

County Offices
Newland
Lincoln
LN1 1YL

25 April 2022

Executive

A meeting of the Executive will be held on **Wednesday, 4 May 2022** in the **Council Chamber, County Offices, Newland, Lincoln LN1 1YL** at **10.30 am** for the transaction of business set out on the attached Agenda.

Yours sincerely



Debbie Barnes OBE
Chief Executive

Membership of the Executive
(9 Members of the Council)

Councillor M J Hill OBE, Executive Councillor for Resources, Communications and Commissioning (Leader of the Council)

Councillor Mrs P A Bradwell OBE, Executive Councillor for Children's Services, Community Safety and Procurement (Deputy Leader)

Councillor Mrs W Bowkett, Executive Councillor for Adult Care and Public Health

Councillor R D Butroid, Executive Councillor for People Management, Legal and Corporate Property

Councillor L A Cawrey, Executive Councillor for Fire & Rescue and Cultural Services

Councillor C J Davie, Executive Councillor for Economic Development, Environment and Planning

Councillor R G Davies, Executive Councillor for Highways, Transport and IT

Councillor D McNally, Executive Councillor for Waste and Trading Standards

Councillor Mrs S Woolley, Executive Councillor for NHS Liaison, Community Engagement, Registration and Coroners

**EXECUTIVE AGENDA
WEDNESDAY, 4 MAY 2022**

Item	Title	Forward Plan Decision Reference	Pages
1	Apologies for Absence		
2	Declarations of Councillors' Interests		
3	Announcements by the Leader, Executive Councillors and Executive Directors		
4	Minutes of the Meeting of the Executive held on 5 April 2022		5 - 10

KEY DECISIONS - ITEMS TO BE RESOLVED BY THE EXECUTIVE

5	Lincolnshire Community Equipment Services Re-procurement <i>(To receive a report by the Executive Director – Adult Care and Community Wellbeing which seeks approval to procure a new contract for Lincolnshire Community Equipment Services)</i>	I025181	11 - 50
6	Options for the Future Delivery of IMT Services <i>(To receive a report by the Executive Director – Resources which seeks approval for the mix of insourced and outsourced services as part of the future delivery of IMT services)</i>	I025179	51 - 84
7	Commissioning Arrangements for the Holiday Activities and Food (HAF) Programme <i>(To receive a report by the Executive Director of Children’s Services which makes recommendations for the longer-term model and commissioning arrangements for the Holiday Activities and Food Programme in Lincolnshire from Summer 2022 onwards)</i>	I025705	85 - 96
8	Award to reseller for provision of Microsoft Subscription Agreement and related services <i>(To receive a report from the Executive Director – Resources which seeks approval for the proposed procurement route for the provision of Microsoft software and services)</i>	I026022	97 - 102



**EXECUTIVE
5 APRIL 2022**

PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)

Councillors Mrs P A Bradwell OBE (Executive Councillor for Children's Services, Community Safety and Procurement) (Deputy Leader), R D Butroid (Executive Councillor for People Management, Legal and Corporate Property), L A Cawrey (Executive Councillor for Fire & Rescue and Cultural Services), C J Davie (Executive Councillor for Economic Development, Environment and Planning), R G Davies (Executive Councillor for Highways, Transport and IT), D McNally (Executive Councillor for Waste and Trading Standards) and Mrs S Woolley (Executive Councillor for NHS Liaison, Community Engagement, Registration and Coroners)

Councillors: A M Hall (Vice Chairman of the Highways and Transport Scrutiny Committee), R J Kendrick (Chairman of the Children and Young People Scrutiny Committee) and K E Lee attended the meeting as observers

Officers in attendance:-

Debbie Barnes OBE (Chief Executive), Roz Cordy (Interim Assistant Director of Safeguarding), Michelle Grady (Assistant Director – Finance), Sara Gregory (Interim Commissioning Manager, Children's), Andy Gutherson (Executive Director Place), Kevin Johnson (Acting Commissioning Manager - Commercial), Heather Sandy (Executive Director of Children's Services), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer), Rachel Wilson (Democratic Services Officer) and Sam Edwards (Head of Highways Infrastructure)

74 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs W Bowkett, Executive Councillor for Adult Care and Public Health.

An apology for absence was also received from Councillor R B Parker, Chairman of the Overview and Scrutiny Management Board.

75 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interest at this point in the meeting.

76 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORSDebbie Barnes OBE, Chief Executive

The Chief Executive provided an update on the two schemes which were available for Ukrainian refugees to enter the UK – the Homes for Ukraine Scheme and the Family and Friends scheme.

It was highlighted that the Council was not officially made aware of anyone who had come into the County through the Family and Friends scheme, however the authority was aware of one family who had come to Lincolnshire through this scheme, as the school had made officers aware.

The Council had been notified by government that around 170 people in Lincolnshire had signed up to the Homes for Ukraine Scheme. The authority was working with the district councils, the police, and health colleagues on the best way to work with and support those families and individuals. The authority was also working with the district councils in relation to carrying out the housing checks and the County Council would be working to undertake the safeguarding checks, and it was expected that a number of people would be starting to arrive from the Ukraine in the coming weeks. Work was also underway with schools to ensure that any children and young people arriving would be able to be offered a school place.

Councillor R G Davies, Executive Councillor for Highways, Transport and IT

The Executive Councillor for Highways, Transport and IT advised that, building on the success of the work to secure funding for the A16 corridor from Boston to South Holland, feasibility studies were continuing around Boston, Skegness and the coastal areas on how those areas of the economy could be linked.

It was also noted that Lincolnshire was likely to be successful in the next round of levelling up funding. The Executive Councillor advised that he would keep colleagues updated on progress with this.

Councillor Mrs P A Bradwell OBE, Executive Councillor for Children's Services, Community Safety and Procurement

The Executive Councillor for Children's Services, Community Safety and Procurement reported that a focused Ofsted visit had recently taken place in relation to social care and SEN services, officers were currently waiting for the report, which would be shared with the Children and Young People Scrutiny Committee when it was received. Initial indications were that it would be a positive report.

Councillor C J Davie, Executive Councillor for Economic Development, Environment and Planning

The Executive Councillor for Economic Development, Environment and Planning highlighted the issues around food security and reported on the work being undertaken in the Food Enterprise Zone.

An update was provided on the Holbeach Food Enterprise Zone, and it was reported that nine out of the eleven plots available under phase one of the development were now under offer and the Hub building was progressing well, and it was expected that the handover would take place in June 2022. It was also reported that there were negotiations on a two-acre site taking place, which could mean the major relocation of a business from south-east England. Advanced discussions around development of phase 2 of the project were already underway and this would be an important development for the sector, not just in Lincolnshire, but also nationally.

Councillor L A Cawrey, Executive Councillor for Fire & Rescue and Cultural Services

The Executive Councillor for Fire & Rescue and Cultural Services advised that there had just been a fantastic weekend at the Castle where Lucy the Dragon was unveiled, and this marked the start of the summer programme of activities at the Castle. All members were encouraged to attend.

Councillor M J Hill OBE, Leader of the Council, Executive Councillor for Resources, Communications and Commissioning

The Leader of the Council reported that he had recently had a very productive day in Grantham with the Chief Executive firstly at South Kesteven District Council where some interesting options for shared services and shared use of property had been explored, and then with the Ministry of Defence and businesses in the defence industry. It was noted that the defence industry was a large part of Lincolnshire's economy.

77 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 1 MARCH 2022

RESOLVED

That the minutes of the meeting held on 1 March 2022 be agreed and signed by the Chairman as a correct record.

78 NORTH HYKEHAM RELIEF ROAD (NHRR)

The Executive Councillor for Highways, Transport and IT introduced a report which provided an update to the Executive on the progress of the North Hykeham Relief Road (NHRR) project and sought approval to enter into a two-stage design and build contract for the purpose of delivering the NHRR. It was highlighted that this proposal was a slightly different process for procurement than had been used before and reflected changes in the market

and operated within the SCAPE framework. It was acknowledged that there would still be challenges and a lot of management would be required.

The Head of Highways Infrastructure guided the Executive through the report, and advised that a number of successful projects had been delivered by the County Council in recent years, however, it was very clear that greater certainty around cost would be required for this project, and the design and build methodology would provide that.

Costs to deliver the scheme were now estimated at between £179m to £212m, which was an up to 25% increase in cost from the estimate when the Outline Business Case was submitted. This increase was a direct result of activity within the market and the increases in inflation. It was highlighted that there were various points within the project where the Council could exit the contract if the costs became untenable.

The Vice-Chairman of the Highways and Transport Scrutiny Committee presented the comments of the Scrutiny Committee following its consideration of this item at its meeting on 7 March 2022. The Executive was advised that the Committee did unanimously support the recommendations, however it did express concerns about the high inflation rates and how this would impact on future costs. The Committee was pleased to see that the NHRR would be a dual carriageway road and would include a cycle lane. Assurance was also sought that there would be a robust communications strategy to ensure that residents were kept updated. In terms of the potential for delays due to archaeological finds, the Committee was satisfied that the early indications demonstrated that there would be finds, the scheme would not be impacted to the same extent as the Lincoln Eastern Bypass.

It was noted that a lot of preparatory work had been carried out, but clarity was sought around how decisions would be made to fill the funding gap. The Executive was advised that the Capital Programme had been approved and included £48m allocated to this project. The decision was currently to progress to the design stage, and as the project progressed, a more suitable capital programme would need to be determined. This was a desperately needed road and would remain a high priority.

In terms of whether officers were confident that the final cost of this scheme would come in near the budget, taking into account any further inflation rises, the Executive was advised that there was still a lot of uncertainty.

RESOLVED

1. That the update on the progress of the North Hykeham Relief Road (NHRR) project be noted.
2. That the award to Balfour Beatty, under the SCAPE Framework, of a two-stage design and build contract for the delivery of the North Hykeham Relief Road be approved.
3. That proceeding with all stage one (pre-construction) elements of the contract activities including surveys, outline design & planning application, planning

determination & discharge of conditions, support in respect of statutory orders, detailed design & full business case preparation, and advanced works, be approved.

4. That authority be delegated to the Executive Director of Place, in consultation with the Executive Councillor for Highways, Transport and IT, to negotiate detailed contract terms, award and enter into the two-stage contract for the delivery of the NHRR.
5. That authority be delegated to the Executive Director of Place, in consultation with the Executive Councillor for Highways, Transport and IT, to authorise the progression through the phases contained with the first stage of the two-stage contract up to but not including the giving of notice to proceed to construction phase.

79 SINGLE SECTION 75 AGREEMENT FOR CHILDREN AND YOUNG PEOPLE'S MENTAL HEALTH SERVICES AND COUNCIL FUNDING

The Executive Councillor for Children's Services, Community Safety and Procurement introduced a report which sought approval from the Executive to establish a new single Section 75 Agreement for Children and Young People's Mental Health Services and council funding.

The Chairman of the Children and Young People Scrutiny Committee presented the comments of the Scrutiny Committee following its consideration of this item at its meeting on 4 March 2022. The Executive was advised that the Committee unanimously supported the recommendations, and highlighted that children's mental health was an important issues, particularly now due to the impact of the pandemic. The Committee was satisfied that LPFT had delivered these services well previously, and there was a good degree of innovation taking place. The Committee had requested that a progress report be brought back to a future meeting in relation to the transition arrangements between children's and adults services.

During discussion by the Executive, the following points were noted:

- It was noted that it was very important for this work to continue, particularly in light of the effects of the pandemic.
- it made sense for the arrangements to be consolidated, but it was queried how success would be measured. The Executive was advised that in terms of early intervention, it could be demonstrated that those children who received these services were less likely to need specialised CAMHS services in future.
- The Executive was pleased to hear that Lincolnshire was one of the top performing counties in the country in this area. However, there was concern that schemes such as this were set up on an interim basis, and it was queried whether there was a better model. Officers advised that pooled budgets were a good long term solution, and it was the mental health support teams in schools which was the more interim element as this was a new nationally prescribed model of emotional wellbeing and mental health support in schools. This had been designed around a more urban

centric model, and so did not work as well in areas like Lincolnshire. Therefore, the Council had worked with the CCG's to develop the Healthy Minds Lincolnshire service (HML).

- It was confirmed that this service was available to all children in Lincolnshire schools (including academies).

RESOLVED

1. That the entering into of a new s75 Agreement with NHS Lincolnshire CCG/ICB from 1 September 2022 for up to five years be approved:
 - To pool all Council and CCG/ICB funding in relation to CYP mental health services; and
 - For the Council to act as lead commissioner for all Lincolnshire CYP mental health services (CAMHS, MHST's and HML).
2. That the entering into of a new single s75 Agreement with LPFT from 1 September 2022 for up to five years to deliver the functions delegated to the Council in relation to Lincolnshire CYP mental health services be approved.
3. That the continuation of investment recurrently in CYP mental health services to the amount of £1,724,589 per annum, be approved, as follows:
 - £1m from the Public Health Grant towards continuation of HML to deliver whole population CYP mental health promotion, prevention and training and early intervention; and
 - £724,589 into CAMHS for specialist CYP mental health support in relation to the Council's statutory duties, ensuring the emotional wellbeing and mental health of CYP, particularly those in care.
4. That working jointly with the CCG/ICB and LPFT to review early intervention support provided by HML and MHSTs and agree a hybrid approach that allows the tapering of £1m p/a Council funding from the DSG alongside the increasing investment and coverage of NHS funded MHSTs in Lincolnshire be approved.
5. That authority be delegated to the Executive Director – Children's Services, in consultation with the Executive Councillor for Children's Services, Community Safety and Procurement and working with the Lincolnshire CCG/ICB, to approve the final form of any agreements, the profile of funding diversion, the hybrid model of HML/MHSTs and to allow them to make future decisions about the future model and future use of funding over the five years of the new s75 agreement.

The meeting closed at 11.07 am



Open Report on behalf of Glen Garrod, Executive Director - Adult Care and Community Wellbeing

Report to:	Executive
Date:	4 May 2022
Subject:	Lincolnshire Community Equipment Services Re-procurement
Decision Reference:	I025181
Key decision?	Yes

Summary:

The Lincolnshire Community Equipment Service (LCES) is an equipment loan service which is required to help meet the Health and Social Care needs of people of all ages, including children, who have long term conditions and disabilities. It is a jointly commissioned service between the Council and Lincolnshire Clinical Commissioning Group (CCG) with a Section 75 agreement and Partnership Board underpinning the joint work. The community equipment is supplied, maintained, collected, recycled and stored by the Service Provider, currently Nottingham Rehab Supplies (trading as NRS Healthcare).

The current contract has been in place since 1 April 2016. The initial five years of the contract ended on 31 March 2021. The LCES Partnership Board subsequently agreed to a further two-year extension of the service up until a maximum of 31 March 2023. The LCES, including Telecare, has undergone a comprehensive review. As a result of this, there are several changes to the current arrangements proposed as part of the new service, due to commence 1 April 2023. One of the main changes being the inclusion of the Wheelchair Services under the umbrella of LCES, currently commissioned by the CCG.

This report seeks approval from the Executive to procure a new contract for LCES and Wheelchair Services.

Recommendation(s):

That the Executive:

1. Approves a procurement be undertaken to deliver a contract to be awarded to a single provider of a county-wide community equipment service including wheelchair provision, and the potential for Disabled Facilities Grant items such as stairlifts, to be incorporated into the catalogue of equipment, for an initial period of up to five years with the possibility of a further five-year extension.

2. Approves the de-coupling of telecare from the current community equipment services contract and the re-procurement from 1 April 2023 of a separate, interim two-year, like for like telecare contract, with the intention of procuring a wider Technically Enabled Care (TEC) solution, to be in place by 1 April 2025.
3. Delegates to the Executive Director of Adult Care & Community Wellbeing in consultation with the Executive Councillor for Adult Care and Public Health, the authority to determine the final form of the contract/s and to approve the award of the contract/s and the entering into of the contract/s and other legal documentation necessary to give effect to the above decisions.

Alternatives Considered:

1. Negotiate a revised contract with the current provider

Continuing with the current provider is not feasible as there is no legal basis on which to extend the contract.

2. To do nothing

The services address and support the statutory requirements in relation to preventing, reducing, or delaying needs under the Care Act 2014. This option would result in pressure on other services as individuals would no longer be able to remain safe and independent in their own homes.

Reasons for Recommendation:

1. The LCES offers a critical support function which is at the forefront of maintaining the independence of Lincolnshire's residents. The overall outcomes of this service align with home first principles and encourage people to remain independent in their own homes for as long as possible. The service supports hospital admission, facilitates hospital discharge and reduces the pressure upon residential and homecare services.
2. The alternatives considered have been deemed unacceptable in delivering the required outcomes of the service.
3. In terms of telecare, whilst these services are linked there are clear advantages associated with the de-coupling of services, these were reiterated through the provider engagement. The two-year interim solution is proposed to allow the Council time to develop a new wider TEC solution, which will include telecare, but also digital assistive technologies taking on board the outcomes and conclusions of the Adult Care and Wellbeing review.
4. The services address and support the statutory requirements in relation to preventing, reducing, or delaying needs under the Care Act 2014.

1. Background

1.1 As a jointly commissioned contract between the Council and Lincolnshire CCG, LCES is a key contributor to the Health and Social Care integration agenda. The main objectives of the LCES Contract are set out below:

- To promote independent living with the community;
- To help people live at home wherever possible;
- To help relieve pressure on acute hospitals by assisting with discharge arrangements and preventing avoidable admissions to hospital;
- To allow people's health care needs to be met in their own homes;
- To help prevent early readmission to hospital;
- To enable carers to provide better quality care;
- To reduce admission to temporary and / or permanent residential care;
- To enable Service User's and Carers to receive the best possible service in accordance with the lifestyle and wishes of each individual.

1.2 Over the previous years of the contract the service has been subject to a number of national challenges. These include but are not limited to the following:

- The national government legal and policy changes, i.e.: The Care Act and Brexit have had an impact in terms of ensuring compliance with all the relevant legislation and the potential impact on the supplier chain and increased equipment costs as a result of the UK leaving the EU.
- The sustainability agenda including carbon footprint and waste reduction.
- Increased Care Home demand.
- Changing demographics and an aging population.
- On-going growth of the service versus existing or reducing funding and resources.
- Cost pressure due to rise in raw material costs and inflation.
- Additional pressures of the Covid-19 pandemic.

1.3 The challenges set out above were considered as part of a comprehensive service review of LCES. One of the workstreams within the review focused upon the scope of the current service alongside the need for more collaborative/joint working and the move towards an Integrated Care System (ICS). The conclusions of the review resulted in a broadening of the scope including the Lincolnshire Wheelchair Services and equipment that facilitates Disabled Adaptations such as Stairlifts and Modular ramps. The review also concluded however that Telecare Services should be de-coupled from that of LCES and should be re-procured separately.

2 Current Service Summary

2.1 The primary functions of the LCES are to:

- Purchase equipment – standard and special equipment
- Store equipment – standard and special equipment

- Provide an IT system that delivers the requirements of the service
 - Provide the logistics in relation to placing orders, delivering, installation, repair, collection, maintenance, storing, cleaning and refurbishing of all equipment
 - Deliver a high-quality person-centred service
 - Deliver the service in line with operational procedures agreed by commissioners
 - Work closely with the LCC LCES Team in service delivery
 - as of 2018 to provide Telecare provision, a key preventative service contributing to a number of objectives in the Care Act 2014
- 2.2 There are currently three main elements to the LCES cost structure that were all appraised as part of the review. These currently are: The 100% equipment credit model, a number of activities that the Provider is paid a fixed cost for, and a fixed management fee and profit margin. The telecare element of the contract has a different cost structure whereby the Provider owns all the equipment and income is generated through the rental of the equipment.
- 2.3 There is a Section 75 Agreement in place that sets out the financial and governance arrangement for LCES. This includes the role and responsibilities of the Partnership Board and each working groups that reports back to the Partnership Board. The telecare element does not form part of the current Section 75 arrangement as it is solely commissioned by the Council.

3 Service Review

- 3.1 Over the past 18 months, the service has been reviewed. The review was structured in terms of a number of different workstreams as set out below:
- Work Stream 1 - The Development of the Section 75 and Information Sharing Agreement
 - Work Stream 2 - Future Scope and Demand Analysis
 - Work Stream 3 - Review of the LCES Commercial Models
 - Work Stream 4 - Budget and Cost Review including consideration of true pooled budget
 - Work Stream 5 - Service User, Provider and Stakeholder Consultation
 - Work Stream 6 - Specification Review
 - Work Stream 7 - Legal Requirements
 - Work Stream 8 - Telecare Review
- 3.2 Throughout the review period there were a number of key new proposals/initiatives and associated options that the LCES Programme Board were asked to consider as part of any new service. Section 4 below provides a summary as to the conclusions made by the Board.

4 Proposed Changes to Current Arrangements

4.1 The review concluded that the existing contract delivery model works well, this included feedback from both Service Users/Patients and Prescribers that the current equipment range is fit for purpose and meeting need. It also concluded that the current provider had met KPIs and delivered a high-quality service. It is therefore proposed to re-commission the service in largely the same format. There were however options considered as part of the review that will deliver further improvements to the service as below:

(a) Broadening the Scope of the Service

Integrating Wheelchair Services into the scope of LCES not only contributes towards the directive for better integrated care systems and joint commissioning, but will also provide an improved service user experience, an integrated pathway, one stop shop for equipment, improved productivity and efficiency, joint logistical benefits and storage options. Commissioners would also benefit from managing a single relationship/contract with a lead provider. These benefits are also applicable when considering the inclusion of equipment previously delivered under the Disable Facilities Grant arrangements such as stairlifts and modular ramps.

