	Pay Range		
			Max	Med	Min
Director Band	Single Zone	Director of Public Health	130,608	113,770	104,817
Senior Leadership	Zone A	Assistant Director Strategic Finance	110,845	93,774	84,896
		Assistant Director Children's (Lead Early Help)			
		Assistant Director Children's (Safeguarding)			
		Assistant Director - Joint Commissioning and Specialist Services (Adults)			
		Assistant Director - Adult Frailty and Long-term Conditions			
		Assistant Director IMT			
		Assistant Director Commercial			
		Assistant Director Education			
		Assistant Director Highways			
		Assistant Director Communities			
Zone B	Assistant Director Commissioning	95,103	80,381	73,288	
	Consultant in Public Health				
	Assistant Director Corporate Property				
	Head of Prevention & Early Intervention				
Zone C	Head of SEND	81,281	69,753	64,387	
	Head of Locality				
	Head of Regulated Services (Fostering)				
	Head of Regulated Services (Adoption)				
	Head of Safer Communities				
	Head of Human Resources				
	Head of (Adult Frailty & Long Term Conditions; Learning Disability; Special Projects and Hospital Services; Adult Safeguarding; Mental Health Services; Integration & Transformation)				
	Head of Business Support				
	Head of Transport Services				
	Head of Highways Infrastructure#				
	Head of Highways Asset Management				
	Head of ICT				
	Lead Nurse in Children's Health				
Head of Commercial Services, Procurement & Contract Management					

<b>Consultant (Public Health) reporting to Director of Public Health</b>	
<b>Band 8 *</b>	
	£65,922.00
	£67,805.00
	£70,631.00
	£74,084.00
	£77,850.00
	£81,618.00

<b>Band 9 *</b>	
	£77,850.00
	£81,618.00
	£85,535.00
	£89,640.00
	£93,944.00
	£98,453.00

\* N.B. Director and Consultant roles in Public Health transferred into the Council on the 1 April 2013 from the NHS as part of the Health and Social Care Act 2012. The transfer was under TUPE, therefore terms and conditions of employment, including salary, are protected.

<b>Fire &amp; Rescue Service Management Team – from 1 January 2020</b>	
Chief Fire Officer	£122,566
Deputy Chief Fire Officer	£ 98,053
Assistant Chief Fire Officer	£ 91,925

# APPENDIX B

## Lincolnshire County Council Salary Structure from 1 April 2020 - 2021 NJC for Local Government Services

LCC Pay Spine for staff up to and including Head of Service			
	1 April 2020	This Pay Spine is anchored to salary points on the NJC National Pay Spine and these salaries are shown in bold. The relevant Lincolnshire points are scp's 2,3,6,9,12,15,18,21,24,27,30 & 33 Scp 1 – Business Support Apprentice Rate & Business Support – Foundation	GLPC Points Score
1	£16,141		Apprentice Rate
2	<b>£17,842</b>		
3	<b>£18,198</b>	<b>G1</b>	Grade 1 = 182 - 227
4	£18,338		
5	£18,430		
6	<b>£18,562</b>	<b>G2</b>	Grade 2 = 228 - 267
7	£18,926		
8	£19,333		
9	<b>£19,698</b>	<b>G3</b>	Grade 3 = 268 - 307
10	£19,736		
11	£20,412		
12	<b>£20,903</b>	<b>G4</b>	Grade 4 = 308 - 347
13	£21,731		
14	£22,638		
15	<b>£23,541</b>	<b>G5</b>	Grade 5 = 348 - 387
16	£24,333		
17	£25,123		
18	<b>£25,991</b>	<b>G6</b>	Grade 6 = 388 - 427
19	£26,785		
20	£27,729		
21	<b>£28,672</b>	<b>G7</b>	Grade 7 = 428 - 467
22	£29,920		
23	£31,053		
24	<b>£32,234</b>	<b>G8</b>	Grade 8 = 468 - 507
25	£33,412		
26	£34,576		
27	<b>£35,745</b>	<b>G9</b>	Grade 9 = 508 - 547
28	£37,123		
29	£38,502		
30	<b>£39,880</b>	<b>G10</b>	Grade10 = 548 - 587
31	£41,541		
32	£43,201		
33	<b>£44,863</b>	<b>G11</b>	Grade 11 = 588 - 627
34	£47,180		
35	£49,498		
36	£51,817	<b>G12</b>	Grade 12 = 628 - 667
37	£53,555		
38	£55,292		
39	£57,029	<b>G13</b>	Grade 13 = 668 - 707
40	£58,767		
41	£60,506		
42	£62,244	<b>G14</b>	Grade 14 = 708 - 747
43	£63,980		
44	£65,719		
45	£67,456	<b>G15</b>	Grade 15 = 748 - 787
46	£69,194		
47	£70,931		
48	£72,670	<b>G16</b>	Grade 16 = 788 - 827

**Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment**

1 April 2020  
£37.07

**Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session**

1 April 2020  
£29.83



## **APPENDIX C**

### **Glossary of Terms**

#### **Spot Salary:**

Spot salaries within the Council are fixed to a specifically defined spinal column point. There is no progression up to or beyond the rate for each position. Spot salaries are one of the least discriminatory of pay methods because everyone is paid the rate for the job from day one and the pay structure cannot be distorted by differential progression.

#### **JNC for Local Authority Chief Officers**

The primary role of the Joint Negotiating Committee is a national body to reach agreement on a national framework on all national pay and service conditions and items related to any dispute for all chief officers.

#### **NJC for Brigade Managers (Gold Book)**

The primary role of the National Joint Committee for Brigade Managers of Fire and Rescue Services (the NJC) is to reach agreement on a national framework of pay and conditions for Brigade Managers for local application throughout the Fire and Rescue Service in the UK.

#### **JNC for Local Authority Chief Executives**

The Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities is the national negotiating body for the pay and conditions of service of Chief Executives in England and Wales. The Authorities' Side consists of elected members nominated by the Local Government Association. The Staff Side consists of Chief Executives nominated by the Association of Local Authority Chief Executives (ALACE). ALACE is registered as an independent trade union.

#### **NJC for Local Government Services**

The pay and terms of conditions of employment for Local Government Services' workers is determined by the National Joint Council for Local Government Services. The NJC for Local Government Services has 70 members: 12 on the employers' side and 58 on the trade union side.

In 1997, the NJC for Local Government Services agreed a national framework with potential for local modification to suit local service requirements. Known as The Single Status Agreement, these pay and conditions of service agreements are published in [The Green Book: Local Government Scheme of Conditions of Service](#).

#### **Greater London Provincial Council (GLPC) Job Evaluation Scheme**

The Council use the scheme developed to support local authorities in carrying out their obligations under the national agreement on single status. The job evaluation scheme was the subject of consultation with the Equal Opportunities Commission. The scheme is jointly agreed by the employers and unions in London local government. It was developed by a working party of experienced evaluators and tested jointly at regional and local authority levels.

The scheme is accompanied by a code of good practice and a framework procedure to inform local arrangements.

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## Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	County Council
Date:	19 February 2021
Subject:	Lincolnshire County Council's Green Masterplan

### Summary:

This report presents the Green Masterplan approved on 2 February 2021 to the County Council for debate.

### Recommendation(s):

That the County Council supports the Green Masterplan attached at Appendix A.

## 1. Background

In May 2019 Lincolnshire County Council (LCC) determined that it wished to achieve net carbon neutrality by 2050 in line with national objectives. This is reflected in the current Corporate Plan. Subsequent government initiatives have further developed this agenda nationally, most recently in November with a Ten Point Plan for a green industrial revolution, with the aspiration to create 250,000 jobs.

On 11 December 2019 the Council received and noted a Climate Change Update Report which stated that the Council would produce a Green Masterplan. The draft Green Masterplan was presented to the Executive for approval on 2 February 2021 and duly approved.

Although approval of the Green Masterplan is an executive function and the Masterplan has indeed been approved by the Executive following scrutiny by the Environment and Economy Scrutiny Committee it is important that all councillors have an opportunity to contribute to the debate around these issues and therefore the Masterplan is presented to the full Council to seek their support.

Focusing on clean energy, transport, nature and innovative technologies, the plan emphasises the development of offshore wind power, hydrogen as a fuel for heating, promotion of electric vehicles, decarbonised public transport, carbon capture technologies, protecting and restoring the natural environment, and introducing targets such as 600,000 domestic heat pumps installed by 2028.

In response to this developing national agenda, local authorities have been working through national networks such as ADEPT and Solace to develop common approaches to key elements of the sustainability agenda. Principally these are

- Growing the zero and low carbon economy
- Retrofitting homes and buildings
- Decarbonising transport
- Planning to deliver zero carbon development that protects and enhances nature
- Reducing waste and encouraging sustainable consumption
- Restoring nature for all
- Developing local authority funding, governance and accounting systems that are fit for purpose

In Lincolnshire the Green Masterplan has been developed to take advantage of these opportunities and to set out the Council's approach to achieving long term sustainable objectives. As such, the Green Masterplan is designed to articulate the Council's own future actions to reduce its emissions, and also to provide a co-ordinating framework that will engage partners in LCC's approach, while supporting them to achieve their own ambitions.

The Green Masterplan sets out three broad principles, which are further developed through a series of actions in the immediate, medium and long term. These are:

- Not wasting anything
- Taking advantage of the wider opportunities
- Taking responsibility and pride for our contribution

As a cross-cutting agenda with relevance across LCC's service delivery portfolio, the Green Masterplan is integrated within the corporate transformation programme.

An action plan has also been defined to identify specific projects that will carry forward this agenda while ensuring that actions across service areas can be effectively monitored and co-ordination can be maintained. This is attached at Appendix B. It consists of ongoing and planned actions, as well as opportunities for further development in the medium and longer term.

The Green Masterplan is designed to be easily accessible and open, usable as a paper document but primarily intended to be used as a web-based resource that can be updated rapidly to reflect changing circumstances, and new and emerging opportunities. The intention is that it will remain current, guiding ongoing service planning across the Authority so that the Council can clearly demonstrate its leadership in driving a more sustainable future for Lincolnshire.

Key areas for delivery in the next few years include:

- 20% further reduction in carbon emissions from LCC's operations by 2023 (from 2018 baseline)

- Emissions of carbon from street lighting across Lincolnshire reduced by over 1,000 tonnes a year by 2024
- Increased on-site generation of low carbon electricity through provision of solar panels on Highways depots and through refurbishment of assets such as Orchard House
- Longer term decarbonisation of transport
- Further reductions in LCC staff travel costs and mileage
- Promotion of tree and habitat provision across Lincolnshire, working with the Local Nature Partnership to deliver the Nature Strategy for Greater Lincolnshire
- Supporting partner organisations to achieve their ambitions for sustainable operations
- Developing a suite of adaptation measures, such as improved resilience to flood risk and the impacts of climate change
- Strengthening the role of sustainability in the Council's decision-making processes during 2021-22

In addition there are a range of smaller scale activities, such as reducing use of paper, printing and electricity that can be carried out at work and at home, that will also contribute to the Council's overall sustainability profile while helping to engage individuals personally in promoting changing attitudes towards energy use.

The Green Masterplan will provide a framework to promote co-ordination between services and organisations, while maintaining a clear monitoring regime so that progress can be reported and sustained.

## **2. Legal Issues:**

### Equality Act 2010

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.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

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.

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.

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.

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.

While individual projects within the remit of the Green Masterplan will be subject to an equality impact assessment, the plan as a whole aims to provide a framework for achieving greater sustainability and resilience for all people across Lincolnshire. Detailed research exists showing the capacity of sustainable approaches to transport, economics and housing to alleviate inequalities, and this will be reflected in project specific impact assessments.

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

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The Green Masterplan will support delivery of key elements of the JHWS, including promotion of effective digital technologies and support for mental health and well-being through environmental initiatives that will enhance access to high quality green space. The JSNA formed part of the initial research in developing the main themes within the Green Masterplan.

## Crime and Disorder

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.

The Green Masterplan is intended to provide improved quality of life for all people across Lincolnshire. There is evidence to show that access to green space and to a higher quality environment helps to reduce the incidence of crime and disorder and can also reduce the fear of crime.

### **3. Conclusion**

The Green Masterplan is designed to articulate the Council's future actions to reduce its emissions, and also to provide a co-ordinating framework that will engage partners in LCC's approach, while supporting them to achieve their own ambitions. This will support LCC in its ambition to achieve net carbon neutrality by 2050.

### **4. Legal Comments:**

The adoption of the Green Masterplan is an executive function and has been approved by the Executive.

It is presented to the County Council for debate and to seek support.

### **5. Resource Comments:**

Development of the Green Masterplan is funded from the Development Fund (an earmarked reserve) approved in the Council's 2020/21 Budget. Although there are no direct financial implications from approval of the Green Masterplan any implications arising from the accompanying action plan will be dealt with, as required, through normal budgetary processes.

### **6. Consultation**

#### **a) Has Local Member Been Consulted?**

n/a

#### **b) Has Executive Councillor Been Consulted?**

Yes

### c) Scrutiny Comments

At a meeting on 12 January 2021, the Environment and Economy Scrutiny Committee considered the report and unanimously agreed to support the recommendation to the Executive.

Members of the Committee asked a number of questions, when the following points were confirmed:

- The Sustainability team was congratulated on the document, which contained a lot of practical information and was dynamic.
- While the drive for electric vehicles was supported, one important issue would be with selecting the alternative energy source to power large lorries over long distances. Alternative methods of fuel were available, such as bioethanol, but there was a need to modernise technology to run on alternative fuels. A trial had been conducted with Stagecoach buses to run on gas, but the biggest issue identified was refuelling. It was expected that a wide range of solutions and technology would be required for sustainable travel over a broad timeframe.

Plastic free communities were being established nationally and also across Lincolnshire, where leaders within a local community were invited to lead and work with local communities and businesses to reduce plastic waste. There was growing public pressure to reduce plastic waste and companies would in future become 100% responsible for their waste which should result in a further reduction in plastic waste.

### d) Risks and Impact Analysis

Risks and impacts will be undertaken in detail for each project included within the action plan. Existing risk and impact assessments are available relating to activities within the Carbon Management Plan, which forms part of the Green Masterplan.

## 6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire's Green Masterplan
Appendix B	Initial Delivery Plan

## 7. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

Background Paper	Where it can be viewed
Minutes of the County Council meeting dated 17 May 2019 Item 16 Notices on Motion	<a href="https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&amp;MId=5274&amp;Ver=4">https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&amp;MId=5274&amp;Ver=4</a>



Report to County Council dated 11 December 2019 entitled "Climate Change Update"	<a href="https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&amp;MId=5661&amp;Ver=4">https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&amp;MId=5661&amp;Ver=4</a>
Report to Executive dated 2 February 2021 entitled "Lincolnshire County Council's Green Masterplan"	<a href="https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&amp;MId=5751">https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&amp;MId=5751</a>

This report was written by David Hickman, who can be contacted on 07919 045257 or [david.hickman@lincolnshire.gov.uk](mailto:david.hickman@lincolnshire.gov.uk)

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# Green Master Plan

## Our commitments for a zero carbon Lincolnshire

### *Working for a Better Future*

#### 1. DON'T WASTE ANYTHING

##### **This means**

1. Following the *Reduce – Reuse – Recycle- Rot* ethos for both domestic and commercial waste. [www.recycling-guide.org.uk](http://www.recycling-guide.org.uk)
2. Thinking about energy usage at home and work and switch off appliances and review timings for heating. [www.energysavingtrust.org.uk](http://www.energysavingtrust.org.uk)
3. Thinking about using public transport if possible, also can you cycle or walk to your destination. Reduce business miles by using video conferencing if possible. [www.energysavingtrust.org.uk/mileage/reducing](http://www.energysavingtrust.org.uk/mileage/reducing)
4. Thinking about what you are buying do you need it. Beware of the urge to buy one get one free as often the second one is wasted without proper meal planning. At work before something is procured do you really need the item or can you reduce the amount you are ordering.
5. Collaboration of organisations procuring together can give savings on the scale of economies and also the officer time as the process is streamlined. <https://local.gov.uk/national-procurement-strategy/making-savings>

#### 2. WHAT ARE THE WIDER OPPORTUNITIES?

##### **This means**

1. Trying to look at the bigger picture to see if there are opportunities for partnership working.
2. Working with other services within your organisation as in many cases services are being delivering to the same client and joint working can deliver savings.
3. Working with other organisations to deliver savings by avoiding duplication i.e. multiple agencies visiting a client when one agency may be able to visit and provide multiple information.
4. Achieving multiple benefits – making money go further
5. Working together with other Districts/Public Sector bodies to secure funding.
6. Working together to secure funding
7. Is the natural environment in a better condition than at the start – cause no harm

#### 3. TAKE RESPONSIBILITY & PRIDE

##### **This means**

1. Leaving the natural environment in a better condition than found.
2. We are custodians for the future - *We do not inherit the Earth from our ancestors; we borrow it from our children.*
3. Doing the right thing as an organisation by setting an example.
4. Causing no harm to the environment and where possible enhancing it.
5. Having a strong Corporate Social Responsibility.

**Boxes will drop down when you click on one of the 3 themes**

# DON'T WASTE ANYTHING – Case Studies

## **Lincolnshire County Council (LED Street Lighting Upgrade)**

In Early 2018 it was decided after a successful previous rollout of LED street lighting a further rollout would proceed to replace just over 25,000 street lights with LED.

LED street lighting is more efficient leading to a reduction in finances and carbon emissions but it also provides a better quality of light and requires less servicing and has a much longer life span than the sodium lamps they replace.

The £3,055,470 project funded through Salix Finance and street lighting involves replacing sodium ballasts of 25,010 street lights with LED replacements over a six year period. The project covers all the purchase and replacement costs leading by year six to annual saving of £407,605 and 1,057.80 tonnes of carbon.

At present the project is in its third year of delivery with all units being replaced by the end of March 2024.

## **District Councils (Paper and card collection)**

Three of the partner Waste Collection Authorities (WCAs) - Boston Borough Council, North Kesteven District Council and South Holland District Council volunteered to run pilots and give an understanding of the feasibility of implementing this two stream collection option countywide.

The trial commenced in September 2019 with the WCAs undertaking the collection of paper and card in a separate dedicated receptacle (bin or bag). 7,500 households were selected to be a part of the trial consisting of a mix of urban, semi-urban and rural properties with the paper and cardboard being collected was sent directly to a paper processor.

Supporting the operational roll out has been a comprehensive set of education, engagement and communication activities and the results of the trial after the 12 months are as follows:

- 444.82 tonnes collected (equivalent to 1.35kg per household per week)
- Presentation (participation rate) - 96.3%
- Of those bins/bags presented - 97% have been collected (i.e. contained the right things)
- Quality levels of 98.5% quality paper and card (newspaper/cardboard/mixed papers)
- Moisture levels of less than 8% - a requirement of the paper mill we send it to

Separate collections of paper and card will now be rolled out on a district-by-district basis and it is anticipated the first authority will begin separated collections in Spring 2021.

## **Community**

### **Mint Lane Café, Lincoln**

Mint Lane Café is a community kitchen that supports Lincoln residents with affordable hot lunches that have been made from supermarket surplus stock. They offer friendship through food and encourage customers to sit and chat with new people while they enjoy a home cooked lunch. This community run project supports food waste by preventing edible food from becoming discarded and

community wellbeing by providing a safe and friendly environment to have an affordable hot lunch four days a week. They also have a small, but growing, shop selling dry, fresh and frozen products that customers can use at home. A number of Lincoln businesses supply the shop and café with their unsold or damaged bakery goods, which don't quite meet their exacting standards for their own customers, but are still perfectly safe and delicious for resale at a much reduced price. Lincoln University's agriculture campus supplies their fresh produce and much of what is for sale in the shop is organic and plastic-free.

The café and shop are available to everyone and currently open Wednesday-Saturday from 10am-3pm. It costs £3 for a three-course hot lunch and if you are able to afford more you can donate or purchase 'pay it forward' vouchers to support other members of the community. The café has space for 20 seated customers, but there are plans to expand and develop an outdoor seating area with room

## What are the wider opportunities? – Case Studies

### Lincolnshire County Council

#### Developing Water Catchments Resilience to climate

As the climate changes we are facing some considerable challenges in managing water, we can have too much of it (during flooding events) or not enough (during times of drought). This project is designed to support 20 businesses to reduce their risk of flooding as well as improve the conservation status of some of our fenland habitats.

The project is a partnership between Lincolnshire County Council, Black Sluice Internal Drainage Board and the Environment Agency. The primary goal is to set baseline water catchment data and use it to model the implications of water fluctuations and share that information with those who need to understand water volumes (such as farmers). Ultimately by better understanding water distribution we should reduce the need to move water around. Moving water around is both costly and has a high carbon footprint so the less we need to do it the better for the environment.

### District Councils

#### Sustainability Officers Working Group

In March 2020 Lincolnshire's Council leaders approved the formation of a Lincolnshire wide sustainability officers working group with sustainability representatives from each council. This group are currently working together to share information and identify opportunities to work together. This could save money, time and effort. The group are currently reviewing Lincolnshire wide carbon data and exploring modelling opportunities as well as identifying data sources to contribute to our understanding of Lincolnshire emissions.

## Community

In February this year various community groups took the opportunity to get out into nature and plant trees at a former land fill site. The event was hugely successful and over 2000 trees were planting creating new woodland for future generations.

### Working for a Better Future

Commitments for Zero-Carbon Lincolnshire

< Links to Front page/homepage >

#### **3. Take Responsibility and Pride**

"We do not inherit the Earth from our ancestors; we borrow it from our children"

Everybody needs to take responsibility for their part of the World. Lincolnshire has a lot to offer and there are many reasons to be proud of the county. Being proud of Lincolnshire makes it easier to take responsibility for its protection and improvement.

If every resident pledges to leave their part of Lincolnshire in a better condition than when they found it and act as custodians of the future then the natural environment has the opportunity to thrive. Our natural spaces will have the chance to flourish with new and mature species, and invite a wide range of creatures to make Lincolnshire their home.

Looking after the natural environment is the right thing to do. It is crucial to look after our natural world to minimise the impact of climate change and preserve our way of life. As organisations our responsibility runs deeper. We need to ensure that our activities do not cause harm and that we take responsibility for the sustainability of the whole value chain.

Examples:

Lincolnshire County Council - Low Carbon Lincoln Castle

Lincoln Castle is exploring opportunities so that they can become a low carbon visitor attraction by 2030. They are working with Lincoln based consultants Delta-Simons to understand where their biggest environmental impacts currently are and some of the ways these could be addressed. In conversation with staff, volunteers and visitors they hope to unearth some innovative ideas that can help with the transition to net-zero over time.

Museums shape our view of the world and are ideally placed to make a difference. They help us understand who we are and the world in which we live. They influence how we think and the way in which we behave. They are, therefore, key to shaping attitudes towards all sorts of contemporary issues. They are unique in having responsibilities to people of the past, present, and future to ensure that collections remain in good shape and accessible for years to come.

Partners – GLNP, Lincolnshire Records Centre

Community – Plastic Free Communities [Students for Climate (school strikes, email group)]

Plastic Free Communities are popping up all over Lincolnshire (currently Caistor, Keelby, Lincoln, Horncastle, Mablethorpe & Sutton on Sea, Skegness, Grantham, Barrowby, Sleaford, Boston, Spalding, Stamford). This is part of a campaign organised by Surfers Against Sewage that aims to eliminate single-use plastic from our communities and stop the tap of plastic ending up in rivers and seas. The campaign works with businesses, community groups and householders to educate and offer more sustainable alternatives to single-use plastic locally. The groups are run by local leaders who are proud to volunteer in their communities to make a positive difference in their area.

Louise Brown, co-leader for Plastic Free Lincoln, says that she is only able to make a difference in her patch of the world and was inspired to act for the benefit of her children. If every community can act in a similar way, then globally we can make a huge impact.

<Links to SAS website, Facebook pages>

# Data

## Lincolnshire County Council (Carbon Management Plan 3)

Following on from two previously successful CMP's which have seen a 46% reduction from our 2005/06 baseline by 2017/18 LCC worked with the Carbon Trust in 2017-18 to develop a 3<sup>rd</sup> carbon management CMP3 (2018-2023). This CMP commits LCC to a target of reducing its 2016/17 baseline of 28,679 by 20% between 2018 and 2023, and underpins potential financial savings to the organisation of around £1.1m over this period. Links for CMP3 and its summary document are below.

[Carbon management plan](#)

[Carbon management plan summary](#)

## Lincolnshire Wide Carbon Modelling

### Lincolnshire Wide Carbon Baseline – sus officers working group example

A creation of a one off Lincolnshire wide carbon baseline that included LCC & the Districts with potentially other public bodies i.e. Police, NHS and Lincoln University could identify areas of carbon emissions that would benefit from joint working. This has been done for waste where a Lincolnshire wide waste carbon footprint led to the identification of areas of high carbon emissions as well as areas that would benefit from joint working.

## District Councils

Links to information on each of the Districts Carbon management plans or other climate documentation is below:

- **Boston Borough Council** (Climate emergency declaration)
  - <https://www.mybostonuk.com/boston-borough-council-declares-climate-emergency/>
- **City of Lincoln Council** (Vision 2025 Strategic Plan)
  - <https://www.lincoln.gov.uk/downloads/file/851/vision-2025-strategic-plan>
- **East Lindsey District**
  - Awaiting a link to their CMP
- **North Kesteven District Council** (Carbon Management Plan)
  - <https://www.n-kesteven.gov.uk/your-council/how-the-council-works/key-plans-strategies-and-policies/policies/climate-emergency-strategy-and-action-plan/>
- **South Holland District Council**
  - Awaiting information
- **South Kesteven District council** (Carbon Management Plan)
  - <http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=26489&p=0>



- **West Lindsey District Council** (Carbon Management Plan)
  - <https://www.west-lindsey.gov.uk/my-services/my-community/sustainability-climate-change-and-environment/carbon-management/carbon-management-plan/>

## **Lincoln Climate Commission – Find link**

The Lincoln Climate Commission emerged from collaboration with the City of Lincoln Council, Siemens, Transition Lincoln and the University of Lincoln with an aim to make Lincoln zero carbon by 2030. The link below

- <https://www.lincolncclimate.org.uk/>

## **Lincoln University**

- <https://estates.lincoln.ac.uk/sustainability/energy-and-carbon-management/>

## **Lincolnshire NHS**

- <https://www.ulh.nhs.uk/about/board-meetings/october-2016/item-9-3-sdmp-trust-format-ver-8-4-to-tb-draft-clean/>

## **Lincolnshire Police**

- **Carbon Management Plan about awaiting approval. If public document link will follow.**

## **Local Authority and regional Carbon emissions**

Data exists at District Council level for per capita carbon emissions and this data historically goes back to 2005. The data has a 2 year lag but is useful as it breaks down emissions into domestic, commercial and transport emissions so it is possible albeit only at fairly high level to see changes over time. The data can be found at the link below:

- <https://www.gov.uk/government/statistics/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics-2005-to-2018>

## Leadership

Individual organisations will have their own project management and strategic boards, but it is important that Lincolnshire activity is coordinated and there is a clear picture of what action is taking place where.

Lincolnshire County Council has established an Environment Programme Board, which oversees the strategic direction for Lincolnshire County Council activity and is accountable for reporting on the organisation's carbon emissions. The sustainability team takes on the coordinating and reporting role at Lincolnshire County Council and will advise services about how they can respond to climate change impacts and bring their service operations to zero-carbon emissions. Key parts of the Lincolnshire County Council organisational scope of the Green Masterplan will be led by separate delivery groups, these will include, but are not limited to, the Lincolnshire Waste Partnership, the corporate transformation programme board, corporate property services, IMT and HR.

At a Lincolnshire local authority level, with all district councils and the county council coordinating effort, the Council Leaders and Chief Executives Group will provide the strategic overview. They have supported the recommendation to re-establish a countywide sustainability officers group. This group will bring together the range of ambition and action happening across the county and find ways to work in collaboration to share workloads and financial contributions as much as possible. There are already many established delivery groups that have membership from variety of public sector partners, these continue to be a crucial way to deliver the ambitions of the Green Masterplan, including; Lincolnshire Waste Partnership, Greater Lincolnshire Nature Partnership, Central Lincolnshire Planning Group, Greater Lincolnshire Local Enterprise Partnership and Flood Risk and Water Management Partnership.

In the community and for Lincolnshire businesses

	Green Masterplan Governance Structure		
	Influence →		
	LCC internal governance for own emissions and environmental impacts	Lincolnshire wide emissions and environmental impacts	Business and communities emissions and environmental impacts
Strategic overview	Corporate Environment Board	Leaders and Chief Executives Group	Climate Commissions?
Co-ordinating group	Sustainability team	Sustainability Officers working groups	
Delivery groups	Lincolnshire waste partnership senior officer working group	Lincolnshire waste partnership senior officer working group	
	Property Services	Greater Lincolnshire Nature Partnership	
	IT	Transport group?	
	HR	Planning groups?	
		Greater Lincolnshire Local Enterprise Partnership	
		Flood risk and water management partnership	

## Green Masterplan Actions

Lincolnshire County Council

This page outlines the range of actions that Lincolnshire County Council is considering focusing on for the next 10 years of the Masterplan period from 2020 – 2030. Our aim is to tackle some of the most pressing and urgent actions to reduce carbon and our impacts on the environment. We will focus our activities in 3 broad areas across Lincolnshire County Council:

- **Delivery of the transformation plan to embed GMP commitments across the council**
- **Deliver the carbon management plan**
- **Review Lincolnshire County Council travel policies**

### Buildings

- Clear heating policy for all buildings – temperature buildings will all be heated and cooled to
- Explore energy generation making use of building fabric (e.g. solar PV)
- ESPO – explore demand side response opportunities
- Shared and clear building rationalisation plan including:
  - Lincoln campus
  - Horncastle site
  - Review of bases to tie in with OPE and use of office 365
- Review R&M policy to allow for ambitious/ innovative low carbon technologies to be installed.
- Establish a clear minimum design standard for all new builds (e.g. Passivhaus)

### Resources

- Responsible procurement of supplies (whole life costings, ability to reuse)
- Waste management
  - Minimise the waste produced by staff
  - Centrally manage old IT equipment to minimise wastage and appropriately dispose broken electronics
  - Have a standard recycling approach across all buildings
- Paper
  - Reduce to a minimum all paper in council meetings
  - Monitor and reduce printing across the authority
- Pensions – explore opportunities to make low carbon investment opportunities
- Support staff to make positive low carbon decisions at home (salary sacrifice for home energy efficiency installations)
- Explore county farms opportunities eg tree planting.

### Carbon Management Plan

- Insert CMP actions

### Travel and Transport

- Reduce the requirement for staff to travel, make full use of Office 365 and video conferencing facilities.

- Clear policies to ensure travel is reduced and VC tools are the preferred method of holding meetings.
- Review staff parking passes
- Review commuting – look to promote rail and train transport (travel cards, incentives, working times/hours to accommodate public transport time tables)
- Pool cars/bikes
- Flexible working review to ensure consistency of approach across the council. Cost of working from home? Etc.
- Fleet vehicles must all be ultra-low emissions by 2050. A minimum target for 2030 should be 20% however 50% should be achievable.
- Review the car lease scheme
  - Remove carbon intensive vehicles from the lease scheme, and replace with electric vehicles.
  - Review the mileage requirements for the lease scheme (as we are trying to encourage staff to travel less for work)

## Partnerships

This page details the actions Lincolnshire County Council will take with our partners focusing on for the next 10 years of the Masterplan period from 2020 – 2030. Our aim is to tackle some of the most pressing and urgent actions to reduce carbon and our impacts on the environment. We will focus our activities in 3 broad areas across Lincolnshire

- Develop the actions of the sustainable officers working group to generate new joint projects
- Reducing the environmental impacts of Transport in Lincolnshire
- Reducing the environmental impacts of Waste Services

### Green Masterplan Actions

#### Communities and businesses

This page details the actions Lincolnshire County Council will take within our communities and across local business focusing on for the next 10 years of the Masterplan period from 2020 – 2030. Our aim is to tackle some of the most pressing and urgent actions to reduce carbon and our impacts on the environment. We will focus our activities in 3 broad areas across Lincolnshire.

- Settling up a Lincolnshire Environmental Fund
- Support the emerging Lincoln Climate Commission

## Why a Green Masterplan?

Imagine a world where solutions to reduce carbon and adapt to a changing climate align with the wider aims of businesses, communities and large organisations. Until recently this might have seemed unlikely, however the announcement by the Prime Minister Theresa May in May 2019 to cut UK carbon emissions to net zero by 2050 set a stringent and pressing target focusing efforts in sectors such as waste, transport and energy. Theresa May stated there was a "moral duty to leave this world in a better condition than what we inherited".

The question now is what might a zero carbon future look like and how might we leave the world in a better condition? Of course we don't have all the answers here and now in 2020, but there are many opportunities to use existing and new technology to give an idea of what it might look like. Undoubtedly future solutions will be integrated within a region's economy and environmental characteristics, making best use of the resources available and working in partnership with public and private and 3<sup>rd</sup> sectors.

In Lincolnshire we are well placed to rise to the challenge of net zero, with a broad depth of knowledge across multiple sectors including agri-tech, energy, and education. The Green Masterplan will focus our collective actions on reducing our impacts on the environment and supporting the individual goals of Lincolnshire's communities, businesses and organisations, as well as Lincolnshire County Council's own impacts.

At the heart of the Green Masterplan are our 3 commitments to deliver a greener future. They are:

- Don't waste anything
- Consider wider opportunities
- Take responsibility and pride

These commitments will steer our actions to achieving net zero. By not wasting our time, energy, money we will reduce the need for earth resources and ultimately save carbon. By considering the wider opportunities we'll be able to identify areas where we can work with others to make the most of our actions. Encouraging partners to work together can achieve multiple benefits and is an efficient use of time and money. By taking responsibility and pride we are carrying out our moral obligation to leave Lincolnshire a better place acting as custodians for the future.

Aside from our commitments, within the Green Masterplan you'll find data on carbon emissions across Lincolnshire, a look at what's happening across Lincolnshire and an action plan detailing climate actions across Lincolnshire. The principles of the Green Masterplan will remain the same however as new information, policy or events happen we will review the plan and adapt if necessary.

## Measuring Success

<Links to data pages>

Each action plan will be developed by the individual organisation, but shared here so that the areas of collaboration and project succession can be seen as part of the whole picture. Some projects will be easier to set targets and report tangible results for. Others, which are more holistic and cultural or behavioural in nature, will have less verified results, but more narrative to articulate how they are progressing.

Lincolnshire County Council has a number of timelines for reporting success and keeping up momentum for the Green Masterplan. Individual projects will be reported on annually to track progress and highlight areas where more activity is needed. Reporting will be completed by project managers and an annual update will be available here gathering all information together.

Every three years, a thorough action plan review will take place. It is expected that this will enable future-planned projects to be started and the medium term landscape to be reviewed so that the next phase of pipeline projects can be added to the action plan and prepared accordingly.