(b) Commercial Model

There are changes proposed in terms of the existing commercial model. The financial modelling indicated a move to a rebate model, based upon a certain collection and recycling target, as opposed to a 100% credit model, would be beneficial to the Partnership. As identified at 2.2 above there are three main elements to the current commercial model. The existing 100% credit model works as follows: The Provider buys equipment at cost and when it is issued in the community charges the Partnership 100% of this value. When the equipment is collected, recycled and returned to shelf, the Partnership is credited 100% of the original value. In addition, however currently the Partnership will pay a separate management fee and guaranteed profit margin. A move to a proposed rebate model if using as an example of 80/20 would work as follows: The Provider buys equipment at cost and when it is issued in the community charges the Partnership 100% of this value. When the equipment is collected, recycled and returned to shelf, the Partnership is credited 80% of the original value. This, together with an assumed recycling percentage is demonstrated in the table at 8.1 (1) Contract Stock Equipment. The Provider would retain 20% rebate and from this they must recover all fixed costs including management fee and profit. The service activity fixed cost element will remain and the Provider will be required to recover all operational costs from this as demonstrated in the table at 8.1 (2) Service Activity Costs.

The main reason for the change to a rebate model is the incentive to the Provider to collect equipment, currently out in the community and Care Homes, as they re-coup fixed costs through the percentage rebate retained. If the equipment is collected and recycled it negates the Partnership from having to buy new and reduces the cost to the service. There will no longer be separate management and profit income streams as these will be accounted for within the percentage rebate. The focus upon collection is further supported through proof-of-concept initiatives targeting of the equipment of highest value and most recyclability.

(c) True Pooled Budget

At present equipment items are costed to either Health or Social Care based upon a previously agreed schedule. Intensive time-consuming financial reconciliation identified over the life of the contract that the contributions from both parties had been on a 50/50 basis. It was acknowledged that equipment should be prescribed on the basis of need, regardless of whether the equipment required is Health or Social Care. Contributions to the pooled budget will remain the same however both parties have agreed the principles of a true pooled budget with underspend or overspend being managed on a 50/50 split. This will be reflected in a variation to the section 75 Agreement. The mechanism to measure cost avoidance to the health and social care system is currently being jointly developed and will form part of future contract management arrangements.

(d) Contract Duration

The LCES contract will require significant upfront investment from the provider, a longer-term contract of potential 10 years including extensions is therefore proposed. This would align with other LCC contracts and is more common for a contract of this nature and complexity. It also provides more certainty, less risk, and a longer period to recover initial investment, all suggesting a more cost-effective approach. A start date of 1 April 2023 for the core community equipment service and 1 April 2024 staggered start date for the wheelchair element of the service is proposed to ensure a more focused mobilisation and smoother transition of the respective service elements.

(e) Specification Improvements

A review of the LCES specification concluded changes to be made to align with revised scope, including premises requirements, also service levels, operational hours of service, peripheral stores, non-contract special initiatives, annual replacement of some equipment, review of KPIs, improvements to IT infrastructure.

(f) Telecare

The LCES Programme Board supported a proposal to de-couple Telecare from LCES. Whilst this is currently part of the LCES contract moving forward it is proposed these services will be procured separately. There were a number of reasons for this including:

- The Provider and Commissioner engagement undertaken supported this view and confirmed that other authorities do not tend to commission these services together.
- Commissioning within the same contract could be less attractive as a package and restrict an already limited market. There are different Provider markets for telecare and community equipment. If procured together this could force community equipment Providers into sub contractual arrangements and/or deter specialist telecare providers that do not deliver community equipment services.
- Telecare services has very different aspects to that of the LCES. A different specification, commercial/financial model, KPIs also potentially terms and conditions. All of which further support the de-coupling option as separate procurements and associated award criteria, as opposed to simply separate lots within the same procurement. However, as they are running along the same timeline, this would not negate Providers bidding for both separate services if they wished to benefit from any identified interdependencies.
- Procuring separately provides a greater focus upon each service. In some ways telecare services are more complex than LCES and could potentially include elements such as Telehealth and digital solutions associated with Technically Enabled Care (TEC). The proposed separate interim two-year telecare arrangement will provide the time required to further develop a countywide digital strategy and to take onboard the outcomes and conclusions of the Adult Care and Wellbeing review in order to develop a wider TEC solution to be in place by 1 April 2025.

5. Demand and Financial Modelling

- 5.1 There is anticipated growth of the service in a number of areas as set out below. Historical breakdown of spend over the duration of the contract is as follows in Table 1. The average annual total spend over the life of the contract has been £6,049,365. This equates to an average 4% year on year increase to total cost.

Table 1 – Spend Analysis

Spend Analysis	2016/17 £	2017/18 £	2018/19 £	2019/2020 £	2020/2021 £	2021/2022 £
Catalogue Products	8,549,570	7,820,763	9,016,167	8,457,511	9,791,346	10,696,845
Specials	695,810	607,718	719,168	669,140	686,854	707,652
Repair Charges	42,668	35,545	37,658	38,425	40,260	35,808
Maintenance	460,578	488,428	502,338	499,738	456,372	473,184
Delivery Carriage	725,034	720,666	756,919	812,482	829,930	875,238
Collection Carriage	158,062	125,398	132,013	136,141	140,965	148,824
Installations	124,055	120,503	225,305	217,323	202,412	227,118
Specials Handling Fee	27,130	22,565	23,225	20,075	20,525	23,221
Collection Credits (returned to shelf)	-6,724,643	-5,294,513	-6,125,621	-6,144,264	-7,327,988	-7,547,137
Other Services	633,620	615,442	568,366	702,143	728,824	685,893
Sub Total - Equipment	4,691,885	5,262,515	5,855,538	5,408,713	5,569,499	6,326,645
Admin Costs	556,154	550,230	570,933	514,274	720,389	619,724
Total Charge	5,248,039	5,812,744	6,426,471	5,922,987	6,289,888	6,946,369

5.2 The spend analysis indicated an increase in both numbers of orders, people accessing the service and more expensive products or complex equipment that is required. The NHS Five Year Forward Plan suggests that due to new treatments there is a growing and aging population meaning the pressures on the services are greater than they have ever been. Treatment outcomes are far better and public satisfaction higher than ten or twenty years ago. As individuals live longer they have more complex health issues. This has had an impact on particular types of equipment. Table 2 sets out the top five areas of equipment and shows the increases over the previous three years.

Table 2 – Types of Equipment

2020			
	Net £	Gross £	Collections £
Pressure Relief	802,389.85	3,377,372.93	2,574,983.08
Beds and Accessories	372,381.20	1,797,249.77	1,424,868.57
Moving and Handling	440,471.79	1,729,989.85	1,289,918.06
Children's Equipment	325,426.31	423,384.76	97,958.45
Bathing and Showering	192,901.22	325,404.81	132,503.59
2021			
	Net £	Gross £	Collections £
Pressure Relief	1,179,372.41	4,028,711.46	2,849,339.05
Beds and Accessories	666,090.05	2,417,632.45	1,751,542.40
Moving and Handling	628,574.78	2,217,428.48	1,588,853.70
Children's Equipment	240,134.00	563,172.19	323,038.19
Bathing and Showering	287,773.38	553,371.65	265,598.27

2022 FYTD			
	Net £	Gross £	Collections £
Pressure Relief	1,222,728.37	3,969,904.15	2,747,175.78
Beds and Accessories	554,506.44	2,168,218.52	1,613,712.08
Moving and Handling	551,997.90	2,083,701.45	1,531,703.55
Children's Equipment	141,199.70	577,600.04	436,400.34
Bathing and Showering	279,166.79	560,742.61	281,575.82

- 5.3 The Covid-19 pandemic has had an effect on community equipment demand levels. As one of the primary methods of supporting hospital discharge the LCES has seen significant change over the past months. With hospitals seeking to maximise their capacity through increased accelerated discharge, this has resulted in an increase of service activity, particularly with regard to the issuing of high value more complex equipment. In addition, the service was well suited to support the acquisition of Personal Protective Equipment (PPE) and played a key role in sourcing a wide range of equipment for the sector. NRS arranged the storage and distribution of this equipment in the majority of cases within an urgent or emergency delivery response time. Future service levels are being considered and on-going storage and supply chain requirements considered.
- 5.4 Throughout the pandemic and Brexit the service has shown to be flexible and adaptable in its ability to deal with challenges on short notices. The service was requested to operate seven days a week from 8 am to 8 pm. The seven-day working is being monitored to determine whether this is continued within the new contract arrangements, acknowledging that operational hours of the service must be affordable and align with the wider health and social care system.
- 5.5 In summary, the Home First principles are the continued direction of travel. Following the pandemic it is expected that the accelerated discharge pathway will also remain. It is therefore expected that there will be increased cost to the service in a number of potential areas including; increased numbers of individuals accessing the service, more complex equipment, quicker service level responses required to support discharge and potentially extended operational hours of working. There are also factors such as increased equipment, logistics, fuel and energy costs that would need to be considered as part of the on-going price review of the service.

6 Budget and Cost Implications

- 6.1 The total 2021-22 current budget for the LCES is as broken down as below. This has been the annual budget from the beginning of the contract and has not had any previous increases or been subject to any inflationary uplifts throughout the duration of the contract.

	2021-22 Budget	2021-22 Forecast Spend
LCC Budget	£2,668,000	£3,017,000
Health Budget	£3,132,000	£3,845,000
Total Pooled Fund	£5,800,000	£6,862,000

- 6.2 The total spend projections for 2021-22 are as set out at Table 1 as £6,862,000, indicating a £1,062,000 funding gap. This increase in demand has been predominantly driven by the discharge-to-assess model which aims to enable people to return home from hospital in a timely manner with the equipment they need. The cost increase has been supported through non recurrent funding.
- 6.3 Looking ahead, this is a service expected to grow. This service is a key enabler to delivering Adult Care and Community Wellbeing ambition to enable people to maintain their independence. Taking into account increased demand as summarised in Section 5 above it is proposed that the budget required for the contract will be £6,900,000 per annum from 2023-24. The uplift to the Improved Better Care Fund received will support LCC increased cost as the discharge to assess model embeds across Lincolnshire. A parallel discussion within Lincolnshire CCG regarding funding for the health related costs is in progress. Whilst we are forecasting an increase of 4% including both unit cost and demand increase, the financial modelling which underpins the proposed rebate model indicates the forecast growth will be funded by improving the collection rate. Delivering an improved collection rate will be supported by wider initiatives across adult care including the introduction of an active recall team and the integration of occupational therapy services.
- 6.4 Agreement to extend the scope of contract would see an additional £2,777,297 per annum transfer from the CCG for the delivery of the wheelchair service in 2024-25. An element of the Disabled Facilities Grant allocation would also transfer into this budget to support the delivery of the stairlift provision. From 2024-25 there are expected efficiencies that can be realised through the integration of these services which will contribute towards the financial stability of the contract. As continued growth is anticipated it is acknowledged that there will need to be sustainable long term funding solutions in place which will be developed in partnership with Health colleagues and form part of the Adult Care mid-term finance review.
- 6.5 Whilst any cost efficiencies and tangible savings will be monitored and appropriate pain and gain share mechanisms established in the new contract, there will also be measures in place that capture cost avoidance within areas of the health and social care system, as a whole, to help to evidence the benefits of the service and partnership arrangements and retain levels of government funding.
- 6.6 The tender process will test the deliverability of service expectations within the constraints of the available budget, and competitive tension will ensure value for money is maximised.

7 Risks and Dependencies

- 7.1 The proposed budget needs to support demographic trends indicating a continued growth and increasing complexity of need, service improvements and inflationary uplifts. Demand and financial modelling work suggests the budget may not be sufficient and there could be a funding gap. The introduction of the rebate model is however intended to bridge this gap.
- 7.2 The Community Equipment Provider market is extremely limited with only three/four key players. A reduced number of bids is a consideration and potential risk. The Provider market has been consulted as part of the review phase and also at the pre-procurement stage following the review. These Providers are comfortable with the approach in terms of how the Council intends to integrate other services and the improvements proposed, and are already delivering these elsewhere. All have expressed an interest in bidding at this stage.
- 7.3 The inclusion of the Wheelchair Services poses some level of risk. The service is currently performing well and there is some concern regarding the loss of specialism and dilution of the service when incorporated under LCES. LCC are however working closely with the CCG regarding this integration particularly in terms of the development of the specification of services and commercial model for wheelchairs. The engagement regarding this service has included Service Users/Patients, Prescribers as well as wheelchair Providers and feedback taken on board. The staggered start date will aid in the development and mobilisation of wheelchairs and the option of accepting bids from consortia or subcontracting arrangements help to ensure specialist elements of the service are maintained.

8 Commercial Model

- 8.1 Taking account of the findings from the review work undertaken, including the market and stakeholder engagement feedback, demand and financial modelling, and required service improvements, it is proposed the commercial model for the new service will be structured as summarised below:

(1) Contract Stock Equipment

The equipment catalogue will be priced as per the example below. This is based upon 80/20 rebate model although this will be competed at competition within set parameters. It also assumes an 85% recycling rate which is yet to be determined but will form a KPI within the contract.

The Provider will recover all fixed costs through the equipment rebate percentage that they retain i.e: in the example 20% of the equipment costs. There will no longer be additional profit and management fee income streams.

	A	B	C	D	E	F	G
Product	Accepted Tender Price	Average no of Issues	Total Contract Price for Items	Credit Price per Item (Using 80% credit model)	No Items recycled Using Indicative 85% Recycling Rate	Indicative Credit Back 80%	Contract Equipment Total
			Col A multiplied by Col B	80% of Value Col A	Col B multiplied by 85%	Col D multiplied by Col E	Col C minus Col F
Perching Stool	£20	1,000	£20,000	£16.00	850	£13,600	£6,400
Domestic Trolley	£24	1,000	£24,000	£19.20	850	£16,320	£7,680
Walking Frame - Medium	£14	700	£9,800	£11.20	595	£6,664	£3,136
Shower Stool	£15	500	£7,500	£12.00	425	£5,100	£2,400
Slide Sheet – Small	£3	500	£1,500	£2.40	425	£1,020	£480
4 Section Profiling Bed	£535	1,500	£802,500	£428.00	1,275	£545,700	£256,800
			£865,300			£588,404	£276,896

(2) Service Activity Costs

The Provider must account for all other costs of the service within the service activity level charges which will be costed as set out in the example below.

	A	B	C
Activity Speed	Average number of Orders	Indicative Bidder Price Per Activity	Total Activity Price
			Col A Multiplied by Col B
Five Day Delivery	40,000	£10	£400,000
Three Day Delivery	15,000	£15	£225,000
Next Day Delivery	9,000	£30	£270,000
Same Day Delivery	4,000	£40	£160,000
Five Day Collection	30,000	£10	£300,000
Three Day Collection	5,000	£15	£75,000
Total Activity Costs for the Service			£1,430,000

(3) Wheelchair Services

The Wheelchair Service will be costed on an annual open book block basis considering volumes based upon historical trends and future demand projections. There will also be specific on-going management and key performance information to monitor whether this is the most appropriate commercial model for wheelchair service or whether aligning with the community equipment and a move to a rebate model could be more cost effective.

(4) Overall Service Costs

The overall costs of the service will therefore equate to: (1) Community Stock Equipment costs factoring in percentage recycling rate and credit offer + (2) Service Activity costs + (3) Block Payment for Wheelchair Services when this service commences.

- 8.2 Delivery will be by a single provider of a countywide service, working in partnership with the LCC LCES Team. This is consistent with the current model for delivery, and its viability is supported by the market engagement exercise. The competition phase will not preclude bids from consortia and sub-contracting models, which should help to maximise the level of competition.

9 Payment and Performance

- 9.1 In terms of the community equipment the Provider will submit monthly invoices based upon actual delivery in accordance with rebate model and activity levels for community equipment.
- 9.2 Payment for the Wheelchair Service element will be by way of a monthly fixed sum (block payment) for the delivery of the Services as priced at competition. Unit prices will also be generated within the financial submission which can be used as the basis for an additional payment should the volumes of service exceed those projected, subject to approval by the Partnership, within the available budget.
- 9.3 Utilising the Service Provider's financial submission at tender stage, the contract will include an Open Book Accounting approach as a basis for assessing whether the Service Provider is generating any excess profit. As part of the open book approach to understand the Service Provider's actual costs of service delivery, where the actual costs of service delivery are below the tendered service delivery cost, a mechanism will be included to enable the Council to share in that efficiency saving by way of a gain share mechanism.
- 9.4 Performance management will continue to be embedded into the contract. This will be linked to manageable, measurable and achievable targets aligned to the agreed key performance indicators (KPI), and a formalised system of managing and monitoring performance against the contract. A review of contract KPI measures is being undertaken prior to commencement of the procurement process to help to ensure that the required service levels are optimised. KPI measures will focus on the achievement of outcomes for Service Users and the wider service, and if delivery falls below the agreed Service Levels it will be possible to make proportionate deductions to the contract Fee through the application of Service Credits to relevant Key Performance indicators.

10 Contract Commencement and Duration

- 10.1 The LCES contract concludes on 31 March 2023, with the new contract needing to commence on 1 April 2023. The wheelchair service will have a staggered start date of 1 April 2024 in order allow the smooth transition of both services.
- 10.2 The proposed duration of the community equipment element of the service will be for an initial period of five years, initial period of four years in respect of wheelchair services, with both elements having the option to extend by a further five years in total. The attractiveness of this approach was tested as a part of the market engagement process, and the views of the market provided validation as to the attractiveness of this proposed term for the contract.

11 Procurement Implications

- 11.1 The Procurement is being undertaken in accordance with the Public Contract Regulations 2015 utilising an Open Procedure method. An Contract Notice will be published in May 2022 and a Contract Award Notice will be issued on any award to a successful bidder.
- 11.2 In undertaking the procurement the Council will ensure the process utilised complies fully with the EU Treaty Principles of Openness, Fairness, Transparency and Non-discrimination.
- 11.3 The procurement process shall conform with all information as published and set out in the Contract Notice.
- 11.4 All time limits imposed on bidders in the process for responding to the Contract Notice and Invitation to Tender will be reasonable and proportionate.
- 11.5 Subject to the maximum available budget and a commitment to deliver the service volume expectations, which have been profiled as described at section 5, the final cost of the service will be determined via competition.
- 11.6 ITT evaluation will focus on a combination of service cost and quality, and the capability of the single provider and any organisations they may wish to form sub contracting arrangements with, to deliver the required volume of service and quality outcomes across the county.

12. Public Services Social Value Act

- 12.1 In January 2013 the Public Services (Social Value) Act 2013 came into force. Under the Act the Council must, before starting the process of procuring a contract for services, consider two things. Firstly, how what is proposed to be procured might improve the economic social and environmental wellbeing of its area. Secondly, how in conducting the process of procurement it might act with a view to securing that improvement. The Council must only consider matters that are relevant to the

services being procured and must consider the extent to which it is proportionate in all the circumstances to take those matters into account. In considering this issue the Council must be aware that it remains bound by EU procurement legislation which itself through its requirement for transparency, fairness and non-discrimination places limits on what can be done to achieve these outcomes through a procurement.

12.2 A stronger and well-resourced LCES will have the potential to deliver increased social and economic benefits to the area by:

- Helping people to live at home for longer; and
- helping relieve pressure on acute hospitals, care homes, community care and the wider health system by assisting, supporting and sustaining informal care arrangements and supports in terms avoiding admissions to hospital.

12.3 Ways will be explored of securing social value through the way the procurement is structured. The operation of sub-contracting and consortium arrangements will be explored as a means of ensuring a role for local small to medium-sized enterprises in the delivery of the services. Evaluation methodologies will incentivise the delivery of a skilled and trained workforce.

12.4 Under section 1(7) of the Public Services (Social Value) Act 2013 the Council must consider whether to undertake any consultation as to the matters referred to above. The service and the value it delivers is well understood. Best practice recently adopted elsewhere has been reviewed. This and the market consultation carried out is considered to be sufficient to inform the procurement. It is unlikely that any wider consultation would be proportionate to the scope of the procurement.

13. 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, 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.

13.1 The key purpose of the service is to maximise the potential for the individual to remain safe and independent in their own home. This provides greater choice to all eligible adults and children. In that sense the delivery of the service helps to advance equality of opportunity. The providers' ability to provide services which advance equality of opportunity will be considered in the procurement and providers will be obliged to comply with the Equality Act.

13.2 An Equality Impact Assessment (EIA) has been undertaken and is available at Appendix A. This is not the final version as the EIA is a live document that is updated throughout the re-commissioning process. The EIA identifies that the new service model inclusive of the proposed changes does not have any perceived adverse impacts on people with protected characteristics.

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.

13.3 LCES contributes towards each of the five themes as set out in the Joint Health and Wellbeing Strategy. Re-commissioning the LCES and the partnership governance supports the following:

- A strong focus on prevention and early intervention;
- A collective action on health and wellbeing across organisations;
- A tackling of inequalities and equity of service provision to meet population needs;
- Delivery of transformational change in order to improve health and wellbeing.

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.

13.4 This service is unlikely to contribute to the furtherance of the section 17 matters.

14. Conclusion

14.1 Re-procuring the service supports the Council in fulfilling its statutory duties under the Care Act 2014.

14.2 From a social care perspective, LCES is cost effective in preventing, reducing or delaying the need to higher cost care and support services.

14.3 It is expected that the proposed improvements and integration of the Wheelchair Services under the umbrella of LCES, through the specification and associated processes, will enable the Council to maximise the service impact and benefit to end users, as well as improving the ability to evidence value for money.

14.4 The service is expanding both in terms of numbers of Service Users/Patients and complexity of provision. Revised Key Performance Indicator (KPI) measures will also help to ensure that the required service levels, outcomes, and impact are optimised.

15. Legal Comments:

The Council has the power to enter into the contracts proposed.

The proposals are compliant with the Council's procurement law obligations.

The decision is consistent with the Policy Framework and within the remit of the Executive if it is within the budget.

16. Resource Comments:

The 2022-23 budget includes the £0.4m growth increase forecast from continued demand and unit cost increase. Detailed financial modelling underpinning the new commercial model will conclude as the procurement documentation is prepared. Initial indications suggest that there is the potential to increase the collection rate and that this would minimise the financial pressure arising from further growth in demand. Additional financial measures will be added into the contract to ensure the new commercial model is delivering as expected and that the system wide improvements which enable the provider to collect the equipment are aligned.

Adult Care and Community Wellbeing budgets incorporate the forecast telecare costs for adult care service users whose care and support plan identifies a telecare need.

17. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Adults and Community Wellbeing Scrutiny Committee supports the three recommendations to the Executive. This service is a prevention activity, which can help people continue to lead independent lives, as well as reducing demand on more expensive services. The Committee in particular welcomed the following elements of the proposals:

- the separation of the telecare element [paragraphs 1.3 and 4.1 (f)];
- the inclusion of the wheelchair service [paragraph 8.1 (3)];
- the continuation of the single provider model [paragraphs 4.1 (a) and 8.2]
- the inclusion of sub-contract models in the procurement arrangements to ensure specialist services are maintained [paragraph 7.3];
- the proposed rebate model to improve the rates of recycling of the equipment by the provider, whereby the provider would retain a percentage of the value of recycled equipment [paragraph 4.1 (b)]; and
- a contract duration of potentially ten years for the community equipment contract [paragraphs 4.1 (d) and 10.1 - 10.2];

As an additional point on the proposed rebate model for recycling equipment, the Committee is strongly supportive of all recycling arrangements, which currently includes a scheme at the Council's household waste and recycling centres, where equipment can be deposited and passed to the provider.

The Committee also notes that seven-day working, introduced in response to the pandemic, is being monitored and could be explored as part of the new contract arrangement [paragraph 5.4]. Seven day working would enhance service delivery and the speed of response to people’s needs.

The Committee would also like to highlight to the Executive the budget pressures, arising from demographic trends, as one of the risks [paragraph 7.1 and section 16]. There is already a cost pressure of £1.1 million [paragraphs 6.1 - 6.2], and if demand were to increase by 4% per annum [paragraph 6.3], there would be increased pressure on the budget, although the proposed rebate model would mitigate some of these pressures.

The Committee acknowledged that due to the forecasted growth of the service and the associated potential cost pressures, a sustainable long term funding strategy would need to be developed in partnership with the NHS. As part of the true pooled budget [paragraph 4.1(c)], equipment will no longer be attributed to either the NHS or the County Council and prescribed on the basis of need. Thus prescriber behaviour will therefore form a key element of this joint work.

d) Risks and Impact Analysis

See body of report and Appendix A, Equality Impact Analysis.

18. Appendices

These are listed below and attached at the back of the report:	
Appendix A	Equality Impact Analysis

19. 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 Marie Kaempfe-Rice, who can be contacted on Marie.Kaempfe-Rice@lincolnshire.gov.uk.

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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

Title of the policy / project / service being considered	Lincolnshire Community Equipment Services	Person / people completing analysis	Marie Kaempfe-Rice
Service Area	Public Health	Lead Officer	Marie Kaempfe-Rice
Who is the decision maker?	Derek Ward	How was the Equality Impact Analysis undertaken?	Desktop
Date of meeting when decision will be made	04/05/2022	Version control	V1
Is this proposed change to an existing policy/service/project or is it new?	Existing policy/service/project	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Re-commissioned
Describe the proposed change	<p>The Lincolnshire Community Equipment Services (LCES) is a loan service which is required to help meet the Health and Social Care needs of people of all ages, including children, who have long term conditions and disabilities. It is a jointly commissioned service between the Council and Lincolnshire Clinical Commissioning Group (CCG) with a section 75 agreement and Partnership Board underpinning the joint work. The community equipment is supplied, maintained, collected, recycled and stored by the Service Provider, Nottingham Rehab Limited (trading as NRS Healthcare).</p> <p>In terms of the Councils' statutory obligations, the Care Act 2014 places a general duty on the Local Authority to provide, arrange or otherwise identify services, facilities and resources to prevent, delay or reduce the needs of adults for care and support in the local area and equipment can come under this. When provided as part of preventative services under the Act, all equipment must be free of charge to the end user/resident.</p> <p>The current contract has been in place since 1st April 2016. The initial five years of the contract ended on 31st March 2021. The</p>		

Council and Partnership Board subsequently agreed to a further two year extension of the service up until a maximum of 31st March 2023.

The Lincolnshire Community Equipment Services, including Telecare, has undergone a comprehensive review. As a result of this, there are a number of changes to the current arrangements, proposed as part of the new service, due to commence 1st April 2023. The key areas of change are highlighted below:

- 1) Scope - A widening scope of LCES, to include stairlifts and potentially other equipment types ie: modular ramps, these are currently managed through the Disabled Facilities Grants (DFG) via the District Authorities. There is also the inclusion of the Wheelchair Service proposed this is currently commissioned by the CCG.
- 2) Active Recall Team (ART) - Commissioner and Provider engagement undertaken throughout the review highlighted the potential benefits of an Active Recall Team. This team focuses on end of loan reviews and the collection of equipment. If the equipment is collected and recycled it negates the need for the Provider to buy new and reduces the cost of the service.
- 3) Premises – There are currently capacity challenges at the existing premises, the Grantham building on its own, will not be fit for purpose for the new contract, particularly when the widening of service scope is taken into account.
- 4) Commercial Model - There are changes proposed in terms of the existing commercial model.
- 5) True Pooled Budget – At present equipment items are costed to either Health or Social Care. It was acknowledged that equipment should be prescribed on the basis of need, regardless of whether the equipment required is Health or Social Care. Both parties have therefore agreed the principles of a true pooled budget with underspend or overspend being managed on a 50/50 split. The details of how this will be administered are set out within the Schedule 3 the Financial Arrangements of the revised Section 75 Agreement.
- 6) Contract Duration - The LCES Board were comfortable with a longer term contract of 10 years including extensions. This would align with other LCC contracts such as Wellbeing and Health partners also indicated was more common for a contract of this nature and complexity.
- 7) Specification - A high level review of the LCES specification concluded the following:
 - That throughout the pandemic the use of the peripheral stores was heightened. Proposals considered included more peripheral store locations and the option of Service User drop off points.
 - Following a review of the current specification it was determined that the arrangements in terms of the transfer of

ownership liabilities for equipment out in the community and in the warehouse need to be more clearly laid out.

- The LCES Team have already introduced initiatives to reduce the Non-Contract Special (NCS) spend. Throughout the Provider engagement sessions of the review other proposals were discussed that could make better use of the NCS equipment.

- There was significant discussion regarding Service Levels. All of the Project Team members were comfortable with the concept of rationalising these.

- The annual replacement of equipment was reflected upon. This could apply to bath lifts and hoists, equipment that has a long life span.

- It was acknowledged that there could be significant developments in terms of the LCES IT infrastructure. Aspects such as a Service User portal, Service User empowerment focus will be considered within any new specification.

- A high level review of the KPIs was carried out.

8) Telecare – The LCES Programme Board supported a proposal to de-couple Telecare from LCES. Whilst this is currently part of the LCES contract moving forward it is proposed these services will be procured separately .

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 1st 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'.

Age	<p>The eligibility for the service includes all ages of adults and children. The assessment process to determine eligibility and community equipment needs and subsequent requisition process shall be carried out by Health and Social Care professionals including but not exclusive of Occupational Therapists, Social Workers, Community Nurses and therapists working in the community.</p> <p>The service allows, particularly older people the opportunity of remaining independent and living in their own homes for longer. Therefore providing choice to the individual, as would not necessarily have to access short- or long-term residential care and more opportunity for reablement as through retaining independence could potentially mean less reliance upon homecare support services. This increase independence could also aid in maintaining the individuals emotional and mental wellbeing.</p>
Disability	<p>The LCES being commissioned is in direct relation to the statutory requirements as set out in various legislation including:</p> <ul style="list-style-type: none">- Adult Social Care – The Care Act 2014 – Regulations 2 and 4 of the Care and Support (Preventing Needs for Care and Support) Regulations 2014 and Regulation 3 of The Care and Support (Charging and Assessment of Resources) which specifies:- Any community care equipment and minor adaptations for the purpose of assisting with nursing or aiding daily living should be provided free of charges, and, for the purposes of these Regulations, an adaptation is minor if the cost of making the adaptation is £1,000 or less- It is also of note that the duty of the local authority to meet a need is subject to the general principle that it is required to offer only the most cost-effective option consistent with human rights and having regard to the person's well-being. This was established in case law by the McDonald v Kensington and Chelsea Judgement (European Court decision 2014 and UK Supreme court Judgement 2011)- Childrens Social Care - Childrens Act 1989 – contains a duty to safeguard and promote the welfare of children in need. However, this applies across an area rather than to specified individuals- Chronically Sick and Disabled Act 1970 - contains a duty towards an individual child if the Local Authority has accepted that it is necessary to meet the child's needs. It also contains a list of specification services in relation to this support including practical assistance in a child's home, assistance for a child in obtaining wireless, TV, library or similar recreational facilities, provision of lectures, games, recreation outside the home, provision for the child for receiving assistance with travelling to or from the home for the purposes of participating in services, provision of adaptations or help of the child secure greater safety or comfort, provision of meals- NHS – NHS Act 2006 (Section 3) – health care equipment for both adults and children and states that Clinical Commissioning Groups must arrange for the provision of items 'to such extent as it considers necessary to meet the reasonable requirements' of the local population it is responsible for. Included in the list of what must be provided are

“such other services or facilities for the prevention of illness, the care of persons suffering from illness and the after-care of persons who have suffered from illness as the group considers”

- NHS Continuing Healthcare (CHC) – if an individual has CHC then it is the NHS that has the responsibility for providing community equipment to people in their own homes. Section 22 of the Care Act 2014 forbids a local authority, under the Care Act, to meet needs by providing a facility or service that the NHS is required to provide. Note: this is different for children where the onus is on Local Authorities unless it involves meeting essential medical needs

In addition to the above, the following legislation is relevant to the delivery of Community Equipment Services and at all times the Provider shall have due regard to any obligations they have under legislation:

- The National Health Service and Community Care Act 1991
- Data Protection Act 1998
- Human Rights Act 1998
- Mental Capacity Act 2005
- The Deprivation of Liberty Amendments to the Mental Capacity Act 2005
- Welfare Reform Act 2012
- The Health and Social Care Act 2012 (ensuring compliance with the Accessible Information Standard 2015)
- The Health and Social Care Act 2008 (including the hygiene code)
- Health and Safety at Work Act 1974
- Control of Substances Hazardous to Health (COSHH) Regulations 2002
- Corporate Manslaughter Act 2007
- The Health and Safety (Offences) Act 2008
- Disability Discrimination Act 1995 (DDA)
- Health and Safety at Work Act, etc. 1974
- Electricity at Work Regulations 1989
- Management of Health and Safety at Work Regulations 1999
- Manual Handling Operations Regulations 1992
- Lifting Operations and Lifting Operations Regulations 1998
- Provision and Use of Work Equipment Regulations 1998
- Care Standards Act 2000 (and Health and Social Care Act 2008)
- NHS and Community Care Act 1990
- Equality Act 2010 (ensuring compliance with ISB1605, Accessible Information)

The service can aid in providing the equipment necessary for people with a disability to remain independent within their own home.

Gender reassignment

There is no specific positive impact relating to gender re assignment.

Marriage and civil partnership	There is no specific positive impact relating to marriage or civil partnership
Pregnancy and maternity	There is no specific positive impact relating to pregnancy and maternity
Race	There is no specific positive impact relating to race.
Religion or belief	There is no specific positive impact relating to religion or belief.
Sex	There is no specific positive impact relating to sex
Sexual orientation	There is no specific positive impact relating to sexual orientation.

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.

Not applicable

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'.

Age	No perceived adverse impact as recommendation is that integrated model supports both Adults and children.
Disability	No perceived adverse impact as recommendation is that integrated model of delivery supports all eligible clients
Gender reassignment	The service is available regardless of this protected characteristic
Marriage and civil partnership	The service is available regardless of this protected characteristic
Pregnancy and maternity	The service is available regardless of this protected characteristic

Race	The service is available regardless of this protected characteristic
Religion or belief	The service is available regardless of this protected characteristic
Sex	The service is available regardless of this protected characteristic
Sexual orientation	The service is available regardless of this protected characteristic

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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.

Not applicable

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 consultation@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.

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Objective(s) of the EIA consultation/engagement activity

Engagement/ Consultation Position

The proposal is to recommission the LCES through a tender process, therefore while the identity of the Service Provider may change, the nature of the service and its availability will not change significantly. In these circumstances, whilst some level of engagement with people in receipt of the services is appropriate a formal consultation is not required as a matter of law.

Engagement Approach

A review of the service commenced. The review was structured in terms of seven different work streams as set out below. Each of these work streams will have a Project Team consisting of representatives from partner organisations that will consider all aspects of these themes and in turn influence the future of the services.

- Part 1 Service Review - Work Stream 1 - The Development of the Section 75 and Information Sharing Agreement
- Part 1 Service Review - Work Stream 2 - Future Scope and Demand Analysis
- Part 1 Service Review - Work Stream 3 - Review of the LCES Commercial Models
- Part 1 Service Review - Work Stream 4 - Budget and Cost Review including consideration of true pooled budget

- Part 1 Service Review - Work Stream 5 - Service User, Provider and Stakeholder Consultation
- Part 1 Service Review - Work Stream 6 - Specification Review
- Part 1 Service Review - Work Stream 7 - Legal Requirements
- Part 1 Service Review - Work Stream 8 – Telecare Provision
- Part 2 – Options Appraisal arising from Part 1

There are five different stakeholders that were consulted as part of this review as follows:

- 1) Members of the LCES Partnership ie: LCC, CCG, LCHS, LPFT, ULHT, St Barnabas
- 2) Other stakeholder organisations
- 3) Service Users of Community Equipment and Telecare Services
- 4) Providers of Community Equipment and Telecare Services
- 5) Other Commissioners of Community Equipment and Telecare Services

- 1) Members of the LCES Partnership ie: LCC, CCG, LCHS, LPFT, ULHT, St Barnabas

Representatives from each of the partner organisations formed the project teams for each work stream. The partners were therefore continually engaged and consulted with on an on-going basis throughout the review. Further engagement continues throughout the governance process and development of the invitation to tender documentation including the specification of services, pricing schedules and mechanisms and terms and conditions. This area of engagement will also take into account prescriber feedback, via both survey and face to face.

- 2) Other stakeholder organisations ie: Primary Care contacts, Healthwatch

Other stakeholder organisations/networks were approached regarding their thoughts of the service, whether it meets need and any other potential areas of improvement.

- 3) Service Users of LCES ie: All Service Users both Social Care and Health

Service Users were approached regarding their thoughts of the service, whether it meets need and any other potential areas of improvement. Also aspects of the new services identified as part of the review.

This engagement took the form of surveys, face to face, focus groups, specific cohorts of Patients or Service Users. Areas of questioning agreed upon by the partnership as part of the WS5 Stakeholder Engagement Project Team work.

The Service User and Carer feedback confirmed the following:

118 Carers. As a result of the equipment:

- 63% felt safer in their home, 36% not applicable, only 2 people stated didn't
- 65% felt more independent, 31% not applicable, only 3 people stated didn't
- 20% felt more able to go out and about, 79% not applicable, only 2 people stated didn't
- 82% felt equipment made day to day living easier, 14% not applicable, only 4 people stated didn't
- 63% felt equipment had reduced care needs, 31% not applicable, only 8 people stated didn't
- Overall 92% were either very happy (78%) or happy (14%) that the equipment met their need, 5% were neither happy or unhappy and only 4 people were unhappy in this respect

71 Service Users. As a result of the equipment:

- 77% felt safer in their home, 23% not applicable
- 84% felt more independent, 16% not applicable
- 29% felt more able to go out and about, 68% not applicable, only 2 people stated didn't
- 90% felt equipment made day to day living easier, 9% not applicable, only 1 person stated didn't
- 71% felt equipment had reduced care needs, 26% not applicable, only 2 people stated didn't
- Overall 90% were either very happy (69%) or happy (21%) that the equipment met their need, 7% were neither happy or unhappy and only 2 people were unhappy in this respect

Overall conclusion that the equipment is meeting need and delivering individual outcomes.

Delivery Aspects

- 97% either very satisfied (65%) or satisfied (32%) with the ease of arranging delivery. Only one person from 121 not.
- 95% either very satisfied (71%) or satisfied (24%) with the time taken for the equipment to arrive. Only one person from 151 not.
- 100% either very satisfied (75%) or satisfied (25%) with the successful delivery when expected. No people out of 152 were not.
- 99% either very satisfied (74%) or satisfied (25%) that the equipment was in good working order. Only 2 people out of 154 were not.
- 99% either very satisfied (74%) or satisfied (25%) that the equipment was clean. Only one person out of 153 said they were neither, satisfied or unsatisfied.
- 97% either very satisfied (72%) or satisfied (25%) with the quality of installation. Only 3 people out of 104 said they were neither, satisfied or unsatisfied.
- 99% either very satisfied (74%) or satisfied (25%) that communication was timely. Only one person out of 96 said they were neither satisfied or unsatisfied.

Overall conclusion – High levels of satisfaction indicating that the service delivery levels are acceptable and also the elements in the current specification regarding installation, recycling, and decontamination of equipment are being delivered.

Overall Feedback:

- 99% either very satisfied (75%) or satisfied (24%) with the overall service. Only 2 neither satisfied or dissatisfied and 1 dissatisfied out of 189 people.

Overall conclusion – Whilst this is a reflection of the current Provider performance it is also an indication that the current specification is meeting need and fit for purpose.

Engagement regarding aspects of the new service and co-production of the specification will be on-going until May 2022.

4) Providers of LCES

Some soft market testing was undertaken with the main providers of the services including: NRS, Mediequip, Red Cross and Millbrook. Initial one to one sessions gained feedback in regarding to contract duration and scope, commercial arrangement and financial models, contract management arrangements key performance indicators, crisis and risk management / business continuity including future pandemics and Brexit and anything we need to consider as Commissioning Authority. These discussion helped shaped some of the options considered as part of the review. Further engagement was undertaken throughout the re-procurement phase.

5) Other Commissioners of Community Equipment and Telecare Services

Other Local Authority Commissioners of services were contacted. These included: Nottingham City and County Council, Derby City Council, Sheffield City Council and Northamptonshire County Council. Similar areas were discussed as with providers and more information gained in terms other specification of services, added value initiatives and alternate pricing mechanisms. These have also prompted some options for re-commissioning that have been proposed. These will also continue if required and will be expanded to include Norfolk and North Yorkshire from a Telecare perspective as these two authorities have similar geographic characteristics and demographics to that of Lincolnshire.

Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic

Age	See above approach. All ages included
Disability	See above approach.
Gender reassignment	See above approach.
Marriage and civil partnership	See above approach.
Pregnancy and maternity	See above approach.
Race	See above approach.
Religion or belief	See above approach.

Sex	See above approach.
Sexual orientation	See above approach.
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? The purpose is to make sure you have got the perspective of all the protected characteristics.	Yes this included the Project Team Stakeholder Workstream Group and also the CCG Patient Engagement Group
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?	This can be evidenced through a robust contract management framework captured on a quarterly basis including but not limited to: <ul style="list-style-type: none"> - The reporting of key performance indicators. - Close monitoring of the delivery of the specification and continuous improvement plan. - Extensive wider community and partnership engagement. - The demonstration of value for money. - Case studies demonstrating overall framework outcomes. - The recovery following the pandemic

Further Details

Are you handling personal data?

Yes

If yes, please give details.

The Service Provider will hold personal data regarding individual cases they are dealing with. The relationship is one of Joint Controllers

The Information Assurance Team have been consulted and are in the process of drafting an Information Sharing Agreement

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Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.			
Signed off by		Date	Click here to enter a date.

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

Report to:	Executive
Date:	04 May 2022
Subject:	Options for the Future Delivery of IMT Services
Decision Reference:	I025179
Key decision?	Yes

Summary:

The Corporate Support Services contract with Serco which includes the provision of IMT services is due to expire at the end of March 2024 and cannot be extended further.

The Corporate Support Services Review (CSSR) programme was commissioned in June 2020 to explore options for the delivery of support services following this date.

The purpose of this report is to enable the Council to make an informed decision about the best way forward for the future delivery of IMT services and to seek from the Executive approval for the mix of insourced and outsourced services as part of the future model of delivery and authority to commence a procurement for the proposed outsourced services.

Recommendation(s):

That the Executive:

1. Approves the future IMT services design and sourcing approach as follows:
 - a. The implementation of a multi-supplier IMT service delivery model involving external suppliers who are specialists in specific areas of IMT service delivery, supplemented by some in-house delivery.
 - b. The outsourcing of the following IMT services to external suppliers:
 - i. Support Desk and Operations (including end user device management and device security services)
 - ii. Managed Cloud Services and Enhanced Security Services
 - c. The insourcing of the following IMT services:
 - i. Service Integration and Management (SIaM)

	<ul style="list-style-type: none"> ii. Application Support iii. VIP Support iv. Technical Operations (datacentres) v. Vendor and Licence Management
2.	Approves the carrying out of the necessary procurement processes to secure the services of external suppliers referred to in recommendation 1b.
3.	Delegates to the Executive Director responsible for Commercial, in consultation with the Executive Councillor for Highways, Transport and IT, the authority to take all necessary decisions and steps to progress the in-sourcings referred to in recommendation 1c and to progress the procurements referred to in recommendation 2 up to and including the award of contracts.

Alternatives Considered:	
1.	<p>Full insource of all IMT services</p> <p>For an analysis of this option see paragraph 59 of the Report</p>
2.	<p>Full outsource of all IMT services to a single provider (prime provider model)</p> <p>For an analysis of this option see paragraph 59 of the Report</p>
3.	<p>A different combination of insourced and outsourced services</p> <p>For an analysis of the different considerations in relation to this option see the main body of the Report</p>

Reasons for Recommendation:	
<p>The Council's growing need for agility and the ability to manage ongoing and accelerating change, particularly the rapidly changing technological landscape and the growth in Cloud service offerings.</p>	
<p>To facilitate the Council's operations and service delivery, supporting the shift to becoming increasingly digital to meet residents' expectations and also for efficiency.</p>	
<p>A need for specialist suppliers, particularly in areas such as IT security where depth of knowledge, skills and expertise is needed to respond to the growing cyber-threat and also in managing our Cloud environments which are becoming increasingly complex.</p>	
<p>The market has changed – gone are the multi-year, single-sourced prime provider type contracts and this is seen across local government organisations and in the UK government as a whole.</p>	

The proposed future IMT service delivery model is recognised by the market and suppliers have indicated they will bid when procurement activities commence.