A strategic review will take place every five years. It is anticipated that the legislative horizon will evolve at this pace, so that we can make sure that activity is aligned with national policy. This timeframe also supports engagement with national leaders so that we can articulate and evidence what is needed at a local level to continue moving Lincolnshire towards to a zero-carbon economy.

We propose working in three priority areas in each 10-year phase of the Green Masterplan. These pillars of activity will help to structure where the greatest gains are and focus activity in a manageable number of strategic areas. As we move nearer to the zero-carbon target for 2050, the priority areas will change and the Green Masterplan will adapt to meet the evolving priorities. Ten year horizons for the key pillars of activity with a mid-term strategic review of these priority areas should keep the action plan on track and make sure that the strategic direction is still the right one.

We will update and include carbon emissions baselines and projections to support the development of project plans and evidence the activity that is taking place. Lincolnshire County Council is working on their third carbon management plan (2018-2023), and may adjust the period of the next plan so that it aligns more closely with the strategic reviews of the Green Masterplan.

Green Masterplan: Initial Delivery Programme

Action	Comments	Benefit	Timescales
Reducing carbon emissions by 20%	Outlined in the Carbon Management Plan	5,700 tonnes of CO2 avoided	2023
Replacement of streetlights with LED lamps	Project underway and funded from the Salix Fund	1,057 tonnes of CO2 avoided	2024
Heat Decarbonisation Plan	Bid to BEIS/Salix Decarbonisation Fund. Likely to be future funding opportunities	200 tonnes of carbon saved – assumes 10% of buildings upgraded Upgraded heating systems Lower maintenance costs	2023
Assessment of buildings for PV solar	Systematic assessment of each building for solar PV installation. PV prices rapidly falling – low payback levels. Could be funded by Salix SEELS bid	Related to the size of the opportunity. Would reduce running costs and potentially generate income.	Assessment in 2021 Initial projects in 2021/22
Sustainability Decision Making Tool	A simple checklist of sustainability considerations	Ensure that the sustainability implications are considered in major decisions and purchases	May 2021
Demonstration Electric Vehicles	Highways looking at EVs with Balfour Beatty. Other funding opportunities to get EVs. Allows LCC to assess technical issues, maintenance, charging infrastructure. Experience before 2030 phase out of petrol & diesel	Reduced emissions Air quality improvements	2021 and on-going as funding opportunities arise
Smarter Working	Change in the way the Council operates to take advantage of improvements in connectivity. Energy savings due to smarter working being monitored	Reduced operational costs Estate rationalisation Reduced travel and business mileage	2020/21 initial phase
Climate Change Risk Assessment	National CCRA updated for 2022. LCC update to run alongside	Identification of current risk. Updates a document that is currently out of date	2022

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## Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	<b>County Council</b>
Date:	<b>19 February 2021</b>
Subject:	<b>Review of the Lincolnshire Minerals and Waste Local Plan</b>

### Summary:

The County Council is the Mineral and Waste Planning Authority for the county of Lincolnshire and is responsible for the production, monitoring, review and updating of a minerals and waste local plan.

The current plan, the Lincolnshire Minerals and Waste Local Plan (LMWLP), forms part of the statutory development plan for the county. This in effect means that all mineral and waste planning applications must be determined in accordance with the LMWLP unless material considerations indicate otherwise.

Under government regulations the LMWLP must be reviewed by 1 June 2021 to establish whether it remains relevant and effective. To meet this deadline a provisional review ("the Review") has been undertaken and is attached to this report as Appendix A. This concludes that 11 policies need to be updated.

Although an update of the LMWLP could be restricted to these 11 policies, the Review also concludes that there would be a number of benefits to updating the plan as a whole, not least to ensure consistency between the policies.

On 2 February 2021 the Executive resolved to endorse the Review and to recommend to the full County Council that the whole plan is updated in accordance with the programme set out in the proposed Lincolnshire Minerals and Waste Development Scheme attached to this report as Appendix B.

The decision to commence the updating of the LMWLP rests with the full County Council.

### Recommendation(s):

1. That the County Council approve the document attached to this report as Appendix A for publication as the "Review of the Lincolnshire Minerals and Waste Local Plan - February 2021".
2. That the County Council approve the document attached to this report as Appendix B for publication as the "Lincolnshire Minerals and Waste

Development Scheme - February 2021" and resolve that it takes effect on 19 February 2021.

3. That the County Council authorise the updating of the Lincolnshire Minerals and Waste Local Plan as a whole in accordance with the Lincolnshire Minerals and Waste Development Scheme 2021 referred to in the recommendation 2 above.

## **1. Background**

1.1 The County Council is the mineral and waste planning authority for the county of Lincolnshire and is responsible for the production, monitoring, review and updating of a minerals and waste local plan. The current plan, the Lincolnshire Minerals and Waste Local Plan (LMWLP), was initially produced under former legislation in two parts:

- the Core Strategy and Development Management Policies (CSDMP) document adopted on 1 June 2016 – which sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the county up to 2031, together with the development management policies against which applications will be considered; and
- the Site Locations document (SLD) adopted on 15 December 2017 - which identifies specific sites and preferred areas for mineral extraction and for the location of waste facilities.

1.2 The LMWLP forms part of the statutory development plan for the county, which in effect means that all planning applications for minerals and waste development must be determined in accordance with the LMWLP unless material considerations indicate otherwise.

1.3 Due to the importance of local plans in decision making, regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires them to be reviewed at least every five years from the date of adoption. The term "review" relates specifically to the limited process of assessing whether the policies in the plan remain relevant and effective. Where evidence can be produced that this is the case, the existing plan can be retained. On the other hand, if the policies are found to be deficient in some respect, the plan will need to be formally updated either in part or as a whole.

1.4 Under current procedures, the LMWLP would be produced as a single document. As a result, both parts of the plan need to be reviewed together within five years from the date of adoption of the first part of the plan (i.e. by 1 June 2021).

1.5 National Planning Practice Guidance (PPG) states a review should be proportionate to the issues in hand, but that most local plans are likely to

require updating in whole or in part at least every five years. It does not provide specific guidance on how a review of a minerals and waste local plan should be carried out, but does provide some general guidance, albeit focussed on the review of district council local plans.

- 1.6 In preparation for meeting the deadline the LMWLP has been reviewed by officers and the provisional findings set out in the report attached as Appendix A, referred to in this report as "the Review". This considers a number of issues, which in part have been adapted from the guidance in the PPG to make them relevant to minerals and waste development. These issues together with the findings are summarised below.

Issue 1: Whether the policies of the LMWLP are performing successfully against the indicators set out in that plan (as assessed each year in the county council's Annual Monitoring Reports (AMRs))

- 1.7 The most significant concerns identified in the Review relate to the following policies:

- **Policy M4 (Proposals for sand and gravel extraction)** - the policy does not appear to provide sufficient flexibility for determining applications. In particular, the policy does not specifically allow the extraction of sand and gravel from small areas of land adjacent to existing quarries, which would otherwise become sterilised if not worked as part of the existing operations. As a result three applications have been granted planning permission which did not strictly accord with the policy.
- **Policy M11 (Safeguarding of mineral resources)** - this policy aims to safeguard important mineral resources for potential future use by preventing incompatible forms of development, such as housing, from sterilising the mineral deposits. Under the safeguarding procedure, the district councils of Lincolnshire (the planning authorities for most forms of non-minerals/waste development) are required to consult the County Council with respect to planning applications falling within Mineral Resource Safeguarding Areas, other than those exempted by the policy. Where applications are caught by this policy, they should be accompanied by a mineral resource assessment. Unfortunately, in practice this has included a large number of applications (225) where in the opinion of officers it would be unreasonable to ask the applicants to commission a mineral resource assessment due to the limited nature of the proposed development. This, however, represents a pragmatic approach to the implementation of the policy, rather than strict adherence to it. In addition eight applications have been granted planning permission by the district councils despite safeguarding objections from the County Council. The policy is therefore not considered to provide an efficient approach to safeguarding mineral resources.

- **Policy M13 (Associated Industrial Development)** - this policy deals with planning applications for industrial development within or in proximity to mineral sites. To comply with the policy the development must have close links with the minerals development. However, contrary to this policy, the County Council has granted four planning permissions for industrial development where the links with the associated mineral site are more tenuous. Therefore the policy may either be too restrictive or the close link criterion may need to be given greater emphasis.
- **Policy W6 (Landfill)** - sets out a strict approach to landfill, which only allows planning permission to be granted where several criteria are met. This includes a requirement to demonstrate that current capacity within the county is insufficient. Two applications have, however, been granted where this criterion was not met, which may indicate that the policy is too restrictive or that the criterion needs to be given greater emphasis.

Issue 2: Whether the County Council's decisions are being upheld on appeal

- 1.8 Appeals have been made against two decisions to refuse planning permission for the extraction of limestone that were considered to be contrary to **Policy M5 (Limestone)**. One appeal for a site at Denton was dismissed whilst another at Dunston was allowed.
- 1.9 Given that Lincolnshire has sufficient permitted reserves of limestone for the plan period, Policy M5 is a very restrictive policy which requires a "need" to be demonstrated. In practice, however, the appeal decision at Dunston has demonstrated the difficulties of assessing whether there is a "need". The policy also lacks flexibility to allow small extensions to existing quarries, which would otherwise maintain jobs and competition.

Issue 3: Whether any other concerns have come to light over the implementation of the policies, which are not identified through the policy indicators

- 1.10 The Review has identified concerns with a number of policies, but the most significant are considered to relate to the following:
- **Policy M1 (Recycled and secondary aggregate)** is linked to policy W4 which restricts such development to locations in and around the main urban areas, other than small scale development. The County Council has, however, been prepared to grant planning permission for such facilities at quarries not meeting the criteria of policy W4.
  - **Policy M11 (Safeguarding of mineral resources)** – in addition to the concerns identified under Issue 1, the policy is generating too many consultations that fall within the exemptions to the policy, and could be considered too extensive in terms of the areas covered.
  - The interlinked **Policies W3 (Spatial strategy for new waste facilities)** and **W4 (Locational criteria for new waste facilities in and around main urban areas)** are considered to be too complicated and difficult to interpret.

- **Policy W7 (Small scale waste facilities)** is limited to small scale facilities, but does not define "small scale". Although the supporting text provides indicative scales, in practice planning permissions are being granted that exceed these scales.

Issue 4: Whether the LMWLP makes sufficient provision for a steady and adequate supply of aggregates

- 1.11 Based on evidence set out in the County Council's latest Local Aggregate Assessment (December 2019), it is considered that the LMWLP has made sufficient provision for a steady and adequate supply of aggregate over the plan period ending in 2031. However, if the plan is updated, the level of provision will need to be increased to cover the extended period of the updated plan.

Issue 5: Whether there are likely to be any significant changes to the assumptions and forecast waste management capacity gaps set out in the County Council's Waste Needs Assessments that underpin the LMWLP

- 1.12 Work on a new Waste Needs Assessment is currently being commissioned. If the County Council sanctions the updating of the LMWLP, it will be underpinned by the new Waste Needs Assessment and will need to plan for the capacity gaps identified in that document.

Issue 6: Whether any issues have arisen that may impact on the deliverability of key site allocations

- 1.13 Only one mineral site allocated in the SLD has not been delivered by the anticipated date: an extension to the North Kelsey Road Quarry (MS09-CL). This, however, is a very small site containing 0.15mt of building sand. Whilst this might affect the availability of building sand in the area, overall it will have a negligible impact on the plan's delivery of sand and gravel. No other issues have been identified over the deliverability of key site locations for mineral working.
- 1.14 The approach to waste management is largely criteria driven. The SLD has allocated large areas of "employment land" (as defined in the relevant district council local plans) that would also be suitable for waste management under **Policies W1 (Future requirements for new waste facilities) and SL3 (Waste site and area allocations)**. However, most sites that have been granted to date, whilst meeting the criteria of the CSDMP, are not located within the allocated areas. Consequently, whilst the criteria based approach is delivering the waste management facilities needed, the fact that most of these sites are not allocated has cast doubt over the value of Policies W1 and SL3.

Issue 7: Whether the LMWLP conforms with the policies of the National Planning Policy Framework and the National Planning Policy for Waste

- 1.15 The changes made to the NPPF since the adoption of the CSDMP and SLD have made little impact on national minerals and waste policy. However, updating the LMWLP would provide an opportunity to consult on this issue and, if necessary, amend any policies to ensure the plan remains sound.

Issue 8: Whether plan-making activity by other authorities impacts on the level of future provision that the county council needs to make for mineral working and waste management having regard to the statutory duty to cooperate procedures

- 1.16 Concerns have been raised on the emerging mineral local plans of three neighbouring authorities which are not considered to be making adequate provision for a steady and adequate supply of sand and gravel from their own indigenous sources. In particular, an objection has been made against the Nottinghamshire Minerals Local Plan because if adopted it is likely to result in Lincolnshire having to continue to make significant (unplanned) exports to that county. That plan is currently under examination with the Inspector's report expected early in 2021.

Issue 9: Whether any other "drivers of change" are impacting on the LMWLP

- 1.17 The Review has considered new social, environmental and economic priorities that have arisen since the LMWLP was adopted, but has concluded that none are of such significance as to require an updating of the plan. However, if the plan is updated it will provide an opportunity to take into account any new priorities that emerge during plan preparation (including any arising from the pandemic).

## **2. Legal Issues**

### Equality Act 2010

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.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. 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.

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.

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. 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.

An Equality Impact Analysis has been carried out and is attached to this report as Appendix C. No positive or adverse impacts have been identified.

Should the full County Council sanction the updating of the LMWLP, this would be carried out in several stages in accordance with the programme set out in the proposed Lincolnshire Minerals and Waste Development Scheme (Appendix B). Each stage would be subject to public consultation in accordance with the adopted Statement of Community Involvement (SCI). This seeks to ensure that all sections of the community with an interest in a particular area will be engaged. In particular, it requires effort to be made to identify and engage under-represented and seldom heard groups in Lincolnshire, including those with the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The SCI recognises that within a sparsely populated county such as Lincolnshire it is important to ensure the involvement of groups including rural communities suffering from isolation. Challenges encountered by the above groups range from accessibility to venues, language barriers, social differences and types of media being used. Specific organisations aimed at targeting these groups, would be identified with assistance from the Council's Community

Engagement Team for consultation purposes. Appropriate locations and a variety of media would also be employed.

Comments received through the consultation procedures relating to protected characteristics would be reviewed at each stage of plan preparation.

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

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

It is considered that the updating of the whole LMWLP would contribute to the aims of the JSNA and JHWS by providing an opportunity to consult/publicise on policies relating to the environmental impacts of mineral/waste development (and how these would be mitigated) and to the beneficial reclamation/after use of such sites.

### Crime and Disorder

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.

This obligation has been considered, but is not thought to be directly affected by the proposals in this report.

## **3. Conclusion**

3.1 The Review has concluded that 11 of the policies in the LMWLP need to be updated. Furthermore, while no significant issues were identified with the other policies, the Review has concluded that it would still be appropriate to update them in order to:

- improve the clarity and focus of the policies;
- ensure greater consistency between the policies;
- allow any subsequent changes to legislation/national policy to be incorporated into the updated plan;
- ensure account is taken of any new social, economic and environmental priorities (including those arising from the pandemic); and



- enable greater public involvement in the process.
- 3.2 In contrast to the existing LMWLP (which in the earlier stages was largely prepared by external consultants), the updating of the plan would primarily be undertaken by the in-house Minerals and Waste Policy Team. This would reduce costs and allow considerable refinement of the plan by officers with more knowledge of the county and with experience of the existing plan's shortcomings. Some specialised documents would, however, need to be prepared externally. These include a new Waste Needs Assessment and documents associated with the Sustainability Appraisal/Strategic Environmental Assessment.
- 3.3 The Executive considered this matter on 2 February 2021 and resolved to endorse the Review (attached to this report as Appendix A) and to recommend to the full County Council that the LMWLP is updated in accordance with the programme set out in the proposed revised Minerals and Waste Development Scheme attached to this report as Appendix B.
- 3.4 The Executive also authorised the Head of Planning Services to make any minor amendments to the Review and to the proposed Minerals and Waste Development Scheme necessary to allow them to be published on the County Council's website. These amendments have subsequently been incorporated into Appendix A and Appendix B.
- 3.5 The decision to proceed with an update of the whole LMWLP rests with the full County Council.

#### **4. Legal Comments:**

Recommendation 1 is in accordance with the statutory obligations of the Council under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 to review its local plan every 5 years.

Recommendation 2 is in accordance with the Council's obligation to prepare and maintain a minerals and waste development scheme under section 16 of the Planning and Compulsory Purchase Act 2004.

The Minerals and Waste Local Plan forms part of the Policy Framework and the decision whether to review the Plan and approval of the scheme governing its review is within the remit of the full Council having regard to the recommendation of the Executive.

## **5. Resource Comments:**

The majority of the work necessary to update the LMWLP is expected to be undertaken by the LCC Minerals and Waste Policy Team. However, consultancy support is envisaged being required for some specialised documents, the cost of which will be met from within the Place directorate's existing budgets.

## **6. Consultation**

### **a) Has Local Member Been Consulted?**

n/a

### **b) Has Executive Councillor Been Consulted?**

Yes

### **c) Scrutiny Comments**

At a virtual meeting on 12 January 2021, the Environment and Economy Scrutiny Committee considered the report and unanimously agreed to support the recommendation to the Executive.

Members of the Committee asked a number of questions, when the following points were confirmed:

- The County Council has objected to the Draft Nottinghamshire Minerals Local Plan due to the low level of provision made for sand and gravel which is based on past sales. Nottinghamshire's past sales had been suppressed due to sites being mothballed, and sand and gravel had instead been imported from Lincolnshire sites. There were therefore implications and concerns for Lincolnshire from the proposed levels, as these might result in the need for additional quarries in Lincolnshire to meet the shortfalls in Nottinghamshire.
- There had been a move away from landfill sites in Lincolnshire, with most household waste now taken to the Energy from Waste site, and it was expected that there would be even less reliance on landfill sites in the future. Any proposals for waste sites would be subject to public consultation. Councillor E Poll advised that only about 5000 tonnes of household waste goes to landfill each year which cannot be disposed of by other means.
- There were specific sites allocated in the current plan for sand and gravel extraction as operators had submitted sites during the preparation of the plan for consideration. However, there was little interest from the waste industry in identifying waste sites and only one specific site had been allocated.

- Policy W5 had not been identified as needing to be updated but would be reviewed with all the other policies. Concerns were raised about the inconsistency of policy W5 which meant some planning applications would be considered by the relevant district council and others by the County Council depending on the origin of the waste. It was suggested that it would be more consistent to have one council deal with planning applications in relation to policy W5.

#### d) Risks and Impact Analysis

See Appendix C

### 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Review of the Lincolnshire Minerals and Waste Local Plan (Provisional)
Appendix B	Lincolnshire Minerals and Waste Development Scheme (Proposed)
Appendix C	Equality Impact Analysis

### 8. 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
Core Strategy and Development Management Policies (2016)	<a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Site Locations document (2017)	<a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Authority Monitoring Reports (January-December) 2017/2018/2019	<a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Lincolnshire Local Aggregate Assessment (December 2019)	<a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Statement of Community Involvement (September 2019)	<a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
The Report to the Executive on 2 February 2021 – Review of the Lincolnshire Minerals and Waste Local Plan	<a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>

This report was written by Adrian Winkley, who can be contacted on 07867139608 or [adrian.winkley@lincolnshire.gov.uk](mailto:adrian.winkley@lincolnshire.gov.uk)

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**Review of the Lincolnshire Minerals  
and Waste Local Plan**

**February 2021**

**Lincolnshire County Council  
Telephone 01522 782070**

**This information can be provided in another language or format  
For all enquiries please contact the above number**

PROVISIONAL

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# 1. Introduction

- 1.1 Lincolnshire County Council ("the Council") is the Mineral and Waste Planning Authority for the county of Lincolnshire (figure 1). As such it is responsible for the preparation of a minerals and waste local plan, setting out its detailed policies and locations for future minerals extraction and for the development of waste management facilities.
- 1.2 The Council's current plan, the Lincolnshire Minerals and Waste Local Plan (LMWLP), forms part of the statutory development plan for Lincolnshire. Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications for minerals and waste development in the county must be determined in accordance with this development plan unless material considerations indicate otherwise.
- 1.3 Due to the importance of the LMWLP in decision making, the Council is required to monitor its performance against the performance indicators set out in the plan. The results of this on-going exercise are published each year in the Council's Authority Monitoring Reports (AMRs).
- 1.4 Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Council is also required to undertake a more in depth review of the LMWLP within five years from its date of adoption (i.e. by 1 June 2021 - see Section 2). This needs to take into account the findings of the AMRs and any changing circumstances that may affect the relevance and effectiveness of the policies.
- 1.5 A review may conclude that either:
  - the plan/policies do not need updating; or
  - that one or more policies need updating, and that the plan should be updated in whole or in part.

However, national Planning Practice Guidance (PPG) advises that most plans are likely to require updating in whole or in part at least every five years.

- 1.6 To meet the requirement of the above regulations, the LMWLP has been reviewed and the findings set out in this document. In accordance with the PPG this review has been kept proportionate to the issues in hand, which are considered to be:
  - whether the policies are performing successfully against the indicators set out in the plan (as assessed each year in the Council's Annual Monitoring Reports (AMRs));
  - whether the Council's decisions are being upheld on appeal;
  - whether any other concerns have come to light over the implementation of the policies, which are not identified through the policy indicators;

- whether it makes sufficient provision for a steady and adequate supply of aggregates;
- whether there are likely to be any significant changes to the assumptions and forecast waste management capacity gaps set out in the Council's Waste Needs Assessments that underpin the plan;
- whether any issues have arisen that may impact on the deliverability of key site allocations;
- whether the plan conforms with the policies of the National Planning Policy Framework and the National Planning Policy for Waste;
- whether plan-making activity by other authorities impacts on the level of future provision that the Council needs to make for mineral working and waste management having regard to the statutory duty to cooperate procedures; and
- whether any other "drivers of change" (such as changes in legislation and national policy) are impacting on the plan.

1.7 There are five further sections to this document dealing with the following:

- Section 2 provides more details on the LMWLP and the associated Lincolnshire Minerals and Waste Development Scheme (the "project plan" for the preparation of the LMWLP);
- Section 3 provides an overview of the monitoring undertaken on the LMWLP;
- Section 4 provides details of the drivers of change referred to above;
- Section 5 assesses each policy of the LMWLP in turn and identifies the relevant issues referred to in paragraph 1.6 that impact on each policy; and
- Section 6 sets out the final conclusion on whether the plan needs to be updated either in whole or in part.

Figure 1: The county of Lincolnshire



## 2. Overview of the plan

- 2.1 The **Lincolnshire Minerals and Waste Local Plan (LMWLP)** forms part of the statutory development plan for Lincolnshire and is composed of two Development Plan Documents (DPDs).
- 2.2 The first part of the plan, the **Core Strategy and Development Management Policies (CSDMP)** document, was adopted on 1 June 2016. This sets out the Council's key principles to guide the future winning and working of minerals and the form of waste management development in the county up to 2031. It includes core policies, development management policies and restoration policies against which planning applications for minerals and waste development are considered.
- 2.3 The second part of the plan, the **Site Locations** document (**SLD**), was adopted on 15 December 2017. This allocates specific sites for the winning and working of sand and gravel and for waste management, and more general areas that are suitable for waste management. In addition it safeguards the allocated sand and gravel sites from other forms of development.
- 2.4 As set out in the Introduction, a local plan must be reviewed within five years from its date of adoption, and this may give rise to a need to update the plan either in whole or in part. Although the LMWLP was prepared in two parts, under current regulations a new minerals and waste local plan would need to be prepared as a single document. As a result, the review needs to be completed within five years of the adoption of the first part of the LMWLP (i.e. by 1 June 2021) because the findings may indicate that the whole plan needs to be updated.
- 2.5 Under Section 16 of the Planning and Compulsory Purchase Act 2004 (as amended), the Council is required to prepare and maintain a minerals and waste development scheme, which amongst other things sets out a timetable for the preparation and revision of the LMWLP. A new Lincolnshire Minerals and Waste Development Scheme (2020) has therefore been prepared to reflect the findings of this review document.

### **3. Monitoring of the plan**

- 3.1 Under the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, the Council is required to periodically produce an Authority Monitoring Report (AMR). These are normally produced annually and, amongst other things, provide information on the performance of the Council's policies set out in the LMWLP.
- 3.2 The performance of the policies are assessed against targets linked to output indicators set out in the LMWLP, which provide a benchmark for measuring policy implementation. This monitoring framework also includes provision to monitor the strategic objectives of the LMWLP and the objectives of the associated Sustainability Appraisal (SA), which the policies seek to deliver. Details of the indicators and targets for the policies in the CSDMP and SLD are included in Appendix 1. The strategic objectives of the LMWLP and the Sustainability Appraisal objectives are listed in Appendices 2 and 3 respectively.
- 3.3 In addition, to assist in the monitoring of policies, the CSDMP requires the Council to routinely monitor other matters, such as the take-up in allocated sites and areas for both minerals and waste development.
- 3.4 For minerals, the CSDMP requires the monitoring of the number and nature of applications that involve the extraction of mineral types which are not covered by specific policies. However, at the end of 2020 no such applications had been made.
- 3.5 For waste, the Council is required to monitor, as far as possible, existing stock and changes in stock and capacities; waste arisings; and the amounts of waste recycled, recovered or going for disposal. This information is reported in the AMRs and in Section 5 of this document under the relevant Core Policies.
- 3.6 The AMRs report on the effectiveness of the policies and help to identify any changes needed if a policy is not working, or the targets are not being met. They are therefore an integral part of the review process.

## 4. Drivers of change

- 4.1 In addition to assessing the performance of the LMWLP policies through the findings of the AMRs, another important part of the review process involves identifying whether there are any relevant national, regional or local drivers of change that may affect the objectives of the plan or impact upon the policies directly. This could include, for example, changes to national policy and legislation, or the publication of new guidance, plans and strategies by other relevant organisations.
- 4.2 At the time of their adoption (June 2016 for the CSDMP and December 2017 for the SLD), both parts of the LMWLP were found to be sound and legally compliant. This review will therefore focus on any changes to policy, legislation and other drivers of change (relevant to minerals and waste) that have taken place since the adoption of both parts of the LMWLP.

### National drivers

- 4.3 The paragraphs below identify any relevant changes to national legislation, policy and guidance that have taken place since the adoption of both parts of the LMWLP, and which have the potential to impact upon the soundness and legal compliance of the policies within the plan. Where required, further analysis of the implications of these changes is included in the assessment of individual policies in chapter 5.

### National Planning Policy Framework (NPPF)

- 4.4 The NPPF was first published in 2012, and has been updated twice since the adoption of the LMWLP: firstly in July 2018, and secondly in February 2019. The most substantial changes made to the framework relate to planning for housing which falls outside of the scope of the LMWLP. These changes may, however, affect any updates to the housing provision in the district councils' local plans. In turn, these will need to be taken into account in any future forecasts of aggregate provision and waste management needs underpinning the LMWLP. In addition, other changes have been made that are of more direct relevance to the plan, including:
- greater emphasis on conserving and enhancing the natural environment, including delivery of measurable net gains in biodiversity;
  - increased emphasis on flood risk assessment and mitigation;
  - increased emphasis on the effects of climate change;
  - updates in relation to the conservation of heritage assets; and
  - updates in relation to energy security and oil and gas development.

- 4.5 Other relevant updates to the NPPF include the introduction of a requirement for Statements of Common Ground (SOCG) to be produced to demonstrate compliance with the duty to co-operate. As this is a procedural requirement related to the plan-making process, it does not affect the existing policies and objectives of the adopted LMWLP.

### **National Planning Practice Guidance (NPPG)**

- 4.6 The NPPG was first published in 2014 and provides guidance to support the NPPF. This 'live' web-based guidance is subject to regular and on-going updates. Relevant updates to the NPPG that have been made since adoption of the LMWLP predominantly reflect and build upon the changes to the NPPF outlined above.

### **The 25 Year Environment Plan**

- 4.7 The government's '25 Year Environment Plan' was published in January 2018. The plan sets out the government's strategy for managing and improving the environment to leave it in a better condition for the next generation. To help meet this aim, the strategy sets out a number of goals:

- clean air;
- clean and plentiful water;
- thriving plants and wildlife;
- a reduced risk of harm from environmental hazards such as flooding and drought;
- using resources from nature more sustainably and efficiently;
- enhanced beauty, heritage and engagement with the natural environment;
- mitigating and adapting to climate change;
- minimising waste;
- managing exposure to chemicals; and
- enhancing biosecurity.

- 4.8 Each of the above goals is supported by associated targets and objectives. In May 2019 a framework of outcome indicators was published to accompany the 25 year environment plan.

### **Resources and Waste Strategy for England**

- 4.9 The government's 'Resources and Waste Strategy for England' was published in December 2018. This strategy aims to preserve material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. To this end, it sets out a number of ambitious commitments, milestones and targets which will have a significant impact on waste generation and the way that it is managed and planned for in the coming years.

- 4.10 Key ambitions set out in the strategy include:

- doubling resource productivity by 2050;

- elimination of avoidable waste of all kinds by 2050;
- elimination of avoidable plastic waste over the lifetime of the 25 year environment plan;
- working towards eliminating food waste to landfill by 2030; and
- working towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025.

4.11 The strategy also proposes the following waste management targets:

- 50% recycling rate for household waste by 2020;
- 75% recycling rate for packaging by 2030 (subject to consultation);
- 65% recycling rate for municipal solid waste by 2035; and
- municipal waste to landfill 10% or less by 2035.

### **Changes to legislation, regulations and case law**

4.12 There have been a number of changes and updates to relevant regulations and case law in the period following the adoption of the LMWLP. These have included, for example:

- amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012;
- updates to the Strategic Environmental Assessment Regulations;
- updates to the Conservation of Habitats and Species Regulations; and,
- European Court of Justice Ruling (People Over Wind and Sweetman v. Coillte Teoranta) 2018 and the associated implications for Habitats Regulations Assessments.

4.13 Many of the changes that are of direct relevance to the LMWLP relate to the procedures to be followed during the plan-making process, and so whilst they may impact upon any future updates to the plan, they do not affect the existing adopted policies.

### **Emerging policy and legislation**

4.14 At the time of publication of this review report, the Draft Environment Bill was progressing through parliament. The Bill is likely to receive royal assent in 2021, and will have a number of significant implications for the LMWLP that will need to be taken into consideration by the Council.



- 4.15 The Bill will provide the legislative underpinnings for many of the commitments in the 25 Year Environment Plan and the Resources and Waste Strategy discussed above. Relevant provisions proposed in the Bill include a strengthened duty to conserve and enhance biodiversity, including a mandatory requirement for measurable net-gains in biodiversity. Significant provisions are also proposed in relation to waste and resource efficiency.

## **Local and regional drivers**

### **Minerals and Waste Local Plans**

- 4.16 Planning for mineral extraction and the provision of waste management infrastructure are both strategic matters which require cross-boundary co-operation between different minerals and waste planning authorities and other relevant organisations. The minerals and waste local plans of other authorities therefore have the potential to have a significant impact on the LMWLP. Through the duty to co-operate, and in responding to formal consultations, the Council engages with other minerals and waste planning authorities on a regular basis in relation to the above matters.
- 4.17 Concerns have been raised on the emerging mineral local plans of three neighbouring authorities which are not considered to be making adequate provision for a steady and adequate supply of sand and gravel from their own indigenous sources. In particular, an objection has been made against the Nottinghamshire Minerals Local Plan because if adopted it is likely to result in Lincolnshire having to continue to make significant (unplanned) exports to that county. That plan is currently under examination with the Inspector's report expected early in 2021.

### **District Council Local Plans**

- 4.18 As part of the two-tier system of local government in Lincolnshire, the district councils are responsible, either individually or in partnership, for the production of local plans for their respective administrative areas. Local plans are currently in place for all districts within Lincolnshire and table 1 below identifies the date of adoption for each of these local plans.

**Table 1: District council local plans**

<b>Local Plan</b>	<b>Date of Adoption</b>
Central Lincolnshire Local Plan	April 2017
East Lindsey Local Plan	July 2018
South East Lincolnshire Local Plan	March 2019
South Kesteven Local Plan	January 2020

- 4.19 As shown in the above table, all of the current district local plans within Lincolnshire were adopted after the Council had adopted the CSDMP (the first part of the LMWLP), and all but one were adopted after the Council adopted the SLD.
- 4.20 As Minerals and Waste Planning Authority, the Council has followed the progress of these local plans closely, making representations and co-operating with the district councils where appropriate. As a result, no significant implications have been identified in relation to the performance and effectiveness of the LMWLP as a result of the adoption of the above local plans.
- 4.21 As elements of the adopted LMWLP align with the provisions of the district local plans, for example the siting of waste allocations on employment land, any changes that have been made to the policies and associated policies maps of the district local plans will be considered as part of any future updates to the LMWLP.

**Other relevant local and regional publications and strategies**

- 4.22 Any other relevant local and regional publications and strategies are included in the assessment of the individual policies in chapter 5.

## 5. Assessment of the plan policies

5.1 This section identifies each policy of the adopted LMWLP and provides an assessment against the following factors (which incorporate the issues identified in paragraph 1.6 of Section 1):

- summary of performance in relation to the indicators and targets set out in the plan – based on the findings of the AMRs (see Appendix 1 for a list of indicators and targets for each policy);
- any other issues with the implementation of the policy that have not been identified by the indicators and targets; and
- whether there are any relevant national, regional or local drivers of change that affect the underlying objectives or impact upon the policy directly.

A summary is included at the end of each assessment setting out how the policy has performed overall and whether any issues have been identified that may indicate the need for the policy to be updated.

### Policies of the CSDMP

#### **Policy M1: Recycled and secondary aggregates**

Planning permission will be granted for recycling/reprocessing of materials for use as secondary or recycled aggregates in appropriate locations as specified in Policy W4, provided that proposals accord with all relevant Development Management Policies set out in the Plan.

### Performance based on the indicators and targets of the CSDMP

5.2 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M1.

**Target:** 100%

**Result:** 90%

5.3 Information set out in the AMRs for 2016 to 2019 indicates new recycling facilities have been permitted in appropriate locations in accordance with the sustainable waste management aspirations of policy M1. Ten planning decisions for aggregates recycling were issued during the 2016 to 2019 period, nine of which were approved in accordance with the policy.

## **Other issues with implementation**

- 5.4 Policy M1 sets out the Council's positive approach for the provision of recycled and secondary aggregate waste management facilities. The policy is, however, reliant upon applications being in accordance with other policies in the plan – particularly policy W4 (Locational Criteria) and the development management policies which are referenced in the policy.
- 5.5 In 2016 one application was granted planning permission contrary to officer recommendation. This was an application at Dunston Quarry which failed the criteria of policy W4 and, by implication, policy M1. In this case the Council's Planning and Regulation Committee took the view that greater weight should be afforded to paragraph 28 of the National Planning Policy Framework which supports the sustainable growth and expansion of all types of business and enterprise in rural areas. They also considered the nature of the development, the fact that the same recycling operations had previously benefited from planning permission, and that the environmental and amenity impacts would be limited.
- 5.6 The above case was not picked up as being contrary to policy M1 in the AMR for 2016. It has, however, been included in this review of the policy in order to increase the accuracy of the assessment.