1. Background

1. On the 24 March 2014 the Council entered into the corporate support services contract with Serco for a range of corporate support services covering:
 - a. People Management including HR Administration and Payroll;
 - b. Finance including Exchequer Services and Adult Care Finance;
 - c. Customer Service Centre (CSC);
 - d. Information Communications and Technology (IMT).
2. The bulk of the Council's IMT service delivery is currently provided by Serco through this corporate support services contract. The contract is due to expire at the end of March 2024 and cannot be extended further.
3. The expiration of the contract provides the Council with an opportunity to consider the implications for future delivery of our IMT services. Given the length of time the contract has been in place, there have inevitably been considerable changes not only in how the Council operates and what services it needs, but also in the IMT service delivery options and technologies available. We can already see this reflected in the approaches being adopted by other Councils.
4. One of the major changes in IMT delivery is the move towards 'Cloud' services. The term 'Cloud services' refers to a wide range of IT services delivered on demand over the internet. These services are designed to provide easy, affordable access to applications and resources, without the need for internally owned and managed infrastructure or hardware. Software as a service (SaaS) is a type of Cloud service that allows users to connect to and use cloud-based apps over the Internet. Common examples are email, calendaring and office tools (such as Microsoft Office 365 which is currently being rolled out across the Council).
5. The Council is already pursuing a 'Cloud first' strategy - adopting Cloud service provider and Software as a Service solutions as the primary method of delivery - for many of its IMT services. The key benefits of a 'Cloud first' approach include cost savings, scalability and reduced management overhead. A programme of work is currently underway to implement Microsoft Office 365 (a Cloud service) for all staff and many of the Council's IT services are in the process of being migrated from a Serco-managed datacentre to the Microsoft Cloud (Azure). There has also been a notable shift over the last 2 – 3 year towards utilising 'Software as a Service' solutions for business applications. Examples are our IMP document management system and Highways Confirm application.
6. Recognising the growing utilisation by the Council of Microsoft products and services, the Council recently entered into a Unified Support agreement with Microsoft. This agreement provides ready access to Microsoft experts to support both the

management of our BAU estate and delivery of our strategic objectives. The services provided by Microsoft under this agreement include:

- a. Reactive support for all Microsoft services with enhanced response times for critical incidents
- b. Unlimited access to On Demand Assessments used to assess the health of our IMT services
- c. Access to a Support Technical Advisor – a Microsoft cloud expert who can be assigned to support programmes of work
- d. Access to a defined number of workshops run by Microsoft experts to support training, implementation and optimisation
- e. A bespoke engagement to focus on a specific Council strategic objective where Microsoft's services are utilised

Both the Council, through its IMT function, and Serco currently have access to this Microsoft agreement and ongoing consumption of Unified Support is seen as a key mechanism for helping to reduce risk and facilitate delivery, particularly for the Council's digital transformation initiatives and eventual transition to new supplier arrangements once the contract with Serco ends.

7. Given the changing nature of IMT services in the market since 2014 and the need to support the Council's clearly stated digital ambitions, there are compelling reasons to consider changing our service delivery model when the current contract expires in 2024. These include:
 - a. **Operational drivers** - our growing need for agility and the ability to manage ongoing and accelerating change (see paragraph 17 below);
 - b. **Technical drivers** - such as the shift to the cloud, our requirement for services, not technology, coupled with a requirement for technical specialism and expertise;
 - c. **Commercial drivers** – the market has changed: there are limited 'prime providers' and those that remain act as a broker and are in danger of adding cost but not value.
8. In exploring the kind of new model that might be appropriate for IMT service delivery beyond 2024, we believe the following principles are important to the Council:
 - a. Deliver IT that works and ensure service quality with value for money principles, without a step change in the overall cost of IT service delivery;
 - b. Enable agility in provision and delivery of business solutions;
 - c. Facilitate the Council's operations and service delivery, supporting the shift to becoming increasingly digital to meet residents expectations and for efficiency (see paragraph 12 below);
 - d. Focus on buying services, not technology, from experts in each field;
 - e. Be open to IT specialists who do not typically offer non-IMT services.

- f. Free up IMT resources (skills) to concentrate on business problems and solutions

9. In pursuing this new model, we have followed these design principles:

- a. There will be no step change in the overall IMT budget between 2023/24 and 2024/25 - this requires “Best of Breed” suppliers to be restricted to critical services;
- b. Many suppliers’ business models do not provide embedded staff and where the Council requires some services to be delivered locally that would best be dealt with internally;
- c. The market for the ‘prime provider’ model has contracted and we need to be realistic about what the market has to offer Lincolnshire.

10. With the above principles in mind, we have developed the proposed design of this future service delivery model based on the following assumptions:

- a. We are looking for service specialists;
- b. We are not looking for a one-stop transformation partner, we require suppliers who can effectively manage our BAU services;
- c. Off the shelf is often fine - we may need to modify process rather than seek to bespoke IT;
- d. The operating model is likely to include remotely delivered services where that is the optimum delivery method.

Council’s needs / demands

11. The Council’s Digital Strategy sets out a number of strategic objectives to enable the Council to achieve its Digital Vision across a number of areas: Digital by Design, Digital Working, Digital Capabilities and Data-driven Digital.

12. IMT is already in the process of making internal changes so that it has the capabilities in place to support the Council in the realisation of this Digital Vision and it is expected that the IMT service design will continue to evolve over time as the digital landscape and business demand changes.

13. The increasing complexity and risk associated with certain IMT services requires the Council to seek specialist partners to deliver them. This is of particular relevance for the following areas:

- a. The increasing sophistication of cyber attacks, particularly in the form of high-profile ransomware campaigns, demands specialist 24x7 monitoring, response and resolution. It is not realistic for the Council to build its own IMT security capability and an expert partner in this area is the only practical solution.

- b. Similarly, as organisations continue to move IMT services to the major public Cloud providers, managing information, maintaining security and protecting data integrity all become more challenging. With the rollout of Microsoft Office 365 and the shift of core IMT services to the Microsoft Azure Cloud, partnering with one of the many specialist suppliers in this area will be far more cost effective than building an internal capability.
14. The pace of technology and market change is also accelerating, driven by innovation and product development particularly by global market leaders such as Microsoft, Amazon and Google. Gartner has identified that four new trends in cloud computing – Cloud ubiquity, regional cloud ecosystems (to accommodate local regulatory requirements), sustainability and automation - are continuing to expand the breadth of cloud offerings and capabilities, accelerating growth across all segments in the public cloud services market. Cloud has proven itself during times of uncertainty with its resiliency, scalability, flexibility and speed.
15. As a result, global cloud adoption will continue to expand rapidly with Gartner predicting spend on public Cloud services to exceed \$480 billion next year. With Microsoft quadrupling its cyber security investment to \$20 billion over the next 5 years, there is a clear commitment to the Cloud both by global leading providers and customers. Microsoft continues to evolve and mature its portfolio of products and services and the adoption of relevant offerings will mean the IMT service design will continue to change. This further highlights the need for agility both within the Council and also with its IMT service delivery partners.
16. In a separate report, Gartner also highlighted that “change is accelerating, the technology landscape is vast, cybersecurity, privacy and talent acquisition are increasing challenges. The need for agility has resulted in building greater in-house capability. Local government is moving to highly flexible and adaptable vendor relationships separating into two modes of operation:
- i. Mode 1 – the traditional stable, transactional, high volume/low value activities
 - ii. Mode 2 – agile digital services needing innovative, strategic, high value citizen/user centric services.”
17. In light of these disruptive changes in technology and the market, the end of the contract with Serco provides an opportunity both to ensure core IMT services continue to be effectively delivered but also to consider how best to support the move to a Digital Council. For clarity, the latter is outside the scope of this IMT services delivery model appraisal.
18. The contract with Serco covers the provision of the following core BAU IMT services:
- IT Support Desk
 - Service Integration and Management (SIAM)
 - End User Computing (including VIP support)

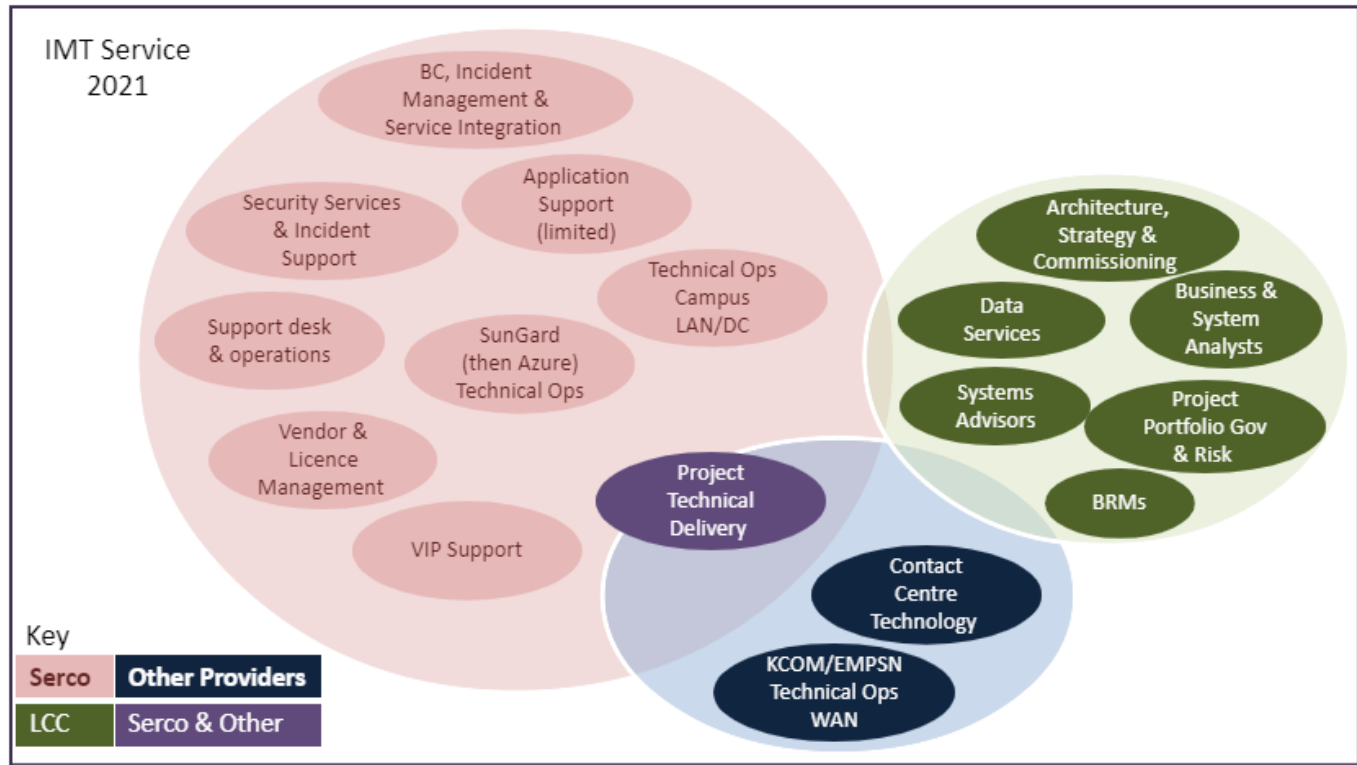
- Application Support
- Local Area Network (LAN) and WiFi
- Infrastructure Support (DataCentres)
- IT Service Management e.g. Incident and Technical Change Management
- Security Operations
- Vendor and Licence Management

NB The Wide Area Network (WAN) is provided by KCOM (recently acquired by Nasstar) and is subject to a separate procurement exercise already underway. Within the specification there is the option for the management of the Council’s LAN services (including WiFi) at a later date. Should this option not be exercised for whatever reason, then in the short-term the management of the LAN would move to the Technical Operations team. In that respect, the provision and management of the WAN and LAN is out of scope of this appraisal.

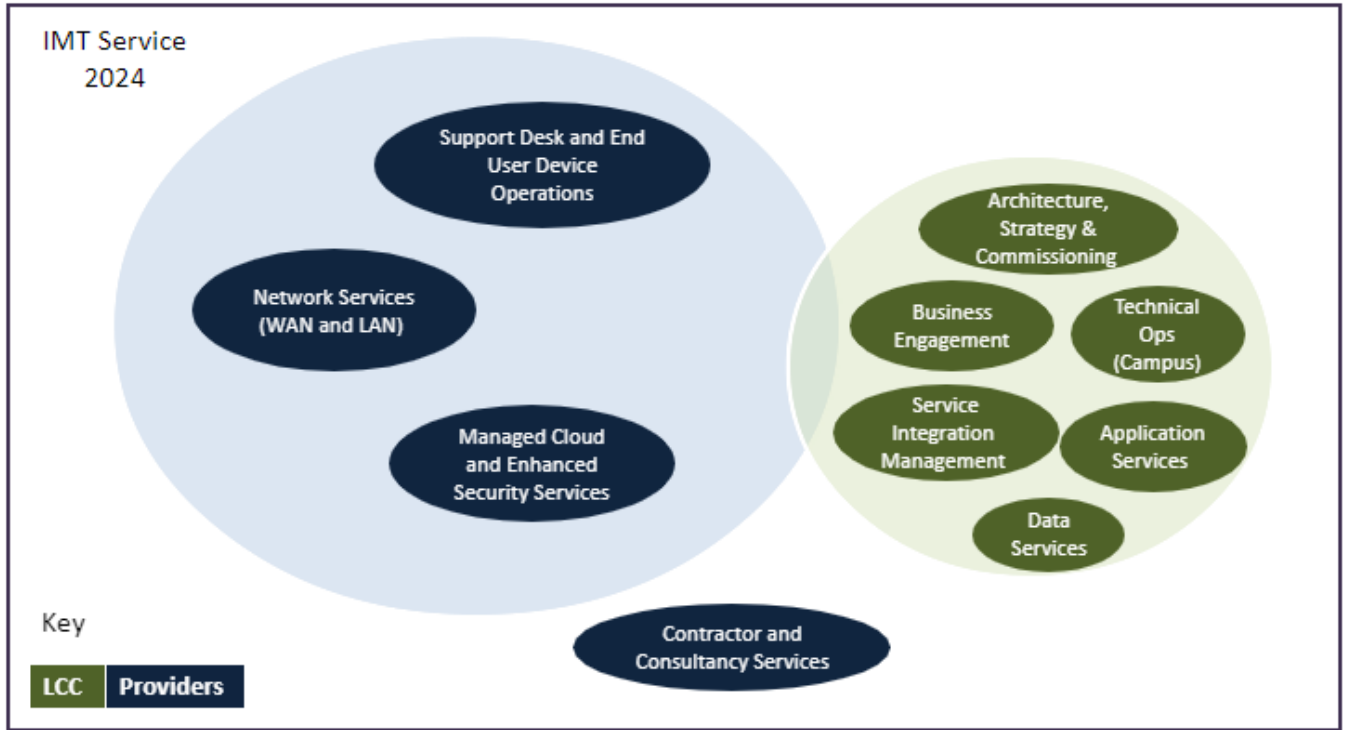
19. The Council needs to ensure that all of the IMT services listed above continue to be provided through either in house delivery, external suppliers or a combination of the two.

20. The proposed service design and how it compares to the current service delivery model is shown below:

- Current Service Delivery model (2021)** - We currently operate through a ‘prime provider’ model, with Serco providing the bulk of our IMT service delivery.



- b. **Proposed Service Design (2024)** - We are seeking to move to a 'multi-source provider' model, where the Council commissions services from specialist IT providers. This would address the drivers for change and achieve our principles for future IMT services.



21. This Service Design has been shaped further following engagement with the market through an Expression of Interest exercise and subsequent Soft Market Testing. The outputs of these market engagements are documented later in this paper.

22. In line with the drivers and principles outlined earlier in this document and having observed the market trends and how other local authorities are sourcing their IMT services, the recommendation is that the ongoing delivery of the IMT services currently provided by Serco would be best achieved through a combination of a multi-supplier model involving suppliers who are specialists in specific areas of IMT service delivery and some in-house delivery.

23. Microsoft has recently announced an enhanced Managed Desktop service. This is an exciting development and one that IMT is currently investigating to understand the benefits for the Council. A move to an enhanced Managed Desktop Service has the potential to impact on the detail of the outsourced Support Desk and Operations Services but not on the principles of the service model being proposed.

Council's commissioning objectives / outcomes and measures

24. The following criteria have also been used to determine whether a given IMT service is best served by an in-house team or external supplier. These criteria were previously

used during the commissioning process in 2012 when Serco were originally engaged and continue to be relevant:

- In house – for those services that are strategically important or have a statutory role; are of high risk or complexity; are political priority services; or where decision making needs to be retained by the Council;
- Outsource – for those services that are transactional, routine advisory; are low risk; or are low complexity. In addition, those services where specialist skills are required are best served by an external supplier.

25. More recently the Institute for Government in its Government Outsourcing report 2020 and the Government Commercial Function in its Delivery Model Assessments Guidance Note published in May 2021 has indicated the following circumstances where outsourcing would add value:

- Leverage greater scale and efficiencies from a market operating at scale;
- Draw on innovative new approaches and expertise;
- A lack of specialist resources and subject matter expertise within the Council;
- Where the Council cannot or is not ready to deliver the service and where there is a market available.

26. An assessment of all the in-scope IMT services was carried out with reference to the above commissioning principles and sourcing criteria. The outputs of this assessment showed that the IMT services comprised of elements in different categories indicating a hybrid sourcing model.

IT sourcing trends

27. In early 2020, the Council engaged Gartner, a global company providing insights and expert guidance, to inform the development of a new IMT service design. This engagement has provided the Council with access to industry trends, market analysis and research material pertinent to IMT delivery in the public sector. A Gartner executive business partner – a former CIO of a County Council - has also provided dedicated support over the last 18 months, supporting the development of the IMT strategy and also authoring the assurance report referenced in paragraph 28, by drawing on his experience and that of other authorities.

28. In February 2021, Gartner was commissioned to carry out an independent review of the proposed IMT service design. The subsequent report - 'Strategic Technology Sourcing Review' - analysed the various environmental factors impacting local, regional and central government organisations and the general trends in terms of the IMT design and sourcing strategies being adopted in response to these threats and opportunities. It then analysed how closely the Council's proposed approach aligned with these overall trends and, where deviations were identified, provided commentary in the context of the Council's specific needs.

29. The report provides an analysis of the proposed sourcing strategy for the Council's future IMT services. A summary of this analysis is as follows:

- a. The proposal to outsource Support Desk and Operations, Managed Cloud Services and Enhanced Security Services, is in line with Gartner's recommendations for these service towers.
- b. For SlaM, Gartner recognises that there are a number of ways this can be managed either by insourcing, outsourcing or a hybrid arrangement. The report recommends either insource / outsource and acknowledges the proposed service design aligns with this.
- c. For Application Support, Gartner's recommendation in general is to outsource this capability, but qualifies this as being in the context of general digital services. The Council's reason for insourcing is that many of the Council's portfolio of business applications are bespoke to the local government market meaning the support of these is a niche service not generally available in the market.

Though it is expected that a proportion of these applications will be replaced by Software as a Service (SaaS) solutions, there will still be a number that will require specialist knowledge to support. Due to the critical nature of many of these applications, the intent is to manage these in house and support the business in developing application strategies to remove them from the estate.

- d. For Technical Operations, Gartner notes that this is typically outsourced as a commodity service and their recommendation is to outsource. The remaining Technical Operations in the context of the proposed service design are primarily focused on the management of the application services and related infrastructure hosted within the Council's datacentres. In many instances these services operate on legacy infrastructure and as a result cannot be readily migrated to the Cloud and require ongoing specialist knowledge to support. In that respect, these Technical Operations cannot be considered a commodity service and need to be insourced to effectively manage the risk. However, it is envisaged this footprint will reduce significantly over the life of this contractual period.

30. Overall, the report validates the proposed service design. Where there are minor deviations from Gartner's recommended approach, there are valid reasons for doing so as stated above. These are mostly due to previous generation technologies within specialist vertical market software solutions and where local resources have built up expertise in the maintenance of these.

Market Engagement

31. During July and August 2021 suppliers on the Crown Commercial Service TS3 framework (lots 3a and 3b) were contacted through an Expression of Interest (EOI) engagement to gain their views on LCC's approach to running a series of procurements to replace the Serco IMT contract. A further Soft Market Test was carried out in October and November 2021 to explore the suppliers' responses in more detail. The Market Engagement showed strong market support for the shape of the services to be outsourced, support for the use of the preferred framework, and useful information about how to manage key issues in the procurement and the contract. For further details on the Market Engagement, see Appendix A.

What other authorities are doing

32. There is a clear trend among local authorities of moving away from prime-provider contracts to multi-source models. This is evidenced from publicly available papers as well as discussions with IT directors of local authorities who have recently gone through a similar procurement programme. See Appendix B for further details.

Service Integration and Management (SlaM)

33. SlaM has been an area of focus as the service design has evolved and has been discussed in depth with the prospective suppliers during the Soft Market Test exercise. This section provides further detail on SlaM and how it can be delivered as part of the proposed move to a multi-supplier environment.

34. Service Integration and Management (SlaM) refers to the provision of technology consulting, project implementation and operational management services related to overseeing service delivery of multiple internal and external IT and business process service providers. The goal is to achieve seamless end-to-end service outcomes with a single point of accountability in a multi-sourced IT services environment or ecosystem.

35. SlaM can be delivered in a number of ways:

- a. Fully insource the capability
- b. Use an external specialist to deliver SlaM only
- c. Bundle the role with an existing supplier (typically the first-level support desk provider)
- d. A hybrid model: a combination of insource and an existing supplier

36. As part of the post-Serco service delivery model design, IMT is proposing that the governance and strategic elements of SlaM will be delivered by an in-house team and that the same SlaM team will work with the Support Desk and Operations supplier to oversee the operation of key service management processes. This allows the Council to take advantage of the supplier's capabilities and experience in managing these

processes but recognises there are limitations to the supplier's ability to leverage or influence the performance or engagement of other suppliers as they do not own the commercial relationships.

37. IMT is not starting from a 'zero base' with respect to SlaM. IMT already owns strategy and governance and has made changes to the IMT service design, particularly over the last couple of years, to manage more effectively the relationship with Serco in order to drive an improvement in the quality of service delivery. This is more than just vendor management and the skills and experience the team has gained will provide a strong foundation for the internal SlaM capability needed to manage a multi-supplier environment.

38. There are certain aspects of SlaM, where the Council would benefit further from delivery by an in-house team:

- a. The Council's ownership of the commercial relationships with the suppliers gives the Council the ability to leverage contracts to address performance issues and incentivise suppliers to collaborate effectively. This is not so easily achieved by a 3rd party SlaM function without these commercial levers in place.
- b. IMT through its business partnering team is able to build the relationships with business stakeholders so that it has the knowledge and understanding of the business' objectives, plans and challenges to ensure synergy between the delivery of business improvements and the supporting technical changes. An internal SlaM function, being naturally close to this team, is better placed to articulate requirements and changing priorities with suppliers and work with them to get a coordinated response. This 'context aware' service provision is best achieved by an in-house team.
- c. The Council is best placed to commission new services involving multiple providers. Suppliers are dealing with the commercial owner and service transition from project to multiple suppliers is effectively coordinated.
- d. Objectivity is essential so that the SlaM function can act as, and be seen to be, the advocate for the Council. A supplier of SlaM services will have their own commercial objectives and this may lead to actions which do not necessarily result in the right outcomes for the Council.

39. The success of a SlaM capability in managing an ecosystem of internal and external suppliers is dependent on a number of critical success factors. These have been identified both through research carried out by Gartner but also through the Soft Market Sessions and engagements with other Local Authorities:

a. Suitably skilled and experienced resources

A broad knowledge and understanding of IT and ITIL-aligned IT Service Management processes are essential for an effective SlaM operation. However, an effective SlaM capability needs people with skills and knowledge in the following key, non-technical areas:

- i. Relationship management
- ii. Vendor management
- iii. Influencing and negotiating
- iv. Communications
- v. Conflict resolution
- vi. Awareness of business operations and culture

b. Strong governance

Effective performance management of suppliers complemented by cross-supplier governance boards focusing on strategy, innovation and end to end service performance, are key to ensuring overall effective service delivery and business value creation.

c. Clear boundaries of responsibility between suppliers

Essential to prevent inefficient process execution and ‘boundary’ disputes, RACI matrices or equivalent will ensure clarity on who governs, operates and assures each element of IMT service delivery.

d. Aligned service level targets

Making sure all links in the chain have aligned service targets in place. Greater cohesion and collaboration can be achieved if suppliers have common or aligned targets to work towards.

e. Collaboration agreements

Having a collaboration agreement in place that all suppliers sign up to provides a foundation for good supplier cooperation. The Nuclear Decommissioning Authority has successfully implemented such an agreement with its ecosystem of suppliers with its “Behaviours and Principles of Collaboration” agreement covering such areas as commitment to end users, prevention and delivery as a priority, a ‘fix first’ approach and a ‘one team’ approach.

Evidence of the effective use of collaboration agreements can also be found within the Council. The Highways department uses a similar construct to facilitate cooperation among its key suppliers. There are KPIs

relating to public perception and Health and Safety performance that require all suppliers to work together to achieve.

40. The general risk profile for introducing a SlaM capability within the Council has reduced. The Soft Market Testing clearly demonstrated that suppliers are familiar with and experienced in either providing SlaM services or in being a provider within a SlaM managed ecosystem. Aligning Enhanced Security Services with the Managed Cloud Service tower also reduces the number of primary suppliers that the Council would need to manage and this in turn reduces the complexity of managing end-to-end delivery of services.

41. The primary risk that remains is the ability for the Council to recruit and retain suitably skilled SlaM staff. Ideally a SlaM capability needs to be in place to support Transition with the aim of having continuity of staff through Transition and in to BAU. IMT expects to achieve the desired blend of skills through 3 primary channels:

a. Direct recruitment from the external market

Direct recruitment may be needed for certain roles in the SlaM function. For more senior roles e.g. Head of Service Integration, there may be challenges in attracting suitably skilled and experienced people as the jobs market is competitive. It may be that Serco colleagues would apply and their detailed knowledge of LCC's service would be advantageous.

However, the ability to attract and recruit the right people is an issue that currently affects many recruiting managers in the Council and is not unique to SlaM. The service design places less emphasis on senior technical resources and more on management resources which have proved easier to recruit. In the short term this risk may be further mitigated by accessing the contractor market and supplementary consultancy services.

b. TUPE

It is expected that some members of the existing Serco service management team with SlaM experience will be in-scope of TUPE regulations. This may provide an immediate 'ready to go' capability if Serco staff chose to transfer to LCC with the additional benefit that these staff will have excellent knowledge of the LCC business and its IT services.

However, TUPE resources are unlikely to be available until the formal Serco contract end date. As establishing the SlaM function is a necessary precursor to transitioning services, other options will need to be explored so that an interim capability can be stood up (see below).

c. Upskilling of existing staff

Upskilling of existing staff will be required particularly for those staff in a technical or service delivery type role. This will be achieved through training via existing external training partners and / or through the 'Contractor and Consultancy Services' tower.

The preferred option – Multi-source model

42. Drawing on feedback from the market and informal guidance from the Corporate Leadership Team, the Executive Councillor for Highways, Transport and IT and the Leader of the Council, the CSSR programme has considered all main insourcing and outsourcing options.

43. In line with the drivers and principles outlined earlier in this document and having observed the market trends and how other local authorities are sourcing their IMT services, the recommendation is that the ongoing delivery of the IMT services currently provided by Serco would be best achieved through a combination of in house delivery and a multi-supplier ecosystem involving suppliers who are specialists in specific areas of IMT service delivery.

44. Where the Council draws the line between in-house and procured services is critical to exploit the benefits of a multi-source provider model. Where service delivery is contracted out, the Council sets the direction, retains ownership of strategy, remains responsible for quality and performance, and ensures both agility and coherency of the overall service.

45. The following table lists the core IMT services currently provided by Serco and recommends how these services would be best delivered in the future:

Service	Sourcing Option	Proposed Service Tower	Comments
IT Support Desk	Outsource	Support Desk and Operations	With increased automation and a shift to self-help for users, Support Desks are evolving into the provision of transactional and routine advisory services. there is a ready market of experts in this field. Procurement route: TS3 framework, Lot 3a
End User Computing	Outsource		End user device management is becoming an increasingly commoditised service. There are natural synergies with the IT Support Desk.

			Procurement route: TS3 framework, Lot 3a
Managed Cloud Services	Outsource	Managed Cloud Services and Enhanced Security Services	<p>With the increasing complexity of public cloud services, we need expert partners in this area with specialist knowledge and capability to manage these Cloud services on the Council's behalf and ensure they represent good value.</p> <p>Procurement route: TS3 framework, Lot 3b</p>
Enhanced Security Services	Outsource		<p>A provider with access to the latest threat intelligence as well as the skills and technology needed to respond quickly and effectively to a cyber attack. This is not something the Council can do for itself.</p> <p>Enhanced Security Services will form part of the Managed Cloud Service procurements.</p> <p>Procurement route: TS3 framework, Lot 3b</p>
Local Area Network (LAN) and WiFi	Outsource	[Option within the WAN contract]	<p>LAN and WiFi support are included as an option within the ongoing WAN procurement</p> <p>Procurement already under way and therefore out of scope of this options paper.</p>
Service Integration and Management (SlaM)	Insource – strategic SlaM and governance	SlaM (Internal Council owned)	<p>Overall ownership of processes and governance of the SlaM model would sit with the Council. The Support Desk and Operations supplier will operate key Service Management process with the Council SlaM function providing oversight.</p> <p>See paragraphs 33 to 41 for further details on SlaM.</p>
Application Support	Insource	Application Services (Internal Council owned)	Should retain this service to mitigate the support risks for legacy systems and ensure responsiveness to changing business needs whilst developing/ sourcing new cloud based solutions.

Technical Operations (DataCentres)	Insource	Technical Operations (Internal – Council owned)	<p>The management of legacy infrastructure presents commercial risk to the market and suppliers will price accordingly.</p> <p>Insourcing this capability will ensure continuity of support for legacy IT services and preserve local knowledge of those platforms. An in-house team will also be able to respond quickly to changing requirements and priorities.</p> <p>3rd party maintenance contracts will provide the specialist support for the hardware and software as per current arrangements.</p>
Vendor and Licence Management	Insource	Vendor and Licence Mgmt (Internal – Council owned)	The optimal model is for vendor management to sit with the service integrator.
VIP Support	Insource	VIP Support (Internal - Council owned)	VIP support requires local knowledge and an on-site presence. Best provided by an internal team.

Proposed externally sourced services

46. The service design has taken into account the changing technical landscape such as the shift to Cloud services, zero-touch deployment of devices (through increasing automation and facilitated by the evolution of Microsoft’s cloud services in this area) and the ever-increasing Cybersecurity threat; but also the changes in the way in which staff are now working with a much larger proportion of staff working from home on a near-permanent basis.

47. Natural synergies between some of these IMT services have emerged following the market engagement and business benefits can be derived from having suppliers bid for particular bundles of services. The following bundles are proposed as part of the service design:

- Support Desk Operations (including end user device management and device security services)
- Managed Cloud Services with Enhanced Security Services

Proposed internally sourced services

48. As also identified in the table above, it is proposed that a number of services currently provided by Serco will move in house. These services are:

- Service Integration and Management (SIaM)
- Application Support
- VIP Support
- Technical Operations (Datacentres) including 'hands on' support
- Vendor and Licence Management

The following sections outline the reasons why it is considered that the Council would benefit from having these services provided by an in-house team.

Service Integration and Management (SIaM)

49. This is covered off in paragraphs 33 to 41 in this document.

Application Support

50. An in-house Application Support team would provide application management support for legacy business applications. Primarily these are applications which cannot yet be replaced with Cloud provisioned equivalents due to their bespoke nature, dependency on legacy infrastructure or a need to be located on Campus. The market for these types of services is very limited and likely to be commercially unattractive to potential suppliers.

VIP Support

51. This is specialist IT support for the Council's directors and Members. In order to be able to respond quickly to emerging issues or to rapidly changing priorities, it is proposed that this capability would be best served by an in-house team. This would offer the control of resources and agility needed to provide the optimum overall service. However, some suppliers could embed staff locally into the Council and this option will be kept under review.

Technical Operations

52. This team would provide maintenance, monitoring, patching and updating of servers, storage devices and LCC owned network resources hosted at LCC's datacentres and corporate sites. The team would include a 'Field Service Engineer' team supporting equipment hosted at other LCC locations and acting as 'hands and eyes' for the datacentre equipment under the guidance of outsourced partners as required

Vendor and Licence Management

53. The management of all suppliers in the ecosystem excluding certain 3rd parties engaged directly by the ecosystem suppliers to deliver their services, will be the responsibility of IMT. Vendor management services will cover such areas as contract change, compliance, escalations, service improvements, risks and issues management.

54. There are also a number of Serco owned third party support contracts, 40 in total, which are integral to the delivery of IMT services. These will need to be re-procured separately in line with the expiration of the current arrangements with the Council as commercial owner. The G-Cloud framework offers an efficient procurement route for the vast majority of such services.

55. The licence management team will maintain an inventory of all LCC licences ensuring optimal licence allocation and compliance. This includes supporting licence audits by software vendors in collaboration with relevant ecosystem suppliers. This function will also identify upgrade and consolidation opportunities, as well as forecasting future software needs.

56. IMT also currently provides a number of services which sit outside the scope of the existing Serco contract. These are:

- Enterprise architecture, strategy and commissioning
- Governance and Risk Management
- Data Services
- Business Engagement
 - Business Partners
 - Business Analysts
 - Systems Advisors
- Project portfolio management

57. These services will continue to be provided by IMT in alignment with the proposed service design, but the sizing of these teams does not change as a result of implementing this design.

Other options considered

58. Clearly it would be possible to put in place a wide range of alternative mixes of outsourced and insourced provision of the different elements that make up the overall IMT service. The reasons for the particular combination being recommended in this Report are set out in the previous sections.

59. The programme has also considered a number of other options as follows:

- A) A single large strategic partnership contract** (Prime Provider model) with limited services managed in house.

This would be a contract similar to that which is in place with Serco today i.e. the majority of IMT services provided by a single supplier.

B) A full insource

This would result in all IMT services provided by Serco today being delivered by Council employed staff. Only maintenance contracts e.g. hardware maintenance, would be provided by 3rd parties.

The pros and cons for each of these options are set out in the following table:

Option	Pros	Cons
<p>Preferred option</p> <p>A multisource model with some services managed in house.</p>	<ul style="list-style-type: none"> • Can target specialist suppliers for the required IMT services • Greater agility and responsiveness • No longer need to pay provider profit on all services 	<ul style="list-style-type: none"> • Higher vendor management overhead because of the required SlaM activity • Reduced accountability clarity
<p>Other option A</p> <p>A single large strategic partnership contract (Prime Provider model) with some services managed in house.</p>	<ul style="list-style-type: none"> • A single point of accountability for the delivery of services 	<ul style="list-style-type: none"> • The market for these types of contracts has significantly declined • Prime providers are not necessarily specialists in all the relevant IMT services and therefore hard to see how they might add value rather than cost • The market leading global Cloud vendors (e.g. Microsoft, Amazon) are concentrating on their strategic partners, not on vertical market players such as Local Government prime suppliers
<p>Other option B</p> <p>A full insource.</p>	<ul style="list-style-type: none"> • Greater control and flexibility 	<ul style="list-style-type: none"> • Higher management costs • Difficulty in attracting

		<p>and retaining staff with relevant skillsets</p> <ul style="list-style-type: none"> • Significant costs associated with all the tools required to manage the full IMT estate • No track record of successfully delivering some services • The team would not be large enough to provide depth and resilience across core disciplines or be able to flex to dynamic demands • Will rely fully on local resources and therefore a less resilient overall service
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Budget

60. The design principle is that the proposed service design will be delivered, without causing a step change in the overall IMT budget. The existing 2021/22 expenditure for IMT, which covers the cost of the IMT services delivered by Serco, has been used in the design. The charge for Serco IMT services, adjusted to take into account the impact of ongoing programmes of significant IT change, is expected to be in the order of £6.5m per annum, and this figure has been used to guide the modelling of costs for the proposed service design. The projected cost of the services procured is within the budgeted figures for these elements of the IMT service.

61. The Council is optimistic that the proposed service design for the future delivery of IMT services can be achieved within the overall IMT budget as of 2023/24. However, it is difficult to forecast if the current inflationary pressures will affect the cost of services.

62. It is expected that a number of Serco staff will transfer to the Council under TUPE arrangements for the insourced services and an assumption on the number of staff likely to transfer has been made when modelling the future IMT organisation design as of 1 April 2024. Based on this assumption it is expected that an additional 4 staff will be required, primarily to operate key service management processes that are outside the scope of Serco staff fully dedicated to the LCC account.

63. During the 12 - 18 month period subsequent to the inception of the new contracts, there will be a period of stabilisation as the new suppliers and ways of working are fully embedded into BAU. As part of continual improvement activities, opportunities will be identified to further improve services.

Risks

64 Risks here are included for completeness but are not thought to have a material impact on the option decision as they are more or less equivalent across the options.

Area	Risk Description	Mitigation
Resources	Loss of non-Cloud technical resources before the Council has removed its dependencies on such services	Establish a clear development pathway
Resources	Difficulty in attracting / recruiting / retaining SlaM resources	Use of 'Contractor and Consultancy Services' tower to provide temporary resources Utilise the SlaM services of successful bidders to support SlaM function
Resources	Key existing Serco staff move to non-LCC account roles either prior to or on contract end date	Engage early and effectively Identify key roles Source temporary alternatives through additional contractors, consultants of shared service arrangements
Transition	Risk of impacting BAU services during transition to new supplier arrangement - the fragmentation of the services into smaller units of delivery has the potential to increase the transition risk for a multi-supplier models.	A lot of experience on the supplier side in managing transition Phasing of services to reduce impact Build transition team early (min. 18 months in advance) to prepare and plan SlaM resources involved in Transition and subsequent BAU management
Exit	Lack of engagement from Serco during Exit	Ensure Serco are held to Exit commitments in the contract Work with Serco on a jointly owned

		<p>exit plan</p> <p>Engage Serco's ongoing engagement through formalised and funded projects up until the end of the contract</p>
Procurement	Insufficient time and resources allocated to re-procurement of existing 3rd party contracts	<p>Identify novation options from incumbent to the Council</p> <p>Re-procure contracts in Council's name as part of BAU vendor management in the lead up to Serco exit</p> <p>Dedicated support from procurement category lead and officers</p> <p>Re-evaluate required number of contracts</p>

2. Legal Issues:

Procurement

Given the value of any proposed outsourcing the Council will be required to comply with the Public Contracts Regulations 2015. Two options for procurement in accordance with the Regulations have been considered.

The first is a full tender process, approaching the market as a whole to respond to the Council's requirements. This approach is useful where the Council is looking for innovation or to choose between a number of different ways of meeting the Council's requirements. However it can be lengthy process and can lead to a range of tenders including from providers who may not be specialists in the area we are looking for. It is labour intensive requiring significant amounts of Council resource.

Given that the services sought are increasingly commoditised and delivered by specialist suppliers the best way to access those suppliers is through the second potential approach – i.e. the use of an established framework. This is a legally compliant option which can be concluded more quickly and is less demanding on the Council's resource.

The Crown Commercial Service TS3 framework has been set up to secure value for the public sector. There are c 40 specialist suppliers on the framework and through market engagement we have established that there is a lot of interest in our procurement from those on the framework which should provide a high level of competition. It is a framework used by other authorities, will speed up the procurement and uses a contract

balanced in favour of the public sector which we are familiar with. The G Cloud framework is also available to the Council and offers similar benefits to the TS3 framework depending on the nature of the services or commodity required.

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.

There are not considered to be any Equality Act implications arising out of the choice of delivery model for future IMT services. The proposals put forward in this Report are considered to be the best way of ensuring the ongoing availability, performance and development of an IT platform that fully supports the Council in supporting its residents and communities in a way which meets the Equality Act requirements.

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 not considered to be any direct JSNA or JHWS impacts of the decisions required by this Report. Indirectly, the Council's IMT infrastructure underpins all the work of the Council and the way it interacts with its customers and communities. The proposals put forward in this Report are considered to be the best way of ensuring the ongoing availability, performance and development of an IT platform that fully supports the aspirations of the Corporate Plan which directly contribute to the achievement of JHWS objectives.

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 not considered to be any direct impacts of the decisions required by this Report on the section 17 considerations. Indirectly, the Council's IMT infrastructure underpins the work of the Council in fulfilling its crime and disorder functions. The proposals put forward in this Report are considered to be the best way of ensuring the ongoing availability, performance and development of an IT platform that fully supports the Council and its partners in that work.

3. Conclusion

The report has considered all main insourcing and outsourcing options and the recommendation is that the ongoing delivery of the IMT services would be best achieved through a multi-source arrangement: a combination of in-house Council delivery teams and external suppliers who are specialists in specific areas of IMT service delivery.

This future service delivery model for IMT services is recommended as the most effective design to enable the Council to respond to the rapidly changing technical and information

security environment; to be agile in the way it responds to business needs and priorities; and to support its digital ambitions.

Market engagement has provided assurance that there are sufficient capable suppliers expressing an interest who can deliver the required services, and that those suppliers thought the proposed service design and approach was a sound solution.

Engagement with other Councils who have undertaken similar exercises has identified that their sourcing strategies also reflect market trends. The prime provider delivery model is no longer best placed to serve the interests of local authorities and there is a clear shift to a hybrid model of in-house delivery and specialist suppliers to provide the agility, access to technical specialists and improve speed of change required.

A single large strategic partnership with a prime provider with limited services managed in-house is not recommended. The market is limited, such suppliers are not necessarily specialists in all areas, and it is hard to see how they would add value rather than cost.

A full in-source is not recommended. Tooling costs for monitoring and managing the full scope of IMT services would be significant; management overheads would be higher; recruitment and retention across all IMT service areas would be difficult; and the team would not be large enough to provide depth and resilience across core disciplines or be able to flex to dynamic demands.

4. Legal Comments:

The Council has the power to adopt the model of IMT provision set out in the Report.

The proposed procurement process is consistent with the Council's legal duties.

The decision is consistent with the Policy Framework and within the remit of the Executive.

5. Resource Comments:

Accepting the recommendation for the future design of the IMT service, will not have a direct impact on the budget approved for this function. Any future service delivery will look to be delivered within the funding envelope available and any changes required to the construct of this budget will need to be reflected in our future budget setting process.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The development of the options, the preferred model and progress on the project has been reviewed by the Overview and Scrutiny Management Board at their meetings in December 2020, March 2021, August 2021 and January 2022.

This report will be considered further by the Overview and Scrutiny Management Board at its meeting on 28 April 2022 and the comments of the Board will be reported to the Executive

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	
Appendix A	Market Engagement
Appendix B	Outsourcing Trends in the Public Sector

8. Background Papers

The following Background Papers within the meaning of section 100D of the Local Government Act 1972 were used in the preparation of the Report.