## **Drivers of change**

- 5.7 The Waste Management Plan for England (2014) sets out the government's ambition to work towards a more sustainable and efficient approach to resource use and management and by driving waste management up the waste hierarchy. The plan incorporates the principles set out in the EU Waste Framework Directive, 2008/98/EC, which requires waste management authorities to plan on the basis that, over time, there should be a significant reduction in the amount of Construction, Demolition and Excavation waste that is sent for disposal to landfill.
- 5.8 The NPPF 2018 sets out in paragraph 204, that planning policies should:
- "so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials".
- Policy M1 therefore sets out a positive approach for the delivery of new recycling and secondary aggregate facilities to meet the county's needs.
- 5.9 Since the CSDMP was adopted in 2016, the government's 25 year Environment Plan has been published (January 2018). The plan sets out a strategy which includes minimising waste and reusing materials, working toward a key target of zero avoidable waste by 2050. This plan was shortly followed by the publication of the Resources and Waste Strategy for England (December 2018) which builds upon these key milestones for waste management. Of particular relevance to policy M1 is the key milestone for the sustainable use of natural

resources, which aims to double the productivity of recycled resources as a substitute for primary aggregate. The strategy also promotes the elimination of avoidable waste of all kinds by 2050.

## Summary

- 5.10 It is considered that the positive approach of policy M1 toward the provision of development for recycled and secondary aggregates accords with the aims of current legislation and guidance, and has generally performed well. However, the decision of the Council's Planning and Regulation Committee to approve an application contrary to the linked policy W4, indicates that the policy may need to be modified.

### **Policy M2: Providing for an adequate supply of sand and gravel**

The County Council will ensure a steady and adequate supply of sand and gravel for aggregate purposes by making provision over the period 2014 - 2031 (inclusive) for the extraction of 42.66 million tonnes of sand and gravel (2.37 million tonnes per annum). This will be divided between the three Production Areas (as shown on the Key Diagram) as follows:

- 18.00 million tonnes (1.00 million tonnes per annum) from the Lincoln/Trent Valley Production Area;
- 9.00 million tonnes (0.50 million tonnes per annum) from the Central Lincolnshire Production Area; and
- 15.66 million tonnes (0.87 million tonnes per annum) from the South Lincolnshire Production Area.

The County Council will make provision for the release of sand and gravel reserves in the Site Locations Document. This will give priority to extensions to existing Active Mining Sites. New quarries will be allocated where they are required to replace existing Active Mining Sites that will become exhausted during the Plan period and where they are located in the relevant Areas of Search as shown on the Policies Map, namely:

- West of Lincoln and north/south of Gainsborough for the Lincoln/Trent Valley Production Area;
- Tattershall Thorpe for the Central Lincolnshire Production Area; and
- West Deeping/Langtoft for the South Lincolnshire Production Area.

[See figure 2 below]

**Figure 2: Sand and gravel production areas in Lincolnshire**



## Performance based on the indicators and targets of the CSDMP

5.11 The performance of the policy since the adoption of the CSDMP is measured against five indicators, which are discussed in turn below.

**Indicator 1:** Delivery of the identified annual provision by production area.

**Target:** 100% accordance with policy M2.

**Result:** Lincoln/Trent Valley Production Area (111%); Central Lincolnshire Production Area (70%); South Lincolnshire Production Area (91%).

5.12 Indicator 2 was set up as a means of assessing whether the Council is on course to deliver the planned provision of sand and gravel within each production area for the plan period. This is achieved by comparing the average annual sales with the planned provision rate for that part of the plan period which has lapsed, and for which sales data is available. The results are set out in table 2 and can be interpreted as:

- results around 100% - the plan is on course to deliver the planned provision;
- results less than 100% - the plan is less likely to deliver the planned provision, which may indicate problems with supply or could simply be the result of low demand; and
- results over 100% - demand may exceed the planned provision over the plan period.

**Table 2: Delivery of CSDMP planned annual provision of sand and gravel**

Sand and gravel production area	CSDMP planned annual provision (mt)	2014 sales (mt)	2015 sales (mt)	2016 sales (mt)	2017 sales (mt)	2018 sales (mt)	Average annual sales (mt)	Planned annual provision delivered up to 31.12.18
Lincoln/Trent Valley	1.00	1.07	1.02	1.13	1.18	1.13	1.11	111%
Central Lincolnshire	0.5	0.36	0.41	0.35	0.26	0.34	0.35	70%
South Lincolnshire	0.87	0.72	0.76	0.69	0.94	0.85	0.79	91%
Lincolnshire	2.37	2.15	2.19	2.17	2.38	2.32	2.24	95%

Source(s): Lincolnshire Local Aggregates Assessments 2017 – 2020 (2015 – 2018 data). No LAA was produced for the 2014 data so landbank is based on data from the East Midlands Aggregates Working Party Annual Monitoring Report 2014.

- 5.13 The table shows that the Lincoln/Trent Valley Production Area has exceeded the annual provision rate set in the CSDMP. This appears to be due to the increasing demand from Nottinghamshire and other counties rather than from demand arising within the county. Nevertheless, the CSDMP appears to be on course to deliver all of the planned provision in this Production Area, and potentially more. This should not, however, present a problem within the short to medium term, given that the SLD has allocated an additional 9.24mt of sand and gravel in excess of the planned level of provision needed during the plan period. In effect this should provide a considerable buffer should production levels continue to exceed the planned provision rate.
- 5.14 In contrast to the Lincoln/Trent Valley Production Area, sales in the South Lincolnshire Production Area have been lower than the planned level of provision, but are within 10% of that figure. These lower production levels are due to the low demand for sand and gravel in this part of Lincolnshire, although this has been partly offset by higher demand from the East of England.
- 5.15 Sales in the Central Lincolnshire Production Area have been significantly below the planned levels of production. This is due to the lower demand for sand and gravel and is not attributable to any problems with productive capacity. Unlike the other two production areas, the quarries within Central Lincolnshire are not well placed to serve the more buoyant markets beyond the county boundaries. Notwithstanding this, the provision level set for this production area is not considered excessive as it allows for an anticipated recovery in sales.
- 5.16 It is therefore considered that the policy has delivered a sufficient supply of sand and gravel in each Production Area to meet the level of demand and, as a result, the policy objectives are being met.

**Indicator 2:** Type of Sites: extensions/new.

**Target:** Priority to extensions.

**Result:** Target met through the adoption of the SLD.

- 5.17 Policy M2 makes provision for the release of sand and gravel reserves and gives priority to the allocation of extensions to Active Mining Sites through the SLD. Policy SL1 of the SLD allocates nine extensions to existing active mining sites and one new quarry, and is considered to have met this objective of the policy.

**Indicator 3:** Location of new quarries by Production Area.

**Target:** 100% location within Areas of Search.

**Result:** Target met through the adoption of the SLD.



- 5.18 Where new quarries are allocated in the SLD, policy M2 specifies that they should be located within an area of search. Only one new site is allocated in the SLD, known as Manor Farm, Greatford (MS25-SL), which is located in an area of search.
- 5.19 It is therefore considered that this aspect of the policy objectives has been met.

**Indicator 4:** Allocation of sites meeting the required annual and plan period provision.

**Target:** Through adopted Sites Location Plan.

**Result:** Target met through the adoption of the SLD.

- 5.20 Policy SL1 of the adopted SLD allocates sufficient sites to meet the annual and plan period provision for sand and gravel set out in policy M2. Some of the allocations are not required until well into the plan period, and as a result will only be partially worked during this period. The overall allocation in each production area therefore exceeds the requirements of policy M2 and provides a degree of flexibility should demand exceed forecast levels. The delivery of allocated sites is considered in detail under policy SL1.

**Indicator 5:** Permissions for non-allocated sites.

**Target:** Zero

**Result:** Five

- 5.21 Table 3 lists five planning permissions for mineral extraction granted on non-allocated land.
- 5.22 The first of these applications PL/0042/15 was subject to a committee resolution on 11 April 2016 to grant planning permission subject to the completion of a Section 106 Planning Obligation, prior to the adoption of the CSDMP. It was therefore excluded from the allocation process as the reserves had already been taken into account in the drafting of policy SL1 of the SLD. Planning permission was subsequently granted in September 2017, prior to adoption of the SLD. Although this application did not contravene policy M2, it was technically at odds with this indicator.

**Table 3: Planning permissions for sand and gravel extraction granted on non-allocated land (1 June 2016 to 31 December 2019)**

<b>Planning permission</b>	<b>Application details</b>
PL/0042/15	Western and Eastern extensions to Woodhall Spa (Kirkby on Bain) Quarry, providing 3.5mt of sand and gravel
PL/0126/17	To extract 183,000 tonnes of sand and gravel at Tithe Farm Pastures, Tithe Farm, Langtoft
(E)S176/189/0443/16	Woodhall Spa (Kirkby on Bain) Quarry, S73 application to reduce the standoff between the extraction area and the adjacent banks of the Old River Bain, releasing an additional 50,000 to 70,000 tonnes of sand & gravel
PL/0016/19	For the extraction of 35,821 tonnes of sand and gravel, for the construction of two new lakes and associated holiday home accommodation at Westmoor Farm, North Kesley Road, Caistor
PL/0015/19	For the extraction of 350,000 tonnes of sand and gravel as an extension to West Deeping Quarry

- 5.23 The second application was for an agricultural irrigation reservoir, which involved the "incidental" extraction of sand and gravel. As such it was determined under policy M14. This type of application arises where there is a need for an irrigation facility rather than specifically to contribute to the provision of a steady and adequate supply of aggregate mineral. As a result, while such applications do not contravene policy M2, they will inevitably conflict with this indicator.
- 5.24 The remaining applications were considered against policy M4 (Proposals for sand and gravel extraction), which under certain circumstances allows the granting of planning permission for non-allocated sites. While in both cases it was considered that the proposals do not undermine policy M4, as non-allocated sites they also conflict with this indicator.
- 5.25 It is therefore concluded that the low performance of this policy as measured by this indicator is misleading. This is because the objective of policy M2 is to ensure the provision of an adequate supply of sand and gravel through the allocation of sites in the SLD. It is not to prevent the granting of planning permission for non-allocated sites that would otherwise meet the criteria of other policies of the CSDMP. On this basis it is considered that this indicator is flawed and should be disregarded as a means of assessing the performance of policy M2.

## **Other issues with implementation**

5.26 No other issues have been identified.

## **Drivers of change**

5.27 The NPPF(2019) and Planning Practice Guidance require Mineral Planning Authorities to plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA). The LAAs for Lincolnshire are prepared to meet this requirement and should therefore be read in conjunction with this review document. The latest LAA (incorporating 2018 data) has taken into account the following factors when determining the future provision rate for sand and gravel:

- evidence for population projections;
- housing provision set out in the Lincolnshire district councils' adopted and emerging local plans;
- delivery of net additional housing stock over the preceding 10 year period;
- proposals for infrastructure delivery; and
- the prevailing economic climate.

The LAA concludes that Lincolnshire has made adequate provision for sand and gravel production to meet the projected demand over the plan period.

5.28 Concerns have been raised on the emerging mineral local plans of three neighbouring authorities which are not considered to be making adequate provision for a steady and adequate supply of sand and gravel from their own indigenous sources. In particular, an objection has been made against the Nottinghamshire Minerals Local Plan because if adopted it is likely to result in Lincolnshire having to continue to make significant (unplanned) exports to that county. That plan is currently under examination with the Inspector's report expected early in 2021.

## **Summary**

5.29 With the exception of Indicator 5 (which is considered unreliable), the policy indicators have demonstrated that over the period 2016 to 2018 policy M2 has provided for the delivery of a steady and adequate supply of sand and gravel to meet the county's needs. However, when the CSDMP is updated it will need to cover a period going beyond the plan's current end date, so the level of provision will need to be increased. In addition, if neighbouring authorities fail to make adequate provision for a steady and adequate supply of sand and gravel from their own indigenous deposits, this may have implications for the level of provision that the LMWLP will need to make.

### **Policy M3: Landbank of sand and gravel**

In order to ensure a steady and adequate supply of sand and gravel for aggregate purposes, the County Council will seek to maintain a landbank of permitted reserves of sand and gravel of at least 7 years within each of the Production Areas based on the County Council's latest Local Aggregate Assessment which includes provision for the preservation of production capacity.

### **Performance based on the indicators and targets of the CSDMP**

- 5.30 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.
- Indicator:** Level of landbank for sand and gravel aggregate within each Production Area.
- Target:** Minimum landbank of 7 years to be maintained within each Production Area as calculated in accordance with the latest LAA.
- Result:** Landbank has exceeded 7 years in all production areas based on the Local Aggregate Assessments.
- 5.31 Table 4 sets out the landbank of permitted reserves for each year from 2014 (the base year of the plan) to 2018 (the latest year for which published information is available) – as calculated at the end of each calendar year. That is, how long the permitted reserves of sand and gravel were anticipated to last (measured in years' supply).
- 5.32 The table demonstrates that the landbank has consistently exceeded the 7 year minimum target in each production area, meeting the objectives of policy M3.

**Table 4: Sand and gravel landbanks (2014 to 2018)**

Sand and gravel production area	Landbank as at 31.12.14 (years)	Landbank as at 31.12.15 (years)	Landbank as at 31.12.16 (years)	Landbank as at 31.12.17 (years)	Landbank as at 31.12.18 (years)
Lincoln/Trent Valley	10.9	13.0	9.6	8.0	8.5
Central Lincolnshire	8.4	7.5	7.3	15.9	15.7
South Lincolnshire	7.9	10.8	10.6	8.7	7.8
Lincolnshire (Total)	9.3	11.0	9.5	9.8	9.6

Source(s): Lincolnshire Local Aggregates Assessments 2017 – 2020 (2015 – 2018 data). No LAA was produced for the 2014 data so landbank is based on data from the East Midlands Aggregates Working Party Annual Monitoring Report 2014.

5.33 In addition, the 2020 LAA reports that two planning permissions for sand and gravel extraction were granted in 2019 and two further applications were pending final determination at the end of the year (which have subsequently been granted) that will further increase the reserves/landbanks by:

- 7.29 years in the Lincoln/Trent Valley Production Area;
- 0.1 years in the central Lincolnshire area; and
- 0.62 years in the South Lincolnshire Production Area.

### **Other issues with implementation**

5.34 No other issues have been identified.

### **Drivers of change**

5.35 All of Lincolnshire's Local Aggregate Assessments have taken into account the following factors when determining the method for calculating the level of landbanks for sand and gravel:

- evidence for population projections;
- housing provision set out in the Lincolnshire district councils' adopted and emerging local plans;
- delivery of net additional housing stock over the preceding 10 year period;
- proposals for infrastructure delivery; and
- the prevailing economic climate.

The latest LAA (2018 data) shows that the landbank within each production area continues to exceed the minimum 7 years supply.

- 5.36 The NPPF and PPG have been updated since the adoption of the CSDMP, however no changes have been made to these documents which are relevant to Policy M3.

## Summary

- 5.37 No issues have been identified with the performance of policy M3 in maintaining an adequate landbank of sand and gravel to meet the county's needs.

### **Policy M4: Proposals for sand and gravel extraction**

Sites allocated in the Site Locations Document will be granted planning permission for sand and gravel extraction for aggregate purposes provided that:

- in the case of an extension to an existing Active Mining Site, extraction would follow on after the cessation of sand and gravel extraction from the existing areas supplying the plant site; and
- in the case of a new quarry, it is required to replace an existing Active Mining Site that is nearing exhaustion.

For sites not allocated in the Site Locations Document, planning permission will be granted for sand and gravel extraction for aggregate purposes where the site is required to meet:

- a proven need that cannot be met from the existing permitted reserves; or
- a specific shortfall in the landbank of the relevant Production Area and either:
  - (i) forms an extension to an existing Active Mining Site; or
  - (ii) is located in the relevant Area of Search as shown on the Policies Map (Figure 5) and will replace an existing Active Mining Site that is nearing exhaustion.

In all cases the proposal must accord with all relevant Development Management Policies and Restoration Policies set out in the Plan.

## **Performance based on the indicators and targets of the CSDMP**

- 5.38 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M4.

**Target:** 100%

**Result:** 25%

- 5.39 Four planning applications have been granted planning permission for the extraction of sand and gravel under policy M4, as set out in the AMRs for 2016 to 2019 (table 5).

**Table 5: Planning permissions granted for sand and gravel extraction from 1 June 2016 to 31 December 2019**

Planning permission	Application details
(E)S176/189/0443/16	Woodhall Spa (Kirkby on Bain) Quarry, S73 application to reduce the standoff between the extraction area and the adjacent banks of the Old River Bain, releasing an additional 50,000 to 70,000 tonnes of sand & gravel
PL/0097/17	Extension to Norton Bottoms Quarry, Stapleford to provide an additional 7 million tonnes of sand and gravel located on site allocation MS05-LT
PL/0016/19	For the extraction of 35,821 tonnes of sand and gravel, for the construction of two new lakes and associated holiday home accommodation at Westmoor Farm, North Kesley Road, Caistor
PL/0015/19	For the extraction of 350,000 tonnes of sand and gravel as an extension to West Deeping Quarry

- 5.40 The first planning application was a section 73 application (ref: E)S176/189/0443/16) to vary a condition of an existing planning permission at Kirkby on Bain Quarry. This sought to reduce a standoff from the river and allow the extraction of sand and gravel from this margin. As such the general principle of working sand & gravel at this site had already been established by the previous permission, the main issue for consideration was whether the standoff was still needed. In this case it was found that the standoff was not needed. In granting planning permission, it was considered that this relatively minor application did not undermine the policy, although strictly speaking it did not comply with it.
- 5.41 The second application was for an extension to Norton Bottoms Quarry, Stapleford which is allocated in the Site Locations document ref: MS05-LT. This permission was therefore granted in accordance with policy M4 following completion of a Section 106 agreement.
- 5.42 The third application (PL/0016/19) was for the construction of two new lakes and associated holiday home accommodation at Westmoor Farm, North Kelsey Road, Caistor. The application was treated as a County Matter application as it involved the extraction of 35,821 tonnes of sand. The site was located next to the North Kelsey Quarry, but was not under the control of that quarry operator.

Furthermore, it was neither allocated for extraction in the SLD nor did it meet the other criteria of policy M4. However, it was noted in the officer report that reserves within the North Kelsey Quarry were nearing exhaustion. An extension to that quarry had been allocated as site MS09-CL under policy SL1 of the SLD, which was expected to be delivered in 2019. However, no application had been made for the site and, given that the site had changed ownership since allocation and was not under the control of the existing quarry operator, it was considered that an application may not be forthcoming. It was therefore considered that the proposal could potentially contribute to a short-fall in production capacity within this locality. Planning permission was therefore granted as it was not considered to undermine the core aspirations of policy M4.

- 5.43 The fourth application (PL/0015/19) was for the extraction of 350,000 tonnes of sand and gravel from a relatively small area of land adjacent to West Deeping Quarry. The site was surrounded on three sides by the quarry and it was proposed that it would be worked as a natural extension to that quarry. The site was not allocated in the SLD and also failed to meet the other criteria of policy M4. Despite this, it was concluded that the mineral in the land would only be economically viable to work, if worked in the near future as part of the existing operations. It was therefore considered to accord with the aims of policy M4, although technically it was not fully compliant with that policy. As a result planning permission was granted.
- 5.44 In summary, of the four applications submitted, only one was for an allocated site. The other three sites did not strictly meet the criteria of policy M4, which was not fully picked up in the AMRs, but has been reassessed to ensure the accuracy of this review. Despite this, in each case there were significant material considerations that would have outweighed strict adherence to policy M4.

### **Other issues with implementation**

- 5.45 No other issues have been identified.

### **Drivers of change**

- 5.46 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M4.

### **Summary**

- 5.47 The determinations referred to above tend to indicate that the policy does not provide sufficient flexibility. In particular, it does not specifically allow the extraction of sand and gravel from small areas of land within or adjacent to existing quarries, which would otherwise become sterilised if not worked as part of the existing operations. This is an issue which could be explored further if the policy is updated.



### **Policy M5: Limestone**

Proposals for extensions to existing sites or new limestone extraction sites (other than for the small scale extraction of building stone covered by Policy M7) will be permitted provided that they meet a proven need that cannot be met by existing sites/sources, and accord with all relevant development management policies and restoration policies in the plan.

### **Performance based on the indicators and targets of the CSDMP**

- 5.48 The performance of the policy since the adoption of the CSDMP is measured against two indicators.

**Indicator 1:** Percentage of relevant planning applications determined in accordance with policy M5.

**Target:** 100%

**Result:** 75%

- 5.49 Four planning applications were assessed against policy M5 during the review period. However the decisions need to be set in context to fully assess the performance of the policy.
- 5.50 The first decision under this policy was for a proposed new quarry at Gorse Lane, Denton (ref S26/1611/15) to extract 5.9 million tonnes of limestone and to backfill the land with around 3.3 million tonnes of inert waste to create the restoration landform. This application was refused because it was considered that the applicant had failed to demonstrate a proven need to release further reserves. An appeal was lodged against the Council's decision, but the appeal was dismissed in 2018 and the Council's decision found to be fully in accordance with policy M5.
- 5.51 Two further planning applications for limestone extraction were submitted to extract 400,000 tonnes of limestone as an extension to Dunston Quarry (ref N26/1212/16 and N26/0437/17). Both applications were refused by the Council, firstly in 2016 and following resubmission in 2017.
- 5.52 As in the Denton decision, the proposed development at Dunston was considered contrary to policy M5, which requires that planning applications for limestone extraction have to demonstrate that the stone is required to meet a proven need that cannot be met by existing sites or sources. The planning officer's committee reports set out that at the time of the applications the county's landbank of permitted reserves of limestone stood at around 20 years' supply, well above the recommended 10 year minimum set out in the NPPF. As no need had been demonstrated, both applications were refused.
- 5.53 The second refusal was subject to an appeal to the Secretary of State. Following a hearing, the Planning Inspector took a different view to the Council and concluded that a need for the limestone had been demonstrated. In his

view, without the extension, the Lincoln urban market would have to largely rely upon aggregates (crushed Lincolnshire limestone) from one other aggregate quarry and aggregates derived from building stone quarries. The Inspector took the view that the amount of aggregate available from building stone quarries could be inconsistent as they are wastes and so not a reliable source. He therefore decided that the proposal did accord with policy M5, and gave weight to the economic benefits of allowing the continuation of operations and maintaining competition in the market. The appeal was therefore allowed granting planning permission for the development.

- 5.54 While it is considered the Inspector came to a reasonable decision based on the evidence available to him, in practice that evidence did not paint a full picture of the situation. This is because over the past 20 years or so a number of inactive quarries that were historically worked for aggregate have re-opened as "building stone quarries". These produce substantial quantities of aggregate - with at least one of them producing it as a primary product (i.e. not as a waste product of building stone extraction). Unfortunately, the Council was unable to demonstrate this to the satisfaction of the Inspector because all the published data on aggregate sales both in the LAAs and in the East Midlands Aggregate Working Party reports has been collated to protect the commercial confidentiality of individual operators. As a result the output from each individual quarry in terms of the quantity of stone removed and its end-use is not identified. This is therefore considered to be a potential weakness in how applications can be adequately assessed against this policy.
- 5.55 A further planning application for limestone extraction was determined during the monitoring period (2018) for South Witham Quarry (east), (ref S/17/0563) near Grantham. The application proposed a western extension to the quarry, the completion of operations in the existing quarry together with the relinquishment of a permitted area to the north of Mill Lane granted under an old ministerial ironstone consent.
- 5.56 The proposed extension contained an additional 1.7 million tonnes of limestone reserves that would extend the life of the quarry by a further 8 to 11 years. As with the previous applications, given the significant landbank of permitted limestone reserves, there was no quantitative need to release new limestone reserves at that time. However, in this case the applicant offered to "swap" an extant planning permission to work land north of Mill Lane, which if worked could have had significant environmental impacts, for permission to work the proposed extension with lower impacts.
- 5.57 Although this has resulted in a net increase of around 500,000 tonnes of limestone reserves being added to the permitted reserves, it was considered that on balance the environmental and amenity benefits gained from the proposal were such that this application could be supported as an exceptional circumstance in line with the supporting text of policy M5 of the CSDMP. Planning permission was therefore granted. Although not explicit in the officer report, it is considered that the proposal was a legitimate exception to policy M5, which does not undermine the policy.

5.58 The performance of this policy has therefore been mixed. At one end of the spectrum the Council's decision at Denton is considered to have been made fully in accordance with the policy, as attested by the Inspector's decision. On the other hand, the decision at Dunston was less clear cut with the Council and Inspector taking opposite views on whether the proposal accorded with policy M5. In that case, however, the main issue was the interpretation of the limited data available on alternative sources rather than a fundamental issue with the policy itself. Finally, the application at South Witham did not strictly accord with Policy M5, but was a legitimate exception that does not undermine the policy.

**Indicator 2:** The delivery of the identified annual provision.

**Target:** 100%

**Result:** 119%

5.59 Indicator 2 was set up as a means of assessing whether the Council is on course to deliver the planned provision of limestone aggregate for the plan period. This is achieved by comparing the average annual sales with the planned provision rate for that part of the plan period which has lapsed, and for which sales data is available. The result can be interpreted as:

- a result around 100% - the plan is on course to deliver the planned provision;
- a result less than 100% - the plan is less likely to deliver the planned provision, which may indicate problems with supply or could simply be the result of low demand; and
- a result over 100% - demand may exceed the planned provision over the plan period.

The actual result is set out in table 6.

**Table 6: Delivery of CSDMP planned annual provision of limestone aggregate**

CSDMP planned annual provision (mt)	2014 sales (mt)	2015 sales (mt)	2016 sales (mt)	2017 Sales (mt)	2018 Sales (mt)	Average annual sales (mt)	Planned annual provision delivered up to 31 December 2016
0.62	0.38	0.43	0.76	0.85	1.28	0.74	119%

Source(s): Lincolnshire Local Aggregates Assessments 2017 – 2020 (2015 – 2018 data). No LAA was produced for the 2014 data so landbank is based on data from the East Midlands Aggregates Working Party Annual Monitoring Report 2014.

5.60 The table demonstrates significant variations in production, with average annual sales exceeding the annual provision made in the CSDMP over the last three years. The LAA states that whilst the production spike seen in the latest figures may only be a consequence of short term highway projects within the County, including the A15 Lincoln Eastern Bypass development which

commenced in 2016, there is some evidence of increasing exports of limestone to markets outside the county.

- 5.61 To reflect the higher level of demand, the method for calculating the landbank has been adjusted in the latest LAA (reporting 2018 data). Instead of dividing the permitted reserves (in tonnes) by the average sales over the past 10 years (as in previous LAAs), the use of the 10-year average has been replaced by the higher 3-year average (2016 – 2018). Using this approach, the permitted reserves of limestone (20.86mt) provide a landbank of 21.73 years. Although no sites have been allocated in the Site Locations Document, these reserves should last well beyond the period of the Lincolnshire Minerals and Waste Local Plan.

### **Other issues with implementation**

- 5.62 No other issues have been identified with the implementation of the policy.

### **Drivers of change**

- 5.63 The NPPF(2019) and Planning Practice Guidance require the Mineral Planning Authorities to plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA). The LAAs for Lincolnshire are prepared to meet this requirement and should therefore be read in conjunction with this review document. The latest LAA (incorporating 2018 data) concludes that Lincolnshire has made adequate provision for limestone production to meet the projected demand over the plan period.
- 5.64 The NPPF and PPG have been updated since the adoption of the CSDMP; however, no changes have been made to these documents which are relevant to policy M5.
- 5.65 The Department of Transport, Road Investment Strategy 2020 – 2025 was published in March 2020 and sets out the strategic vision for focusing investment to improve transport links over the next five years. The strategy incorporates nationwide maintenance projects and the replacement of concrete pavement road surfaces. Most significantly, improvements to the A46 ‘Trans-Midlands Trade Corridor’ between the M5 and the Humber Ports, proposes to create a continuous dual carriageway from Lincoln to Warwick. This work will incorporate the three mile gap between the upgraded section of the A46 dual carriageway and Newark and upgrading of the A46 Newark Bypass and A1 access to improve capacity.
- 5.66 Whilst it is accepted that Lincolnshire limestone products are not generally produced to the technical specifications required for road building, they are suitable for other associated works e.g. bulk fill, compound surfaces, land raising applications and as such there may be some additional demand for aggregates over this period.

## Summary

- 5.67 Although the latest LAA indicates that the county has sufficient permitted reserves for the plan period, the Dunston appeal has highlighted the potential challenges of assessing the main criteria of policy M5 (i.e. demonstrating whether or not there is a particular need for additional reserves).
- 5.68 Furthermore, where such a need cannot be demonstrated, the policy lacks flexibility to allow small extensions to existing quarries, which could otherwise maintain jobs and competition. This is an issue which could be explored further if the policy is updated. In particular, this would allow an opportunity to consider the amount of provision to be made over the period of the new plan and how that would be delivered. This could involve taking a more proactive approach by allocating specific sites for the extraction of limestone.

### **Policy M6: Chalk**

Proposals for extensions to existing chalk extraction sites or new chalk extraction sites will be permitted provided that they meet a proven need that cannot be met by existing sites, and accord with all relevant Development Management Policies and Restoration Policies set out in the Plan.

## Performance based on the indicators and targets of the CSDMP

- 5.69 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M6.

**Target:** 100%

**Result:** N/A

- 5.70 No planning applications were assessed against this policy during the monitoring period 2016 to 2019. The CSDMP does not make specific provision for chalk extraction as it is considered that there are more than sufficient reserves to meet the low demand for chalk over the plan period. This position has been further qualified in the annual LAA reports. Accordingly policy M6 requires any proposals for extensions to existing chalk extraction sites or new chalk extraction sites to meet a proven need that cannot be met by existing sites.

## Other issues with implementation

- 5.71 No other issues have been identified with the potential implementation of this policy.

## Drivers of change

- 5.72 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M6.

## Summary

- 5.73 Over the review period no evidence has come to light that would indicate that an update to this policy is required.

### **Policy M7: Historic building stone**

Proposals for the small-scale extraction of building stone will be permitted where it can be demonstrated that:

- there is a specific need for the stone; and
- the stone cannot be obtained from permitted reserves at existing sites; and
- the proposals accord with all relevant Development Management Policies and Restoration Policies set out in the Plan.

## Performance based on the indicators and targets of the CSDMP

- 5.74 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M7.

**Target:** 100%

**Result:** N/A

- 5.75 No planning applications were assessed against this policy during the monitoring period 2016 to 2019 (no planning applications were received for historic building stone).

## Other issues with implementation

- 5.76 No other issues have been identified with the potential implementation of this policy.

## Drivers of change

- 5.77 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M7.

## Summary

- 5.78 Over the review period no evidence has come to light that would indicate that an update to this policy is required.

### **Policy M8: Silica sand**

Planning permission will be granted for silica sand extraction where required to provide a stock of permitted reserves of at least 10 years for an individual silica sand site (or 15 years where significant new capital is required), provided that proposals accord with all relevant Development Management Policies and Restoration Policies set out in the Plan.

## Performance based on the indicators and targets of the CSDMP

- 5.79 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M8.

**Target:** 100%

**Result:** N/A

- 5.80 No planning applications were assessed against this policy during the monitoring period 2016 to 2019 (no planning applications were received for historic building stone).

## Other issues with implementation

- 5.81 No other issues have been identified with the potential implementation of this policy.

## Drivers of change

- 5.82 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M8.

## Summary

- 5.83 Over the review period no evidence has come to light that would indicate that an update to this policy is required.

### **Policy M9: Energy minerals**

Planning permission will be granted for exploration, appraisal and/or production of conventional and unconventional hydrocarbons provided that proposals accord with all relevant Development Management Policies set out in the Plan.

## **Performance based on the indicators and targets of the CSDMP**

- 5.84 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M9.

**Target:** 100%

**Result:** 100%

- 5.85 Only two planning applications were assessed against policy M9 during the period 2016 to 2019: one at North Kelsey Moor for amendments to an existing permitted exploratory site, and the other at Biscathorpe seeking an extension of time to implement an existing permission. Both applications were granted planning permission in accordance with the policy.

## **Other issues with implementation**

- 5.86 The Council's planning officers (development management) have questioned whether the current policy strictly adheres to the guidance provided in the NPPF and PPG by having a single policy covering all stages of hydrocarbons development. This is because the NPPF states in paragraph 209 that when planning for on-shore oil and gas development, mineral planning authorities should clearly distinguish between the three phases of development (exploration, appraisal and production).
- 5.87 The PPG goes further and states in paragraph 106 (2019) that where mineral planning authorities consider it is necessary to update their local plan and they are in a Petroleum Licence Area, they are expected to include criteria-based policies for each of the exploration, appraisal and production phases of hydrocarbon extraction. It then goes on to state that these policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum Licence Areas."
- 5.88 Notwithstanding the above, it is considered that while the NPPF and PPG require all three phases to be identified in the plan, they do not expressly require this to be done in separate policies. Furthermore, it would only be logical to deal with the phases separately if they are to be subject to different criteria. When the present plan was prepared it was not considered appropriate to apply different criteria to the three phases - an approach that was subsequently found sound and legally compliant by the Examination Inspector.



## **Drivers of change**

- 5.89 Since the CSDMP was adopted in 2016 the NPPF has been subject to two revisions that affect oil and gas, firstly in July 2018 and then in June 2019. The first revision included a separate and expanded section on oil, gas and coal exploration and extraction. Part (a) of paragraph 209 required local authorities to "recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction". However, this part was subsequently removed by the second revision following the decision in *R (on the application of Stephenson) v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 519 (Admin).
- 5.90 The other change relevant to on-shore oil and gas development, which has been retained, relates to part (b) of paragraph 209. This replaced the former paragraph 147 of the original version and states that mineral planning authorities should, amongst other things, ensure "appropriate monitoring and site restoration is provided for". This differs from the original wording which required mineral planning authorities to "address constraints on production and processing within areas that are licensed for oil and gas exploration or production".
- 5.91 On the first part of the amendment, monitoring, this is not covered by policy M9, but is covered by the Council's Local Enforcement Plan in line with paragraph 58 of the NPPF. Therefore it is not considered necessary to include this in policy M9. On the second part, restoration, policy M9 is not specifically linked to a restoration policy so could be seen as moving out of line with the NPPF.

## **Summary**

- 5.92 Although some issues have been identified, it is considered that these are minor and by themselves would not warrant the updating of the plan. However, if the plan is updated for other reasons, this would provide an opportunity to explore this matter further.

### **Policy M10: Underground gas storage**

Planning permission will be granted for the development of underground gas storage facilities provided that proposals accord with all relevant Development Management Policies set out in the Plan.

### **Performance based on the indicators and targets of the CSDMP**

- 5.93 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M10.

**Target:** 100%

**Result:** N/A

- 5.94 No planning applications were assessed against this policy during the monitoring period (no planning applications were received for underground gas storage).

### **Other issues with implementation**

- 5.95 No other issues have been identified with the potential implementation of this policy.

### **Drivers of change**

- 5.96 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M10.

### **Summary**

- 5.97 The performance of policy M10 has not been tested against any planning applications since the adoption of the CSDMP in 2016. However, it is considered that the positive approach of the policy toward the provision of development for underground gas storage accords entirely with the aims of current legislation and national policy.

### **Policy M11: Safeguarding of mineral resources**

Sand and gravel, blown sand and limestone resources that are considered to be of current or future economic importance within the Minerals Safeguarding Areas shown on Figure 1, together with potential sources of dimension stone for use in building and restoration projects connected to Lincoln Cathedral/Lincoln Castle within the areas shown on Figure 2, and chalk resources included on Figure 3, will be protected from permanent sterilisation by other development.

Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or
- the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or
- the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or
- the development is, or forms part of, an allocation in the Development Plan.

### **Exemptions**

This policy does not apply to the following:

- Applications for householder development
- Applications for alterations to existing buildings and for change of use of existing development, unless intensifying activity on site
- Applications for Advertisement Consent
- Applications for Listed Building Consent
- Applications for reserved matters including subsequent applications after outline consent has been granted
- Prior Notifications (telecommunications; forestry; agriculture; demolition)
- Certificates of Lawfulness of Existing or Proposed Use or Development (CLEUDs and CLOPUDs)
- Applications for Tree Works.

## Performance based on the indicators and targets of the CSDMP

- 5.98 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Number of planning applications that are granted planning permission where the Council has expressed the view that the proposals would be contrary to policy M11.

**Target:** Zero

**Result:** 8

- 5.99 Since the adoption of the CSDMP, eight decisions have been made by Local Planning Authorities where the Council had expressed the view that the proposals would be contrary to policy M11. The details for each of these decisions are set out in the Council's AMRs for the years 2016 to 2019.

### Other issues with implementation

- 5.100 This policy aims to safeguard important mineral resources for potential future use by preventing incompatible forms of development, such as housing, from sterilising the deposits. Under the safeguarding procedure, the district councils of Lincolnshire, which are the Local Planning Authorities (LPAs) for most forms of non-minerals/waste development, are required to consult the Council with respect to planning applications falling within Mineral Resource Safeguarding Areas, other than those exempted by the policy. Where applications are caught by this policy, they should be accompanied by a Minerals Resource Assessment (MRA) (see Section 5 of the CSDMP).
- 5.101 The Council's 2017 AMR highlighted that the LPAs were collectively not applying the policy correctly, with the majority of consultations not including a MRA. Furthermore, the consultations included a significant number of proposals which fell within the exclusion criteria of the policy. Although the application of the policy has improved over the intervening years, the latest AMR for 2019 shows that only 37% of applications submitted for consultation included a MRA. LPAs are therefore still failing to implement the policy in the first instance for the majority of planning applications.
- 5.102 In addition, representations have been received from LPA planners and applicants questioning the scope of the policy and its application. In particular, concerns have been raised over the cost of preparing MRAs for sites where it is considered mineral extraction is unlikely to be viable due to obvious constraints. In these circumstances the safeguarding procedure is seen as placing an unreasonable burden on applicants.
- 5.103 Where it has been accepted by the applicants that an MRA should be carried out, there has been numerous requests to the Council for further guidance and advice on the matter. This has placed an additional and un-foreseen burden on the resources of the planning team.

5.104 In 2018, to help manage the workload and respond in a more proportionate manner, the Council's planning officers decided to screen consultations received without a supporting MRA. Under this procedure, where prior mineral extraction would be clearly impracticable, an MRA is not requested. During 2018 and 2019 this exercise resulted in 225 cases being identified where a requirement for a MRA was considered by officers to be disproportionate and unreasonable, as set out in Table 7. This represents a significant proportion of the consultations, given that during the same period only 153 applications were either submitted with a MRA or were requested to submit one.

**Table 7: Consultations where the Council considered the requirements of policy M11 excessive ("Unreasonable")**

Type of application	Number of applications
Change of use with no operational development	2
Replacement of, or alteration to, existing dwelling/building without change of use	9
Land already sterilised by proximity to designated assets	4
Non sensitive development on previously developed industrial estate/ employment site	23
Non sensitive operational development or change of use	2
Application subsequent to currently extant permission for development.	10
Redevelopment of existing sites in non-sensitive locations.	4
Replacement of existing dwellings	1
Resubmission of amended application following initial no objection response on safeguarding grounds	1
Rural redevelopment without introducing sensitive receptors	2
Small scale development within an urban/residential context.	132
Small scale non sensitive development.	21
Small scale rural redevelopment without introducing sensitive receptors	8
Sites already allocated in Local Plans	2
Development that does not permanently sterilise mineral reserves e.g. caravan storage area.	2
Land previously exploited for mineral with no extant planning permission for further extraction.	2
<b>Total</b>	<b>225</b>

## Driver of change

- 5.105 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M11.

## Summary

- 5.106 It is considered that the performance data collated in the Council's AMRs has demonstrated that policy M11 in its current form does not provide a practical or an efficient approach for safeguarding mineral resources. The policy would therefore benefit from being updated.

### **Policy M12: Safeguarding of existing mineral sites and associated minerals infrastructure**

Mineral sites (excluding dormant sites) and associated infrastructure that supports the supply of minerals in the County will be safeguarded against development that would unnecessarily sterilise the sites and infrastructure or prejudice or jeopardise their use by creating incompatible land uses nearby.

#### **Exemptions**

This policy does not apply to the following:

- Applications for householder development
- Applications for alterations to existing buildings and for change of use of existing development, unless intensifying activity on site
- Applications for Advertisement Consent
- Applications for Listed Building Consent
- Applications for reserved matters including subsequent applications after outline consent has been granted
- Prior Notifications (telecommunications; forestry; agriculture; demolition)
- Certificates of Lawfulness of Existing or Proposed Use or Development (CLEUDs and CLOPUDs)
- Applications for Tree Works.

## Performance based on the indicators and targets of the CSDMP

- 5.107 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Number of planning applications that are granted permission where the Council has expressed the view that the proposals would be contrary to policy M12.

**Target:** Zero

**Result:** 2

- 5.108 Since the adoption of the CSDMP, 15 planning decisions have been made by the district councils following consultation with the Council in respect of policy M12 as summarised in table 8 (see AMRs for the years 2016 to 2019 for detailed information).

**Table 8: Decisions on applications subject to consultation under policy M12 (1 June 2016 to 31 December 2019)**

Decisions	Number of consultations
No objection raised by the Council	13
Granted planning permission despite objections from the Council	2

- 5.109 As table 8 shows, on two occasions the Council has raised objections to development that is proposed within a 250m buffer zone surrounding a mineral site. In both cases, the Council requested additional information to demonstrate that the proposed development would not prejudice the operation of the mineral site. However, the respective LPAs considered the requests for additional information unreasonable and granted planning permission despite the Council's objections.

### Other issues with implementation

- 5.110 No specific issues with the implementation of this policy have been identified. However, the policy includes the same exemptions as policy M11, which are causing issues for applications assessed against that policy. Therefore if policy M11 is updated, it may be appropriate to update policy M12 to maintain consistency between them.

## Drivers of change

- 5.111 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M12.
- 5.112 The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) has been updated to include new temporary permitted development rights that apply from 1 October 2017 to 30 September 2020. This includes the change of use of some industrial premises to residential use subject to the prior approval of the LPA, which includes consideration of the impact on the sustainability of adjoining uses. This requirement should therefore ensure that mineral sites remain adequately safeguarded against encroaching non-mineral development, provided that LPAs consult with the Council through the prior approval procedure.

## Summary

- 5.113 Paragraph 204(e) of the NPPF (2019) requires that planning policies should safeguard existing sites and infrastructure that supports the minerals industry. It is considered that policy M12 adequately promotes this principle. However, if the plan is updated, this would give an opportunity to amend any exemptions in the policy in the light of any changes made to policy M11.

### **Policy M13: Associated industrial development**

Planning permission will be granted for ancillary industrial development within or in proximity to mineral sites where it can be demonstrated that there are close links with the mineral development and the proposals accord with all relevant Development Management Policies set out in the Plan. Where permission is granted, the operation and retention of the development will be limited to the life of the permitted reserves.

## Performance based on the indicators and targets of the CSDMP

- 5.114 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M13.

**Target:** 100%

**Result:** 43%



- 5.115 Seven planning applications were assessed against policy M13 during the 2016 to 2019 period. Three of these were determined in accordance with the policy and four contrary to the policy. This represents only 43% compliance with the policy. A summary of each application approved contrary to policy M13 is provided in the council's AMRs for 2016 to 2019.
- 5.116 The premise of policy M13 is to ensure that industrial development is only permitted within or in close proximity to mineral sites where they have close links with the mineral development. In the three cases referred to above, while there were links to the associated quarries, those links were fairly tenuous.

### **Other issues with implementation**

- 5.117 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

- 5.118 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M13.

### **Summary**

- 5.119 The Councils AMRs have demonstrated that this policy is underperforming. This could be due to the policy being given insufficient weight in the decision making process, or it could be that the policy is too restrictive with greater weight being given to other factors. Updating the plan would therefore provide an opportunity to consider this matter further.

#### **Policy M14: Irrigation reservoirs**

Planning permission will be granted for new or extensions to existing irrigation reservoirs that involve the extraction and off site removal of minerals where it can be demonstrated that:

- there is a proven agricultural justification for the reservoir; and
- the need can be met by an irrigation facility; and
- an abstraction licence has been granted by the Environment Agency; and
- the design is fit for purpose; and
- the environmental impacts of removing material off-site would be less than constructing an above ground facility; and
- the proposals accord with all relevant Development Management Policies set out in the Plan.

## **Performance based on the indicators and targets of the CSDMP**

- 5.120 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M14.

**Target:** 100%

**Result:** 100%

- 5.121 Only one planning application was assessed against policy M14 during the period 2016 - 2019 and was granted in accordance with the policy.

### **Other issues with implementation**

- 5.122 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

- 5.123 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M14.

### **Summary**

- 5.124 Over the review period no evidence has come to light that would indicate that an update to the policy is required.

### **Policy M15: Borrow pits**

Planning permission will be granted for borrow pits to supply materials for major construction projects where:

- there is a need for a particular type of mineral which cannot reasonably be supplied from existing sites, including alternative materials; and
- the transport of mineral from existing sites to the construction project would be seriously detrimental to the environment and local amenities because of the scale, location and timing of the operations; and
- in the case of proposals involving the extraction of aggregates, the site lies on or in close proximity to the project; and
- the mineral can be transported to the point of use without leading to harmful conditions on a public highway; and
- the site can be restored to a satisfactory after-use without the need to import material other than that generated by the construction project itself and which can be brought to the site without leading to harmful conditions on a public highway; and
- the proposals accord with all relevant Development Management Policies set out in the Plan.

Where planning permission is granted, conditions will be imposed to ensure that operations are time-limited and that all mineral extracted is used only for the specified project.

### **Performance based on the indicators and targets of the CSDMP**

- 5.125 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy M15.

**Target:** 100%

**Result:** N/A

- 5.126 No planning applications were assessed against this policy during the review period 2016 to 2019.

### **Other issues with implementation**

- 5.127 No other issues have been identified with the implementation of this policy.

## Drivers of change

- 5.128 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy M15.

## Summary

- 5.129 Over the review period no evidence has come to light that would indicate that an update to the policy is required.

### **Policy W1: Future requirements for new waste facilities**

The County Council will, through the Site Locations document, identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County up to and including 2031, as presented in Table 9 [of the CSDMP], subject to any new forecasts published in the Council's Annual Monitoring Reports.

## Performance based on the indicators and targets of the CSDMP

- 5.130 The performance of the policy since the adoption of the CSDMP is measured against two indicators, which are discussed in turn below.

**Indicator 1:** Allocation of sites to meet the capacity gaps identified in table 9 [of the CSDMP], except for inert landfill and hazardous landfill.

**Target:** Through adopted Site Locations document.

**Result:** Achieved through the allocation of sites and areas in the adopted Site Locations document.

- 5.131 The SLD was adopted on 15 December 2017 and includes a specific policy (SL3) for the provision of land for waste development, which incorporates the allocation of 1 specific site and 16 areas suitable for waste management. These areas, based upon industrial estates, are made up of numerous plots of land extending to over 650 hectares (170 hectares vacant at the time of assessment in 2016), well in excess of the area needed to accommodate the number of facilities predicted in the CSDMP (see table 10 of the CSDMP). This approach therefore not only meets the requirements of this indicator but also provides flexibility should the need for new waste management facilities exceed the forecasts in the CSDMP.

**Indicator 2:** Review of capacity gaps.

**Target:** Accordance with Annual Monitoring Report.

**Result:** See text below.

- 5.132 The CSDMP set out the baseline capacity gaps for the plan period 2014 to 2031 which was underpinned by the production of a comprehensive Waste Needs Assessment (WNA). To inform the submission and examination of the second part of the LMWLP, the SLD, a Waste Needs Assessment Update (WNAU) was published in May 2017 in order to take into account more recent data due to the passage of time since the original WNA was produced.
- 5.133 Since publication of the WNAU, details of subsequent losses and gains in waste management provision are set out in detail in the successive AMRs (2017, 2018 and 2019). The resultant net changes in waste management capacity over the period 2017-2019 are summarised in table 9 alongside the revised capacity gap projections for the remainder of the plan period.

**Table 9: Net changes in waste management capacity and the effect on the waste management capacity gap projections**  
(minus indicates a surplus of capacity and red with a \* indicates a loss of capacity during the monitoring period).

Function	Gap 2015	Net capacity change 2017	Net capacity change 2018	Net capacity change 2019	Gap 2020	Gap 2025	Gap 2031
Mixed waste recycling	114,483	0	196,500	26,446*	34,850	66,228	99,450
Specialised recycling	-347,034	149*	19,820	47,400	-421,546	-411,750	-410,694
Composting	-366,755	0	0	0	-357,146	-352,910	-348,124
Treatment plant	-125,452	34,300	98,000	132,000	-565,915	-560,061	-574,795
Energy recovery	-5,226	0	0	0	93,564	101,604	110,811
Specialised incineration	36,220	0	0	0	36,177	36,195	36,214
Aggregates recycling	-65,995	0	57,000	96,000	-205,514	-139,241	-68,644
Non-hazardous landfill	-105,321	0	0	0	-70,290	-100,346	-132,100
Inert landfill	-97,654	0	0	0	25,792	34,178	42,863
Hazardous landfill	9,496	0	0	0	9,631	9,769	9,912

5.134 Comparing the waste management capacity gaps in 2015 with the most recent revised capacity gap projections updated in 2019, gives an indication of how waste management capacity is being delivered to meet the predicted needs of the county, which is summarised below:

- **Mixed waste recycling** – Overall there has been a significant reduction in the capacity gap over the review period as a result of fluctuating losses and gains year on year (see AMRs 2016-2019 for detail). These figures serve to demonstrate that waste management is essentially a commercially led activity. Therefore fluctuations in waste sites becoming active, inactive or redundant as a direct consequence of market demands are to be expected. Sufficient sites/areas have however been allocated in the SLD to ensure sufficient land is made available to meet any additional growth in demand for localised recycling facilities.
- **Specialised recycling** (e.g. metal/End of Life Vehicles (ELV)/Waste Electrical and Electronic Equipment (WEEE) etc) - There have been substantial gains in additional capacity which contributes to an already significant surplus at the beginning of plan period and projected throughout. There is clearly a requirement for new facilities to meet both localised and strategic market demand in what is a diverse waste management sector and which may have been underestimated in the initial waste needs assessment.
- **Composting** - There was no additional composting capacity delivered over the review period, probably due to the fact that there was a significant overcapacity at the start of the plan period, which is projected to continue throughout.
- **Treatment plant** - There is a significant surplus of treatment plant capacity for the entire plan period shown in table 9. Despite this a significant amount of new capacity was delivered over the review period. This growth is attributable to an increase in capacity at existing anaerobic digestion plants. The escalation in the use of this technology has become increasingly integral to the management of both the food waste and agricultural waste sectors.
- **Energy recovery** - Additional energy recovery capacity is still required to address a growing capacity gap going forward. Although suitable sites are allocated in the SLD, it will be for market forces and the economics of developing additional Energy from Waste plants (EFW) that will influence the delivery of additional capacity.
- **Specialised incineration** - There were no gains or losses during the review period, which perhaps reflects that this waste management stream caters for relatively limited and niche markets (e.g. pet cremations/fallen stock disposal etc.) and whilst there remains an existing and projected capacity gap rising slightly over the plan period, new facilities are only likely to come forward to meet specific market demand where it is economically viable.

- **Aggregates recycling** - There was a surplus of aggregates recycling capacity at the start of the plan period and initially a capacity gap was projected towards the end of the plan period. However, table 9 shows that additional capacity granted in subsequent years has significantly increased this surplus and a considerable proportion of this will be available for the duration of the plan.
- **Non-hazardous landfill** – No proposals for development of this type were submitted during the review period and there is currently significant capacity for this function.
- **Inert landfill** – Table 9 shows an increase in the capacity gaps over the plan period. It should, however, be noted that no provision has been made for inert landfill as the Council has taken the position that:
  - a) there is a recognised surplus in non-hazardous landfill throughout the plan period, that could be used for inert landfill (in this respect it should be noted that the capacity figures provided for landfill in the 2017 WNAU are based upon declining annual throughput figures that do not accurately represent the available capacity within the county);
  - b) a number of existing inert waste landfill sites have end dates extending beyond the Plan period with no planning restrictions on the rate of infilling, so the rates could be increased to meet demand and reduce the identified capacity gap; and
  - c) there is the potential for C&D recycling rates to increase over the plan period beyond those planned for in the WNAU, and in such circumstances this would lead to an associated reduction in inert waste landfill requirements.
- **Hazardous landfill** – Although there are capacity gaps throughout the plan period, the CSDMP recognises that it is unlikely that any type of hazardous waste landfill would be commercially viable in the county within the immediate future.

### **Other issues with implementation**

- 5.135 Only one new waste management facility has been proposed for development on an allocated site/area. All of the other sites have been proposed on un-allocated land and assessed against the requirements of policies W3 and W4 governing the spatial and locational criteria for new waste sites. This raises the question of whether allocations for waste development are necessary, as this part of the policy has had little or no influence over the delivery of sufficient waste management capacity to meet the counties projected needs. This is discussed in more detail under policy SL3.

## Drivers of change

- 5.136 A new strategy was published by the government in December 2018, the Resources and Waste Strategy for England (RWSE). This strategy aims to create a more circular economy by maximising primary resources and minimising the waste we create by increasing re-use and recycling of materials. The strategy sets out key milestones, including:
- elimination of avoidable waste of all kinds by 2050;
  - elimination of avoidable plastic waste over the lifetime of the 25 year environment plan;
  - working towards eliminating food waste to landfill by 2030; and
  - working towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025.
- 5.137 The strategy also proposes the following waste management targets:
- recycling rate for Household Waste, 50%
  - recycling rate for municipal solid waste by 2035, 65%
  - municipal waste to landfill, 10% or less
  - the introduction of legislation for mandatory separate food waste collections by 2023 (subject to consultation).
- 5.138 In May 2019 the government published "The 25 year Environment Plan". The indicator framework incorporated into this plan includes goals for waste minimisation and management (indicators J1, J3, J4 & J6) which accord with the aspirations of the RWSE.
- 5.139 These milestones and targets are likely to impact on the county's future waste management needs.

## Summary

- 5.140 Although the CSDMP has been successful in providing for the counties waste management needs over the review period, this has not been achieved in the manner envisaged by policy M1 (that is, most of the sites permitted were not allocated). Furthermore, the capacity gaps referred to in the policy may need to be updated to take into account the government's new milestones and targets. This would be done through the preparation of a new Waste Needs Assessment.



5.141 It is therefore considered that the policy needs to be updated.

**Policy W2: Low level non-nuclear radioactive waste**

Planning permission will be granted for the management of low level non-nuclear radioactive waste where:

- there is a proven need for the facility; and
- locating in Lincolnshire is the most viable locale for managing such waste; and
- the proposals accord with all relevant Development Management Policies set out in the Plan.

**Performance based on the indicators and targets of the CSDMP**

5.142 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy W2.

**Target:** 100%

**Result:** N/A

5.143 No planning applications were assessed against this policy during the review period 2016- 2019.

**Other issues with implementation**

5.144 No other issues have been identified with the potential implementation of this policy.

**Drivers of change**

5.145 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, but no changes have been made to these documents which are relevant to policy W2.

**Summary**

5.146 Over the review period no evidence has come to light that would indicate that an update to the policy is required.

### **Policy W3: Spatial strategy for new waste facilities**

Proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the following main urban areas as indicated on the key diagram subject to the criteria of Policy W4:

- Lincoln;
- Boston;
- Grantham;
- Spalding;
- Bourne;
- Gainsborough;
- Louth;
- Skegness;
- Sleaford; and
- Stamford.

Proposals for new waste facilities, outside the above areas will only be permitted where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting (see Policy W5);
- the treatment of waste water and sewage (see Policy W9);
- landfilling of waste (see Policy W6);
- small scale waste facilities (see Policy W7).

Proposals for large extensions to existing facilities, outside of the above areas will only be permitted where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the waste it would manage and are on or close to an A class road and meet the criteria of policy W4.

### **Performance based on the indicators and targets of the CSDMP**

5.147 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator :** Percentage of relevant planning applications determined in accordance with policy W3.

**Target:** 100%

**Result:** 97%

- 5.148 This policy has been cited in the determination of 58 applications. Following adoption of the CSDMP, some initial issues were identified with the performance of this policy. As detailed in the AMR for 2016, two planning applications were determined contrary to the policy, including one against officer recommendations. This meant that the monitoring indicator was not fully met for this policy.
- 5.149 Both of the above planning applications related to proposed CD&E waste recycling facilities in locations which did not accord with the spatial strategy set out in policy W3. However, both applications were granted planning permission contrary to the policy due to other material considerations and the specific circumstances of each case.
- 5.150 For the subsequent 2017, 2018 and 2019 monitoring periods, all relevant waste planning applications were determined in accordance with the spatial strategy set out in policy W3, with no further issues identified. It is therefore considered that the early performance issues noted above can be largely attributed to the 'bedding in' of the new spatial approach in policy W3 shortly after adoption of the CSDMP.
- 5.151 The information set out in the AMRs for 2016 to 2019 therefore indicates that, notwithstanding the initial issues identified during the 'bedding in' of the policy, overall policy W3 appears to be performing effectively against its monitoring indicator.

### **Other issues with implementation**

- 5.152 Although policy W3 is performing well against its monitoring indicator, and is ensuring waste management facilities are being delivered in accordance with the overarching spatial strategy set out in the policy, a number of issues have been identified through the implementation of the policy that warrant further consideration.
- 5.153 Firstly, it has become apparent through the practical application of policy W3 that parts of the policy and its supporting text may not be sufficiently clear. A particular area where this issue is evident is the definition of 'in and around' the main urban areas which underpins the spatial strategy. This definition is set out in the supporting text and is quite complex. Furthermore, its incorporation within the supporting text means its importance in relation to the policy may not be readily apparent to the reader.
- 5.154 The policy is also more difficult to interpret due to its complex relationship with a number of other policies which are cited within the policy, particularly policy W4, and the fact that large extensions to existing waste facilities are not necessarily bound by all the spatial criteria.

## Drivers of change

- 5.155 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP; however no changes have been made to these documents which are relevant to policy W3.

## Summary

- 5.156 The spatial strategy for new waste facilities set out in policy W3 remains compliant with national policy and guidance, and the evidence available suggests that the policy is performing in terms of delivering new waste facilities in sustainable locations.
- 5.157 However, it is considered that the policy is complicated and would benefit from being updated. The evidence gathering and stakeholder engagement activities that underpin the plan-making process would provide the most appropriate opportunity to comprehensively re-assess and consider options for the format and content of policy W3 in light of the above issues.
- 5.158 As policy W3 sets out the overarching spatial strategy for new waste facilities, any changes to this policy could have implications for other waste policies in the LMWLP. This will need to be taken into account in any updates to the Plan.

### **Policy W4: Locational criteria for new waste facilities in and around main urban areas**

Proposals for new waste facilities, including extensions to existing waste facilities, in and around the main urban areas set out in Policy W3 will be permitted provided that they would be located on:

- previously developed and/or contaminated land; or
- existing or planned industrial/employment land and buildings; or
- land already in waste management use; or
- sites allocated in the Site Locations Document; or
- in the case of biological treatment the land identified in Policy W5.

Proposals for the recycling of construction and demolition waste and/or the production of recycled aggregates in and around the main urban areas set out in policy W3 will also be permitted at existing Active Mining Sites.

[Continued]

In the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in policy W3, proposals will be permitted where they can demonstrate they have met the above criteria. Small scale facilities that are not in and around the main urban areas will be considered under policy W7.

Proposals must accord with all relevant Development Management Policies set out in the Plan.

### **Performance based on the indicators and targets of the CSDMP**

- 5.159 The performance of the policy since the adoption of the CSDMP is measured against one indicator.
- Indicator:** Percentage of relevant planning applications determined in accordance with policy W4.  
**Target:** 100%  
**Result:** 92%
- 5.160 This policy has been cited in the determination of 26 applications. In common with policy W3, some initial issues were identified with the performance of policy W4 in the 2016 AMR. Two planning applications were determined contrary to the policy, meaning the monitoring indicator was not fully met for this policy in 2016. These were the same two applications discussed in relation to policy W3, which by virtue of falling outside of the spatial strategy, were also contrary to the requirements of policy W4.
- 5.161 For the subsequent 2017, 2018 and 2019 monitoring periods, all relevant waste planning applications were determined in accordance with the locational criteria set out in policy W4, with no further issues identified. As with policy W3, it is therefore considered that the early performance issues noted above can be largely attributed to the 'bedding in' of the new waste policies, shortly after adoption of the CSDMP.
- 5.162 The information set out in the AMRs for 2016 to 2019 therefore indicates that, notwithstanding the initial issues identified during the 'bedding in' of the policy, overall policy W4 appears to be performing effectively against its monitoring indicator.

## **Other issues with implementation**

- 5.163 Given the linkages between the two policies, a number of issues have been identified through the implementation of policy W4 that are similar in nature to those discussed in respect to policy W3.
- 5.164 The core function of policy W4 is to set out the locational criteria for new waste facilities in and around the main urban areas, in line with the focus of the spatial strategy set out in policy W3. As previously discussed, a number of separate policies also exist to set out the detailed criteria for proposals that the strategy recognises may be permitted outside of the main urban areas. Similar to the issues identified in relation to policy W3, it is therefore considered that the provisions in policy W4 in relation to large extensions to existing waste facilities that are outside of the main urban areas may over complicate the policy.
- 5.165 In addition, although the policy identifies Active Mining Sites in and around main urban areas as locations suitable for the recycling of construction and demolition waste, in practice few quarries meet the spatial criteria of policy W3 and therefore do not qualify under policy W4. This provision is therefore of very limited use.

## **Drivers of change**

- 5.166 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP; however no changes have been made to these documents which are relevant to policy W4.

## **Summary**

- 5.167 The locational criteria for new waste facilities set out in policy W4 remain compliant with national policy and guidance, and the evidence available suggests that the policy is performing in terms of delivering new waste facilities in sustainable locations. However, through the implementation of policy W4 it has become clear that there are a number of areas of the policy that could be improved. In addition, any changes to policy W3 would have direct implications for the content of policy W4, which would need to be taken into account.
- 5.168 It is therefore considered that the policy should be updated.

### **Policy W5: Biological treatment of waste including anaerobic digestion and open-air composting**

Planning permission will be granted for anaerobic digestion, open air composting, and other forms of biological treatment of waste outside of those areas specified in policy W3 provided that proposals accord with all relevant Development Management Policies set out in the Plan; where they would be located at a suitable 'stand-off' distance from any sensitive receptors; and where they would be located on either:

- land which constitutes previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages; or
- land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

### **Performance based on the indicators and targets of the CSDMP**

- 5.169 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator :** Percentage of relevant planning applications determined in accordance with policy W5.

**Target:** 100%

**Result:** 100%

- 5.170 Nine planning applications were assessed against policy W5 during the period 2016 to 2019 all of which were granted in accordance with the policy.

### **Other issues with implementation**

- 5.171 One of the locational criteria for this policy is not specifically linked to the proximity principle for dealing with waste close to its point of origin.

### **Drivers of change**

- 5.172 The Resources and Waste Strategy for England (RWSE) published in December 2018 sets out key milestones which will need to be incorporated into the Council's approach to waste management.

The milestones of particular relevance to policy W5 are:

- Eliminate avoidable waste of all kinds by 2050
  - Work towards eliminating food waste to landfill by 2030
- The strategy also proposes to introduce legislation for mandatory separate food waste collections by 2023 (subject to consultation).

- 5.173 In May 2019 the government published "The 25 year Environment Plan". The indicator framework incorporated into this plan includes goals for waste minimisation and management (indicators J1, J3, J4 & J6) which accord with the aspirations of the RWSE.
- 5.174 These milestones and targets will impact on the waste streams covered by this policy.

## Summary

- 5.175 Monitoring reports covering the review period have demonstrated that policy W5 has been successful in delivering waste management facilities to meet demand within the county. Despite the government's new milestones and targets, it is considered that the policy remains effective in delivering waste management capacity. However, should the plan be updated this would provide an opportunity to strengthen linkages in the policy to the proximity principle and take into account any changes to other waste policies in the plan.

### Policy W6: Landfill

Planning permission will only be granted for new landfills or extensions to existing landfills (inert, non-hazardous and hazardous) provided that:

- it has been demonstrated that the current capacity is insufficient to manage that waste arising in Lincolnshire or its equivalent, which requires disposal to landfill in the County; and
- there is a long term improvement to the local landscape and character of the area, with enhanced public access where appropriate; and
- the development would not cause a significant delay to the restoration of existing waste disposal sites; and
- the proposals accord with all relevant Development Management and Restoration Policies set out in the Plan.

## Performance based on the indicators and targets of the CSDMP

- 5.176 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator :** Percentage of relevant planning applications determined in accordance with policy W6.

**Target:** 100%

**Result:** 67%

- 5.177 Six planning applications were assessed against policy W6 during the period 2016 to 2019 (see AMRs for further details) all of which were considered by the case officers to be in accordance with the policy. However, following review of those decisions, it is considered that two of those cases did not fully accord with the first policy criterion.



- 5.178 In the first case, the application (reference PL/0068/17) was for the re-profiling and importation of soils to create a paddock at land off Lincoln Road, Fenton. The case officer concluded that the importation of soils (to replace poor quality soils removed) would result in an improvement in the landscape and for this reason it would not be contrary to policy W6. The officer's report did not assess the proposals against the remaining criteria of W6 as this was considered unnecessary given the scale and nature of the development.
- 5.179 In the second case, the application (reference PL/0057/19) sought amendments to the approved plans relating to the restoration contours at South Witham Quarry. These amendments were necessary because the applicant had exceeded the permitted levels of inert landfill. The case officer's report noted that there was no quantitative need for additional landfill capacity. However, the wastes had already been imported into the site and, on balance, it was concluded that the retention of the revised batters would be acceptable. The case officer concluded that the limited volume of wastes imported would not fundamentally conflict with the wider core aim of policy W6. Furthermore it was accepted that the revised batters offered a long term improvement to the local landscape and assimilated well into the restored site.
- 5.180 In both of the above cases it is considered that the applications did not strictly comply with policy W6 because the first criterion of the policy was not met. These decisions may highlight that either the policy criteria are too restrictive, or that the requirements of the policy are not sufficiently clear.

### **Other issues with implementation**

- 5.181 No other issues have been identified with the potential implementation of this policy.

### **Drivers of change**

- 5.182 The Resources and Waste Strategy for England (RWSE), published in December 2018, sets out key milestones which will need to be incorporated into the Council's approach to waste management. The milestones relevant to the waste streams managed through facilities permitted under policy W6 include eliminating food waste to landfill by 2030.
- 5.183 The strategy also proposes additional waste management targets directly applicable to waste disposal authorities which include reducing municipal waste to landfill to 10% or less.
- 5.184 The 25 year Environment Plan published in May 2019 incorporates an indicator framework setting goals for waste minimisation and management (indicators J1, J3, J4 & J6) which accord with the aspirations of the RWSE.
- 5.185 Although policy W6 is a restrictive policy, changes to the policy may be needed to reflect the new milestones and targets.

## Summary

- 5.186 It is considered that this policy should be updated to improve its clarity and ensure that applications are determined in a consistent manner. In addition, the scope of the policy may need to be re-evaluated in the light of new milestones and targets.

### **Policy W7: Small scale waste facilities**

Planning permission will be granted for small scale waste facilities, including small extensions to existing waste facilities, outside of those areas specified in policy W3 provided that:

- there is a proven need to locate such a facility outside of the main urban areas; and
- the proposals accord with all relevant Development Management Policies set out in the Plan; and
- the facility would be well located to the arisings of the waste it would manage; and
- they would be located on land which constitutes previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages.

## **Performance based on the indicators and targets of the CSDMP**

- 5.187 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy W7.

**Target:** 100%

**Result:** 100%

- 5.188 Fifteen planning applications were assessed against policy W7 during the period 2016-2019 (see AMRs for further details) all of which were considered by the case officers to be in accordance with the policy.

## **Other issues with implementation**

- 5.189 A number of planning applications have been granted planning permission with tonnages higher than the indicative levels set out in the supporting text of the policy. In each case the officers have stated that these are too low, instead basing their judgement on other factors. This could, however, result in inconsistent decisions being made on applications and increase the chance of such decisions being challenged.

## Drivers of change

- 5.190 As previously stated, the Resources and Waste Strategy for England (RWSE), published by the government in December 2018 and "The 25 year Environment Plan" published in May 2019 have set new key milestones and indicators for waste management and minimisation. These may have implications for the policy.

## Summary

- 5.191 Although the policy is performing well, both the policy and its supporting text may benefit from being updated to give greater clarity on the definition of "small scale" and ensure it conforms to government milestones and key targets.

### **Policy W8: Safeguarding waste management sites**

The County Council will seek to safeguard existing and allocated waste management facilities from redevelopment to a non-waste use and/or the encroachment of incompatible development unless:

- alternative provision in the vicinity can be made in accordance with the Development Plan; or
- it can be demonstrated that there is no longer a need for a waste facility at that location.

## Performance based on the indicators and targets of the CSDMP

- 5.192 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Number of planning applications granted planning permission where the Council has expressed the view that the proposals would be contrary to Policy W8.

**Target:** Zero

**Result:** Zero

- 5.193 Over the review period 2016 to 2019, eleven consultations (eight planning applications and three for pre-application advice) were received by the Council. No objections were raised in response to any of the proposals received.