Background Paper	Where it can be viewed
Corporate Support Services Review Scope, Prime Provider Update and Draft IMT Model	Agenda for Overview and Scrutiny Management Board on Thursday, 17th December, 2020, 10.00 am (moderngov.co.uk)
Corporate Support Services Review Update and Emerging Draft IMT Model	Agenda for Overview and Scrutiny Management Board on Wednesday, 17th March, 2021, 10.00 am (moderngov.co.uk)
Performance of the Corporate Support Services Contract	Agenda for Overview and Scrutiny Management Board on Thursday, 26th August, 2021, 10.00 am (moderngov.co.uk)

Performance of the Corporate Support Services Contract	Agenda for Overview and Scrutiny Management Board on Thursday, 27th January, 2022, 10.00 am (moderngov.co.uk)
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This report was written by Phil Johnson and John Wickens who can be contacted at john.wickens@lincolnshire.gov.uk

Appendix A – Market Engagement

- 1 During July and August 2021 suppliers on the Crown Commercial Service TS3 framework (lots 3a and 3b) were contacted through an Expression of Interest (EOI) engagement to gain their views on LCC's approach to running a series of lots to replace the Serco IMT contract. Seventeen responses were received from a cross section of IMT suppliers. This was a response rate of 40% (of those suppliers who had acknowledged the EOI document) which the Crown Commercial Service considered a good response and indicates a clear interest from the market in our proposed service design and sourcing approach.
- 2 The EOI described the current IMT set up and detailed the proposed new structure based around an in-house governed Service Integration and Management (SIAM) capability which would see the IMT service evolve from a prime supplier model currently delivered by Serco to a model delivered by multiple suppliers.
- 3 The desired main outcomes from the EOI were:
 - a. To ensure that the design was considered sensible from a market perspective and that suppliers would bid for the lots when procurements were issued;
 - b. That sufficient time has been allowed for transition from the current arrangements to the new multi-supplier model;
 - c. To seek the market's view on pricing models, service credit regimes, service tool ownership and level of detail to include in procurement documentation to ensure accurate market pricing;
 - d. To understand where each supplier would propose the location of the Support Desk if not specified in the procurement.
- 4 A number of questions were asked of the suppliers in order to establish their view on the various points covered above. A summary analysis of their responses showed that:
 - a. All thought that the service design and approach was a sound solution and that the TS3 framework was an appropriate route;
 - b. Many suppliers expressed an interest in more than one tower. This could provide some small efficiencies and would reduce the amount of SIAM effort.
 - c. The majority of suppliers thought that there was sufficient time allowed in the proposed timetable for transition with only one respondent thinking that transition should be shortened;
 - d. Suppliers favoured volume based pricing (i.e. price per support desk ticket, price per user supported etc.) so as volumes changed so would the pricing up or down and would clearly reduce the risk on their part;

- e. The contract term proposed in the EOI document for each of the Support Desk and Operations, Security and Managed Cloud towers was 3 years +1 +1 and suppliers indicated they were happy with this proposed contract term. However, taking into account that the initial contract term also covers time needed to transition services, it is proposed that a 5 years +1 +1 contract term would be preferred to allow sufficient time for stabilising the new arrangements.

The EOI exercise attracted a cross section of the market and the Assistant Director IMT is confident in the ability of the interested suppliers to deliver the services.

- 5 Following a review of the responses from the Expression of Interest exercise, it was agreed that a Soft Market Test would be carried out to seek further input from the market on the service design and explore in more detail the responses provided through the Expression of Interest exercise.

- 6 The desired outcomes from the soft market testing session were:

- a. To gather more detailed feedback on the feasibility and any challenges posed by our proposal model from a supplier perspective;
- b. To build on the information provided in the EOI response, with more detailed questions set;
- c. To ascertain the degree to which providers understand the proposed SLaM model and gather their feedback;
- d. To allow LCC to understand supplier's cost-drivers, approach to risk and appropriate mechanisms supporting change; and
- e. To understand what providers view as essential criteria to a successful SLaM model.

- 7 Some of the key highlights from this not covered in the report are summarised below:

Service toolset – modern, enterprise-class IT Service Management tools are readily integrated. Most suppliers suggested the use of a centralised toolset with other suppliers integrating with that tool as required.

- a. **Fire and Rescue** - There were no concerns raised by respondents in supporting a Blue Light service. Many referenced current service provision in to Blue Light services and highlighted data governance standards as being of particular relevance in this area. All recognised there maybe a need to differentiate the service e.g. expedited SLAs and specific operational needs such as dash mounted technology.

In-house VIP support – suppliers raised no concerns regarding the Council's proposal to manage this team in-house.

Appendix B – Outsourcing Trends in the Public Sector

- 1 A comprehensive paper written by the Institute of Government in June 2020 looked at sourcing trends in the public sector across a number of service areas including IT. The paper noted that “several central government departments and public bodies have broken up large IT contracts and brought them partly or wholly back in-house in the last five years”. This included the HMRC, DWP and Ministry of Justice among others.
- 2 The paper also identified that “The strongest and most consistent interest in insourcing we found was in local authorities, where services were contracted out first and procurement is most prevalent”, but also that “the private sector will continue to have expertise, capability and a capacity for innovation that government does not”.
- 3 Gloucestershire County Council is one example of a local authority which has moved away from a prime provider Sopra Steria – originally contracted to provide BAU support, innovation and change - to a multi-sourced model. In July 2020, the cabinet approved the search for a mixture of in-house and third party contractors to deliver a new and improved digital operating model to replace the contract with Steria which was due to end in March 2021. Hosting Support, Systems Management, Telephony and Security Operations are provided by Cantium Business Solutions; LAN and WAN support with BT; and a number of services including Application Support, Support Desk and Deskside Support moved in house.
- 4 Croydon Borough Council also sought to change its IT service delivery model to allow for “increased flexibility and speed of change, the potential for reduced running costs and the ability to better utilise specialist technology expertise to improve key areas of performance”. Having originally outsourced its IT provision to Capita in 2014, the Council’s strategy was to “enhance the in house Service Integration and Management (SIaM) capability and contract management capability in order to manage a multi-source approach to the market”.
- 5 Barking and Dagenham moved from a prime provider contract with Agilisys to a mostly insourced model but with a distinct shift to externally delivered cloud services (Azure public cloud and Office 365). This was a two year programme of work with completion expected in early 2022.
- 6 Sheffield City Council (SCC) moved away from a prime provider contract with Capita to a multi-source model. Costly project management and innovation, limited transformation efforts and a lack of agility were cited as some of the main reasons for the exit from the contract and the change in service design. Application support remained in-house mainly driven by the kind of applications peculiar to local government and which cannot be migrated to the Cloud.

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Open Report on behalf of Heather Sandy, Executive Director of Children's Services

Report to:	Executive
Date:	04 May 2022
Subject:	Commissioning Arrangements for the Holiday Activities and Food (HAF) Programme
Decision Reference:	I025705
Key decision?	Yes

Summary:

Since 2018, the Government has funded the Holiday Activities and Food (HAF) Programme to support children in receipt of benefits-related free school meals through holiday periods. The pilot programme was rolled out to all upper unitary authorities in 2021 and the Government has confirmed through the Spending Review that the HAF programme will be funded for at least a further three years.

In 2022/23 financial year, the Council's grant allocation is £2,638,890 for the HAF Programme.

In view of the programme expansion, a longer-term model and commissioning process needs establishing. This will support the growth of the HAF programme in Lincolnshire and offer as much high-quality support as possible to eligible children and young people.

This report makes recommendations for the longer-term model and commissioning arrangements for the HAF Programme in Lincolnshire from Summer 2022 onwards.

Recommendation(s):

It is recommended that the Executive:

- 1) Approves the recommended delivery model for HAF from Summer 2022 onwards.
- 2) Approves the establishment of an Open Select List (OSL) to commission third party providers to support the delivery of the HAF programme in Lincolnshire from Summer 2022 for up to at least three years.
- 3) Approves the direct award of grants to third party providers who apply and meet the criteria via the OSL.
- 4) Approves the direct award of grants to schools and academies, early years settings and District Councils that operate leisure facilities that apply and meet

the criteria from Summer 2022 and during the years where HAF grant funding is made available from the Government.

- 5) Delegates authority to the Executive Director of Children's Services, in consultation with the Executive Councillor for Children's Services, Community Safety and Procurement, to take all decisions necessary, where required, in relation to the conducting the OSL and the awarding and entering into grants.

Alternatives Considered:

- **Commission third party providers via an Expression of Interest (EOI) Process:** This is not the recommended option. This approach has been used to commission third party providers during the HAF pilot and for Easter 2022. The EOI process has been advertised via the Council's website with interested third parties being able to submit an EOI via email. This process is administratively burdensome for the Council, especially as it has been run for each HAF period separately. Any future EOI process will need to be amended to comply further with the Council's accessibility and web standards and a new form would need to be developed electronically that would allow third party providers to complete and submit online. An EOI covering a longer period could be run but the process would need to be developed as more providers are expected to apply. The current EOI process is not streamlined enough and does not allow flexibility for the HAF programme over a longer period.
- **Establish a Framework Agreement to commission third party providers:** This is not a recommended option. Frameworks are allowed under the Public Contract Regulations (2015); although the Regulations do not apply for grants. There are no existing frameworks for HAF provision that would cover Lincolnshire. The Council could establish a framework with pre-qualified suppliers that can then bid to deliver HAF via grant. With a framework suppliers can join within a limited application window; pricing must be fixed at point of bidding and the number of suppliers determined in advance. This process is overly complicated for a grant award process and ultimately not flexible enough for HAF delivery and may also deter some small, independent providers, thus potentially limiting the market. There could be a risk that the Council will have less providers interested in delivering HAF and create gaps in provision which would mean an inequitable offer across the Country for eligible children and young people.
- **Establish a Dynamic Purchasing System to commission third party providers:** This is not a recommended option. Dynamic Purchasing Systems (DPS) are allowed for under the Public Contract Regulations (2015); although the Regulations do not apply for grants. A DPS is similar to a framework, but new suppliers can join at any time if they meet criteria and then they would bid to deliver HAF via a grant. Prices would be determined at grant award stage. A DPS can become administratively heavy especially for awarding grants, as providers may request to enter the system at any time and would require high ongoing admin time to manage the system. Failure to respond within timescales would leave the Council open to challenge. Timescales around setting up a DPS can be quite lengthy and once a DPS is set up terms and conditions and the selection criteria cannot be changed. This could create a risk to the Council as the Government releases HAF guidance on an annual basis and so

there will likely be changes the Council would be required to factor in. This approach may deter some small, independent providers and therefore may limit the market. There could be a risk that the Council will have less providers interested in delivering HAF and create gaps in provision which would mean an inequitable offer across the County for eligible children and young people.

Reasons for Recommendations:

It is recommended that the Council continues to directly award grants to schools and academies, early years settings and District Councils that operate leisure facilities. These organisations are trusted partners working within local communities that are known to children, young people and families and can offer safe settings for HAF provision. These partners will be able to submit an EOI to provide HAF for all or part of the three-year period. Partners will still be required to demonstrate that they meet criteria. A longer-term approach to these grants will provide greater stability enabling partners to plan services more consistently. Legal Services are supportive of this approach.

The Council will still need other third parties e.g., VCS and private providers, to deliver HAF to ensure sufficient capacity. Services to be provided in respect of HAF fall within the Light Touch Regime of the Public Contract Regulations (2015) but as it is proposed the funds shall be allocated as grant funding, the Public Contract Regulations (2015) do not apply. A competitive process will still be put in place to ensure a fair and transparent approach. The current EOI process for third party providers has been administratively burdensome and given HAF is now a longer-term programme other commissioning options were considered.

An OSL is recommended as the preferred option, it is similar to a DPS but is not open continuously to providers. The OSL provides the flexibility to be opened on at least an annual basis, but can also be opened at any point, for example, where there is a gap in provision or before each school holiday period. Providers can join the list if they meet pre-determined criteria, and then mini competitions can be run as needed. Providers could bid for a longer-term grant covering the whole period as well as the Council running mini competitions periodically to target gaps in services.

This approach will provide greater stability for interested providers and give them the opportunity to undertake longer-term planning and ensure sufficient staffing capacity to deliver HAF provision. This approach is flexible for the Council too allowing the award of longer-term grants as well as bringing new providers on board as needed throughout and grant conditions can be amended in line with Government Guidance.

Utilising an OSL will ensure grant funding for the delivery of HAF for third party providers can be distributed quickly through a fair process that is open and transparent.

Children's Services Strategic Commissioning Team already utilise OSLs (under the Public Contract Regulations (2015)) and are confident that the setting up of this OSL (which will be set up outside of the Public Contracts Regulations 2015 for the reasons as aforesaid) for the HAF Programme offers an effective and efficient legally sound methodology for commissioning third party providers to deliver HAF provision.

1. Background

Research has shown that the school holidays can be a pressure point for some families. For some children this can lead to a holiday experience gap with children from low-income households being less likely to access organised out of school activities, more likely to experience "unhealthy holidays" in terms of nutrition and physical health and more likely to experience social isolation.

The Government's HAF programme is a response to this issue. Since 2018 the Government has funded the HAF programme to support children in receipt of benefits related free school meals through holiday periods. Following successful pilots between 2018 and 2020, the Government's pilot programme was rolled out to all upper tier local authorities in 2021. Guidance can be found [here](#).

The Council received a grant for c. £2.5 million in 2021 as part of a HAF pilot programme. At the time 22,500 Lincolnshire children aged 5 to 16 years would have been eligible to access free of charge holiday club places. During the 2021 pilot holiday clubs ran for at least four hours a day, four days a week, six weeks a year (four weeks in the summer and one week each at Easter and Christmas). The clubs were required to provide:

- Healthy meals
- Enriching activities
- Nutritional education
- Signposting and referrals
- Policies and procedures

The pilot in Lincolnshire was delivered in partnership with schools, early years and out of school settings, District Council leisure providers and other third part holiday club providers. This gave the best opportunity to offer the most places to eligible children across the County.

In accordance with legal advice, grants were awarded via an open and transparent EOI process which ensured that all interested parties had the opportunity to bid for grant funding to deliver the pilot.

Across the three HAF programmes delivered in 2021 (Easter, summer and Christmas) c. 5,500 pupils were engaged. The feedback from participants was very positive with benefits including being with their friends, enjoying the activities and the food offer available. Approximately £1 million of the HAF grant funding was utilised.

The pilot year has faced some challenges. Education settings were under extreme pressure throughout the pandemic and so the volume that came forward to deliver HAF

wasn't as high as hoped. Various Covid restrictions impacted on the type of delivery offered, although most activities were face-to-face. Going forward more providers are needed to offer more places, particularly for the secondary cohort and pupils with SEND. More targeting in some parts of the county is needed.

HAF 2022

The Government, through its Spending Review, has confirmed grant funding for the HAF programme will continue for at least three further years. The HAF 2022 guidance was released on 20th December 2021; the programme remains very similar to the pilot but with greater clarity when working with eligible children with SEND and at secondary-age.

The current HAF guidance is available [here](#) and the current grant determination letter issued by the Department for Education is available [here](#).

As per the grant determination letter, in the 2022/23 financial year the Council will receive grant funding of £2,638,890, which has increased compared to 2021 due to rising numbers of eligible children and young people. A delivery plan has been submitted to the Department for Education, as approved by the Executive Director of Children's Services.

Easter 2022 delivery

The late announcement of the HAF expansion meant that it was not possible before Easter 2022 for a decision to be taken about the longer-term model and commissioning process for the future HAF offer. Legal Services agreed that the Easter programme, in line with the Council's Scheme of Authorisation, was within the decision-making authority of the Executive Director of Children's Services in consultation and agreement with the Executive Councillor of Children's Services.

The EOI process for HAF Easter 2022 delivery has been completed and there has been an increase in providers and places offered, meaning that even more opportunities will be available to eligible children and young people (estimated that approximately 11,000 free of charge sessions will be available to eligible children and young people). It is anticipated that £400,000 of funding from the HAF 2022/2023 grant funding will be utilised but this will not be confirmed until the Easter provision has been delivered.

Future administration and coordination

Local authorities must ensure appropriate coordination and administration of the HAF programme and the grant terms allow up to 10% of the funding to be attributed to administration and coordination costs. Temporary staffing arrangements have been in place to manage and coordinate the pilot programme, but as the programme continues to grow these temporary arrangements are not sustainable as they lack resilience and do not offer enough dedicated capacity to expand the programme further. It has been agreed with the Executive Director of Children's Services and Executive Councillor of Children's Services that the Head of Early Years in Children's Services will manage the HAF programme going forward as part of their role and 4 FTE officers will be recruited on an

internal secondment/fixed term basis to specifically coordinate and arrange the HAF programme (their substantive posts will be backfilled). Funding for the level of support that will also be required from Children's Services Commissioning, Finance and Legal Services has also been agreed. This will ensure the HAF programme has dedicated capacity to expand and grow without permanently committing the Council to increased staffing costs.

The lack of live data (places available and numbers booked) was also an administrative challenge during the 2021 pilot. Some local authority areas invested in an electronic booking system which is something that will be explored for Lincolnshire in 2022. This will make it easier for families to book onto HAF provision. Initial scoping suggests that this will be in the region of £15,000 to £20,000 for purchase and implementation.

These costs will not exceed the 10% grant allowance of £263,889 in 2022/23.

HAF model 2022 onwards

It is important to grow the HAF programme to offer as much as high-quality support as possible for eligible children in Lincolnshire. It is proposed that the HAF model for the next three years will:

- Continue to be provided from a mixture of venues to encourage maximum participation including on and off school sites, early years settings, out of school clubs, community venues etc.
- Focus on face-to-face delivery, wherever possible, with opportunities for outdoor activities (weather permitting).
- Provide a broad range of enrichment activities for all ages that meet a variety of needs and interests.
- Provide hot, healthy food and snacks, engage children in cooking and offer healthy eating advice and guidance for parents/carers to try at home.
- Provide signposting to other support services as needed.
- Allow clubs to provide chargeable places to non-eligible children as appropriate and with discretion.
- Allow some discretion to offer places to children that could really benefit from the programme but may not meet eligibility criteria e.g., children supported by Children's Services (max. 15% of funding).
- Actively target provision e.g., hard to reach communities, areas with limited provision currently, activities for secondary age and for children with SEND.

The recommendation includes the proposal that the Council continues to directly award grants to schools and academies, early years settings and District Councils that operate leisure facilities. These partners will be able to submit an EOI to provide HAF for all or part of the three-year period. They will be required to demonstrate that they are able to meet the HAF criteria, as is currently the case. Legal Services are supportive of this approach.

The Council also needs other third parties, e.g. voluntary community sector and private providers, to deliver HAF in Lincolnshire to ensure sufficient capacity across the County.

Services to be provided in respect of HAF fall within the Light Touch Regime of the Public Contract Regulations (2015) but as it is proposed the funds shall be allocated as grant funding, the Public Contract Regulations (2015) do not apply.

Financial Implications

The HAF programme is grant funded by the Department for Education and so there is limited financial risk to the Council. However, the risk is to ensure equitable access to quality provision within the funding envelope.

The Council will not spend over the grant allocation. Grant use will be monitored and if grant funding requests exceed the funding available the volume of grants to providers would be adjusted in line with published criteria.

Upon the recommendations being considered, the programme will increase in scale to ensure greater utilisation of the grant allocation, and to enable the county to maximise on the places available to eligible children.

The 2022/23 financial year budget allocation has been confirmed as £2,638,890 and aligns with the financial year. This increase is due to the number of eligible children in the county. Funding will be confirmed by the Government on an annual basis through a grant funding determination letter.

The Council will continue to indicate to providers the maximum costs that will be considered to ensure funding is in line with market rates but represents value for money.

Administration costs should not exceed £263,889 per year or 10% of the grant. The agreed administration will be within this amount and will include funding for the procurement of an electronic booking system.

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 HAF Programme is a Government funded programme that is targeted at children and young people from Reception Year to Year 11 who are eligible for benefits-related free school meals. This includes eligible children and young people with special educational needs and disabilities.

There is no adverse impact identified for eligible children and young people and their families. The provision of HAF activities during the Easter, summer and Christmas school holidays is perceived to be a positive impact for eligible children.

Consideration has been given to children who are not eligible for benefits-related free school meals and holiday clubs offering HAF places will be allowed to offer chargeable places to non-eligible children where space allows and with discretion.

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 HAF programme in Lincolnshire will support eligible children and their families with access to positive activities, healthy and nutritional meals, related advice and support to access other services as needed. This will support children to be both physically and mentally healthy which will improve their attainment and life chances. This supports the JSNA and JHWS across a range of areas.

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 HAF Programme in Lincolnshire will support eligible children to be safe and have reduced social isolation. Improving access to organised out-of-school activities that keep eligible children active during the school holidays will encourage and support them to engage in positive activities and potentially protect against poor behaviour during the school holidays, including anti-social behaviour.

3. Conclusion

Upper tier local authorities are expected to offer the HAF Programme to eligible children in their area with expected standards for the delivery of the HAF provision set by the Department for Education. The proposed model for the HAF Programme from Summer 2022 onwards builds on the 2021 pilot programme in Lincolnshire and provides dedicated capacity to stimulate the market, encourage more providers to bid and fund the programme sufficiently, within the HAF funding envelope. The OSL will provide a flexible, fair and transparent commissioning approach to award grants to third parties, whilst still ensuring the Government's HAF guidance is met. This commissioning approach will enable the Council to increase the scale of the HAF offer to ensure greater utilisation of the grant allocation, maximise the places available to eligible children and target support to meet the specific needs.

4. Legal Comments:

The Council has the power to create the processes and allocate the grant funding as set out in this Report.

The legal aspects have been addressed in the body of the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive.

5. Resource Comments:

The recommendations in the report for the delivery of the Holiday Activity Fund (HAF) from Summer 2022 is planned to be through an Open Select List for providers to join and bid for work, which will provide greater stability and support longer-term planning for those interested providers. The approach will also support the Council in its objective in achieving an extensive programme of holiday activities covering the County in supporting children in receipt of benefits related free school meals. The Council will also continue working with schools, early years and district partners to support the HAF delivery.

The Council has received a grant allocation of £2,638,890 for 2022/23 for HAF to support those eligible children. The funding will be administered through a grant process to support its delivery. Monitoring of spending against planned levels in each term will support the maximisation of the grant. Administration support costs are only allowable up to 10% of the grant value.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision will be considered by the Children and Young People's Scrutiny Committee on the 22 April 2022 and the comments of the Committee will be reported to Executive.

d) Risks and Impact Analysis

Upper tier local authorities are required to deliver a HAF Programme in their local area in line with guidance.

The main risk is that the HAF programme doesn't grow sufficiently to support the volume of children eligible for support. This would result in eligible children not receiving the benefits that the programme offers and ultimately could impact on their overall health and wellbeing, especially during the school holidays. This risk is mitigated by the Council investing in dedicated capacity to stimulate the market, encourage more providers to bid and funding the programme sufficiently. The Council is also seeking to make it easier to access HAF for families so they know where places are available, can easily book online and don't have to travel far.

If the model and commissioning approach are too difficult for providers to engage with there is a risk that providers will choose not to run the programme. The proposed model is flexible and so will enable the Government's guidance to be met whilst also allowing a targeting of support to meet the specific needs of Lincolnshire children. The proposed commissioning approach is flexible, easy to use and not too administratively heavy.

7. 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 Sara Gregory, who can be contacted on 01522 553635 or saraj.gregory@lincolnshire.gov.uk.

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

Report to:	Executive
Date:	04 May 2022
Subject:	Award to Reseller for provision of Microsoft Subscription Agreement and related services
Decision Reference:	I026022
Key decision?	Yes

Summary:
This report sets out and seeks approval for the proposed procurement route for the provision of Microsoft software and services.

Recommendation(s):
That the Executive

1. approves the direct award of a one-year contract, via the CCS RM6194 Back Office Software (BOS) Framework Agreement, to the incumbent reseller Softcat, for the provision of Microsoft software and services; and
2. delegates to the Executive Director – Resources in consultation with the Executive Councillor for Highways, Transport and IT authority to take all decisions necessary to carry out the procurement up to and including the award of contract

Alternatives Considered:

1.	Process 2022/23 Microsoft Subscription order via existing contract This alternative should be discounted because it will not be possible to complete the order process before the existing contract expires.
2.	Do Nothing This alternative should be discounted because it provides no security of supply for vital software and services used by over 6000 Council employees. Licenses will lapse placing access to these services at risk and the potential failure of

critical local services.

Reasons for Recommendation:

The CCS RM6194 BOS framework is an established and compliant procurement route facilitated by the Government Commercial Function. Use of the Framework will allow the award of a one-year contract to the Council's existing reseller for 2022/23. This route allows the Council to process an order for the 2022/2023 agreement and thereby to retain the terms of the Rapid Modernisation Plan (RAMP) tapered discount scheme. This provides licencing cover whilst the Council plans a strategically relevant procurement competition for 2023/24 onwards in line with Microsoft's Enterprise Subscription Agreement pricing cycle

1. Background

- 1.1 Lincolnshire County Council's IT systems are predominantly based on Microsoft software and services. For context, as of March 2022, LCC utilised 6256 active Microsoft 365 user licences.
- 1.2 Due to the complexities of the software market LCC cannot procure Microsoft products directly from Microsoft and all Microsoft licencing is facilitated via a reseller.
- 1.3 The Council's incumbent reseller for Microsoft software and services is Softcat.
- 1.4 This contract was procured in 2018 via a Crown Commercial Services (CCS) framework agreement and expires on 30th June 2022.
- 1.5 This contract consists of two licencing agreements, which are:
 - Microsoft Enterprise Subscription Agreement (ESA); the software and systems covered by this agreement are predominantly supporting desktop / laptop user applications. Annual value is circa £1,163,534.
 - Microsoft Service and Cloud Enrolment (SCE); the software and systems covered by this agreement are predominantly supporting database servers. Annual value circa £144,819.
- 1.6 Standard industry practice is for Microsoft licencing to run in 3-year cycles, starting in July, with the order for each year being placed by the end of the prior May. There follows a 'true-up' process to confirm licence usage and the transaction is finalised in July.
- 1.7 LCC's licencing level is reported by Serco Software Asset Management (SAM). The Council's corporate services contract with Serco ends in March 2024 and any future software reseller relationship needs to fit strategically with LCC's longer term software management requirements.
- 1.8 There are a number of procurement instruments which can be utilised for the provision of such software and services. For example, the CCS RM6194 'Back Office Software' framework agreement and CCS RM6068 Technical Products & Associated Services framework.
- 1.9 Pricing of Microsoft products procured via CCS Framework Agreements is controlled by a Government Memorandum of Understanding (MoU). The MoU was negotiated between Central Government and Microsoft resulting in discounted prices for public

sector organisations. Microsoft has therefore fixed the price of their licensed products which means there is little difference on price between resellers.

- 1.10 Due to increasing network access and security demands resulting from the significant shift to home working during the COVID pandemic LCC made the decision to migrate the ESA agreement from Microsoft 365 'E3' to Microsoft 365 'E5' to take advantage of enhanced network access, security and bundled applications.
- 1.11 The price-point for E5 is higher than E3 and to incentivise migration to the higher specification and make the transition less financially onerous upon the buyer, Microsoft provide a tapered discount over three years as part of a program known as RAMP (Rapid Modernisation Plan).
- 1.12 LCC agreed with Microsoft in 2020 to accept the RAMP pricing, however, the three-year term extends beyond the current reseller agreement by one year and so it is necessary to put in place a short-term contract to cover this period prior to procuring the next three-year licencing cycle.
- 1.13 The CCS RM6194 Back Office Software (BOS) allows the Council to do this via a direct award to the incumbent reseller which is preferred as it means there's no need to change supplier and relationships near to a licencing deadline. Doing so risks the licence ending during this transition period which could result in mass service outages and penalties.

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 requirements of the Equality Act have been considered not to have any implications for this decision.

Joint Strategic Needs Assessment (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 requirements of the JSNA and JHWS have been considered not to have any implications for this decision.

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 requirements of Section 17 of the Crime and Disorder Act 1998 have been considered not to have any implications for this decision.

3. Conclusion

Under the current circumstances and available timeframe, the pragmatic solution is procurement of a one year contract with the incumbent reseller via the CCS RM6194 Back Office Software framework (award via CCS eMarketplace catalogue), which offers a regulatory compliant route to market, continued commitment and benefit of the final year of the RAMP, and provides licencing cover whilst planning a strategically relevant procurement competition for next year in line with Microsoft's ESA pricing cycle.

4. Legal Comments:

The Council has the power to enter into the contract proposed.

The use of the recommended Framework is consistent with the Council's procurement obligations.

The decision is consistent with the Policy Framework and within the remit of the Executive.

5. Resource Comments:

The expenditure arising from the proposed contract award is budgeted for in the Council's approved revenue budget. In contracting with the incumbent reseller, the remaining year of the existing tapered discount arrangement is secured and the level of risk remains unchanged.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The report will be considered by the Overview and Scrutiny Management Board on 28th April 2022. Any comments of the scrutiny committee will be provided to the decision-taker, prior to them making the decision.

d) Risks and Impact Analysis

See the body of the Report

7. 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 Andrew Webster, who can be contacted on 07880 420386 or andrew.webster@lincolnshire.gov.uk.



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

Report to:	Executive
Date:	04 May 2022
Subject:	Lincolnshire Minerals and Waste Local Plan: Issues and Options for Updating the Plan
Decision Reference:	I025460
Key decision?	No

Summary:

The adopted Lincolnshire Minerals and Waste Local Plan, which covers the period to 2031, is being updated to ensure that its policies remain relevant and effective. This is being carried out in accordance with the programme set out in the Lincolnshire Minerals and Waste Development Scheme approved by the full County Council in 2021. The document attached to this report as Appendix A, the Issues and Options document, represents the first stage of this process. Subject to the approval of the Executive, this will be published for public consultation.

The Issues and Options document proposes to roll the new plan period forward to 2040 and sets out the key issues (topics) that need to be considered in the updating of the plan. Potential options for improving the plan are set out in the document and interested parties are invited to comment and, where appropriate, put forward alternatives or additions.

The plan will need to make sufficient provision for a steady and adequate supply of aggregate minerals (sand and gravel, and crushed rock) during the plan period. It is proposed to do this by allocating additional sites in the new plan. To facilitate this approach, it is proposed to carry out a "Call for Sites" exercise that would run alongside the consultation on the Issues and Options document. Interested parties would then be able to nominate sites for potential allocation. A Proposed Site Selection Methodology (Appendix B) has been prepared which sets out how the nominated sites would be assessed and selected for allocation. This would be included in the consultation.

Although no specific needs for new waste management facilities have been identified for the new plan period, it is important that the plan provides a suitable policy framework to guide and assess any future waste management proposals. It is therefore proposed to continue with the existing criteria-based approach and to set out a spatial strategy which

focusses on the main urban areas, albeit in a simpler format.

Recommendation(s):

That the Executive:-

- (1) Subject to any amendments made pursuant to paragraph 2 below, approves the Issues and Options document attached at Appendix A and the Proposed Site Selection Methodology attached at Appendix B for public consultation for a period of at least six weeks commencing in June 2022;
- (2) Authorises the Head of Planning to make any non-material amendments to the said Issues and Options document and the said Proposed Site Selection Methodology that are necessary to meet the County Council's accessibility requirements for publication on its website; and
- (3) Approves the carrying out of a "Call for Sites" process alongside the consultation.

Alternatives Considered:

Not to proceed with the consultation on the basis of the documents at Appendix A and B.
Not to conduct a "Call for Sites".

Reasons for Recommendation:

The Issues and Options document and the Proposed Site Selection Methodology represent the first stage in the updating of the Lincolnshire Minerals and Waste Local Plan. This is the formative stage at which no firm decisions have been taken on the content of the new plan. It would therefore allow the public and other stakeholders an opportunity to express views and influence the future content of the new plan at an early stage in its preparation.

Approving the Issues and Options document and the Proposed Site Selection Methodology for consultation would also allow the updating of the plan to proceed in accordance with the programme approved by the full County Council in 2021.

Conducting a "Call for Sites" will help the Council to address projected shortfalls in capacity consequent on the extension of the period of the Lincolnshire Minerals and Waste Local Plan to 2040.

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 produced in two parts: the Core Strategy and Development Management Policies (CSDMP) document adopted on 1 June 2016 and the Site Locations document (SLD) adopted on 15 December 2017.
- 1.2 The first part of the plan, 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. The second part, the SLD identifies specific sites and areas for mineral extraction and for the location of waste facilities.
- 1.3 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.
- 1.4 The LMWLP was reviewed last year (LMWLP Review) under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), to establish whether the policies remained relevant and effective. This found that the following policies were not fully effective and should be updated:
 - Policy M1 (Recycled and secondary aggregates)
 - Policy M4 (Proposals for sand and gravel extraction)
 - Policy M5 (Limestone)
 - Policy M11 (Safeguarding of Mineral Resources)
 - Policy M13 (Associated Industrial Development)
 - Policy W1 (Future requirements for new waste facilities)
 - Policy W3 (Spatial strategy for new waste facilities)
 - Policy W4 (Locational criteria for new waste facilities in and around main urban areas)
 - Policy W6 (Landfill)
 - Policy W7 (Small scale waste facilities)
 - Policy SL3 (Waste site and area allocations)
- 1.5 In addition, the LMWLP Review concluded that the other policies would benefit from being updated 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, and

- enable greater public involvement in the process.
- 1.6 On 19 February 2021, the County Council approved the findings of the LMWLP Review and authorised the updating of the LMWLP, to be prepared as one document. At the same meeting the County Council approved a new Lincolnshire Minerals and Waste Development Scheme 2021 (LMWDS) setting out the programme of work involved in updating the plan. This work will be undertaken under the Town and Country Planning (Local Planning) (England) Regulations 2012 (and other legislation) and involve the following stages:
- Consultation on an Issues and Options document, including a call for sites exercise under Regulation 18 (Spring 2022)
 - Consultation on a Preferred Approach (Draft) of the new LMWLP also under Regulation 18 (Spring 2023)
 - Publication of the proposed submission version of the new LMWLP under Regulation 19 (Spring 2024)
 - Submission to the Secretary of State (Summer 2024)
 - Examination Hearing (Autumn 2024)
 - Adoption (Winter 2024/2025)
- 1.7 Under Regulation 18 (the first two stages listed above), the County Council is required to notify certain bodies and persons of the subject of the local plan and invite them to make representations about what the plan should contain. Technically this can be done in a single stage, but if a plan is to be updated in full (as in this case) it is common practice to split this into two stages:
- i. consultation on a “high-level” Issues and Options Document – allowing consultation at the formative stage of the plan, and
 - ii. consultation on a Preferred Approach (Draft) – allowing consultation on detailed policies prior to the preparation of the proposed submission version of the plan under Regulation 19.
- 1.8 The document attached to this report as Appendix A (Issues and Options) has been prepared for the first stage of consultation. It identifies key issues (i.e., topics) that need to be considered in the updating of the LMWLP. For each issue, interested parties that take part in the consultation will be asked whether they support the suggested option to improve the plan and, if not, they are invited to put forward an alternative. Interested parties may also propose additional topics.
- 1.9 To meet the requirements of the National Planning Policy Framework, the new plan will need to be rolled forward to cover a period of at least 15 years from its forecast date of adoption. It is therefore proposed that it will cover the period to the end of 2040, slightly longer than 15 years to allow for limited slippage in the programme. Accordingly, it will need to make sufficient provision for both minerals (in particular, a steady and adequate supply of aggregate minerals) and waste management during this period.

- 1.10 For aggregate minerals, this would involve making provision for a shortfall of 22.90mt of sand and gravel and 3.84mt of limestone based on the provision rates set out in the latest Lincolnshire Local Aggregate Assessment (2021). It is proposed that this shortfall would partially be met by carrying forward sites already allocated in the adopted LMWLP, except where evidence emerges that there has been a significant change in circumstances since a site was allocated. The remaining shortfall would then be met, where possible, from further site allocations in the new LMWLP. A “Call for Sites” exercise would therefore be carried out during the consultation period to allow landowners and other interested parties an opportunity to nominate potential sites for allocation in the new LMWLP.
- 1.11 The new LMWLP will also need to allow sufficient opportunities to meet any identified needs of the area for waste management. In this respect, an updated Lincolnshire Waste Needs Assessment published in 2021 demonstrates that there are no capacity gaps up to 2045, which goes beyond the proposed plan period. Despite this apparent lack of need, waste proposals will inevitably come forward during the new period. This is because new demands will arise from:
- the closure of existing sites,
 - the emergence of new technologies to help move the management of waste up the waste hierarchy (which ranks different waste management methods, with prevention and re-use at the top and disposal at the bottom) in accordance with the National Planning Policy for Waste (NPPW),
 - changes in cross boundary movements, and
 - the need to promote the proximity principle in accordance with the NPPW (i.e., waste should generally be managed as near as possible to its place of production).
- 1.12 As a consequence of the above, it will still be necessary for the new LMWLP to provide a suitable policy framework to guide and assess any future waste management proposals that may come forward during the plan period. To achieve this, it is proposed to continue with the existing criteria-based approach and set out a spatial strategy which focusses on the main urban areas, albeit in a simpler format to address issues identified in the LMWLP Review. As most of the county’s waste is produced in these urban areas, this approach is in line with the proximity principle.
- 1.13 The Issues and Options document considers the rationale behind the proposed approach for aggregates and waste and provides an opportunity for interested parties to make comment.
- 1.14 Other issues covered by the document, together with options for potential changes, include:
- a) Historic building stone – no significant changes proposed.
 - b) Silica sand – no significant changes proposed.

- c) Hydrocarbons (oil and gas) – no significant changes proposed, other than to give greater clarity to the restoration requirements.
- d) Underground gas and carbon storage – proposes that the policy should be expanded to include specific reference to carbon storage.
- e) Other minerals – minerals not covered by strategic policies of the adopted LMWLP are still not considered to be of national or local significance, so no changes are proposed.
- f) Associated industrial development – considers whether the current requirement to have close links with the associated mineral development should be relaxed and, if so, to what extent.
- g) Agricultural irrigation reservoirs – no significant changes proposed.
- h) Borrow pits - no significant changes proposed.
- i) Safeguarding mineral resources – considers that the current policy is too onerous, and options are considered for making it more focussed and less of a burden for planning authorities and developers.
- j) Safeguarding existing mineral sites, mineral allocations and associated infrastructure – indicates that the existing policy may need to be changed to remain consistent with changes to the existing policy on the safeguarding of mineral resources.
- k) Low level non-nuclear radioactive waste – considers that a specific policy on this matter would not be needed in the new LMWLP.
- l) Landfill – consideration is given to amending the existing policy with respect to the use of inert waste in the restoration of quarries, but only in specific circumstances.
- m) Safeguarding waste management sites – considers that the safeguarding of waste management sites should continue but proposes to end the need for the district councils to consult the county council on applications in proximity to waste management facilities.
- n) Restoration and after-use - no significant changes proposed.
- o) Development management policies – proposes to deal with the issues of sustainability and climate change principally through a strategic policy (rather than development management policies). There are no changes proposed for the other development management policies.
- p) Other issues – an opportunity is provided for interested parties to raise issues not identified in the document and to put forward solutions.

1.15 In addition to the Issues and Options Document, it is proposed to consult on a Proposed Site Selection Methodology, which is attached to this report as Appendix B. This sets out how sites nominated by interested parties through the “Call for Sites” Exercise would be assessed for potential allocation in the new LMWLP. Under this methodology, sites subject to significant constraints would be discounted at an early stage except where the proponent is able to provide sufficient information that the working of a site would not have unacceptable impacts. The remainder would then be assessed against 47 criteria falling into three broad groups:

- constraints (i.e., impacts on the environment/amenity),

- deliverability (i.e., the likelihood that a site would be able to deliver the mineral specified during the plan period), and
- opportunities (e.g., through restoration to beneficial after-uses).

Each site would then be assigned to one of five bands, Band A being the best and Band E the worst. Where only some of the sites within a band are required, the sites would be ranked using further criteria.

- 1.16 The updating of the LMWLP will be subject to a sustainability appraisal as required by the Planning and Compulsory Purchase Act 2004. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic, and social objectives. The process provides an opportunity to consider ways by which the plan can contribute to improvements in these factors, as well as a means of identifying and mitigating any potential adverse effects from the plan. By doing so, it can help make sure that the proposals in the plan are appropriate given the reasonable alternatives.
- 1.17 The sustainability appraisal will be undertaken by an independent consultant. The first stage of this process, the Scoping Report, is in preparation. This will set out the context, objectives, and approach of the assessment. The Scoping Report would be published alongside the Issues and Options document.
- 1.18 It is proposed that the consultation will commence in June (to allow sufficient time to organise the consultation) and would run for a period of at least 6 weeks. This consultation would be carried out in accordance with the Council's adopted Statement of Community Involvement (2019), which sets out how the Council will engage and consult the public and stakeholders.

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.

The updating of the LMWLP, will be carried out in several stages in accordance with the programme set out in the Lincolnshire Minerals and Waste Development Scheme (2021). Each stage will be subject to public consultation in accordance with the adopted Statement of Community Involvement (2019). 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.

The Issues and Options document includes a specific question relating to protected characteristics. Any comments received will be reviewed at the end of the consultation period.

Joint Strategic Needs Assessment (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 Issues and Options document will contribute to the aims of the JSNA and JHWS by providing an opportunity for the public and other stakeholders to influence the development of policies relating to the environmental impacts of mineral/waste development (and how these would be mitigated) and the beneficial reclamation/after-uses 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 Issues and Options document is a “high-level” consultation document seeking views on what the new LMWLP should contain. It highlights the key issues which have been identified and invites stakeholders to put forward any other issues which they think need to be included. In addition, it seeks views on options for improving the existing plan.
- 3.2 The consultation would also provide an opportunity for stakeholders to comment on the Proposed Site Selection Methodology that would be used to assess sites nominated for allocation in the new plan for future aggregate extraction. This will help to ensure that the methodology is as transparent and objective as possible.

3.3 Although the updating of the LMWLP is primarily governed by statutory requirements, the consultations will accord with the “Gunning Principles”. These require that:

- proposals are still at a formative stage (a final decision has not yet been made, or predetermined, by the decision makers),
- there is sufficient information to allow ‘intelligent consideration’ (the information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response) ,
- there is adequate time for consideration and response (there must be sufficient opportunity for consultees to participate in the consultation, although there is no set timeframe for consultation as the length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation), and that
- ‘conscientious consideration’ must be given to the consultation responses before a decision is made (decision-makers should be able to provide evidence that they took consultation responses into account).

3.4 The process for the consultation on the Issues and Options document and the Proposed Site Selection Methodology will be designed to meet the first three principles. The final principle will be met in the lead up to the approval of the next stage of plan preparation – the Preferred Options Draft Plan. In addition, the public and other stakeholders will be given a further opportunity to comment at the Preferred Options stage, at which time the proposed policies will be available.

3.5 The Executive is responsible for the preparation of the new LMWLP, including the approval of documents for consultation under Regulation 18. The Executive is therefore being asked to approve the Issues and Options document for public consultation for a period of at least 6 weeks. It is proposed to start this consultation during June to allow sufficient time for the consultation web page to be set up, and for any minor amendments to be made to the documents to ensure that they meet the County Council’s accessibility requirements.