## Other issues with implementation

- 5.194 The district councils have been advised that when they receive a planning application in proximity to a safeguarded waste management site, they should assess whether there is likely to be a conflict between the two - taking into account the nature of the waste management activities and the sensitivity of the

proposed development to those activities. It is the responsibility of district councils to ensure the Council is consulted in relevant circumstances.

- 5.195 Consequently, the Council is only able to monitor and assess the performance of applications forwarded for consultation by the district councils. There is at present insufficient resource available to check whether the district councils are applying this policy to all relevant planning applications.

### **Drivers of change**

- 5.196 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, however no changes have been made to these documents which are relevant to policy W8.

### **Summary**

- 5.197 The performance indicator for this policy is not a particularly effective means of measuring the policy's performance. This is because it does not take into account that the district councils may not be consulting the Council on all relevant applications. Subject to this limitation, the policy is considered to be performing appropriately with no other issues identified.

#### **Policy W9: Waste water and sewage treatment works**

Proposals for new sewage treatment works, including the improvement or extension of existing works, will be permitted provided that it can be demonstrated that:

- there is a suitable watercourse to accept discharged treated water and there would be no unacceptable increase in the risk of flooding to other areas; and
- there would be no deterioration in the ecological status of the affected watercourse (to comply with the Water Framework Directive); and
- the proposals accord with all relevant Development Management Policies set out in the Plan.

### **Performance based on the indicators and targets of the CSDMP**

- 5.198 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy W9.

**Target:** 100%

**Result:** 100%

- 5.199 Information set out in the AMRs for 2016 to 2019 indicates that policy W9 is performing effectively against its monitoring indicator and associated target, with no specific issues identified to date.

### **Other issues with implementation**

- 5.200 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

- 5.201 No substantive changes to national policy or legislation have been identified that affect this policy.
- 5.202 Responsibility for the treatment and disposal of waste water lies with the statutory undertakers. As such there is limited reference to waste water within national planning policy and guidance, including the NPPW.
- 5.203 The majority of Lincolnshire's network of waste water and sewage treatment facilities is operated by Anglian Water Services, with a small number of facilities in the north-west of the county operated by Severn Trent Water.
- 5.204 Anglian Water's "Water Recycling Long Term Plan" (September 2018) examines demand for water recycling facilities over the next 25 years, considering such factors as population growth and climate change, and includes consideration of the growth set out in Local Plans. It outlines plans for significant investment in additional water recycling capacity across the county over the next 25 years.
- 5.205 Severn Trent Water also identifies a need for additional investment in sewage treatment in their Strategic Direction Statement for 2010-2035: 'Focus on Water'.
- 5.206 Much of this additional capacity is likely to be delivered as and when demand requires through enhancements to existing sites, but there may still be circumstances where new facilities are required. Given the sparsely populated and rural nature of the county, there may also be a need for smaller scale local package treatment plans to replace septic tanks in some locations.

### **Summary**

- 5.207 When considering the above information, it is clear that there remains a need for a policy on waste water and sewage treatment. The existing policy is performing effectively and there is no identified need to update it at present. However, if other policies in the plan are updated, the opportunity could be taken to review the terminology used in this policy to ensure it remains consistent with that used by the industry. This could include, for example, replacing references to 'sewage treatment works' with 'water recycling centres'.

### **Policy DM1: Presumption in favour of sustainable development**

When considering development proposals, the County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the County Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

### **Performance based on the indicators and targets of the CSDMP**

5.208 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM1.

**Target:** 100%

**Result:** 100%

5.209 Information set out in the AMRs for 2016 to 2019 indicates that policy DM1 is referred to frequently during the determination of minerals and waste planning applications and is performing effectively against its monitoring indicator, with no specific issues identified to date.

### **Other issues with implementation**

5.210 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

5.211 Policy DM1 is consistent with the overarching presumption in favour of sustainable development set out in paragraph 11 of the NPPF. However, paragraph 16(f) of the NPPF states that plans should avoid unnecessary duplication of policies that apply to a particular area (including policies in the

Framework, where relevant). Although policy DM1 is consistent with the NPPF, it only serves to repeat the national policy already set out in the framework. At the time the CSDMP was being prepared there appears to have been an expectation from the Planning Inspectorate that policies of this nature should be included in plans. This, however, is no longer the case.

## Summary

- 5.212 Policy DM1 only repeats national policy and is not considered strictly necessary.

### **Policy DM2: Climate Change**

Proposals for minerals and waste management developments should address the following matters where applicable:

#### Minerals and Waste

- Identify locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste, unless other environmental/sustainability and, for minerals, geological considerations override this aim.

#### Waste

- Implement the Waste Hierarchy, and in particular reduce waste to landfill;
- Identify locations suitable for renewable energy generation;
- Encourage carbon reduction/capture measures to be implemented where appropriate.

#### Minerals

- Encourage ways of working which reduce the overall carbon footprint of a mineral site;
- Promote new/enhanced biodiversity levels/habitats as part of restoration proposals to provide carbon sinks and/or better connected ecological networks;
- Encourage the most efficient use of primary minerals.

## **Performance based on the indicators and targets of the CSDMP**

- 5.213 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM2.

**Target:** 100%

**Result:** 100%

- 5.214 Over the review period 2016 to 2019 policy DM2 was cited in 56 planning applications all of which were considered to have been determined in accordance with the policy.

### **Other issues with implementation**

- 5.215 The Council's planning officers have advised that the policy is difficult to apply directly because of its more strategic nature. Furthermore, many of the issues are covered by more specific policies, which can be more readily applied.

### **Drivers of change**

- 5.216 Since the MWLP was adopted in 2016 there have been a number of changes to government policy and strategy relating to climate change.
- 5.217 In 2018, DEFRA produced the Second National Adaptation Programme, covering the period 2018 to 2023. This takes into account the findings of the 2017 Climate Change Risk Assessment, setting out the government's strategy for adapting to climate change now and in for the future. The programme incorporates strategies for mitigating and adapting to climate change, which is also one of the ten goals of the "25 Year Environment Plan (2018)". These goals contribute to the plan's broader aim of ensuring that all policies, programmes and investment decisions take into account the possible extent of climate change this century.
- 5.218 The findings of these reports were incorporated into revisions of the NPPF in 2019. These revisions place more emphasis on the effects of climate change, including requirements on new development for enhanced flood management and the delivery of net gains in biodiversity.

### **Summary**

- 5.219 Policy DM2 has met its performance targets and does not specifically need to be updated. However, should the plan be updated, this would provide an opportunity to establish whether an alternative approach to securing the policy's objectives could be secured, which would be clearer and easier to implement/monitor.



### **Policy DM3: Quality of life and amenity**

Planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from:

- noise,
- dust,
- vibration,
- odour,
- litter,
- emissions,
- the migration of contamination,
- illumination,
- visual intrusion,
- run off to protected waters,
- traffic,
- tip- and quarry- slope stability,
- differential settlement of quarry backfill, or
- mining subsidence

to occupants of nearby dwellings and other sensitive receptors.

And in respect of waste development is well designed and contributes positively to the character and quality of the area in which it is to be located.

Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused.

### **Performance based on the indicators and targets of the CSDMP**

5.220 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM3.

**Target:** 100%

**Result:** 100%

5.221 Over the review period 2016 to 2019, policy DM3 was cited in the consideration of 168 planning applications all of which were considered to have been determined in accordance with the policy.

## **Other issues with implementation**

5.222 No other issues have been identified with the implementation of this policy.

## **Drivers of change**

5.223 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, however no changes have been made to these documents which are relevant to this policy.

## **Summary**

5.224 It is considered that the policy has been successful and no issues have been identified.

### **Policy DM4: Historic environment**

Proposals that have the potential to affect heritage assets including features of historic or archaeological importance (whether known or unknown) should be accompanied by an assessment of the significance of the assets and the potential impact of the development proposal on those assets and their settings.

Planning permission will be granted for minerals and waste development where heritage assets, and their settings, are conserved and, where possible enhanced.

Where any impact on heritage assets is identified, the assessment should provide details of the proposed mitigation measures that would be implemented. These should include details of any conservation of assets and also of any further investigation and recording of heritage assets to be lost and provision for the results to be made publicly available.

Where adverse impacts are identified planning permission will only be granted for minerals and waste development provided that:

- the proposal cannot reasonably be located on an alternative site to avoid harm; and
- the harmful aspects can be satisfactorily mitigated; or
- there are exceptional overriding reasons which outweigh the need to safeguard the significance of heritage assets which would be harmed.

## **Performance based on the indicators and targets of the CSDMP**

5.225 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM4.

**Target:** 100%

**Result:** 100%

- 5.226 Over the review period 2016 to 2019, policy DM4 was cited in the consideration of 23 planning applications all of which were considered to have been determined in accordance with the policy.

### **Other issues with implementation**

- 5.227 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

- 5.228 The revised NPPF published in 2018 introduced some key amendments in respect of the historic environment, following recent case law. The NPPF now states: 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'.  
5.229 The PPG was updated in 2019 to reflect the revisions to the NPPF (paragraph 018). It also includes a greater obligation for planning authorities to designate important assets (paragraphs 039 and 040) and provide greater clarification on what contributes to the optimum viable use of a heritage asset (paragraph 015).

### **Summary**

- 5.230 It is considered that policy DM4 has been successful in delivering development that accords with the aims of the policy. Whilst subsequent revisions to the NPPF and PPG have introduced some revisions to national heritage policy and guidance, it is considered that in its current form the policy remains in line with those amendments. However, if the plan is updated it would provide an opportunity to take a fresh look at this policy and the supporting text. If necessary these could then be amended to reflect the greater emphasis placed upon the conservation of heritage assets.

### **Policy DM5: Lincolnshire Wolds Area of Outstanding Natural Beauty**

Planning permission will only be granted for minerals and waste development within or affecting the character or setting of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) in exceptional circumstances where it can be demonstrated that:

- there is a proven public interest; and
- there is a lack of alternative sites not affecting the AONB to serve the market need; and
- the impact on the special qualities of the AONB can be satisfactorily mitigated.

### **Performance based on the indicators and targets of the CSDMP**

5.231 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator :** Percentage of relevant planning applications determined in accordance with policy DM5.

**Target:** 100%

**Result:** 100%

5.232 Over the review period 2016 to 2019, policy DM5 was cited in the consideration of 12 planning applications all of which were considered to have been determined in accordance with the policy.

### **Other issues with implementation**

5.233 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

5.234 In 2018 there was a minor revision to the wording of paragraph 172 of the NPPF dealing with Areas of Outstanding Natural Beauty. However, this is not considered to materially affect policy DM5.

5.235 The 25 year Environment Plan (2018) sets out the government's strategy for managing and improving the environment to leave it in a better condition for the next generation. To help meet this aim, the strategy sets out that while development is not prohibited in National Parks or AONBs, major development should take place only in exceptional circumstances.

### **Summary**

5.236 The AMRs covering the review period indicate that policy DM5 has been successful in protecting the Lincolnshire Wolds AONB against inappropriate

minerals and waste development and therefore accords with the aims of The 25 year Environment Plan (2018). Furthermore, while there has been a minor revision to the text of the updated NPPF with respect to AONBs, it is considered that the policy remains sound.

#### **Policy DM6: Impact on landscape and townscape**

Planning permission will be granted for minerals and waste development provided that due regard has been given to the likely impact of the proposed development on landscape and townscape, including landscape character, valued or distinctive landscape features and elements, and important views. If considered necessary by the County Council, additional design, landscaping, planting and screening will be required. Where planting is required it will be subject to a minimum 10 year maintenance period.

Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considerable weight will be given to conservation of that landscape.

#### **Performance based on the indicators and targets of the CSDMP**

- 5.237 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM6.

**Target:** 100%

**Result:** 100%

- 5.238 Over the review period 2016 to 2019, policy DM6 was cited in the consideration of 107 planning applications, all of which were considered to have been determined in accordance with the policy.

#### **Other issues with implementation**

- 5.239 No other issues have been identified with the implementation of this policy.

#### **Drivers of change**

- 5.240 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP; however no changes have been made to these documents which are relevant to this policy.

## Summary

- 5.241 It is considered that the policy has been successful at protecting local landscape and townscape. No issues have been identified with the policy.

### **Policy DM7: Internationally designated sites of biodiversity conservation value**

Proposals for minerals and waste development that are likely to have significant effects on internationally important wildlife sites should be supported by sufficient, current information for the purposes of an appropriate assessment of the implications of the proposal, alone or in combination with other plans and projects, for any Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site. Where the conclusions of the appropriate assessment, carried out in accordance with Council Directive 92/42 EEC and the Conservation of Habitats and Species Regulations 2010 (as amended), show that a proposal can be delivered without adverse effect on the integrity of any SAC, SPA or Ramsar site, planning permission will be granted.

## **Performance based on the indicators and targets of the CSDMP**

- 5.242 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM7.

**Target:** 100%

**Result:** 100%

- 5.243 Over the review period 2016 to 2019, policy DM7 was cited in eight planning applications all of which were considered to have been determined in accordance with the policy.

## **Other issues with implementation**

- 5.244 No other issues have been identified with the implementation of this policy.

## **Drivers of change**

- 5.245 Since the CSDMP was adopted, "The Conservation of Habitats and Species Regulations 2017 (as amended)" have come into force effectively transposing Council Directive 92/42 EEC.

## Summary

- 5.246 The existing policy is performing effectively. However, should the plan be updated, the wording of the policy would benefit from being amended to refer to the new regulations.

### **Policy DM8: Nationally designated sites of biodiversity and geological conservation value**

Sites of Special Scientific Interest, National Nature Reserves and irreplaceable habitats (including Ancient Woodland and veteran trees) will be safeguarded from inappropriate minerals and waste development. Planning permission will be granted for minerals and waste development on or affecting such sites, provided that it can be demonstrated that the development, either individually or in combination with other developments, would not conflict with the conservation, management and enhancement of the site, or have any other adverse impact on the site. Where this is not the case, planning permission will be granted provided that:

- the proposal cannot reasonably be located on an alternative site to avoid harm; and
- the benefit of the development would clearly outweigh the impacts that the proposal would have on the key features of the site; and
- the harmful aspects can be satisfactorily mitigated or, as a last resort, compensated by measures that provide a net gain in biodiversity/geodiversity; and
- in the case of a SSSI, there would be no broader impact on the national network of SSSIs.

### **Performance based on the indicators and targets of the CSDMP**

- 5.247 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM8.

**Target:** 100%

**Result:** 100%

- 5.248 Over the review period 2016 to 2019, policy DM8 was cited in 19 planning applications all of which were considered to have been determined in accordance with the policy.

### **Other issues with implementation**

- 5.249 No other issues have been identified with the implementation of this policy.

## Drivers of change

- 5.250 No drivers of change have been identified at this time, but the Environment Bill may bring about changes in the near future which impact on this policy.

## Summary

- 5.251 At present, the existing policy is performing effectively. However, if the plan is updated, this would provide an opportunity to revise the policy in the light of any changes to legislation and national policy arising from the Environment Bill.

### **Policy DM9: Local sites of biodiversity conservation value**

Planning permission will be granted for minerals and waste development on or affecting locally designated sites (including Local Wildlife Sites and their predecessors: Sites of Nature Conservation Importance; County Wildlife Sites; Local Nature Reserves; Critical Natural Assets), sites meeting Local Wildlife Site criteria and un-designated priority habitats identified in the Lincolnshire Biodiversity Action Plan, provided that it can be demonstrated that the development would not have any significant adverse impacts on the site. Where this is not the case, planning permission will be granted provided that:

- The merits of development outweigh the likely impact; and
- Any adverse effects are adequately mitigated or, as a last resort compensated for, with proposals resulting in a net-gain in biodiversity through the creation of new priority habitat in excess of that lost.

## Performance based on the indicators and targets of the CSDMP

- 5.252 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM9.

**Target:** 100%

**Result:** 100%

- 5.253 Over the review period 2016 to 2019, policy DM9 was cited in 24 planning applications all of which were considered to have been determined in accordance with the policy.

## Other issues with implementation

- 5.254 No other issues have been identified with the implementation of this policy.



## Drivers of change

- 5.255 No drivers of change have been identified at this time, but the Environment Bill may bring about changes in the near future which impact on this policy.

## Summary

- 5.256 At present, the existing policy is performing effectively. However, if the plan is updated, this would provide an opportunity to revise the policy in the light of any changes to legislation and national policy arising from the Environment Bill.

### **Policy DM10: Local sites of geological conservation value**

Planning permission will be granted for minerals and waste development on or affecting locally designated sites (including Local Geological Sites and their predecessors: Regionally Important Geological and Geomorphological Sites) and sites meeting Local Geological Site criteria provided that it can be demonstrated that the development would not have any significant adverse impacts on the site. Where this is not the case, planning permission will be granted provided that:

- The merits of development outweigh the likely impact; and
- Any adverse effects are adequately mitigated or, as a last resort compensated for, with proposals resulting in geodiversity enhancements.

## Performance based on the indicators and targets of the CSDMP

- 5.257 The performance of the policy since the adoption of the CSDMP is measured against one indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM10.

**Target:** 100%

**Result:** 100%

- 5.258 Over the review period 2016 to 2019, policy DM10 was cited in four planning applications all of which were considered to have been determined in accordance with the policy.

## Other issues with implementation

- 5.259 No other issues have been identified with the implementation of this policy.

## Drivers of change

- 5.260 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP, however no changes have been made to these documents which are relevant to this policy.

## Summary

- 5.261 The existing policy is performing effectively.

### **Policy DM11: Soils**

Proposals for minerals and waste development should protect and, wherever possible, enhance soils.

## Performance based on the indicators and targets of the CSDMP

- 5.262 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM11.

**Target:** 100%

**Result:** 100%

- 5.263 Information set out in the AMRs for 2016 to 2019 indicates that policy DM11 was cited in the consideration of 17 planning applications, all of which were considered to have been determined in accordance with the policy. The policy is therefore performing effectively against its monitoring indicator.

## Other issues with implementation

- 5.264 No other issues have been identified with the implementation of this policy.

## Drivers of change

- 5.265 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP; however no changes have been made to these documents which affect this policy.

## Summary

- 5.266 The existing policy is performing effectively.

**Policy DM12: Best and most versatile agricultural land**

Proposals for minerals and waste development that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that:

- no reasonable alternative exists; and
- for mineral sites, the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

**Performance based on the indicators and targets of the CSDMP**

5.267 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM12.

**Target:** 100%

**Result:** 100%

5.268 Information set out in the AMRs for 2016 to 2019 indicates that policy DM12 was cited in the consideration of 11 planning applications, all of which were considered to have been determined in accordance with the policy. The policy is therefore performing effectively against its monitoring indicator.

**Other issues with implementation**

5.269 No other issues have been identified with the implementation of this policy.

**Drivers of change**

5.270 No drivers of change have been identified. The NPPF and PPG have been updated since the adoption of the CSDMP; however no changes have been made to these documents which are relevant to this policy.

**Summary**

5.271 The existing policy is performing effectively.

**Policy DM13: Sustainable transport movements**

Proposals for minerals and waste development should seek to minimise road based transport and seek to maximise where possible the use of the most sustainable transport option.

## Performance based on the indicators and targets of the CSDMP

5.272 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM13.

**Target:** 100%

**Result:** 100%

5.273 Over the review period 2016 to 2019, policy DM13 was cited in 28 planning applications all of which were considered to have been determined in accordance with the policy.

### Other issues with implementation

5.274 No other issues have been identified with the implementation of this policy.

### Drivers of change

5.275 The NPPF has been updated since the LMWLP was adopted in 2016; however the 2018 and 2019 editions have not introduced any additional or conflicting requirements in respect of transport policy.

### Summary

5.276 The existing policy is performing effectively.

#### **Policy DM14: Transport by road**

Planning permission will be granted for minerals and waste development involving transport by road where:

- the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and
- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment; and
- a suitable travel plan is in place.

## Performance based on the indicators and targets of the CSDMP

5.277 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM14.

**Target:** 100%

**Result:** 100%

- 5.278 Over the review period 2016 to 2019, policy DM14 was cited in 91 planning applications all of which were considered to have been determined in accordance with the policy.

### **Other issues with implementation**

- 5.279 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

- 5.280 The NPPF has been updated since the LMWLP was adopted in 2016; however the 2018 and 2019 editions have not introduced any additional or conflicting requirements in respect of transport policy.

### **Summary**

- 5.281 The existing policy is performing effectively.

#### **Policy DM15: Flooding and flood risk**

Proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding.

Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

### **Performance based on the indicators and targets of the CSDMP**

- 5.282 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM15.

**Target:** 100%

**Result:** 100%

- 5.283 Over the review period 2016 to 2019, policy DM15 was cited in the consideration of 47 planning applications, all of which were considered to have been determined in accordance with the policy.

## Other issues with implementation

5.284 No other issues have been identified with the implementation of this policy.

## Drivers of change

5.285 The 2018 revision to the NPPF has changed the emphasis given to the considerations that apply to flood risk, as set out in the following paragraphs:

- paragraph 158 - a requirement to identify policies and physical measures to provide for resilience to climate change effects;
- paragraph 156 - a requirement to consider the cumulative impacts in, or affecting, local areas susceptible to flooding;
- paragraph 157c - a need to consider the introduction of Natural Flood Management;
- paragraph 165 - a specific requirement for major developments to have sustainable drainage systems unless there is clear evidence that this would be inappropriate, and the need to evidence their use in FRAs; and
- paragraph 163e - a requirement to prepare emergency plans in FRAs.

5.286 In 2018, DEFRA produced the Second National Adaptation Programme covering the period 2018 to 2023. This takes into account the findings of the 2017 Climate Change Risk Assessment, which sets out the government's strategy for adapting to climate change. The programme includes natural flood management strategies which are to be incorporated alongside conventional defences where possible to manage water flow and reduce the risk of flooding.

## Summary

5.287 Policy DM15 has been successful in ensuring that proposals for minerals and waste development are appropriately assessed for potential impacts of flooding and flood risk. While there has been greater emphasis placed upon the significance of flood risk assessment and mitigation in national policy since the LMWLP was adopted, it is considered that policy DM15 is still in general conformity with the NPPF. Nevertheless, if the plan is updated it would provide an opportunity to give further consideration to amending the policy and its supporting texts.

### **Policy DM16: Water resources**

Planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on surface or ground waters and due regard is given to water conservation and efficiency.

## Performance based on the indicators and targets of the CSDMP

- 5.288 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM16.

**Target:** 100%

**Result:** 100%

- 5.289 Over the review period 2016 to 2019, policy DM16 was cited in the consideration of 61 planning applications, all of which were considered to have been determined in accordance with the policy.

### Other issues with implementation

- 5.290 No other issues have been identified with the implementation of this policy.

### Drivers of change

- 5.291 The PPG was updated on July 2019 and makes reference to the Water Environment (Water framework Directive) (England and Wales) Regulations 2017, which replaces the EU Water Framework Directive. This sets out requirements to prevent the deterioration of aquatic ecosystems; protect, enhance and restore water bodies to "good" status; and achieve compliance with standards and objectives for protected areas. Local Planning Authorities are consequently required to have regard to River Basin Management Plans which contain the main issues for the water environment and the actions needed to tackle them.

### Summary

- 5.292 Policy DM16 has performed effectively in meeting its indicator target. Although the PPG has been revised since the LMWLP was adopted, it is considered that the changes do not materially affect the policy. However, should the plan be updated, it would provide an opportunity to give further consideration to this matter and if necessary amend the policy and its supporting text.

#### **Policy DM17: Cumulative impacts**

Planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

## **Performance based on the indicators and targets of the CSDMP**

5.293 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy DM17.

**Target:** 100%

**Result:** 100%

5.294 Information set out in the AMRs for 2016 to 2019 indicates that policy DM17 is referred to frequently during the determination of minerals and waste planning applications and is performing effectively against its monitoring indicator, with no specific issues identified to date.

### **Other issues with implementation**

5.295 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

5.296 No substantive changes to national policy and legislation have been identified that affect this policy.

### **Summary**

5.297 The existing policy is performing effectively.



### **Policy R1: Restoration and aftercare**

Proposals must demonstrate that the restoration of mineral workings and landfill operations will be of high quality, and carried out at the earliest opportunity.

Proposals for mineral extraction or landfill should be accompanied by detailed proposals for restoration, including an appropriate after-use of the site. All proposals should demonstrate that:

- restoration will be undertaken using best practice to secure a high standard of restoration and aftercare; and
- restoration will be completed within a reasonable timescale and is progressive; and
- the restoration is appropriate for the natural and historic landscape and geological and wildlife interest of the area and measures to create, protect, restore and enhance geodiversity and biodiversity conservation features, and the historic landscape are practical, of a high quality appropriate to the area and secure their long term safeguarding and maintenance; and
- there is an aftercare management programme, appropriate to the objectives of the site, to ensure that the restoration of the site is established successfully.

### **Performance based on the indicators and targets of the CSDMP**

- 5.298 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy R1.

**Target:** 100%

**Result:** 100%

- 5.299 Over the review period 2016 to 2019, policy R1 was cited in 41 planning applications all of which were considered to have been determined in accordance with the policy.

### **Other issues with implementation**

- 5.300 No other issues have been identified with the implementation of this policy.

## Drivers of change

- 5.301 The NPPF has been updated since the adoption of the CSDMP, with greater emphasis placed on the natural environment. In particular, paragraph 174, states that 'measurable' net gains in biodiversity should be secured from development wherever possible.
- 5.302 As discussed under policy DM2, there is an increasing emphasis in the NPPF on the effects of climate change following publication of the Second National Adaptation Programme in 2018. The restoration of mineral workings and landfill sites provide significant opportunities for mitigation and adaptation to climate change. This is already recognised by policy R2 and its supporting text, which promotes measures such as habitat creation and increased flood storage capacity, but could be strengthened further.

## Summary

- 5.303 Policy R1 appears to be performing effectively; however updating the plan would provide an opportunity for giving this matter further consideration.

### **Policy R2: After-use**

The proposed after-use should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character and the natural and historic environment of the area in which the site is located.

After-uses should enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources, safeguard the potential of the best and most versatile agricultural land, and decrease the risk of adverse climate change effects. Such after-uses could include: agriculture, nature conservation, leisure, recreation/sport, and woodland.

Where appropriate, the proposed restoration should provide improvements for public access to the countryside including access links to surrounding green infrastructure.

Restoration proposals should be designed to ensure that they do not give rise to new or increased hazards to aviation.

## Performance based on the indicators and targets of the CSDMP

- 5.304 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy R2.

**Target:** 100%

**Result:** 100%

- 5.305 Information set out in the AMRs for 2016 to 2019 indicates that policy R2 was cited in the consideration of a total of 23 planning applications, all of which were considered to have been determined in accordance with the policy. The policy is therefore performing effectively against its monitoring indicator, with no specific issues identified to date.

### **Other issues with implementation**

- 5.306 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

- 5.307 The NPPF has been updated since adoption of the CSDMP, and there have been a number of minor changes to the framework that are of relevance to policy R2. These changes include a number of subtle amendments to wording and terminology in relation to conserving and enhancing the natural environment. Paragraphs 170 and 174, for example, include a greater emphasis on providing for and securing measurable net gains for biodiversity, whilst also including new references to "natural capital".
- 5.308 Policy R2 and its supporting text take a holistic approach to preserving and enhancing the natural environment through the restoration of sites. It promotes landscape scale approaches to habitat creation and ecological networks, as well as net gains in biodiversity amongst many other objectives. It is therefore considered that policy R2 remains consistent with the relevant aims and principles of the NPPF, as amended.
- 5.309 Also of relevance to policy R2 is the increasing emphasis on the effects of climate change as discussed under policy DM2. The restoration of mineral workings and landfill sites provides significant opportunities for mitigation and adaptation to climate change. This is already recognised by policy R2 and its supporting text, which promotes measures such as habitat creation, and increasing flood storage capacity as ways to achieve this aim.

### **Summary**

- 5.310 Policy R2 is performing effectively and continues to provide an appropriate and positive framework to guide the after-use of restored sites. However, if the plan is to be updated, the opportunity could be taken to review the terminology used in policy R2 and its supporting text to ensure it remains consistent with the NPPF, as amended, and other relevant strategies and guidance.

### **Policy R3: Restoration of sand and gravel operations within areas of search**

Restoration proposals for sand and gravel operations within the Areas of Search (other than those involving best and most versatile agricultural land that would be restored back to agricultural land of a comparable quality) should have regard to the landscape scale objectives of the area and should reflect the following priorities:

- Trent Valley (north of Lincoln): creation of reedbed, wet woodland and lowland wet grassland habitats
- Trent Valley (south west of Lincoln within the Witham Valley Country Park): creation of habitats (including wet woodland, reedbed, acid grassland and heathland) to enhance local nature conservation and biodiversity value; provision of improved public access including links to surrounding green infrastructure; and the development of additional recreational/sport facilities
- Central Lincolnshire (Tattershall Thorpe): creation of wet woodland and heathland and acid grassland habitats together with reedbed in areas of high water table
- South Lincolnshire (West Deeping/Langtoft): creation of wet fenland habitat or enhancement of existing wetland habitats.

### **Performance based on the indicators and targets of the CSDMP**

- 5.311 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy R3.

**Target:** 100%

**Result:** 100%

- 5.312 Information set out in the AMRs for 2016 to 2019 indicates that policy R3 was cited in the consideration of a total of nine planning applications, all of which were considered to have been determined in accordance with the policy. The policy is therefore performing effectively against its monitoring indicator.

### **Other issues with implementation**

- 5.313 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

- 5.314 No substantive changes to national policy and legislation have been identified that affect this policy.

## Summary

- 5.315 Policy R3 builds upon the overarching framework set out by policy R2 by identifying specific priorities for the restoration of sand and gravel operations within the different areas of search in Lincolnshire. The policy is considered to be performing effectively. However, if the plan is updated, the opportunity could be taken to review the detailed priorities set out in policy R3 in order to determine whether they would benefit from any amendments. For example, the opportunity for more specific provisions in relation to climate change mitigation and adaptation could be considered in light of the issues raised under policy DM2.

### **Policy R4: Restoration of limestone and chalk workings**

Restoration proposals for limestone and chalk operations should be sympathetic to the surrounding landscape and prioritise the creation of calcareous grassland habitat, except on best and most versatile agricultural land that would be restored back to agricultural land of a comparable quality. Restoration should also seek to retain suitable exposures for geological educational use where appropriate.

## Performance based on the indicators and targets of the CSDMP

- 5.316 The performance of the policy since the adoption of the CSDMP is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy R4.

**Target:** 100%

**Result:** 100%

- 5.317 Over the review period 2016 to 2019, policy R4 was cited in 12 planning applications all of which were considered to have been determined in accordance with the policy.

## Other issues with implementation

- 5.318 No other issues have been identified with the implementation of this policy.

## Drivers of change

- 5.319 The CSDMP sets out that the lime rich soils found in the chalk wolds and the Jurassic Limestone Uplands of Lincolnshire support a very high biodiversity. However, limestone grassland now only represents 0.05% of this area due to losses that occurred between 1940 and 1955. It is therefore considered that

the policy conforms with the revisions to the NPPF because it actively promotes biodiversity gains.

## Summary

5.320 The existing policy is performing effectively.

## Policies of the SLD

### Policy SL1: Mineral site allocations

A steady and adequate supply of sand and gravel for aggregate purposes, in accordance with Policy M2 of the Core Strategy and Development Management Policies document, will be provided through:

- the continued provision of sand and gravel from the remaining permitted reserves at the following sites:
  - Baston No 1 Quarry
  - Baston No 2 Quarry
  - Baston Manor Pit Quarry
  - Kettleby Quarry
  - King Street Quarry
  - Kirkby on Bain Quarry
  - North Kelsey Road Quarry
  - Norton Bottoms Quarry
  - Norton Disney Quarry
  - Red Barn Pit Quarry
  - Swinderby Airfield Quarry
  - Tattershall (Park Farm) Quarry
  - West Deeping Quarry
  - Whisby Quarry
- the provision of sand and gravel from extensions to the following sites which have a resolution to grant planning permission subject to a s.106 Planning Obligation:
  - Whisby Quarry
  - Kirkby on Bain Quarry

and

- the granting of planning permission for sand and gravel working from the following allocated sites where the applicant can demonstrate that the proposal is in accordance with the development plan: [set out in the separate box below]

The allocated sites shall be developed in accordance with the Development Briefs in Appendix 1 of this plan.

<b>Site Reference</b>	<b>Name</b>	<b>Production Area</b>	<b>Total Reserve (minimum quantity to be worked during plan period)</b>	<b>Type</b>
MS04-LT	Swinderby Airfield Quarry	Lincoln Trent Valley	7.0mt (of which 2.25mt to be worked during plan period)	Extension
MS05-LT	Norton Bottoms Quarry, Stapleford	Lincoln Trent Valley	6.8mt (of which 2.31mt to be worked during plan period)	Extension
MS07/08-CL	Kettleby Quarry, Bigby	Central Lincolnshire	3.25mt (of which 0.86mt to be worked during plan period)	Extension
MS09-CL	North Kelsey Road Quarry, Caistor	Central Lincolnshire	0.15mt (of which 0.13mt to be worked during plan period)	Extension
MS15-CL	Kirkby on Bain (Phase 2)	Central Lincolnshire	3.1mt (of which 0.22mt to be worked during plan period)	Extension
MS25-SL	Manor Farm, Greatford	South Lincolnshire	3mt (of which 2.79mt to be worked during plan period)	New replacement site
MS27-SL	Baston No.2 Quarry, Langtoft (Phase 2)	South Lincolnshire	2.5mt (of which 1.40mt to be worked during plan period)	Extension
MS29-SL	West Deeping	South Lincolnshire	2.2mt (of which 1.16mt to be worked during plan period)	Extension

## Performance based on the indicators and targets of the SLD

- 5.321 The performance of the policy since the adoption of the SLD is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy SL1.

**Target:** 100%

**Result:** 100%

- 5.322 Information set out in the AMRs for 2017 to 2019 indicates that in general Policy SL1 is performing effectively and meeting its objectives. Both of the sites identified in Policy SL1 as awaiting s.106 Planning Obligations (extensions to Whisby Quarry and Kirkby on Bain Quarry) have been granted planning permission as anticipated. With respect to the delivery of the allocated sites, the situation is set out in table 10.

**Table 10: Delivery of mineral site allocations (as at September 2020)**

Allocation	Projected delivery*	Status
MS04-LT	2025	Allocation not due to be delivered until later in the Plan period. No issues identified.
MS05-LT	2020	Planning permission granted (PL/0097/17) on 7 June 2019.
MS07/08-CL	2022	Allocation not due to be delivered until later in the Plan period. No issues identified.
MS09-CL	2019	No planning application received to date.
MS15-CL	2030	Allocation not due to be delivered until later in the Plan period. No issues identified.
MS25-SL	2022	Allocation not due to be delivered until later in the Plan period. No issues identified.
MS27-SL	2025	Allocation not due to be delivered until later in the Plan period. No issues identified.
MS29-SL	2027	Allocation not due to be delivered until later in the Plan period. No issues identified.

\* Timing of delivery as set out in the adopted Site Locations document – Appendix 1

- 5.323 The table illustrates that allocation MS05-LT came forward broadly in line with the anticipated timescales for delivery set out in the SLD. All but one of the remaining allocations are programmed to be delivered later in the Plan period, and no issues have been identified with their future delivery. Allocation MS09-CL was projected to be delivered in 2019, however to date no planning



applications have been received for this site. This, however, is a relatively small site containing only 0.13mt of sand.

- 5.324 In addition to delivery of the sites identified in policy SL1, the AMRs have also identified three planning permissions that were granted for sand and gravel extraction on non-allocated sites. These proposals were all considered to comply with the relevant policies of the LMWLP, and given the relatively limited scale of extraction involved, were not considered to undermine the plan-led delivery of sites allocated through policy SL1 of the SLD. Furthermore, one of these proposals (PL/0016/19: Westmoor Farm) was identified as potentially helping to alleviate a short-fall in production capacity due to the delay in the delivery of allocation MS09-CL. This proposal, granted on 17 October 2019, provided approximately one year's supply.

### **Other issues with implementation**

- 5.325 No other issues have been identified with the implementation of this policy.

### **Drivers of change**

- 5.326 No substantive changes to national policy and legislation have been identified that affect this policy. In conformity with paragraphs 204 and 207 of the NPPF, Policy SL1 identifies sufficient sites to meet the requirements for a steady and adequate supply of sand and gravel in accordance with policy M2 of the CSDMP.

### **Summary**

- 5.327 The evidence shows that to date policy SL1 has performed effectively in ensuring the plan-led delivery of a steady and adequate supply of sand and gravel in Lincolnshire. Although a recent delay has been identified in the delivery of a single, relatively small allocation (MS09-CL), given its limited size this is unlikely to have a significant effect on the supply of sand and gravel in the area. It is therefore considered that this does not warrant an immediate update to the policy. However, if updates are to be pursued in relation to other parts of the plan, it would be prudent to carry out a new "call for sites" exercise at the same time in order to determine if there are any other suitable sites that could replace MS09-CL if delays continue.
- 5.328 A call for sites exercise together with associated engagement with the industry would also provide an opportunity to confirm the deliverability of the remaining allocations in policy SL1 and, if appropriate, allow the identification of alternative sites in response to any issues identified, or any updates to the overall provision set out in policy M2 of the CSDMP.

## **Policy SL2: Safeguarding mineral allocations**

Allocated sites, as set out in Policy SL1, including an area of 250 metres surrounding each site, will be safeguarded against development that would unnecessarily sterilise the sites or prejudice or jeopardise their use by creating incompatible land uses nearby.

### **Exemptions**

This policy does not apply to the following:

- Applications for householder development
- Applications for alterations to existing buildings and for change of use of existing development, unless intensifying activity on site
- Applications for Advertisement Consent
- Applications for Listed Building Consent
- Applications for reserved matters including subsequent applications after outline consent has been granted
- Prior Notifications (telecommunications; forestry; agriculture; demolition)
- Certificates of Lawfulness of Existing or Proposed Use or Development (CLUEDS and CLOPUDs)
- Applications for Tree Works.

## **Performance based on the indicators and targets of the SLD**

5.329 The performance of the policy since the adoption of the SLD is measured against a single indicator.

**Indicator:** Number of planning applications that are granted planning permission where the Council has expressed the view that the proposals would be contrary to policy SL2.

**Target:** Zero

**Result:** Zero

5.330 Information set out in the AMRs for 2017 to 2019 indicates that Policy SL2 is performing effectively against its monitoring indicator, with no specific issues identified to date.

5.331 The AMRs only identify one consultation received from a district council relating to sensitive development proposals within the "site specific safeguarding areas" for the mineral allocations. This consultation (detailed in the 2019 AMR) related to a planning application which had the potential to affect allocation MS29-SL. Policy SL2 was implemented successfully in this case through effective communication and co-operation between the Council (as Mineral Planning Authority) and the district council (as the local planning authority) and resulted in planning conditions being put in place to protect the safeguarded allocation.

- 5.332 Given the locations of the mineral allocations, and the relatively small area of land safeguarded under Policy SL2 (compared to Policies M11 and M12), the low number of relevant consultations received from district councils to date is not unexpected and does not indicate any issues with the performance or implementation of the policy.

### **Other issues with implementation**

- 5.333 No specific issues have been identified with the implementation of this policy. However, as set out earlier in this report, a number of significant issues have been identified with the implementation of another safeguarding policy, M11. The concerns raised against the limited range of exemptions in that policy could have implications for this policy as it uses the same exemptions.

### **Drivers of change**

- 5.334 No substantive changes to national policy and legislation have been identified that affect this policy.

### **Summary**

- 5.335 Policy SL2 is performing effectively. However, if the plan is updated this would give an opportunity to update any exemptions in the policy in the light of any changes made to policy M11.

#### **Policy SL3: Waste site and area allocations**

Future requirements for new waste facilities in order to meet capacity gaps, in accordance with Policy W1 of the Core Strategy and Development Management Policies document, will be provided through:

- the granting of planning permission for waste uses at the following site where the applicant can demonstrate that the proposal is in accordance with the development plan:
  - Site reference – WS17-SK
  - Name – Vantage Park, Gonerby Moor
  - Town – Grantham
  - Area – 2.4 hectares

and

- the granting of planning permission for waste uses within the following areas where the applicant can demonstrate that the proposal is in accordance with the development plan: [set out in the separate box below]

The allocated site and areas shall be developed in accordance with the Development Briefs in Appendix 1 of this plan.

Site Reference	Name	Town	Area
WA01-WL	Heapham Road	Gainsborough	34 ha
WA02-CL	West of Outer Circle Road	Lincoln	26.9 ha
WA03-CL	Allenby Road Trading Estate (North)	Lincoln	14.8 ha
WA04-CL	Allenby Road Trading Estate (South)	Lincoln	22.3 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

### Performance based on the indicators and targets of the SLD

- 5.336 The performance of the policy since the adoption of the SLD is measured against a single indicator.

**Indicator:** Percentage of relevant planning applications determined in accordance with policy SL3.

**Target:** 100%

**Result:** 100%

- 5.337 The information set out in the AMRs for 2017 to 2019 indicates that only one planning application was made for a new site in an allocated waste area, which was determined in accordance with the policy.

## **Other issues with implementation**

- 5.338 Despite the significant number of waste planning applications that have been determined since the adoption of the SLD, in the vast majority of cases policy SL3 was not specifically cited during determination. In a large proportion of applications this was because the applications related to amendments, ancillary activities and tonnage increases at existing permitted waste facilities. Where new sites were proposed, all but one fell outside allocated areas. These were therefore assessed against the spatial and locational criteria set out in policies W3 and W4 of the CSDMP. These policies identify site/area allocations as just one of a number of potential acceptable locations for waste facilities.
- 5.339 As the target for policy SL3 relates specifically to planning applications made on land within the site/area allocations, it does not give any indication of whether the allocation of sites/areas in the plan has been an effective means of securing waste management facilities to meet the predicted waste management capacity gaps. Indeed, despite the significant amount of land that has been allocated, the fact that only one new facility has been granted planning permission in an allocated area/site is a strong indication that this is not an effective policy.
- 5.340 As demonstrated under policy W1 of this report, additional waste capacity is predominantly being delivered successfully through increases in tonnages at existing sites and through new waste facilities located on other non-allocated sites. In contrast, the land allocated under policy SL3 is only playing a minor role in this process.
- 5.341 This situation highlights the difference in approach between, on the one hand, policies W1 and SL3 which both envisage future waste provision being met through new planning permissions being granted on land within the site/area allocations and, on the other hand, policies W3 and W4 which set out a broader range of acceptable locations.

## **Other issues with implementation**

- 5.342 No other issues have been identified with the implementation of this policy.

## **Drivers of change**

- 5.343 No substantive changes to national policy and legislation have been identified that affect this policy.

## **Summary**

- 5.344 Whilst policy SL3 ensures sufficient land has been identified in the plan to meet the county's waste needs over the plan period, to date this policy has been of limited benefit in supporting the delivery of waste facilities given the broader scope of policies W3 and W4. It is therefore considered that policy SL3 should be updated.

- 5.345 Updating the plan would provide an opportunity to re-evaluate the role of allocations for waste management facilities within the plan, and to examine the relationship between allocations and the wider spatial and locational strategies set out in the plan. An update to policy SL3 would also ensure that any changes to policy W1 and the associated capacity gaps would be captured where appropriate.

## 6. Conclusion

- 6.1 The main findings from Section 5 are summarised below, but categorised under the more precise "issues" identified in paragraph 1.7 of Section 1 (Introduction). The policies which are considered to need updating are set out in bold.

### **Issue 1: Whether the policies of the LMWLP are performing successfully against the indicators set out in that plan**

- 6.2 The most significant concerns identified in the review relate to the following policies:

- **Policy M4 (Proposals for sand and gravel extraction)** - the policy does not appear to provide sufficient flexibility for determining applications. In particular, the policy does not specifically allow the extraction of sand and gravel from small areas of land adjacent to existing quarries, which would otherwise become sterilised if not worked as part of the existing operations. As a result three applications have been granted planning permission which did not strictly accord with the policy.
- **Policy M11 (Safeguarding of mineral resources)** - where applications are caught by this policy, they should be accompanied by a mineral resource assessment. Unfortunately, in practice this has included a large number of applications (225) where in the opinion of officers it would be unreasonable to ask the applicants to commission a mineral resource assessment due to the limited nature of the proposed development. This, however, represents a pragmatic approach to the implementation of the policy, rather than strict adherence to it. In addition eight applications have been granted planning permission by the district councils despite safeguarding objections from the Council. The policy is therefore not considered to provide an efficient approach to safeguarding mineral resources.
- **Policy M13 (Associated Industrial Development)** - to comply with the policy the development must have close links with the minerals development. However, contrary to this policy, the Council has granted four planning permissions for industrial development where the links with the associated mineral site are more tenuous. Therefore the policy may either be too restrictive or the close link criterion may need to be given greater emphasis.
- **Policy W6 (Landfill)** - sets out a strict approach to landfill, which only allows planning permission to be granted where several criteria are met. This includes a requirement to demonstrate that current capacity within the county is insufficient. Two applications have, however, been granted where this criterion was not met, which may indicate that the policy is too restrictive or that the criterion needs to be given greater emphasis.

## **Issue 2: Whether the Council's decisions are being upheld on appeal**

- 6.3 Appeals have been made against two decisions to refuse planning permission for the extraction of limestone that were considered to be contrary to **policy M5 (Limestone)**. One appeal for a site at Denton was dismissed whilst another at Dunston was allowed.
- 6.4 Given that Lincolnshire has sufficient permitted reserves of limestone for the plan period, policy M5 is a very restrictive policy which requires a "need" to be demonstrated. In practice, however, the appeal decision at Dunston has demonstrated the difficulties of assessing whether there is a "need". The policy also lacks flexibility to allow small extensions to existing quarries, which would otherwise maintain jobs and competition.

## **Issue 3: Whether any other concerns have come to light over the implementation of the policies, which are not identified through the policy indicators**

- 6.5 The review has identified concerns with a number of policies, but the most significant are considered to relate to the following:
- **Policy M1 (Recycled and secondary aggregate)** is linked to policy W4 which restricts such development to locations in and around the main urban areas, other than small scale development. The Council has, however, been prepared to grant planning permission for such facilities at quarries not meeting the criteria of policy W4.
  - **Policy M11 (Safeguarding of mineral resources)** – in addition to the concerns identified under Issue 1, the policy is generating too many consultations that fall within the exemptions to the policy, and could be considered too extensive in terms of the areas covered.
  - The interlinked **Policies W3 (Spatial strategy for new waste facilities)** and **W4 (Locational criteria for new waste facilities in and around main urban areas)** are considered to be too complicated and difficult to interpret.
  - **Policy W7 (Small scale waste facilities)** is limited to small scale facilities, but does not define "small scale". Although the supporting text provides indicative scales, in practice planning permissions are being granted that exceed these scales.



#### **Issue 4: Whether the LMWLP makes sufficient provision for a steady and adequate supply of aggregates**

- 6.6 Based on evidence set out in the Council's latest Local Aggregate Assessment (December 2019), it is considered that the LMWLP has made sufficient provision for a steady and adequate supply of aggregate over the plan period ending in 2031. However, when the plan is updated, the level of provision will need to be increased to cover the extended period of the updated plan.

#### **Issue 5: Whether there are likely to be any significant changes to the assumptions and forecast waste management capacity gaps set out in the Council's Waste Needs Assessments that underpin the LMWLP**

- 6.7 Work on a new Waste Needs Assessment is being commissioned. When the LMWLP is updated it will be underpinned by the new Waste Needs Assessment and will need to plan for the capacity gaps identified in that document.

#### **Issue 6: Whether any issues have arisen that may impact on the deliverability of key site allocations**

- 6.8 Only one mineral site allocated in the SLD has not been delivered by the anticipated date: an extension to the North Kelsey Road Quarry (MS09-CL). This, however, is a very small site containing 0.15mt of building sand. Whilst this might affect the availability of building sand in the area, overall it will have a negligible impact on the plan's delivery of sand and gravel. No other issues have been identified over the deliverability of key site locations for mineral working.
- 6.9 The approach to waste management is largely criteria driven. The SLD has allocated large areas of "employment land" (as defined in the relevant district council local plans) that would also be suitable for waste management under **Policies W1 (Future requirements for new waste facilities) and SL3 (Waste site and area allocations)**. However, most sites that have been granted to date, whilst meeting the criteria of the CSDMP, are not located within the allocated areas. Consequently, whilst the criteria based approach is delivering the waste management facilities needed, the fact that most of these sites are not allocated has cast doubt over the value of Policies W1 and SL3.

#### **Issue 7: Whether the LMWLP conforms with the policies of the National Planning Policy Framework and the National Planning Policy for Waste**

- 6.10 The changes made to the NPPF since the adoption of the CSDMP and SLD have made little impact on national minerals and waste policy. However, updating the LMWLP would provide an opportunity to consult on this issue and, if necessary, amend any policies to ensure the plan remains sound.

## **Issue 8: Whether plan-making activity by other authorities impacts on the level of future provision that the Council needs to make for mineral working and waste management having regard to the statutory duty to cooperate procedures**

- 6.11 Concerns have been raised on the emerging mineral local plans of three neighbouring authorities which are not considered to be making adequate provision for a steady and adequate supply of sand and gravel from their own indigenous sources. In particular, an objection has been made against the Nottinghamshire Minerals Local Plan because if adopted it is likely to result in Lincolnshire having to continue to make significant (unplanned) exports to that county. That plan is currently under examination with the Inspector's report expected early in 2021.

## **Issue 9: Whether any other "drivers of change" are impacting on the LMWLP**

- 6.12 The Review has considered new social, environmental and economic priorities that have arisen since the LMWLP was adopted, but has concluded that none are of such significance as to require an updating of the plan. However, if the plan is updated it will provide an opportunity to take into account any new priorities that emerge during plan preparation (including any arising from the pandemic).

## **Final conclusion**

- 6.13 It is considered that 11 of the policies in the LMWLP need to be updated. Furthermore, while the issues identified with the other policies are not considered significant, it is concluded that the opportunity should be taken to update them in order to:
- improve the clarity and focus of the policies;
  - ensure greater consistency between the policies;
  - allow any subsequent changes to legislation/national policy arising during plan preparation to be incorporated into the updated plan;
  - ensure account is taken of any new social, economic and environmental priorities (including those arising from the pandemic); and
  - enable greater public involvement in the process.
- 6.14 It is therefore concluded that the LMWLP should be updated in full.

## Appendix 1: Policy related indicators and targets

Plan Objective	Sustainability Appraisal Objective	Policy	Indicator	Target
g.	10	M1: Recycled and Secondary Aggregates	Percentage of relevant planning applications determined in accordance with policy M1.	100%
b.	12	M2: Providing for an Adequate Supply of Sand and Gravel	<ol style="list-style-type: none"> <li>1. Delivery of the identified annual provision by Production Area.</li> <li>2. Type of sites: extensions/new.</li> <li>3. Location of new quarries by Production Area.</li> <li>4. Allocation of sites meeting the required annual and plan-period provision.</li> <li>5. Permissions for non-allocated sites.</li> </ol>	<ol style="list-style-type: none"> <li>1. 100% accordance with policy M2.</li> <li>2. Priority to extensions.</li> <li>3. 100% location within Areas of Search.</li> <li>4. Through adopted Sites Location Plan.</li> <li>5. Zero.</li> </ol>
b.	11, 12	M3: Landbank of Sand and Gravel	Level of landbank for sand and gravel aggregate within each Production Area.	Minimum landbank of 7 years within each Production Area calculated in accordance with the latest LAA.
a., c.	7, 8	M4: Proposals for Sand and Gravel Extraction	Percentage of relevant planning applications determined in accordance with policy M4.	100%
a., c.	7, 8	M5: Limestone	<ol style="list-style-type: none"> <li>1. Percentage of relevant planning applications determined in accordance with policy M5.</li> <li>2. The delivery of the identified annual provision.</li> </ol>	<ol style="list-style-type: none"> <li>1. 100%</li> <li>2. 100%</li> </ol>
a., c.	7, 8	M6: Chalk	Percentage of relevant planning applications determined in accordance with Policy M6.	100%
a., b., c., k.	7, 8	M7: Historic Building Stone	Percentage of relevant planning applications determined in accordance with Policy M7.	100%
a., b., c.	7, 8	M8: Silica Sand	Percentage of relevant planning applications determined in accordance with policy M8.	100%
a., c.	7, 8	M9: Energy Minerals	Percentage of relevant planning applications determined in accordance with policy M9.	100%
a., c.	7, 8	M10: Underground Gas Storage	Percentage of relevant planning applications determined in accordance with policy M10.	100%
f., k.	10	M11: Safeguarding of Mineral Resources	Number of planning applications that are granted planning permission where the Council has expressed the view that the proposals would be contrary to policy M11.	Zero.
a., f., k.	7, 8	M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure	Number of planning applications that are granted planning permission where the Council has expressed the view that the proposals would be contrary to policy M12.	Zero.
a.	7, 8	M13: Associated Industrial Development	Percentage of relevant planning applications determined in accordance with policy M13.	100%
a.	7, 8	M14: Irrigation Reservoirs	Percentage of relevant planning applications determined in accordance with policy M14.	100%
a., c.	7, 8	M15: Borrow Pits	Percentage of relevant planning applications determined in accordance with policy M15.	100%

Plan Objective	Sustainability Appraisal Objective	Policy	Indicator	Target
a., d., e.	5, 7, 8, 12	W1: Future requirements for new waste facilities	Allocation of sites to meet the capacity gaps identified in Table 9, except for inert landfill and hazardous landfill.  Review of capacity gaps.	Through adopted Site Locations Document.  Accordance with Annual Monitoring Report.
a., e.	7, 8	W2: Low Level Non-Nuclear Radioactive Waste	Percentage of relevant planning applications determined in accordance with policy W2.	100%
a., e.	7, 8, 11	W3: Spatial Strategy for New Waste Facilities	Percentage of relevant planning applications determined in accordance with policy W3.	100%
a., e.	7, 8	W4: Locational Criteria for New Waste Facilities in and around main urban areas	Percentage of relevant planning applications determined in accordance with policy W4.	100%
a., e.	7, 8	W5: Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Windrow Composting	Percentage of relevant planning applications determined in accordance with policy W5.	100%
a., e.	7, 8	W6: Landfill	Percentage of relevant planning applications determined in accordance with policy W6.	100%
a., e.	7, 8	W7: Small Scale Waste Facilities	Percentage of relevant planning applications determined in accordance with policy W7.	100%
a.	7, 8	W8: Safeguarding Waste Management Sites	Number of planning applications granted planning permission where the Council has expressed the view that the proposals would be contrary to policy W8.	Zero.
a., e.	7, 8	W9: Waste Water and Sewage Treatment Works	Percentage of relevant planning applications determined in accordance with policy W9.	100%
a.	5, 7, 8	DM1: Presumption in favour of sustainable development	Percentage of relevant planning applications determined in accordance with policy DM1.	100%
d.	4, 5	DM2: Climate Change	Percentage of relevant planning applications determined in accordance with policy DM2.	100%
a.	7, 8	DM3: Quality of life and amenity	Percentage of relevant planning applications determined in accordance with policy DM3.	100%
a., j.	2, 7, 8	DM4: Historic Environment	Percentage of relevant planning applications determined in accordance with policy DM4.	100%
a., j., m.	2, 7, 8	DM5: Lincolnshire Wolds Area of Outstanding Natural Beauty	Percentage of relevant planning applications determined in accordance with policy DM5.	100%
a., j.	2, 7, 8	DM6: Impact on Landscape and Townscape	Percentage of relevant planning applications determined in accordance with policy DM6.	100%
a., m.	1, 7, 8	DM7: Internationally Designated Sites of Biodiversity Conservation Value	Percentage of relevant planning applications determined in accordance with policy DM7.	100%
a., m.	1, 7, 8	DM8: Nationally Designated Sites of Biodiversity and Geological Conservation Value	Percentage of relevant planning applications determined in accordance with policy DM8.	100%
a., m.	1, 7, 8	DM9: Local Sites of Biodiversity Conservation Value	Percentage of relevant planning applications determined in accordance with policy DM9.	100%
a.	7, 8	DM10: Local Sites of Geological Conservation Value	Percentage of relevant planning applications determined in accordance with policy DM10.	100%
a., h.	7, 8, 9	DM11: Soils	Percentage of relevant planning applications determined in accordance with policy DM11.	100%

Plan Objective	Sustainability Appraisal Objective	Policy	Indicator	Target
a., h.	7, 8, 9	DM12: Best and Most Versatile Agricultural Land	Percentage of relevant planning applications determined in accordance with policy DM12.	100%
a., n.	5, 7, 8	DM13: Sustainable Transport Movements	Percentage of relevant planning applications determined in accordance with policy DM13.	100%
a.	7, 8	DM14: Transport by road	Percentage of relevant planning applications determined in accordance with policy DM14.	100%
a., l.	6, 7, 8	DM15: Flooding and Flood Risk	Percentage of relevant planning applications determined in accordance with policy DM15.	100%
a.	3, 7, 8	DM16: Water Resources	Percentage of relevant planning applications determined in accordance with policy DM16.	100%
a., h., j., l., m.	7, 8	DM17: Cumulative Impacts	Percentage of relevant planning applications determined in accordance with policy DM17.	100%
i.	9	R1: Restoration and Aftercare	Percentage of relevant planning applications determined in accordance with policy R1.	100%
h., i.	9	R2: After-use	Percentage of relevant planning applications determined in accordance with policy R2.	100%
h., i.	9	R3: Restoration of Sand and Gravel Operations within Areas of Search	Percentage of relevant planning applications determined in accordance with policy R3.	100%
i.	9	R4: Restoration of limestone and chalk workings	Percentage of relevant planning applications determined in accordance with policy R4.	100%
b.	8, 13	SL1: Mineral Site Allocations	Percentage of relevant planning applications determined in accordance with policy SL1.	100%
f.	11	SL2: Safeguarding Mineral Allocations	Number of planning applications that are granted planning permission where the Council has expressed the view that the proposals would be contrary to policy SL2.	Zero
e.	8, 9, 12	SL3: Waste Site and Area Allocations	Percentage of relevant planning applications determined in accordance with policy SL3.	100%

## Appendix 2: The strategic objectives of the Lincolnshire Minerals and Waste Local Plan

Plan ref:	Objective	Policy
a.	Protect the environment and local communities from negative impacts of minerals and waste development, reduce residual impacts and deliver improvements where possible. Ensure new facilities include high standards of design and layout, sustainable construction methods, good working practices and environmental protection measures;	All policies except M11, DM2, R1, R2, R3, R4
b.	Ensure that the minerals extracted in Lincolnshire supplies industry in line with national guidance and contributes to local and national requirements;	M2, M3, M7, M8
c.	Seek to ensure that minerals are supplied from appropriately located and environmentally acceptable sources;	M4, M5, M6, M7, M8, M9, M10, M15
d.	Through prioritising movement of waste up the waste hierarchy, minimise greenhouse gas emissions by reducing the reliance on landfill; maximise opportunities for the re-use and recycling of waste; facilitate new technologies to maximise the renewable energy potential of waste as a resource; and promote the use of carbon capture technology;	W1, DM2
e.	Deliver adequate capacity for managing waste more sustainably when it is needed; to ensure waste is managed as near as possible to where it is produced, including the need for waste water infrastructure;	W1, W2, W3, W4, W5, W6, W7, W9
f.	Safeguard key mineral resources from sterilisation by other forms of development;	M11, M12
g.	Provide for a steady and adequate supply of minerals and ensuring the efficient use of primary minerals and encourage the production and use of good quality secondary and recycled aggregates;	M1
h.	Protect Lincolnshire's high quality agricultural land (Grades 1, 2 and 3a) and soil where practicable from development; and in cases where it is affected, safeguard its long term potential by encouraging restoration back to agriculture, or protection of soils through restoration schemes to biodiversity where soils are cared for in a sustainable manner, enabling habitat creation in addition to soil preservation for future agricultural needs;	DM11, DM12, DM17, R2, R3
i.	Consider the restoration of mineral sites at the beginning of the proposal; after-uses will be identified which best meet local circumstances. The enhancement of existing and the creation of new priority habitats, in line with National Guidance, the Lincolnshire Biodiversity Action Plan, Lincolnshire Geodiversity Action Plan; the national strategy Biodiversity 2020 and green infrastructure will be key objectives;	R1, R2, R3, R4

Plan ref:	Objective	Policy
j.	Ensure the unique historical heritage of Lincolnshire, including its built, archaeological and natural landscape features and their wider settings are protected from the adverse impacts of mineral and waste developments;	DM4,DM5, DM6, DM17
k.	Ensure that local sources of building stone are available to contribute towards the maintenance and enhancement of locally distinctive buildings. Stone for Lincoln Cathedral will be specifically protected;	M7
l.	Protect Lincolnshire's coastal and fluvial high flood risk areas from inappropriate minerals and waste development and reduce flood risk through development opportunities wherever possible;	DM15, DM17
m.	Protect and enhance the Lincolnshire Wolds AONB, coastline and other nature conservation areas ranging from International (Natura 2000 sites) through to local designations;	DM5, DM7, DM8, DM9, DM17
n.	Sustainable alternative modes of transport will be given priority and vehicular-tonne miles movements will be minimised wherever practicable.	DM13

### Appendix 3: Sustainability appraisal objectives

Number	Objective	Policy
1)	Lincolnshire is a large, sparsely populated rural County resulting in access issues for rural communities and contributing to high levels of car ownership. This issue needs to be taken into account in providing for waste management facilities for a dispersed population.	DM7, DM8, DM9,
2)	High population growth and increase in waste arisings will lead to demand in more waste management facilities in Lincolnshire as well as demand for minerals to meet house building and other construction demands.	DM4, DM5, DM6
3)	There is social exclusion in deeply rural areas and social deprivation particularly in some of the eastern coastal areas, urban centres including Lincoln and Boston and south west of Lincolnshire.	DM16
4)	A high proportion of Lincolnshire's waste goes to landfill, there is need to reverse this trend through provision of alternative waste management facilities focusing on those that will facilitate waste management in line with the waste hierarchy.	DM2
5)	Although Lincolnshire already has high recycling and composting levels, there is need to further increase the amount of waste recycled, re-used and recovered in order to meet the objectives of Sustainable Waste Management.	W1, DM1, DM2, DM13
6)	The Minerals and Waste Plan will need to provide a sustainable network of facilities to enable waste to be managed close to its source and in line with the waste hierarchy.	DM15
7)	Lincolnshire has a diverse range of habitats with high ecological value being attributed to the coastal areas. Conservation of these habitats as well as protected species will be required in order to avoid their decline. Conservation of Ancient woodlands is especially relevant given its relative scarcity in the County.	All policies except M1, M2,M3, M11, DM2, R1, R2, R3, R4
8)	Lincolnshire has a rich historic and built environment which forms an important part of the County's distinctive environment. Its conservation should be paramount when planning for minerals and waste development to minimise its loss/destruction.	All policies except M1, M2,M3, M11, DM2, R1, R2, R3, R4
9)	Lincolnshire has 9 landscape character areas and the Lincolnshire Wolds are designated as an AONB. Minerals and waste developments should be planned in a way that will conserve the character areas as well as the AONB.	DM11, DM12,R1, R2, R3, R4



Number	Objective	Policy
10)	Development in the County will continue to add pressure to scarce water resources. There will be a need to ensure that minerals and waste developments do not lead to pollution or inefficient use of both surface and groundwater resources.	M1, M11
11)	Climate change poses a genuine threat especially with regard to flooding. There is a need to reduce CO2 emissions as well as ensuring development in the flood plain is minimised.	M3, W3
12)	Minerals and waste are largely transported by road leading to high levels of HGV traffic which result in disturbance as well as contributing to CO2 emissions. There is need for the Plan to encourage use of sustainable transport for minerals and waste.	M2, M3, W1
13)	Much of Lincolnshire's transport network comprises of narrow roads and country lanes and the majority of the strategic roads fall below current design standards. This has a consequence of low speeds and safety problems.	N/A
14)	The main concentrations of sand and gravel working are in the Trent Valley, the Lower Bain region and the Baston-Langtoft-West Deeping areas while limestone is mainly worked in the south. Further working in these areas should take account of cumulative effects on the environment and the local communities to ensure that the areas can sustainably cope with continued extraction.	N/A
15)	Lincolnshire has a poorly performing economy in relation to the rest of the East Midlands and the country. The Core Strategy should seek to support minerals and waste development through making provision for facilities and areas for mineral working as well as encouraging recycling and recovery technologies that can attract high level skilled labour.	N/A
16)	Tourism and recreation are an important component of the Lincolnshire economy. This is supported by the rural nature of the County and an extensive network of Public Rights of Way.	N/A
17)	AQMA's have been declared in Lincoln, Boston and Grantham. Minerals and waste Management developments should be planned in a way that does not negatively impact on air quality.	N/A
18)	The supply of building and roofing stone is important to maintain local character in parts of the County.	N/A

*Minerals and Waste Local Plan – Core Strategy & Development Management Policies Document Sustainability Appraisal / Strategic Environmental Assessment Environmental Report (updated) V.2 (2015)*

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# **Lincolnshire Minerals and Waste Development Scheme**

**February 2021**

**Lincolnshire County Council**

**Telephone 01522 782070**

**This information can be provided in another  
language or format**

**For all enquiries please contact the above number**

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## 1. Introduction

- 1.1 The development plan lies at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise. In Lincolnshire the development plan is made up of a number of Development Plan Documents (DPDs) prepared by various bodies that together set out a vision and framework for the future development of the county.
- 1.2 Lincolnshire County Council, as the Minerals and Waste Planning Authority for the county, is responsible for preparing DPDs for minerals and waste planning in the county. These DPDs collectively make up part of the development plan known as the Lincolnshire Minerals and Waste Local Plan (LMWLP).
- 1.3 Under Section 16 of the Planning & Compulsory Purchase Act 2004 (as amended), the county council is required to produce a Minerals and Waste Development Scheme setting out a timetable for the preparation and revision of the DPDs that make up the LMWLP, and the various stages that each will have to go through to adoption.
- 1.4 This Lincolnshire Minerals and Waste Development Scheme (LMWDS) replaces the previous scheme dated April 2017, and sets out:
  - the main stages in the preparation of DPDs;
  - details of the individual DPDs that make up the current adopted LMWLP;
  - the procedures for the monitoring and review of the LMWLP; and
  - the programme for the preparation of a new, updated LMWLP.

## 2. What is a DPD?

2.1 A DPD is any document prepared by a local planning authority which contains statements regarding:

- the development and use of land which the local planning authority wish to encourage during any specified period;
- the allocation of sites for a particular type of development or use; or
- development management and site allocation policies which are intended to guide the determination of applications for planning permission.

### Document preparation and public involvement

2.2 There are five main stages of preparation for a DPD (see table 1).

**Table 1: Summary of main stages in preparing a DPD**

Stage	Tasks undertaken
1. Pre-production	<ul style="list-style-type: none"><li>◦ Background studies and collation of evidence base.</li></ul>
2. Production	<ul style="list-style-type: none"><li>◦ Consult public and stakeholders with regard to the subject and content of the DPD (Regulation 18).</li><li>◦ Publication of proposed submission DPD (Regulation 19) (statutory six week consultation).</li><li>◦ Consider responses and prepare for the submission of the DPD.</li></ul>
3. Submission	<ul style="list-style-type: none"><li>◦ Submit DPD and SA/SEA to Secretary of State (Regulation 22).</li></ul>
4. Examination	<ul style="list-style-type: none"><li>◦ Examination of DPD by independent Inspector to assess soundness and legal compliance.</li></ul>
5. Adoption	<ul style="list-style-type: none"><li>◦ Inspector issues binding report.</li><li>◦ Council adopts DPD.</li></ul>

2.3 The county council involves the community and stakeholders in the development of DPDs in line with legislation and guidance. Details of the methods of consultation and publicity utilised are set out in Lincolnshire's Statement of Community Involvement (SCI), alongside further information regarding the different stages of DPD preparation.

2.4 Further information on plan-making procedures is contained in publications from the government, including:

- National Planning Policy Framework 2019 – Chapter 3: Plan-making
- Planning Practice Guidance – Plan-making
- Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

2.5 Supplementary Planning Documents (SPDs) may also be produced if a local planning authority wishes to provide further detail and guidance to support DPDs, however these do not form part of the development plan and do not follow the same procedure, or carry the same status as DPDs. There is no requirement for this LMWDS to set out a timetable for the production of any SPDs, but in the interests of clarity there are currently no SPDs in place in the county in relation to minerals and waste, and none are currently proposed.



### **3 Supporting evidence and appraisals**

#### **Supporting documents**

- 3.1 A number of supporting documents provide the evidence base, assessments and methodology behind DPDs. These are produced by or for the council and vary depending on the nature and content of the DPD, and the stage of preparation.
- 3.2 With regard to minerals and waste planning, supporting documents could for example include topical background papers covering matters such as site restoration or minerals safeguarding, detailed assessments of future waste management needs, or reports detailing site assessment and selection processes. The council is also required to produce formal statements at key stages of DPD preparation setting out matters such as how it has fulfilled the duty to co-operate, and how stakeholders and interested parties have been involved during DPD production. DPDs are also subject to Sustainability Appraisal and Habitats Regulations Assessment as detailed below.

#### **Sustainability Appraisal**

- 3.3 Legislation requires DPDs to go through a process of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). The purpose of an SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of planning policy documents. The SA incorporates an SEA carried out under the Environmental Assessment of Plans and Programmes Regulations 2004.
- 3.4 SA/SEA is undertaken as an integral part of preparing DPDs. It is carried out at key stages of preparation and the results published.

#### **Habitats Regulations Assessment**

- 3.5 Appropriate Assessment or 'Habitats Regulations Assessment' (HRA) of DPDs is required under the Conservation of Habitats and Species Regulations 2017 (as amended). HRA provides for the protection of 'European Sites'. These are sites which are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community.

## 4 The adopted Lincolnshire Minerals and Waste Local Plan (LMWLP)

### Adopted DPDs

- 4.1 The DPDs that include minerals and waste policies for the county collectively form the LMWLP. This currently comprises two separate DPDs:
- a Core Strategy and Development Management Policies (CSDMP) document adopted on 1 June 2016; and
  - a Site Locations document (SLD) adopted on 15 December 2017.
- 4.2 The CSDMP sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County up to 2031. It also sets out the development management policies against which planning applications for minerals and waste development will be considered.
- 4.3 The SLD includes specific proposals and policies for the provision of land for mineral and waste development.
- 4.4 Both of these documents are summarised in tables 2 and 3 below:

**Table 2: Core Strategy and Development Management Policies (CSDMP) DPD**

<b>Scope of Document</b>	<b>Summary</b>
Spatial Vision and Strategic Objectives	Shapes the overall direction of the LMWLP with key aims for the plan period to 2031
Core Policies	Provides the strategic policies for delivering the Spatial Vision and Strategic Objectives
Key Diagram	Diagram illustrating the spatial strategy
Development Management Policies	Policies to control development and deliver the Core Strategy
Geographical coverage	County of Lincolnshire
Chain of conformity	In conformity with the National Planning Policy Framework and the National Planning Policy for Waste
<b>Preparation</b>	<b>Dates</b>
Date of adoption	1 June 2016

**Table 3: Site Locations document (SLD) DPD**

<b>Scope of Document</b>	<b>Summary</b>
Allocation of Mineral Sites	Allocates specific sites for the winning and working of sand and gravel and safeguards these against non-minerals development
Allocation of Waste Site/Areas	Allocates a specific waste site for future waste management, together with preferred areas which are considered suitable for waste management activities
Geographical coverage	County of Lincolnshire
Chain of conformity	In conformity with the National Planning Policy Framework, the National Planning Policy for Waste and the CSDMP
<b>Preparation</b>	<b>Dates</b>
Date of adoption	15 December 2017

## **5 Monitoring and review**

### **Monitoring**

- 5.1 The LMWDS is monitored annually to assess progress of plan preparation against the timescales and targets set out within the document. This is reported in the council's Authority Monitoring Reports (AMRs).
- 5.2 The AMRs also monitor the effectiveness of the LMWLP, based on the monitoring framework set out in the CSDMP and SLD. This uses performance targets linked to output indicators to provide a benchmark for measuring policy implementation. It also includes provision to monitor the Sustainability Appraisal objectives. The AMRs report on the effectiveness of the policies and identify any changes needed if a policy is not working or the targets are not being met.
- 5.3 The council is also required to produce an annual Local Aggregate Assessment (LAA) which assesses aggregate sales, market trends, and other relevant information to determine future demand for aggregates, and how landbanks should be calculated.
- 5.4 The AMRs and LAAs therefore assist the council in ascertaining if there is any need to review and/or update the LMWLP. They also identify if any changes are necessary for the LMWDS.

### **Review**

- 5.5 Under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the council is required to carry out a review of the LMWLP at least once every 5 years, starting from the date of adoption, in order to assess whether the Plan needs to be updated.
- 5.6 This means that a review of the CSDMP must be completed by June 2021, and a review of the SLD by December 2022. As a result of changes in legislation and government policy, the two parts of the current LMWLP would now be prepared as a single document. It is therefore considered that they need to be reviewed at the same time, which must be no later than five years from the earlier adoption date (i.e. by 1 June 2021).
- 5.7 The review process builds on the existing monitoring framework and requires the council to look in detail at factors such as changes in national policy and local circumstances, whether there is a need to update supporting evidence

base documents, and whether allocations are still appropriate and deliverable within required timescales.

- 5.8 In line with the above requirements, a review of both the CSDMP and SLD was carried out during 2020. The final report setting out the conclusions of this review was approved by the county council on [date to be inserted] 2021. The review report highlighted issues with a number of policies in the LMWLP and concluded that rather than take a piecemeal approach and seek to update individual policies, the most appropriate course of action would be to update the LMWLP in its entirety.

Proposed

## 6 Updating the Lincolnshire Minerals and Waste Local Plan

- 6.1 In response to the conclusions of the review of the adopted LMWLP, on [Date to be inserted] the county council resolved to commence work on a new, updated LMWLP. This will eventually replace the existing adopted CSDMP and SLD.
- 6.2 In line with national planning policy and legislation it is proposed to produce the new LMWLP as a single DPD, which will include both strategic and criteria based policies, along with site allocations (where required) for both minerals and waste. Much of the detailed scope and content of the new LMWLP is yet to be determined, however table 4 below provides a summary of the proposed subject matter.

**Table 4: Proposed new Lincolnshire Minerals and Waste Local Plan DPD**

Scope of Document	Summary
Spatial Vision and Strategic Objectives	Shapes the overall direction of the LMWLP with key aims for the plan period
Strategic Policies	Provides the strategic policies for delivering the Spatial Vision and Strategic Objectives
Criteria based Policies	Provides spatial and locational parameters to deliver the aims of the LMWLP
Development Management Policies	Policies to control development in order to minimise impacts on the environment and amenity, and where appropriate secure environmental gains
Allocation of Mineral Sites and/or areas	Allocates specific sites, preferred areas and/or areas of search for the winning and working of minerals (where both a need and suitable sites/areas have been identified)
Allocation of Waste Sites and/or areas	Allocates specific sites, preferred areas and/or areas of search for waste management facilities (where both a need and suitable sites/areas have been identified)
Geographical coverage	County of Lincolnshire
Chain of conformity	National Planning Policy Framework and National Planning Policy for Waste

### Timetable

- 6.3 Table 5 below sets out the proposed timetable for the production of the new Lincolnshire Minerals and Waste Local Plan. Further information on the production of DPDs is set out in Section 2.

**Table 5: Lincolnshire Minerals and Waste Local Plan DPD timetable**

<b>Stage of Plan-production</b>	<b>Target</b>
Consultation on Issues and Options, including a "call for sites" exercise (Regulation 18)	Spring 2022
Consultation on the Preferred Approach (Draft) of the new LMWLP (Regulation 18)	Spring 2023
Publication of the 'Proposed Submission' version of the new LMWLP (Regulation 19)	Spring 2024
Submission to Secretary of State	Summer 2024
Examination hearings	Autumn 2024
Adoption	Winter 2024/2025

- 6.4 The preparation of the new LMWLP and the council's compliance with the above timetable will be monitored regularly through the AMRs which are published by the county council. This MWDS will also be maintained and revised periodically to reflect any changes to the above timetable, and where necessary, to incorporate any further details in relation to the new LMWLP as it is developed.

## **7 Relationship to other plans**

- 7.1 The LMWLP is prepared and reviewed having regard to the county's district local plans, especially with respect to housing and economic growth targets which are indicators of the potential level of demand for further mineral resources and waste management facilities.
- 7.2 Officers are members of regional working parties: East Midlands Strategic Waste Advisory Group (EMSWAG) and the East Midlands Aggregates Working Party (EMAWP), which promotes information sharing and the duty to co-operate between neighbouring authorities.
- 7.3 The Lincolnshire Joint Municipal Waste Management Strategy (JMWMS) 2019 also has an impact upon waste land use policies. The LMWLP therefore has regard to the JMWMS and other county council strategies.



## **8 Managing risk and uncertainty**

8.1 The LMWLP needs to:

- be prepared/reviewed/updated within the timescales set; and
- deliver the strategic objectives set out in the plan

8.2 The potential risks to the above are:

- unexpected delays caused by changes in national policy and guidance;
- significant public objections slowing down the preparation process;
- staffing and resourcing difficulties;
- ability of third parties to resource input to process, e.g. the Planning Inspectorate;
- legal challenges;
- land allocated in the LMWLP not coming forward;
- detailed proposals not addressing planning issues; and
- land being land-banked by industry.

8.3 The above risks will be considered in detail as part of the preparation of the new LMWLP.

## **9 Resources and contingency planning**

9.1 The preparation, review and updating of the LMWLP is the responsibility of the county council's minerals and waste policy team. This team forms part of the planning section within the council's Place directorate.

9.2 The minerals and waste policy team comprises:

- the Minerals and Waste Policy and Compliance Manager;
- the Senior Policy and Programme Officer (Minerals and Waste);
- the Senior Policy and Monitoring Officer (Minerals and Waste); and
- the Trainee Planning Officer/Planning Officer (Policy)

9.3 The minerals and waste policy team works closely with other county council officers dealing with development management, highways, the historic environment, the natural environment, waste disposal and flood risk to ensure a corporate approach and integration between strategies.

9.4 It will be a priority to ensure sufficient staff resources are in place to meet required timescales for the new LMWLP.

## 10 Further Information

- 10.1 For further information on the Lincolnshire Minerals and Waste Development Scheme, please contact:

Planning Services  
Lincolnshire County Council  
Lancaster House  
36 Orchard Street  
Lincoln  
LN1 1XX

Tel: (01522) 782070

Email: [mineralsandwaste@lincolnshire.gov.uk](mailto:mineralsandwaste@lincolnshire.gov.uk)

Proposed

## Appendix 1: Acronyms

AMR	Authority Monitoring Report
CSDMP	Core Strategy and Development Management Policies
DPD	Development Plan Document
EMAWP	East Midlands Aggregate Working Party
EMSWAG	East Midlands Strategic Waste Advisory Group
HRA	Habitats Regulations Assessment
JMWMS	(Lincolnshire) Joint Municipal Waste Management Strategy
LAA	Local Aggregate Assessment
LMWDS	Lincolnshire Minerals and Waste Development Scheme
LMWLP	Lincolnshire Minerals and Waste Local Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SLD	Site Locations document
SPD	Supplementary Planning Document

## Equality Impact Analysis to enable informed decisions

### The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

### Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

**\*\*Please make sure you read the information below so that you understand what is required under the Equality Act 2010\*\***

### Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

### Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### Section 149 of the Equality Act 2010

Section 149 requires a public authority to 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 relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

### **Decision makers duty under the Act**

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

## **Conducting an Impact Analysis**

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

### **The Lead Officer responsibility**

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

### **Summary of findings**

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

## Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

### How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

**Proposals for more than one option** If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

**The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.**

## Background Information

<b>Title of the policy / project / service being considered</b>	Review of the Lincolnshire Minerals and Waste Local Plan	<b>Person / people completing analysis</b>	Adrian Winkley Minerals and Waste Policy and Compliance Manager
<b>Service Area</b>	Planning Services	<b>Lead Officer</b>	Adrian Winkley Minerals and Waste Policy and Compliance Manager
<b>Who is the decision maker?</b>	The full County Council	<b>How was the Equality Impact Analysis undertaken?</b>	Desk top exercise
<b>Date of meeting when decision will be made</b>	19/02/2021	<b>Version control</b>	Initial version (v1.0) to be updated at each stage of plan preparation)
<b>Is this proposed change to an existing policy/service/project or is it new?</b>	Existing policy/service/project	<b>LCC directly delivered, commissioned, re-commissioned or de-commissioned?</b>	Directly delivered
<b>Describe the proposed change</b>	The approval of the full County Council is being sought to update the Lincolnshire Minerals and Waste Local Plan (LMWLP) to ensure that it remains sound and legally compliant. The LMWLP forms part of the statutory development plan for the county.		



### **Evidencing the impacts**

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

### **Data to support impacts of proposed changes**

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

#### Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

#### Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1<sup>st</sup> April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

**Positive impacts**

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state 'no positive impact'.

<b>Age</b>	No positive impacts identified at this stage
<b>Disability</b>	No positive impacts identified at this stage
<b>Gender reassignment</b>	No positive impacts identified at this stage
<b>Marriage and civil partnership</b>	No positive impacts identified at this stage
<b>Pregnancy and maternity</b>	No positive impacts identified at this stage
<b>Race</b>	No positive impacts identified at this stage
<b>Religion or belief</b>	No positive impacts identified at this stage

<b>Sex</b>	No positive impacts identified at this stage
<b>Sexual orientation</b>	No positive impacts identified at this stage

**If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.**

None.

**Adverse/negative impacts**

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

**Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.**

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Age	No negative impacts identified at this stage
Disability	No negative impacts identified at this stage
Gender reassignment	No negative impacts identified at this stage
Marriage and civil partnership	No negative impacts identified at this stage
Pregnancy and maternity	No negative impacts identified at this stage

<b>Race</b>	No negative impacts identified at this stage
<b>Religion or belief</b>	No negative impacts identified at this stage
<b>Sex</b>	No negative impacts identified at this stage
<b>Sexual orientation</b>	No negative impacts identified at this stage

**If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.**

None

## Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at [engagement@lincolnshire.gov.uk](mailto:engagement@lincolnshire.gov.uk)

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

## Objective(s) of the EIA consultation/engagement activity

Should the full County Council sanction the updating of the LMWLP, this would be carried out in several stages in accordance with the programme set out in the proposed Lincolnshire Minerals and Waste Development Scheme. Each stage would be subject to public consultation in accordance with the adopted Statement of Community Involvement. This seeks to ensure that all sections of the community with an interest in a particular area will be engaged. In particular, it requires effort to be made to identify and engage under-represented and seldom heard groups in Lincolnshire, including those with the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The SCI recognises that within a sparsely populated county such as Lincolnshire it is important to ensure the involvement of groups including rural communities suffering from isolation. Challenges encountered by the above groups range from accessibility to venues, language barriers, social differences and types of media being used. Specific organisations aimed at targeting these groups, would be identified with assistance from the Council's Community Engagement Team for consultation purposes. Appropriate locations and a variety of media would also be employed. Comments received through the consultation procedures relating to protected characteristic would be reviewed at each stage of plan preparation.

**Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic**

<b>Age</b>	N/A at this stage
<b>Disability</b>	N/A at this stage
<b>Gender reassignment</b>	N/A at this stage
<b>Marriage and civil partnership</b>	N/A at this stage
<b>Pregnancy and maternity</b>	N/A at this stage
<b>Race</b>	N/A at this stage
<b>Religion or belief</b>	N/A at this stage

Sex	N/A at this stage
Sexual orientation	N/A at this stage
<p><b>Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way?</b></p> <p>The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	<p>It is considered that consultation is not necessary at this stage. This is because the full County Council is only being asked to sanction the recommendations in the Review, authorising the updating of the LMWLP. If the County Council accept the recommendations, an Issues and Options document will be produced for consultation. This is the formative stage of plan development and will be subject to extensive publicity/consultation. This will be undertaken in accordance with the adopted Statement of Community Involvement which seeks to ensure that hard to reach groups, including those with protected characteristics, are caught by the process.</p> <p>The consultation will seek to establish if there are any perceived negative impacts on people with protected characteristics and whether further measures could be taken to increase any positive impacts.</p>
<p><b>Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?</b></p>	<p>If changes are necessary, these will be identified and evaluated at later stages of plan development.</p>



## Further Details

**Are you handling personal data?**

No

Not at this stage. At subsequent stages contact details provided by any respondents will be retained so that they can be contacted, if necessary, about their comments and during further consultations.

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**Actions required**

Include any actions identified in this analysis for on-going monitoring of impacts.

**Action**

None at this stage

**Lead officer**

**Timescale**

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
V1.0	Issued for the Review of the LMWLP	Adrian Winkley	2 December 2020	N McBride	3 December 2020

**Examples of a Description:**

'Version issued as part of procurement documentation'  
 'Issued following discussion with community groups'  
 'Issued following requirement for a service change; Issued following discussion with supplier'

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**Open Report on behalf of David Coleman, Monitoring Officer**

Report to:	<b>County Council</b>
Date:	<b>19 February 2021</b>
Subject:	<b>Changes to the Council's Constitution</b>

**Summary:**  
This Report seeks approval for a number of Constitutional changes to reflect changes in the Council's operations and matters affecting the Council

**Recommendation(s):**  
That the Council approves the changes to the Constitution shown in Appendices A, B, C and D to this Report

## 1. Background

A number of matters have arisen which require amendments to the Council's Constitution. Such changes require the approval of full Council.

### **Scheme of Authorisation**

As a result of a change of management responsibilities at Corporate Leadership Team (CLT) level, responsibility for Public Protection now sits with Andrew Crookham, the Executive Director of Resources. To ensure alignment of delegations to responsibilities it has been necessary to move the public protection delegations from the Chief Fire Officer to the Executive Director – Resources.

The necessary changes are shown marked in Appendix A.

### **Contract Regulations**

The Contract Regulations have been amended to reflect legislative changes that have been made following the UK's exit of the European Union. It confirms that the applicable legislation is now UK domestic law (Public Contract Regulations 2015) rather than EU law.

In addition there have been updates to reflect some contractual changes. This includes the changing of a supplier name and the list of services undertaken by a supplier. These changes have already taken place and the amendment to the

Contract Regulations is to ensure that the Regulations reflect the current contractual position.

There are also changes to the name of items referred to in the Contract Regulations (such as job titles and document titles) again to reflect changes that have already taken place.

The necessary changes are shown marked in Appendix B.

### **Member Hearings Appeal Panel**

During 2020 the Head of Paid Service has initiated a review of the Council's employment policies including the circumstances in which employees may appeal to a Panel of elected members. Under the revised Appeals Policy which has been subject to full consultation with the Trade Unions appeals to the Member Panel will not be automatic although they may happen where appropriate.

The terms of reference of the Member Hearings Appeals Panel has accordingly been amended to reflect the new position. Although the previous wording identified the circumstances in which an appeal would take place this has never in law been a matter for the Constitution but has been an employment matter governed by the Council's employment policies. The revised wording makes this clear and establishes the Panel for the purpose of hearing appeals where the Policy provides for this as set out above.

The necessary changes are shown marked in Appendix C.

### **Declarations of Acceptance of Office and the Proper Officer**

Under section 83 of the Local Government Act 1972 a newly elected councillor cannot fulfil the role of councillor unless and until they have signed and delivered a Declaration of Acceptance of Office. A Declaration must be in a defined form and must be signed in front of either two elected members, a Justice of the Peace or the Proper Officer. The Declaration must then be delivered to the Proper Officer. For the County Council the Proper Officer is identified in the Constitution as the Head of Paid Service.

In the past Declarations have tended to be made when members have first attended County Offices for inductions and training at the start of a new Council. The Head of Paid Service has been in attendance to accept the Declarations. In relation to the forthcoming election it is necessary to plan for other arrangements in case Covid restrictions prevent the kind of attendance at County Offices on which the previous arrangements were based.

One possibility is for Declarations to be made at the count when a member of CLT or other senior Council officer will be in attendance. To facilitate this approach it is necessary for more than one officer to be identified as Proper Officer for the purpose. This is possible because the definition of Proper Officer in the 1972 Act is simply an officer appointed for a particular purpose by the Council.

The necessary changes are shown marked in Appendix D.

## **2. Legal Issues:**

### Equality Act 2010

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.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

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.

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.

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.

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.

None of the proposed changes give rise to issues in relation to the Council's Equality Act duties.

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

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.

There are no implications for the JSNA or JHWS arising out of the proposals in this Report.

Crime and Disorder

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.

There are no implications for the section 17 matters arising out of the proposals in this Report.

**3. Conclusion**

This Report seeks approval for a number of changes to the Constitution as described in the Report

**4. Legal Comments:**

The proposed changes are lawful and within the remit of the full Council

**5. Resource Comments:**

There are no direct financial consequences of the recommendations set out in the report.

**6. Consultation**

**a) Has Local Member Been Consulted?**

N/A

**b) Has Executive Councillor Been Consulted?**

No

### c) Scrutiny Comments

The decision has not been subject to Scrutiny

### d) Risks and Impact Analysis

See the body of the Report

## 7. Appendices

These are listed below and attached at the back of the report
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<b>Appendix A</b>	<b>Amendments to Scheme of Authorisation</b>
<b>Appendix B</b>	<b>Amendments to Contract Regulations</b>
<b>Appendix C</b>	<b>Amendments to Article 7</b>
<b>Appendix D</b>	<b>Amendments to Proper Officer provision</b>

## 8. Background Papers

The following Background Papers within section 100D of the Local Government Act 1972 were used in the preparation of this Report

Document title	Where the document can be viewed
Constitution	<a href="https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=650&amp;MId=5880&amp;Ver=4&amp;Info=1">https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=650&amp;MId=5880&amp;Ver=4&amp;Info=1</a>
Appeals Policy	<a href="https://www.lincolnshire.gov.uk/employment-policies/appeals-policy?documentId=474&amp;categoryId=20140">https://www.lincolnshire.gov.uk/employment-policies/appeals-policy?documentId=474&amp;categoryId=20140</a>

This report was written by David Coleman, Chief Legal Officer, who can be contacted on 07741 606143 or David.Coleman@lincolnshire.gov.uk.

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**Part 3**

**RESPONSIBILITY FOR FUNCTIONS**

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*approved version 11.12.19*

**C SPECIFIC POWERS OF THE HEAD OF PAID SERVICE, CHIEF OFFICERS AND OTHER OFFICERS**

**EXECUTIVE DIRECTOR - RESOURCES**

1. To undertake all money market transactions associated with the cash flow functions of the Council including the raising and repayment of all loans within the limits determined by the Council from time to time.
2. To authorise the payment of statutory pensions and allowances, gratuities and compensation.
3. To make ex-gratia payments for loss or damage to property and to settle claims where there is no legal liability up to the authorised limit of £1,000.
4. To pay national pay awards.
5. To effect appropriate insurance cover in respect of Members and Officers of the Council appointed in an official capacity to represent the interests of the Council on the Boards of Limited Companies.
6. To make loans and advances to outside bodies in accordance with the policies and limits determined by the Council. Details of current policies are shown in Annex A.
7. To undertake or arrange for all necessary transactions associated with the management of the assets of the Pension Fund.
8. Subject to subsequent report to the Overview and Scrutiny Management Board, to authorise an increase in the target area budget of that Committee to fund any shortfall in expenditure necessary towards the realisation of a capital receipt and which cannot be capitalised.
9. To determine a current maximum annual rental for contract hire cars under the modified contract hire car scheme for the Chief Executive, Executive Directors, Director, Heads of Function and other qualifying Officers of the Council.
10. To act as Chief Finance Officer in pursuance of the Local Government Finance Act 1988.
11. To agree appropriate means of securing external representation on the Pension Committee, in consultation with relevant external bodies.
12. To maintain an adequate and effective internal audit service.
13. To effect all insurance cover in respect of County Council activities and responsibilities, including making appropriate arrangements for the investigation and settlement of claims.
14. To approve allocations from the corporate contingency revenue budget in consultation with the Executive Councillor with responsibility for finance and

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approved version 11.12.19

any other appropriate Executive Councillors.
15. To arrange appropriate banking and related services on behalf of the Council including opening and closing bank accounts.
16. To exercise the function of the Council in relation to the use of badges for display on disabled persons' motor vehicles.
<b>Human Resources</b>
1. To be responsible for Human Resources and Organisational Development.
<b>Democratic Services</b>
1. To manage support for the Leader and Chairman's Office.
2. To operate Members' Allowances in line with the resolution of the County Council on this matter.
<b>Information Governance</b>
1. To ensure arrangements are in place across the Council for the effective and secure management of data in accordance with the Council's Data Protection obligations.
<b>Complaints</b>
1. To act as the complaints manager under Regulation 22 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 and to make arrangements for dealing with complaints under Regulation 21 of the said Regulations)
<b>Crime and Disorder</b>
<del>1. To lead the County Councils efforts to fulfil its obligations and duties under Sections 5 and 6 of the Crime and Disorder Act 1998 (as amended and extended by Schedule 9 of the Police and Justice Act 2006) by actively engaging as a County Council and Fire Authority at all levels in the Community Safety Partnerships of Lincolnshire.</del>
<del>2. To establish and lead the county-wide Community Safety Board. To develop and implement the County Community Safety Agreement encompassing the priorities for Lincolnshire, as required by the Police and Justice Act 2006.</del>
<del>3. To lead the County Council's efforts to embed the principles of Section 17 of the Crime and Disorder Act 1998 in every aspect of policy development, budget setting and service delivery in line with the statutory duty that the Act imposes.</del>
<del>4. To drive the County Council's commitment to sharing information with partners as allowed by Section 115 of the Crime and Disorder Act 1998.</del>
<b>Safer Communities Service – Trading Standards</b>
<del>1. Without prejudice to General Powers, to exercise the functions and duties of the Council as local weights and measures authority, food authority, in connection with legislation relating to standards of trade in the county and for the purposes of the enforcement of animal health and welfare legislation, community safety legislation and licensing functions as part of which, for the correct discharge of these functions, the following direct delegations are made.</del>
<b>Head of Safer Communities</b>
<del>1. To institute/and or appear on behalf of the County Council in any legal proceedings including any preliminary or ancillary applications in the relevant Court or tribunal for the prosecution of offences or institution of civil action and the criminal or civil enforcement and administration of legislation relevant</del>

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<p><u>to standards of trade, community safety, food and animal health and welfare, licensing or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and which the County has either a statutory duty or power to enforce or considers it expedient to enforce for the promotion or protection of the inhabitants of the county by virtue of Section 222 of the Local Government Act 1972.</u></p>
<p><u>2. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 or any subsequent related or replacement legislation before the Criminal Courts and to enter into memoranda of understanding with the Police Authority Financial Investigation Units for the purpose of taking such proceedings.</u></p>
<p><u>3. Responsibility to ensure that the duties associated with Section 72(1) (a) of the Weights and Measures Act 1985 is discharged within the service.</u></p>
<p><u>4. To issue notices with the effect of requiring the marking of, requiring warnings to be issued in respect of, suspending the supply of, requiring the withdrawal from the market of and requiring the recall from the market of products as provided for under legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</u></p>
<p><u>5. To act as Inspector/authorised officer or other enforcing officer role as provided in, and to inspect enter and investigate for the purposes of enforcement of, legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and to authorise in writing officers to act in these capacities.</u></p>
<p><u>6. To appoint public analysts and agricultural analysts for the County Council for the purposes of the Food Act 1984, the Food Safety Act 1990 and the Agriculture Act 1970 or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</u></p>
<p><u>7. To nominate in writing Officers for the purposes of enforcing the Food and Environment Protection Act 1985.</u></p>
<p><u>8. To enter into appropriate arrangements with other enforcement authorities for the purpose of the enforcement of any legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food, animal health and welfare and licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</u></p>
<p><u>9. To appoint suitable persons under the Health and Safety at Work etc Act 1974 for the purposes of enforcing the Explosives Acts 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments.</u></p>
<p><u>10. To initiate appeals against the decisions of the relevant Court where, in the Head of Safer Communities professional opinion, it is proper so to do.</u></p>
<p><u>11. To initiate and co-ordinate all activities necessary for the Council to discharge its responsibilities under the Animal Health Act 1981 in order to prevent, control or deal with an outbreak of rabies or other animal disease in</u></p>

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the county.
<u>12. To conduct hearings and to give assent or otherwise under the Explosives Act 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments in relations to applications for the establishment of new factories or magazines.</u>
<u>13. To discharge the functions of the County Council as a responsible authority under the licensing Act 2003 or any subsequent related or replacement legislation and to appoint other officers of the authority to do so.</u>
<b>Service Manager – Safer Communities</b>
<u>In the absence of the Head of Safer Communities, the Service Managers - Safer Communities are authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2, 4, 7, 8, 9, 11, 12 and 13 above.</u>
<b>Duly Appointed Officers</b>
<u>At all times the duly appointed Officers of the service are, for the purpose of enforcing the relevant legislation, authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2 and 4 above after having, in each case, obtained the permission of the Head of Safer Communities, or, in their absence, a Service Manager – Safer Communities.</u>
<b>Registration and Celebratory Services</b>
<u>1. In respect of the Registration Service:</u>
<u>(a) to approve payments to Registrars, Deputy Registrars of Births, Deaths and Marriages in circumstances justifying payments in excess of the normal allowances to registrars for their services;</u>
<u>(b) to arrange for premises to be leased for the use of Registrars of Births, Deaths and marriages at rents approved by the Chief Property Officer;</u>
<u>(c) to issue a licence for the approval of premises for the solemnisation of marriages under the marriage Act 1994 and civil partnerships under Civil Partnership Act 2004;</u>
<u>(d) to issue certificates and arrange citizenship ceremonies under British Nationality Act 1981.</u>
<u>2. To undertake the statutory role of "Proper Officer", ensuring that Registration of Births, Deaths and marriages service is provided in Lincolnshire, including the licensing of approved premises for the solemnisation of marriages, civil partnerships and citizenship ceremonies.</u>

## ANNEX A

<b>LOANS AND ADVANCES TO OUTSIDE BODIES</b>
In the event that an organisation from outside the County Council seeks temporary funding from the Council which is repayable to the Council and is for a short period of time, the following rules apply:
1. Where:
(i) the need for the money is related to an established County Council Policy

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or initiative; and
(ii) the money is expected to be recovered within a 6 month period;
then:
(a) Where the money is less than £20,000 Executive Director - Resources shall have the power to approve such cases;
(b) Where the money lent is greater than £20,000 but less than £50,000, the Executive Director - Resources shall have the power to approve such cases but shall report such instances in writing to the Executive Councillor responsible for finance.
(c) Where the money lent is £50,000 or more, then the Executive Director - Resources shall consult with the appropriate Executive Councillors before approving and shall report the arrangements made to the first available meeting of the Overview and Scrutiny Management Board.
2. In all cases it is expected that interest at appropriate market rates would be charged. There may, however, be instances where an interest charge would be inappropriate. In that case the Executive Director - Resources be given the power to waive the interest element where in his opinion it would be inappropriate. Where the interest involved is significant (over £10,000) then such waiver would be after consultation with the appropriate Executive Councillor responsible for finance.

## CHIEF FIRE OFFICER

### Fire and Rescue Service

1. To make appropriate arrangements for dealing with matters relating to the discipline and dismissal of uniformed Fire Officers pursuant to the relevant legislation
2. To reduce retaining fees in cases in which attendance is required only during limited periods, and in cases of failure to attend for training, fires and other duties.
3. To review from time to time risk categories and pre-determined attendances.
4. To waive or make nominal charges in respect of special services.
5. To approve or refuse applications from members of the Lincolnshire Fire and Rescue Service ("the Service") to engage in outside employment.
6. To measure the provision of water for fire fighting purposes.
7. To make, vary or revoke reinforcement schemes and other arrangements with other Fire and Rescue Authorities for the discharge of the Council's functions as Fire and Rescue Authority.
8. To be directly responsible to the relevant Executive Councillor acting on behalf of the Council in its capacity as Fire and Rescue Authority for the Service as maintained under the Fire and Rescue Service Act 2004 having regard to the Fire and Rescue National Framework.
9. Powers to issue, amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.
10. Power to issue, cancel, amend or replace safety certificates for regulated

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stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987.
11. Power to enter into an agreement under Section 39 of the Fire and Rescue Services Act 2004 with a water undertaker for securing that an adequate supply of water will be available for use in the event of fire.
12. Power to enter into an agreement under Section 41 of the Fire and Rescue Services Act 2004 (a) to secure the use of water under the control of a person other than a water undertaker; (b) to improve access to any such water; or (c) to lay and maintain pipes and to carry out other works in connection with the use of such water.
13. Power to authorise in writing named employees to carry out those actions provided for in sections 44 (Powers of fire-fighters etc in an emergency etc), 45 (Obtaining information and investigating fires) and 46 (Supplementary powers) of the Fire and Rescue Services Act 2004.
14. Power, in consultation with the Chief Legal Officer, to prosecute: (i) those offences falling under the following provisions of the Fire and Rescue Services Act 2004 namely: <ul style="list-style-type: none"> <li>• Section 40 (water undertaker's failure to comply with request regarding emergency supply of water);</li> <li>• Section 42 (improper use of, or damage to, a fire hydrant);</li> <li>• Section 43 (failure to give notice of intended works to a fire hydrant);</li> <li>• Section 44 (obstruction of or interference with officers exercising Section 44 powers);</li> <li>• Section 46 (obstruction of officers exercising section 45 powers or failure to provide information in response to exercise of section 46 powers); and</li> <li>• Section 49 (false alarms of fire); and</li> </ul> (ii) the various offences falling within the provisions of Article 32 of the Regulatory Reform (Fire Safety) Order 2005.
15. To appoint in writing a named Inspector or Inspectors for the purpose of enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005.
16. Power to issue and serve an alterations notice pursuant to Article 29 of the Regulatory Reform (Fire Safety) Order 2005.
17. Power to issue and serve an enforcement notice pursuant to Article 30 of the Regulatory Reform (Fire Safety) Order 2005.
18. Power to issue and serve a prohibition notice pursuant to Article 31 of the Regulatory Reform (Fire Safety) Order 2005.
19. Power to issue Petroleum Storage Certificates pursuant to the Petroleum (Consolidation) Regulations 2014.
20. Power to register 'keepers of petrol' pursuant to the Petroleum (Consolidation) Regulations 2014.
21. Power to enforce regulations 5 (access marking), 6 (location marking) and 7 (signs to be kept clean) pursuant to the Dangerous Substances (Notification and Marking Sites) Regulations 1990 (NAMOS).
22. Power to issue 'Assured Advice' and guidance after demonstration of compliance by the regulated person as set out in 15(4)(b) of the Regulatory Enforcement and Sanctions Act 2008.
23. Power to provide local authorities with advice in accordance with Section 27 of the Regulatory Enforcement and Sanctions Act 2008.

<b>Civil Protection</b>
1. To implement any legislation pertinent to Emergency Planning.
2. To act in pursuance of all statutory and other powers relating to services for which the Service is responsible.
3. To implement the Control of Major Accident Hazard Regulations 1999.
<b>Crime and Disorder</b>
<del>1. To lead the County Councils efforts to fulfil its obligations and duties under Sections 5 and 6 of the Crime and Disorder Act 1998 (as amended and extended by Schedule 9 of the Police and Justice Act 2006) by actively engaging as a County Council and Fire Authority at all levels in the Community Safety Partnerships of Lincolnshire.</del>
<del>2. To establish and lead the county wide Community Safety Board. To develop and implement the County Community Safety Agreement encompassing the priorities for Lincolnshire, as required by the Police and Justice Act 2006.</del>
<del>3. To lead the County Council's efforts to embed the principles of Section 17 of the Crime and Disorder Act 1998 in every aspect of policy development, budget setting and service delivery in line with the statutory duty that the Act imposes.</del>
<del>4. To drive the County Council's commitment to sharing information with partners as allowed by Section 115 of the Crime and Disorder Act 1998.</del>
<b>Safer Communities Service – Trading Standards</b>
<del>1. Without prejudice to General Powers, to exercise the functions and duties of the Council as local weights and measures authority, food authority, in connection with legislation relating to standards of trade in the county and for the purposes of the enforcement of animal health and welfare legislation, community safety legislation and licensing functions as part of which, for the correct discharge of these functions, the following direct delegations are made:</del>
<b>Head of Safer Communities</b>
<del>1. To institute/and or appear on behalf of the County Council in any legal proceedings including any preliminary or ancillary applications in the relevant Court or tribunal for the prosecution of offences or institution of civil action and the criminal or civil enforcement and administration of legislation relevant to standards of trade, community safety, food and animal health and welfare, licensing or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and which the County has either a statutory duty or power to enforce or considers it expedient to enforce for the promotion or protection of the inhabitants of the county by virtue of Section 222 of the Local Government Act 1972.</del>
<del>2. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 or any subsequent related or replacement legislation before the Criminal Courts and to enter into memoranda of understanding with the Police Authority Financial Investigation Units for the purpose of taking such proceedings.</del>
<del>3. Responsibility to ensure that the duties associated with Section 72(1) (a) of the Weights and Measures Act 1985 is discharged within the service.</del>
<del>4. To issue notices with the effect of requiring the marking of, requiring warnings to be issued in respect of, suspending the supply of, requiring the withdrawal from the market of and requiring the recall from the market of products as</del>

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<del>provided for under legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</del>
<del>5. To act as Inspector/authorised officer or other enforcing officer role as provided in, and to inspect enter and investigate for the purposes of enforcement of, legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and to authorise in writing officers to act in these capacities.</del>
<del>6. To appoint public analysts and agricultural analysts for the County Council for the purposes of the Food Act 1984, the Food Safety Act 1990 and the Agriculture Act 1970 or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</del>
<del>7. To nominate in writing Officers for the purposes of enforcing the Food and Environment Protection Act 1985.</del>
<del>8. To enter into appropriate arrangements with other enforcement authorities for the purpose of the enforcement of any legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food, animal health and welfare and licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</del>
<del>9. To appoint suitable persons under the Health and Safety at Work etc Act 1974 for the purposes of enforcing the Explosives Acts 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments.</del>
<del>10. To initiate appeals against the decisions of the relevant Court where, in the Head of Safer Communities professional opinion, it is proper so to do.</del>
<del>11. To initiate and co-ordinate all activities necessary for the Council to discharge its responsibilities under the Animal Health Act 1981 in order to prevent, control or deal with an outbreak of rabies or other animal disease in the county.</del>
<del>12. To conduct hearings and to give assent or otherwise under the Explosives Act 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments in relations to applications for the establishment of new factories or magazines.</del>
<del>13. To discharge the functions of the County Council as a responsible authority under the licensing Act 2003 or any subsequent related or replacement legislation and to appoint other officers of the authority to do so.</del>
<b>Service Manager – Safer Communities</b>
<del>In the absence of the Head of Safer Communities, the Service Managers – Safer Communities are authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2, 4, 7, 8, 9, 11, 12 and 13 above.</del>
<b>Duly Appointed Officers</b>
<del>At all times the duly appointed Officers of the service are, for the purpose of</del>

~~enforcing the relevant legislation, authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2 and 4 above after having, in each case, obtained the permission of the Head of Safer Communities, or, in their absence, a Service Manager — Safer Communities.~~

**~~Registration and Celebratory Services~~**

~~1. In respect of the Registration Service:~~

~~(a) to approve payments to Registrars, Deputy Registrars of Births, Deaths and Marriages in circumstances justifying payments in excess of the normal allowances to registrars for their services;~~

~~(b) to arrange for premises to be leased for the use of Registrars of Births, Deaths and marriages at rents approved by the Chief Property Officer;~~

~~(c) to issue a licence for the approval of premises for the solemnisation of marriages under the marriage Act 1994 and civil partnerships under Civil Partnership Act 2004;~~

~~(d) to issue certificates and arrange citizenship ceremonies under British Nationality Act 1981.~~

~~2. To undertake the statutory role of "Proper Officer", ensuring that Registration of Births, Deaths and marriages service is provided in Lincolnshire, including the licensing of approved premises for the solemnisation of marriages, civil partnerships and citizenship ceremonies.~~

**“PROPER OFFICER” PROVISION**

1a Each of the Officers of the Council mentioned in column 1 is the Proper Officer of the Council in relation to the provisions of the Local Government Act 1972 specified against the Officers title in column 2.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers’</u> <u>Functions</u>
Head of Paid Service	83(1) to (4)	Witness and receipt of declarations of acceptance of office.
Head of Paid Service	84	Receipt of declaration of resignation of office.
Head of Paid Service	88(2)	Convening of meeting of Council to fill casual vacancy in the office of the Chairman.
Head of Paid Service	89(1)(b)	Receipt of notice of casual vacancy from two local government electors.
Head of Paid Service	S100B	Determination of which reports or parts of reports should not be disclosed on the grounds that they include exempt information which is likely to be considered private.
Head of Paid Service	S100C	Minuting of meetings and preparing where necessary a written summary of such part of meetings at which the public are not present.
Head of Paid Service	S100F	Determination of which documents should not be disclosed to an elected Member on the grounds that they disclose confidential or exempt information.
Designated Corporate Officer	S100D	Preparation of list of background papers for reports.

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<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers'</u> <u>Functions</u>
Executive Director - Resources	115(2)	Receipt of money due from Officers.
Executive Director - Resources	146(1)(a) and (b)	Declarations and certificates with regard to securities.
Executive Director - Place	191	Functions with respect to ordnance survey.
Head of Paid Service	210(6) and (7)	Charity functions of holders of offices with existing Authorities transferred to holders of equivalent office with new Authorities or, if there is no such office, to Proper Officers.
Monitoring Officer	225(1)	Deposit of documents.
Monitoring Officer	229(5)	Certification of photographic copies of documents.
Monitoring Officer	234(1) and (2)	Authentication of documents.
Monitoring Officer	236(10)	To send copies of byelaws to each District Council in the county.
Monitoring Officer	238	Certification of byelaws.
Head of Paid Service	Schedule 12 Para 4(2)(b)	Signature of summonses to Council meetings.
Head of Paid Service	Schedule 12 Para 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent.
Executive Director - Place	Schedule 16 Para 28	Receipt of deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971).
Chief Fire Officer	Schedule 29 Para 41	Exercise of functions under Sections 9(1) and (2), 13(2)(h) and (3)(b) and 20(b) of Registration Services Act 1953 and any

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Column 1  
Proper Officer

Column 2  
Section of  
1972 Act

Column 3  
Proper Officers'  
Functions

Regulations or Scheme made  
thereunder.

1b Each of the Officers mentioned in Column 1 is the Proper Officer of the Council in relation to the provisions specified against the Officers title in Column 2.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u>	<u>Column 3</u> <u>Proper Officers'</u> <u>Functions</u>
Monitoring Officer	Local Government Act 2000 S81	Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96(1).
Monitoring Officer	Local Government Act 2000 S81	Receipt of record of interest.
Monitoring Officer	S41(1) and (3) of the Local Government (Miscellaneous Provisions) Act 1976	Certification of resolutions and minutes, etc., for evidential purposes.
Monitoring Officer	S59 of the Highways Act 1980	Certification of extra-ordinary expenses.
Monitoring Officer	S321 of the Highways Act 1980	Authentication of documents.
Executive Director - Place	S295(1) of the Highways Act 1980	Service of notice requiring removal of materials in any street.
Executive Director - Place	Schedule 9 Para 4 of the Highways Act 1980	Prescribing Improvement Lines or Building Lines.
Head of Paid Service	S15 and S16 Local Government and Housing Act 1989	For the purposes of the Local Government (Committee & Political Groups) Regulations 1990.
Monitoring Officer	S18 of the Local Government and Housing Act 1989	For the purposes of the Members' Allowance Scheme.
Monitoring Officer	S19(1)(a) of the Local Government and Housing Act 1989	Receipt of notice of Councillors' interests.
Monitoring Officer	S321 of the Local Government and Housing Act 1989	Deposit of lists of posts politically restricted by virtue of remuneration.

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Statutory Scrutiny Officer	S31 of the Local Democracy, Economic and Construction Act 2009	Promotion of Overview and Scrutiny
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2. Each of the Officers mentioned in Column 1 is the Proper Officer of the Council in relation to any reference in any legislation (other than the Local Government Act 1972) to the corresponding Officer of a Council (whether specified or not) mentioned in Column 2 which by virtue of any provision of the said Act or of any Order made thereunder is to be construed as a reference to the Proper Officer of the Council.

<u>Column 1</u>	<u>Column 2</u>
Head of Paid Service	Clerk of the Council or Town Clerk of a Borough
Executive Director - Resources	Treasurer of a Council
Executive Director - Place	County Surveyor or Surveyor of a Council
Head of Paid Service	Clerk to the Fire Authority

3. The Officers mentioned in Column 2 are to act as Proper Officers of the Council in relation to the matters assigned to the corresponding Officer mentioned in Column 1 in the event of that Officer being absent or otherwise unable to act as Proper Officer.

<u>Column 1</u>	<u>Column 2</u>
Head of Paid Service	Such of the Executive Directors, as may be nominated by the Head of Paid Service
Executive Director - Resources	Assistant Director - Strategic Finance
Executive Director - Place	Assistant Director (Highways)

4. The Executive Director - Resources is to have responsibility for the proper administration of the Council's financial affairs in accordance with S151 Local Government Act 1972. The Executive Director - Resources may elect to delegate the day to day responsibilities to the Assistant Director - Strategic Finance.
5. The Executive Director Resources is, under the nomination at 4 above, the Officer responsible under S114 of the Local Government (Finance) Act 1988.

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The Executive Director - Resources may elect to delegate the day to day responsibilities to the Assistant Director - Strategic Finance.

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# **Part 4**

## **RULES OF PROCEDURE**

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# CONTRACT REGULATIONS

## 1. BACKGROUND

### 1.1 Context and Purpose

Each year, the Council procures goods, services and works to the value of hundreds of millions of pounds. These purchases can range from a multitude of transactions that are individually quite small (for example stationery) through to single major projects (for example infrastructure and asset acquisition). The norm is for these items to be obtained on the basis of a contract between the Council or one of its partner organisations and external suppliers.

Contract Regulations outline the general principles to be followed by Chief Officers in procuring goods, services and works from organisations external to the County Council. In association with the County Council's Financial Regulations and Scheme of Authorisation to Chief Officers they comprise a comprehensive control regime governing the financial affairs of the County Council.

### 1.2 General Requirements

Every contract entered into by the County Council must be within the Council's powers, in connection with the Council's functions and in line with the aims and objectives of the Council and must comply with:

- All relevant statutory provisions;
- The relevant ~~European~~ procurement rules (e.g. the ~~EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK~~ Public Contract Regulations 2015 (PCR 2015) or equivalent);
- Best Value requirements;
- The Council's Constitution including these Contract Regulations, the Council's financial regulations and scheme of authorisation; and
- The Council's strategic objectives, Sustainable Procurement Strategy and policies and the Contract and Procurement Procedure Rules.

The highest standards of probity are required of all officers and Councillors involved in the procurement, award and management of the Council's contracts and all officers should take into account, when procuring, the requirements of the Council's code of conduct.

### 1.3 Supporting Guidance

These Regulations are underpinned by Contract and Procurement Procedure Rules which relate to procurement activities and replaces previous individual Directorate Memoranda.

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## **1.4 Authority**

Any procurement carried out on behalf of the Council may only be undertaken with the appropriate authority of the Council. Chief Officers may have delegated authority under the Scheme of Responsibility for Functions set out in the Constitution. If not, then authority at Councillor level will need to be sought in accordance with the Constitution.

Where there is appropriate authority, procurement may be delegated in line with each Directorates scheme of authorisation. Authorised officers may then enter into appropriate contracts and place orders within approved budgets and in line with these Contract Regulations.

## **1.5 Scope**

The following contracts are exempt from the requirements of these Contract Regulations as they are controlled via other regulations as stated:

- Employee Contracts (see Employment Manual);
- Contracts relating solely to disposal or acquisition of an interest in land (see Property Management Strategy/Financial Regulations)
- The provision of services to or by or the creation of partnerships with other public bodies (see Financial Regulations);

These Regulations apply to all service areas, units and establishments of the County Council. Where the County Council engages the services of an external private sector organisation to act as its agent in letting contracts on behalf of the Council, it is a requirement of the terms of engagement of the external organisation that they comply with these Regulations in letting contracts on behalf of the Council. Where the Council is working in partnership with another public body which procures goods, services or works as a lead authority on behalf of the Council, the Contract Regulations of the lead authority may be used. If the Council acts as the lead authority to procure goods, services or works on behalf of other bodies then these Contract Regulations must be followed.

These Regulations apply to schools except where they are incompatible with the Scheme for Financing Schools as required under the School Standards and Framework Act 1998 which shall take precedence. If clarification is required advice should be sought from the Executive Director - Resources.

## **2. GENERAL PRINCIPLES**

### **2.1 Pre-Procurement Procedure**

Before commencing a procurement, it is essential that the officer leading the procurement has identified the need and fully assessed any option for meeting those needs. Consideration shall be given to the Council's ~~Sustainable~~ Procurement Strategy as appropriate.

Before undertaking a procurement the officer shall:

- Consider all other means of satisfying the need (including recycling and re-use where appropriate);
- Take advice as necessary from the Council's Commercial and Legal teams
- Consider whether there is a Partnership or Framework Agreement already in place that should be used;
- Consider external market capability;
- Establish a business case for the procurement (including costs involved in conducting the procurement);
- Be satisfied that a detailed specification and conditions forming the basis of the contract, and a detailed, full and reasonable estimate of the whole life cost of the contract, has been prepared; and
- Ensure all necessary approvals are in place.

## **2.2 Contracts Subject to the ~~European Union Regulations~~PCR 2015**

~~UK The~~ Public Contract Regulations 2015, ~~which enact EU Directives,~~ apply to all contracts for goods, services or works as detailed in the ~~UK Public Contract Regulations.~~

Where an estimated value of a contract exceeds the current EU-relevant threshold then the contract ~~shall-must~~ be awarded in accordance with the above EU Regulations. Under these regulations, the contract may be awarded under the open or restricted procedure. In particular circumstances, other procedures are available but suitability should be assessed by the Commercial Team and legal advice obtained as appropriate.

Where the EU RegulationsPCR 2015 ~~applies~~ apply inclusion on any list does not automatically pre-qualify any firm and absence from the list does not automatically exclude any firm.

The EU RegulationsPCR 2015 set out the requirements for the publication of contract notices for goods, service, and works contracts and rules relating to technical specifications and the publication of contract award notices.

The EU regulationsPCR 2015 also set out minimum timescales for various processes, for example, receipt of expressions of interest and tenders.

Contract and Procurement Procedure Rules provide further explanation of the requirements of European Regulationsthe PCR 2015. Commercial/Legal advice shall be sought by any officer undertaking such a procurement to ensure all legal requirements are met.

## **2.3 SERCO and VINCI MOUCHEL VINCI FACILITIES PARTNERSHIP LIMITED**

The County Council has entered into and invested capital in a wider contractual partnership with Serco which is providing some services within the following areas:

- Information Technology
- ~~People Management~~ HR Administration

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- Customer Contact
- Financial Assessment and Administration

It has entered into separate contractual partnership with Vinci-Mouchel Vinci Facilities Partnership Limited for Property Services including Facilities Management; Energy Management; support to Corporate Asset Management; Managed Services; Property Records; Valuations; Travellers Sites; Capital Project Services and Catering (main site and member services).

So that the Council enjoys the maximum benefit to be had from these contracts it is the responsibility of all Chief Officers in conjunction with the Chief Information and Commissioning Officer Executive Director, Commercial to ensure that all Officers are aware of when goods and services can and should be purchased directly from Serco and Vinci-Mouchel Vinci Facilities Partnership Limited.

**Comment [DC1]:** Or should this be at AD level

Other goods, services and works may have been or may be procured as part of wider contractual relationships with partnering organisations including through frameworks, which have been set up as a result of EU-compliant competition. Chief Officers shall ensure that all officers are made aware of when these organisations can and should be used together with written guidance on the process to be followed.

## **2.4 ESPO**

The Council is currently a member of the Eastern Shires Purchasing Organisation (ESPO). Use of this purchasing consortium saves time and cost involved in tendering individual contracts. They can also provide support by undertaking competition on the Council's behalf. These services should be used where ever possible and Chief Officers shall ensure that officers make appropriate use of ESPO. The Commercial Team will provide advice on this area of procurement.

## **2.5 Works Contracts**

In the case of works contracts where Council funding is estimated to exceed £500,000 the requirements relating to briefs and appraisals set out in Financial Regulations B9 should be followed.

## **2.6 Joint Procurement**

Any joint procurement arrangements with other Local Authorities or public bodies including membership or use of Purchasing Consortia (other than ESPO) shall be approved at Councillor level in line with the Constitution prior to the commencement of any procurement on behalf of the Council.

European Regulations The PCR 2015 may apply to joint procurements and these shall be complied with. Legal advice should be sought.

## **2.7 Employment Considerations in Procurement**

Any procurement which would involve a transfer of staff shall have regard to the

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Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and in relation to pensions the Best Value Authorities Staff Transfers (Pensions) Direction 2007. Where there is a TUPE transfer, the Council need to provide bidders with accurate and timely information on all relevant matters. Bidders must be able to demonstrate that they understand and can manage their obligations under TUPE. These requirements apply even if the contract is being re-let and even if any transfer of staff would be between external organisations. Further guidance is given in [Financial Procedure 5](#) and legal guidance should always be sought.

### **3. CONTRACTING PROCESSES**

#### **3.1 Selection of Supplier**

There are a number of routes by which the Council may choose to select its supplier for example through a framework; through existing contracts with Serco and [Vinci Mouche! Vinci Facilities Partnership Limited](#); through quotations or tenders. It is important that adequate consideration is given to the selection of the most appropriate route. Demonstration of competition is an integral part in achieving best value. Advice is available from the Commercial Team.

#### **3.2 Estimating the Contract Value**

Contract values should be calculated in accordance with the [EU Regulations PCR 2015](#) even when the regulations do not apply (further guidance is given in Contract and Procurement Procedure Rules) to ensure consistency. The Council shall make the best use of its purchasing powers by aggregating purchases wherever possible across the Council. Particular goods, services or works shall not be split in an attempt to avoid the applicability of these Contract Regulations or the [EU Regulations PCR 2015](#).

#### **3.3 Procurement Processes**

For quotations below £25,000 there is a requirement to use a local supplier where this gives value for money.

##### Low Value Procurement (Below £10,000)

For these purchases direct approach to a single supplier is acceptable, competitive quotations are not required. The purchasing officer should be satisfied that the costs are reasonable. It is expected that ESPO will be considered for the majority of this type of purchase.

A local supplier should be used where appropriate. Where a local supplier is not used the reason must be recorded in writing.

##### Medium Value Procurement (£10,000 to £25,000)

For contracts or orders of medium value at least three written quotations should be sought based on a Request For Quotations document with appropriate terms and conditions. Where applicable, quotations should be sought from contractors on the

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Council's Approved List of Contractors. If an approved list is not available appropriate suppliers should be selected in line with the guidance provided by the Commercial team. Where it is not possible to obtain three competitive quotes the officer must keep a record of the reasons for this.

At least one of the quotations must be from a local supplier and a local supplier should be used where they provide the most economically advantageous offer. Where a local supplier is not used the reason must be recorded in writing.

High Medium Value Procurement (£25,001 to the ~~EU~~ threshold for Services)

~~Where EU Treaty principles require advertisement (in accordance with the "EU Commission Interpretative Communication on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives") the contract must be advertised in Source Lincolnshire and Contracts Finder.~~

~~Otherwise u~~Unless a Chief Officer or his or her representative determines that such advertisement is appropriate to achieve value for money, high medium value contracts will be awarded without advertisement.

Instead, at least four written quotations should be sought based on a Request For Quotations document with appropriate terms and conditions.

At least two of the quotations must be from local suppliers.

Where applicable, quotations should be sought from contractors on the Council's Approved List of Contractors. Where it is not possible to obtain four competitive quotes the officer must keep a record of the reasons for this.

High Value Procurement (Above the ~~OJEU~~ Threshold for Services)

Contracts for services and supplies of a high value must be procured in accordance with ~~EU procurement law~~ the PCR 2015 as such contracts will be covered by the procurement regime.

For works contracts of a high value but below the ~~EU~~ threshold for works at least five tenders should be invited. Invitation may be by direct invitation from a select list. ~~if the EU Treaty principles do not require advertisement.~~

~~If EU Treaty principles require advertisement tenders shall be sought by-~~

- ~~• open competitive tendering via public advertisement (Contracts Finder and Source Lincolnshire) supplemented by advertisement in newspapers and journals if appropriate; or~~
- ~~• a Framework let in accordance with EU legal requirements.~~

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Where it is not possible to obtain five competitive tenders the officer must keep a record of the reasons for this.

High Value Procurement ~~subject to European Regulations~~(Above relevant PCR 2015 threshold)

The ~~EU Regulations~~PCR 2015 shall be followed for all procurements subject to them. This may include the use of a Framework let in accordance with ~~EU~~ legal requirements. Contract and Procurement Procedure Rules provide further guidance.

### **3.4 Award of Contracts**

Tenders subject to the ~~EU Regulations~~full PCR 2015 shall be evaluated in accordance with the relevant regulations and the award criteria. All tenders ~~and Requests for Quotations which are~~ not subject to the ~~EU Regulations~~ full PCR 2015 shall be evaluated in accordance with the award criteria which must be notified to potential tenderers.

Unless the award of the contract falls within the delegated authority of the Chief Officer, Councillor approval should be sought in line with the Council's Constitution.

The decision to accept a quote or tender in excess of the available budget will be subject to the rules relating to budget changes contained in the Financial Regulations.

### **3.5 Exceptions to Normal Routes**

In exceptional cases where a Chief Officer believes an alternative route to the four normal routes is required, (subject to the miscellaneous provisions in this document), the Chief Officer should comply with the requirements of this clause. For contracts with an estimated value above the ~~Health and Social Care Services Contracts EU~~Light Touch Regime Threshold as varied from time to time ~~(currently £615,278)~~, the proposal should be taken to the Executive for approval prior to the contract being entered into. For contracts with a value of between £250,000 and the ~~Health and Social Care Services Contracts EU~~Light Touch Regime Threshold as varied from time to time ~~(currently £615,278)~~ the proposal should be taken to the relevant Executive Councillor for formal approval prior to the contract being entered into. For contracts with a value between £10,001 and £249,999 approval in writing can be given by the Chief Officer subject to the Chief Officer consulting with the relevant Executive Councillor on all exceptions where the contract value exceeds £75,000. The Chief Officer shall keep a register of contracts that they have approved as exceptions and the reasons why.

If ~~public procurement (EU thresholds) rules the PCR 2015~~ apply this shall limit the ability to let contracts other than through competition. In this case advice should be sought from the Commercial team or Legal Services. Regardless of whether ~~EU Regulation~~the PCR 2015 permit the use of direct negotiation, exception must be sought to the normal rules set out in these Contract Regulations in accordance with this section.

### **3.6 Electronic Tendering**

Requests for quotations above £10,000 and invitations to tender must (other than in exceptional circumstances) be transmitted by electronic means using ~~DeltaPro-~~

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**Contract.** Quotations and tenders submitted by electronic means must ensure that:

- Evidence that the transmission to the supplier was successful and is recorded;
- Each quote or tender submitted to the Council electronically is in the manner prescribed in the advertisement or the invitation to tender documents; and
- Electronic tenders are kept in a separate secure structure which cannot be opened until the deadline has passed for receipt of tenders. Electronic quotations are to be kept in a separate secure folder by the officer conducting the procurement.

#### **4. CONTRACT MANAGEMENT (All Contracts - Revenue and Capital)**

All contracts should be in writing and in place prior to receiving goods or commencement of the works or service. Contracts shall be entered into based on the Council's relevant terms and conditions, which shall be included with each purchase order, invitation to tender or negotiation. In the case of medium and high value procurement where alternative terms and conditions are proposed, legal advice shall be sought.

All medium high value and high value contracts must be recorded on the Council's contract register ~~and a copy stored electronically in the Council's contract database.~~

Contracts should be drawn up using the relevant professional advice and support. Contracts should be signed in accordance with the Directorates scheme of delegation. Where the value of the contract exceeds £75,000 legal advice should be obtained as to whether the contract is executed as a deed.

All variations to contracts shall be in writing.

When the total expenditure under any contract (as opposed to scheme) exceeds or is likely to exceed the original contract sum (adjusted for subsequent approved price increases) by 5% or more (except overspendings of less than £10,000) and the reasons for the excess have not been the subject of an earlier report, the responsible Chief Officer shall submit a written report to the relevant Executive Councillor. A report of all overspends will be submitted annually to the Overview and Scrutiny Management Board.

##### **4.1 Contract Extension**

Any contract may be extended in accordance with its terms. Approval for such extensions shall be sought at the relevant level in line with the Council's Constitution.

Where the terms do not expressly provide for extension, contracts subject to ~~EU Regulations~~ the PCR 2015 may be extended by negotiation in accordance with the rules set out in the ~~EU Regulations~~ PCR 2015. Such extensions and extensions of all other contracts should be treated the same as procuring with a single supplier and the requirements set out in the Exceptions to Normal Routes in these Contract

Regulations should be applied.

#### **4.2 Records of contracts, quotes and tenders**

The officer with delegated authority in respect of a particular procurement shall maintain a list of all quotations and tenders received. In addition the officer shall follow the relevant opening procedures contained in Financial Procedure 5.

Each Corporate Director shall ensure that the Council's contract register is maintained at all times and reflects his/her own register of all medium high value and high value contracts entered into by his/her department.

#### **4.3 Termination of Contract**

For all medium and high value contracts, termination shall be approved in line with the delegations contained in the Council's Constitution. Legal advice should be sought as appropriate.

### **5. MISCELLANEOUS PROVISIONS**

#### **5.1 Pension Fund Managers & Associated Professional/Technical Service Providers**

Responsibility for these contract arrangements rest with the Pensions Committee and is covered under Article 7 of the Constitution.

#### **5.2 Local Authority Companies**

Where consideration is being given to the establishment of a local authority company or involvement in other companies, even where they are not regulated under the Local Government and Housing Act 1989 the relevant Chief Officer must consult the Executive Director - Resources and the Chief Legal Officer on all aspects of the proposal (i.e. financial, legal and personnel related) prior to seeking approval from the Executive.

#### **5.3 Charging for discretionary services**

The Council has power to charge for discretionary services.

A discretionary service is one that the authority is authorised, but not required, to provide. The income generated from such charges should not exceed the cost of service provision.

The rates set for such services, and the manner in which the income is collected, will be in line with the Financial Procedure for Income.

Where consideration is being given to the introduction of charges for discretionary services the relevant Chief Officer must consult the Executive Director - Resources

and the - Chief Legal Officer on all aspects of the proposal (i.e. financial, legal and personnel related) prior to seeking approval from the Executive.

#### **5.4 Powers to Trade**

The authority has power to perform, for commercial purposes; anything it is normally authorised to do for the purpose of carrying out its normal functions but only if it does so through a company.

The authority cannot perform, for commercial reasons, its ordinary functions that it is already required to carry out.

Where consideration is being given to performing functions for a commercial purpose

the relevant Chief Officer must consult the Executive Director - Resources and the Chief Legal Officer on all aspects of the proposal (i.e. financial, legal and personnel related) prior to seeking approval from the Executive.

#### **5.5 Review Arrangements**

The Executive Director - Resources shall review these Regulations annually.

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# **Part 2**

# **ARTICLES OF THE CONSTITUTION**

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## ARTICLE 7 – REGULATORY AND OTHER COMMITTEES AND BODIES OF THE COUNCIL

### 7.01 Regulatory and Other Committees

The Council will appoint the Committees set out in paragraphs 7.02 to 7.05 inclusive below to discharge the functions listed under each by reference to Part 3 of this Constitution and with the delegated powers shown.

- Each of the said Committees will conduct its business in accordance with the Council Procedure Rules and Access to Information Rules in Part 4 and will meet in public unless the nature of the business is such that the press and public must be excluded or the Committee determine that the press and public should be excluded in accordance with the Access to Information Procedure Rules.

Each of the Committees referred to shall be entitled to appoint such sub-Committees or panels or joint panels as each body considers appropriate to fulfil its functions.

Please see Annex A for composition.

### 7.05 The Members Appeal Hearing Panel

An employee dismissed from their employment with the Council may have has a right of appeal against that decision. ~~Appeals against dismissal except those relating to dismissals during an employee's probationary period and dismissals of the person designated as Head of Paid Service, Statutory Officers and Chief Officers as defined in Article 9 and certain of those appeals shall will~~ be heard by a Members Appeal Hearing Panel consisting of Elected Members. Full details of the ~~procedure are available in the Appeals Policy~~ appeals process are set out in the Council's [ ] Policy.

The Panel will consist of a Panel of three Elected Members, one of whom will chair the meeting. The Group Leaders will nominate Members to be eligible to sit on Appeals Panels. Any Member nominated will receive training prior to sitting as a Member of the Panel. There is no requirement for training to be provided following an election unless a member nominated has not received training previously. The Panel will reflect the political balance of the Council whenever possible. No Member of the Executive can be nominated to sit on a Panel. Democratic Services shall maintain a list of Members nominated.

Democratic Services shall be responsible for making the necessary administrative arrangements for the appeals.

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# **Part 3**

# **RESPONSIBILITY FOR FUNCTIONS**

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**“PROPER OFFICER” PROVISION**

1a Each of the Officers of the Council mentioned in column 1 is the Proper Officer of the Council in relation to the provisions of the Local Government Act 1972 specified against the Officers title in column 2.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers’</u> <u>Functions</u>
Head of Paid Service <u>Executive Director- Resources</u> <u>Executive Director – Children's Services</u> <u>Executive Director – Adult Care and Community Wellbeing</u> <u>Executive Director – Place</u> <u>Executive Director – Commercial</u> <u>Chief Legal Officer</u>	83(1) to (4)	Witness and receipt of declarations of acceptance of office.
Head of Paid Service	84	Receipt of declaration of resignation of office.
Head of Paid Service	88(2)	Convening of meeting of Council to fill casual vacancy in the office of the Chairman.
Head of Paid Service	89(1)(b)	Receipt of notice of casual vacancy from two local government electors.
Head of Paid Service	S100B	Determination of which reports or parts of reports should not be disclosed on the grounds that they include exempt information which is likely to be considered private.
Head of Paid Service	S100C	Minuting of meetings and preparing where necessary a written summary of such part of meetings at which the public are not present.
Head of Paid Service	S100F	Determination of which documents should not be disclosed to an

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers'</u> <u>Functions</u>
		elected Member on the grounds that they disclose confidential or exempt information.
Designated Corporate Officer	S100D	Preparation of list of background papers for reports.
Executive Director - Resources	115(2)	Receipt of money due from Officers.
Executive Director - Resources	146(1)(a) and (b)	Declarations and certificates with regard to securities.
Executive Director - Place	191	Functions with respect to ordnance survey.
Head of Paid Service	210(6) and (7)	Charity functions of holders of offices with existing Authorities transferred to holders of equivalent office with new Authorities or, if there is no such office, to Proper Officers.
Monitoring Officer	225(1)	Deposit of documents.
Monitoring Officer	229(5)	Certification of photographic copies of documents.
Monitoring Officer	234(1) and (2)	Authentication of documents.
Monitoring Officer	236(10)	To send copies of byelaws to each District Council in the county.
Monitoring Officer	238	Certification of byelaws.
Head of Paid Service	Schedule 12 Para 4(2)(b)	Signature of summonses to Council meetings.
Head of Paid Service	Schedule 12 Para 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent.

Column 1  
Proper Officer

Column 2  
Section of  
1972 Act

Column 3  
Proper Officers'  
Functions

Executive Director -  
Place

Schedule 16 Para  
28

Receipt of deposit of lists of  
protected buildings (Section 54(4)  
of the Town and Country Planning  
Act 1971).

Chief Fire Officer

Schedule 29 Para  
41

Exercise of functions under  
Sections 9(1) and (2), 13(2)(h) and  
(3)(b) and 20(b) of Registration  
Services Act 1953 and any  
Regulations or Scheme made  
thereunder.



**Open Report on behalf of Councillor M J Hill OBE, Leader of the Council**

Report to:	<b>County Council</b>
Date:	<b>19 February 2021</b>
Subject:	<b>Executive Decision – Rule 17 (Special Urgency)</b>

**Summary:**

The Chief Executive has made one decision under Rule 17 of the Access to Information Procedure Rules in the Council's Constitution. There is a requirement to report such decisions to the County Council.

**Recommendation(s):**

That the decision made under Rule 17 of the Access to Information Procedure Rules in the Council's Constitution by the Chief Executive be noted.

**1. Background**

1.1 Rule 17 of the Access to Information Procedure Rules in the Council's Constitution allows for urgent Key Decisions, which are not included in the Executive's Forward Plan, to be made without giving notice of at least five clear working days. Such decisions may only be made where the decision maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred from:-

- the chairman of the relevant overview and scrutiny committee; or
- if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the council; or
- where there is no chairman of either the relevant overview and scrutiny committee or of the Council, the vice-chairman of the Council.

1.2 The Leader is required to submit reports to the Council on the Executive decisions taken under Rule 17 (special urgency). There has been one such decision since the last meeting of the County Council on 11 December 2020.

- 1.3 A decision on the *Provision of Community Coronavirus Testing Facilities*, which had not been included on the Forward Plan, was made by the Chief Executive on 8 January 2021. The report was exempt and not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 1.4 The reason for urgency was published in a notice on the Council's website to the effect that contracts with the Secretary of State for Health and Social Care and with Serco Limited were required urgently for the provision of a community coronavirus testing programme to assist the response to coronavirus within the county due to commence on 11 January 2021. Delays in obtaining approval for the contracts will delay the point at which the necessary arrangements can be made and thereby the point at which testing can commence.
- 1.5 Agreement that the making of the decision was urgent and could not reasonably be deferred was obtained from Councillor C E H Marfleet as Chairman of the Adults and Community Wellbeing Scrutiny Committee.

## 2. Conclusion

- 2.1 The report informs the Council of a decision taken under the special urgency provisions of the Access to Information Procedure Rules of the Constitution.

### 3. Legal Comments:

Rule 18.3 of the Access to Information Procedure Rules of the Constitution requires the Leader of the Council to submit quarterly reports to the Council on the Executive decisions taken in circumstances as set out in Rule 17 (special urgency) of the Access to Information Procedure Rules in the preceding three months.

### 4. Resource Comments:

There are no financial implications arising from acceptance of the recommendation in this report. The financial implications relating to the urgent decision itself were covered in the report relating to that decision.

## 5. Consultation

- a) **Has Local Member Been Consulted?** - n/a
- b) **Has Executive Councillor Been Consulted?** - Yes
- c) **Scrutiny Comments** - n/a
- d) **Risks and Impact Analysis** - n/a

## **6. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Cheryl Evans, who can be contacted on 07387 133755 or [cheryl.evans@lincolnshire.gov.uk](mailto:cheryl.evans@lincolnshire.gov.uk) .

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