4. Legal Comments:

The legal provisions that underpin the development of the Plan are explained in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive

5. Resource Comments:

The Council authorised the updating of the LMWLP in February 2021. The recommended actions in this report are the first stage in this process, the cost of which will be met from within the Place directorate's approved revenue budget.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This item will be reported to the Environment and Economy Scrutiny Committee on 12 April 2022 and the comments of the Committee will be reported to the Executive.

d) Risks and Impact Analysis

See main body of the Report and Appendix C.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire Minerals and Waste Local Plan: Issues and Options for updating the plan
Appendix B	Lincolnshire Minerals and Waste Local Plan: Proposed Site Selection Methodology
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)	https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies

Site Locations document (2017)	https://www.lincolnshire.gov.uk/downloads/file/2274/adopted-site-locations-pdf
Review of the Lincolnshire Minerals and Waste Local Plan (2021)	https://www.lincolnshire.gov.uk/downloads/file/5053/review-of-the-lmwp-19-2-21-accessible-version-
Lincolnshire Local Aggregate Assessment (2021)	https://www.lincolnshire.gov.uk/downloads/file/6308/lincolnshire-local-aggregate-assessment-2020-data-8-11
Lincolnshire Waste Needs Assessment (2021)	https://www.lincolnshire.gov.uk/downloads/file/6039/overview-report
Lincolnshire Minerals and Waste Local Development Scheme (2021)	https://www.lincolnshire.gov.uk/downloads/file/5049/lincolnshire-minerals-and-waste-development-scheme-19-1-21-accessible-v-
Lincolnshire Statement of Community Involvement (2019)	https://www.lincolnshire.gov.uk/downloads/file/2333/statement-of-community-involvement-pdf
National Planning Policy Framework	https://www.gov.uk/government/publications/national-planning-policy-framework--2
National Policy for Waste	https://www.gov.uk/government/publications/national-planning-policy-for-waste
Planning Practice Guidance	https://www.gov.uk/government/collections/planning-practice-guidance

This report was written by Adrian Winkley, Minerals & Waste Policy and Compliance Manager – Planning, who can be contacted on 07867 139608, or adrian.winkley@lincolnshire.gov.uk.

Lincolnshire Minerals and Waste Local Plan

Issues and Options for Updating the Plan

[Date to be inserted]

This document can be provided in another language or format. For all enquiries, please contact the county council on telephone number 01522 782070

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1. Introduction

- 1.1 Minerals are fundamental to our daily lives. They form the basic building blocks for construction materials and are used in countless industrial processes and consumer products. Lincolnshire is an important producer of minerals and is currently the largest producer of sand and gravel in the East Midlands. Limestone, chalk, and hydrocarbons are also extracted in the county.
- 1.2 Waste management facilities are essential to ensure the wastes generated by households, businesses and industry are dealt with in the most efficient and sustainable ways possible. Lincolnshire has a substantial network of waste management facilities which deal with a variety of different waste streams and employ many different processes and technologies.
- 1.3 Lincolnshire County Council is the minerals and waste planning authority for the county, which means it is responsible for preparing a minerals and waste local plan that makes provision for the raw materials and essential infrastructure that is required to underpin sustainable development across the county.

What is the Lincolnshire Minerals and Waste Local Plan?

- 1.4 The Lincolnshire Minerals and Waste Local Plan (LMWLP) is part of the statutory development plan for Lincolnshire and sits alongside other local plans produced by Lincolnshire's district councils that cover matters such as the delivery of housing and employment. It comprises two separate documents: a Core Strategy and Development Management Policies (CSDMP) document adopted in 2016, and a Site Locations document (SLD) adopted in 2017.
- 1.5 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.
- 1.6 The SLD includes specific proposals and policies for the provision of land for mineral and waste development.

Why does the Lincolnshire Minerals and Waste Local Plan need updating?

- 1.7 The performance of the LMWLP is subject to regular monitoring and the results are published each year in the county council's Authority Monitoring Reports (AMRs). The council is also required to undertake a more in-depth review of the LMWLP every five years in order to assess whether the policies in the plan are performing effectively or need updating.

- 1.8 Both parts of the LMWLP (the CSDMP and SLD) were reviewed during 2020, and a detailed report setting out the conclusions of this review was published in February 2021. This is referred to in this document as the LMWLP Review and is available to view on the county council's website.
- 1.9 The LMWLP Review highlighted issues with a number of policies in the LMWLP and concluded that, rather than taking a piecemeal approach seeking to update individual policies, the most appropriate course of action would be to update the LMWLP in its entirety.
- 1.10 In response to the conclusions of the LMWLP Review, the county council has commenced work on a new, updated LMWLP. The new plan, once completed, will eventually replace the existing adopted CSDMP and SLD.
- 1.11 In line with national policy and legislation, it is proposed to produce the new LMWLP as a single document, which will include both strategic and criteria-based policies, along with site allocations where required.

How will the new Lincolnshire Minerals and Waste Local Plan be prepared?

- 1.12 The timetable for the production of the new LMWLP is set out in the county council's Minerals and Waste Development Scheme (LMWDS), which is available on the council's website. The new LMWLP will go through several stages of public consultation and a formal examination process in order to ensure the views of communities, stakeholders and other interested parties are taken into account during the formulation of the plan, and that it meets all necessary legal and procedural requirements.
- 1.13 Table 1 below sets out the key milestones for the preparation of the new LMWLP as set out in the current LMWDS. These may be subject to change and the LMWDS updated as work progresses on the new plan.

Table 1: Timetable for preparation of the new Lincolnshire Minerals and Waste Local Plan

Stage of plan production	Target
Consultation on Issues and Options, including a call for sites	Spring 2022
Consultation on the Preferred Approach (Draft of the new LMWLP)	Spring 2023
Publication of the Proposed Submission version of the new LMWLP	Spring 2024
Submission of LMWLP to Secretary of State	Summer 2024
Examination hearings	Autumn 2024
Adoption	Winter 2024/2025

- 1.14 Details of the methods of consultation and publicity utilised at each key stage of plan preparation are set out in the Statement of Community Involvement (SCI). The SCI is also available on the county council’s website.
- 1.15 The SCI sets out how particular effort will be made to identify and engage underrepresented 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. Within a sparsely populated county such as Lincolnshire, it is also important to ensure the involvement of groups, including rural communities suffering from isolation.

Question 1

Do you have any comments on how the updating of the LMWLP could have positive or negative impacts on people with a protected characteristic or on any other groups?

If you have identified any negative impacts, please set out your suggestions on how these could be mitigated.

Issues and Options consultation and ‘call for sites’

- 1.16 This Issues and Options consultation document is the first stage in the preparation of the new LMWLP. Building on the conclusions and recommendations of the review of the current LWMLP, it sets out the main issues affecting how we plan for minerals and waste in Lincolnshire and explores reasonable options to address them in the new LMWLP. This document is arranged around these key issues and sets out questions seeking your views on the options suggested and, where appropriate, invites alternative solutions to be put forward for consideration.
- 1.17 In parallel with this Issues and Options document, the county council is carrying out a ‘call for sites’ where it is inviting landowners, site operators and their agents to put forward any sites that they wish to be considered for allocation in the new LMWLP for the future winning and working of aggregate minerals. A “Proposed Site Selection Methodology for Updating the Plan” has been produced, which is available on the county council’s website. This sets out how it is proposed to assess any nominated sites.
- 1.18 This Issues and Options consultation and accompanying call for sites is supported by a Sustainability Appraisal Scoping Report. This scoping report sets out objectives and a framework for how the LMWLP will be subject to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) to ensure the integration of social,

environmental, and economic considerations into the preparation of the plan. Comments are being invited on the SA scoping report as part of this consultation.

Question 2

Do you have any comments in relation to the Sustainability Appraisal Scoping Report for the new LMWLP?

- 1.19 This Issues and Options consultation is also supported by a number of other background documents, including a Local Aggregates Assessment (2021) and Waste Needs Assessment (2021), which set out the evidence base to inform the required provision for minerals and waste development within the LMWLP. These background documents are referred to in more detail in the relevant chapters of this document.
- 1.20 The background documents and technical appraisals supporting the new LMWLP will be updated and added to throughout the plan process.

How to get involved

- 1.21 We are seeking views on the content of the new LMWLP from local communities, stakeholders, and any other interested parties. It is important that you let us know your views at this early stage of plan preparation so that we can use them to inform the approach of the new LMWLP going forward.
- 1.22 This Issues and Options document, along with its supporting papers and technical appraisals is available to view and download from the county council's website: www.lincolnshire.gov.uk/planning/minerals-waste
- 1.23 You can submit responses to the questions posed throughout this document or raise any other issues by completing the response form which is available to download from the above website. Site nomination forms are also available for those landowners, operators and agents that wish to make site submissions.
- 1.24 All response forms and site nomination forms should be submitted by e-mail to: mineralsandwaste@lincolnshire.gov.uk

- 1.25 If you are unable to respond by e-mail, response forms and site submission forms can be submitted by post to the following address:

Minerals and Waste Planning Policy Team
Planning Services
Lincolnshire County Council
County Offices
Newland
Lincoln
LN1 1YL

- 1.26 **[Details of the consultation period to be inserted].**

How we will use your information

- 1.27 Lincolnshire County Council will use the information that you supply to inform the preparation of the Lincolnshire Minerals and Waste Local Plan (LMWLP) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Please note that consultation responses received in relation to the LMWLP and associated documents may be made publicly available and therefore no comments can be treated as anonymous or confidential. Your information is kept only for as long as necessary. To find out more information on how your data is processed and your rights, please see the privacy notice directory which can be accessed via our website (www.lincolnshire.gov.uk/privacy) or made available on request.

What happens next?

- 1.27 At the end of this Issues and Options consultation, all comments and site submissions received will be reviewed by the county council and will be used to help determine which options should be taken forward to the next stage of the new LMWLP. In line with the above timetable, a 'preferred approach' for the new LMWLP will then be drafted and subject to a further round of public consultation. A decision will then be made on the content of the final draft plan (the "publication draft") to be submitted for examination to the Secretary of State.

2. Legislative and policy context

- 2.1 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the legislative framework for the preparation of local plans. Within this context, national policies and strategies provide guidance on the content of local plans, including how we should plan for minerals and waste development.
- 2.2 The LMWLP must therefore be consistent with the relevant legislation, national policies, and any other relevant plans and programmes. This chapter identifies some of the key principles that underpin how we are required to plan for minerals and waste development. Further context in relation to specific issues and options is also provided in the relevant sections of this document.

Sustainable development and climate change

- 2.3 Sustainable development sits at the heart of the planning system. The government's National Planning Policy Framework (NPPF) 2021 sets out (paragraph 7) that the purpose of the planning system is to contribute to the achievement of sustainable development, which is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It goes on to explain (paragraph 8) that achieving sustainable development requires economic, social, and environmental objectives to be pursued in mutually supportive ways.
- 2.4 To this end, the NPPF is based upon a presumption in favour of sustainable development. Amongst other things, this states in subparagraph 11a that all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.
- 2.5 The need to mitigate and adapt to climate change is a fundamental component of sustainable development and one of the core principles of the NPPF. Paragraph 20d of the NPPF states that strategic policies in local plans should, amongst other matters, make sufficient provision for planning measures to address climate change mitigation and adaptation.
- 2.6 Paragraph 153 of the NPPF states plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. This is set within the context of the government's binding commitments to reduce greenhouse gas emissions as set out in the Climate Change Act 2008. Further information and guidance is set out in the government's online Planning Practice Guidance (PPG).

Minerals context

- 2.7 The NPPF and PPG set out national policy and guidance on the sustainable use of minerals. Paragraph 209 of the NPPF states it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
- 2.8 The NPPF requires Lincolnshire County Council as mineral planning authority to make appropriate provision, through policies in its minerals and waste local plan, for the extraction of mineral resources of local and national importance, whilst taking account of the contribution that can be made by substitute or secondary and recycled materials. Policies are also required to:
- safeguard mineral resources from being sterilised by non-mineral development
 - protect sites involved in the transport, handling and processing of minerals and other specified activities
 - ensure that mineral operations do not have unacceptable adverse impacts on the natural and historic environment or human health
 - ensure timely and high-quality restoration and aftercare of mineral sites.

The Managed Aggregate Supply System (MASS)

- 2.9 In relation to aggregate minerals specifically, the NPPF requires the county council to plan for a steady and adequate supply of aggregates. This is achieved through the Managed Aggregate Supply System (MASS), which as detailed in the PPG, requires minerals planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply. The PPG explains that MASS works through national, sub-national and local partners working together to deliver a steady and adequate supply of aggregates.
- 2.10 The main tool used by the county council in this process is an annual Local Aggregate Assessment (LAA) which is used to assess demand for and supply of aggregates in Lincolnshire, and to inform and monitor the level of provision in the minerals and waste local plan. The county council are also part of the East Midlands Aggregate Working Party (EMAWP) which produces and monitors data on aggregates in the East Midlands and facilitates co-operation between neighbouring authorities and other organisations in relation to aggregate provision.

Waste context

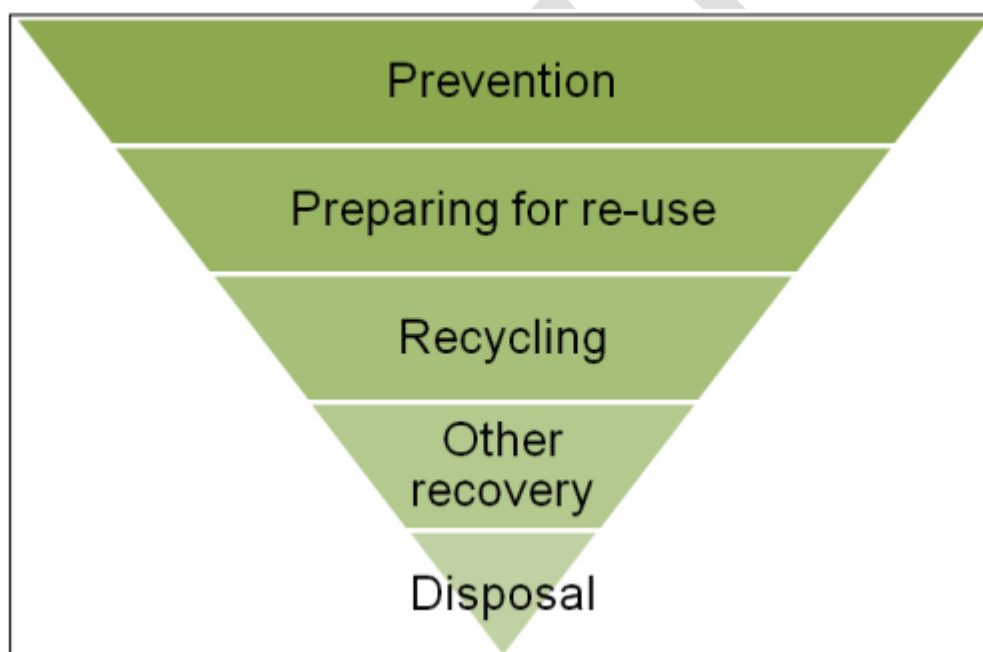
- 2.11 National policy on planning for waste management is set out in the National Planning Policy for Waste (NPPW) 2014. Additional guidance is also set out in the PPG. The NPPW (paragraph 3) requires waste planning authorities such as Lincolnshire County Council to prepare local plans which identify sufficient

opportunities to meet the identified needs of their area for the management of waste streams.

The waste hierarchy

- 2.12 The waste hierarchy underpins the NPPW as a key mechanism to deliver sustainable waste management development and is a requirement of the Waste (England and Wales) Regulations 2011. The waste hierarchy ranks different waste management methods, with prevention and re-use at the top, and disposal at the bottom (Figure 1). In preparing the minerals and waste local plan, the county council is required to drive waste management up the waste hierarchy, whilst recognising the need for a mix of types and scale of facilities.

Figure 1: The waste hierarchy



Source: National Planning Policy for Waste (2014) (contains public sector information licensed under the Open Government Licence v3.0)

The proximity principle

- 2.13 The NPPW (paragraph 4) also requires waste planning authorities to plan for the disposal of waste and the recovery of mixed municipal waste (from households) in line with the 'proximity principle'. The principles of self-sufficiency and proximity are set out in the Waste (England and Wales) Regulations 2011 and require these wastes to be managed in one of the nearest appropriate installations, by the most appropriate technologies, in order to ensure a high level of protection for the environment and human health. The PPG provides further guidance on implementing the principles of self-sufficiency and proximity.

The circular economy

- 2.14 As set out in the Waste Management Plan for England (WMP) 2021, the government's overall approach in relation to resources and waste is to move away from the current linear economic model of 'take, make, use, throw', towards a more circular economy which keeps resources in use for longer, and in turn minimises waste, reduces its impact on the environment, and reduces carbon emissions.
- 2.15 This circular economy approach is embedded in the government's Resources and Waste Strategy for England (RWS) 2018, which works towards a number of goals in the government's 25 Year Environment Plan. The RWS sets out 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. Key measures proposed in the RWS include targets for increased recycling and reductions in waste being sent to landfill, along with the introduction of deposit return schemes, enhanced separation and collection of waste, and extended producer responsibility for packaging waste.
- 2.16 The Environment Act 2021 provides a legal framework for implementing many of the commitments set out in the RWS and the 25 Year Environment Plan.

Other relevant plans, strategies, and programmes

- 2.17 In addition to national policy and legislation, the LMWLP is produced within the context of many other plans and strategies at national, subnational, and local level, prepared by both statutory and non-statutory organisations. The LMWLP should therefore give due consideration to any plans and strategies that are relevant to the content and scope of the plan, and will refer to these where relevant during the plan-making process.
- 2.18 There are seven districts within Lincolnshire: Boston Borough, City of Lincoln, East Lindsey, North Kesteven, South Holland, South Kesteven and West Lindsey. As part of the two-tier system of local government in Lincolnshire, these district councils are responsible, either individually or in partnership, for the production of local plans for their respective administrative areas covering matters such as the delivery of housing and employment. It is therefore essential that there is consistency between the policies and allocations in the LMWLP and those set out in the emerging and adopted local plans of the districts.
- 2.19 The LMWLP is one of several different plans and strategies that Lincolnshire County Council is responsible for or has a key role in producing. The LMWLP therefore needs to be consistent with and support the aims and delivery of these other plans and strategies. Examples of relevant documents include the county council's Corporate Plan, Green Masterplan, Local Transport Plan, Flood Risk and Water Management Strategy, and the Waste Strategy for Lincolnshire.

Duty to co-operate

- 2.20 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, between the county and district councils, and with other organisations such as the Environment Agency. The county council has a legal duty to co-operate on an ongoing basis with relevant organisations and is required to document this as part of the plan-making process.

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3. Setting the duration and the overall context for the new plan

Duration

- 3.1 The adopted LMWLP covers the period up to the end of 2031. This will need to be rolled forward in the new LMWLP so that it covers a period of at least 15 years from the date the plan is adopted, as required by paragraph 22 of the NPPF.
- 3.2 The programme for the updating of the LMWLP, as set out in Lincolnshire Minerals and Waste Local Development Scheme, anticipates that the new plan will be adopted in winter 2024/2025, which means that the plan would, at the very least, need to cover the period up to winter 2039/2040.
- 3.3 In order to give some flexibility and allow for potential slippage in the programme, it is proposed that the new LMWLP will cover the period up to the end of 2040.

Question 3

Do you agree that the new LMWLP should cover the period up to the end of 2040?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know how far ahead you think the plan should look and your reasons why.

Spatial portrait

- 3.4 To help inform the updating of the LMWLP we are developing a “spatial portrait” of Lincolnshire. This will set out the principal physical, economic, social and environmental characteristics of the county and how these are likely to change over the plan period.

Administrative boundaries and neighbours

- 3.5 Lincolnshire is within the East Midlands region, bounded by the Yorkshire and Humber region to the north and the East of England region to the south. Nottinghamshire, Leicestershire, Rutland, Northamptonshire, City of Peterborough, Cambridgeshire, Norfolk, North-East Lincolnshire and North Lincolnshire border the county, along with 80km of North Sea coastline to the east.

- 3.6 There are seven districts in Lincolnshire: Boston, City of Lincoln, East Lindsey, North Kesteven, South Holland, South Kesteven and West Lindsey.

Population and settlement character

- 3.7 Lincolnshire is a predominantly rural shire covering an area of 5,921km² with a population of 766,333 dispersed across the county (mid-2020 estimate, Office for National Statistics (ONS)). This is projected to rise to about 842,700 by the end of 2040, an increase of 10% (based on the average of the ONS mid-year projections for the years 2038 and 2043). It is the fourth largest county in England, but with a low population density (129 per sq. km). This provides fundamental difficulties concerning the provision of a comprehensive and modern infrastructure network.
- 3.8 The settlement pattern is made up of the Principal Urban Area of Lincoln; the Sub-Regional Centres of Boston, Grantham and Spalding; the main towns of Bourne, Gainsborough, Louth, Skegness, Sleaford and Stamford; and several market towns, smaller villages and hamlets.

Transport

- 3.9 The highway network in Lincolnshire is extensive, totalling over 9,000km of road; however, the county is not well served by major highways as there are no motorways in Lincolnshire and only around 75km of dual carriageway. The A1 trunk road runs down the western boundary of the county and the A46, A57, A52, A15, A16, A17 routes link settlements throughout Lincolnshire. Accessibility is an issue throughout Lincolnshire, but more so in the more rural isolated parts of the county with particular problems in travelling east-west.
- 3.10 Local rail services operate within the county and connect the main towns and villages to the surrounding regions. The East Coast Mainline runs along the western side of the county, through Grantham to London.
- 3.11 There are ports at Boston and Sutton Bridge, with the larger ports of Grimsby and Immingham located just outside the county. The River Trent runs along some of the county's western border and has established routes for waterway traffic.

Land-use and economy

- 3.12 Farming is still a major industry in Lincolnshire, as is manufacturing. The food industry is concentrated in the south of the county. Tourism is significant along the coast, in and around the Lincolnshire Wolds and in the historic settlements.
- 3.13 Lincolnshire contains substantial areas of Best and Most Versatile Agricultural Land (Grades 1, 2 and Subgrade 3A) with a particularly high concentration of the highest grades (Grade 1 and Grade 2) in the south-east of the county. As a result, Lincolnshire is one of the most important counties for food production in England.

- 3.14 The RAF have a strong presence in Lincolnshire with a number of operational airfields. In addition, the Battle of Britain Memorial Flight and the Red Arrows are based in the county.

Water resources and flood risk

- 3.15 Lincolnshire is one of the driest counties in the country and is prone to drought. Furthermore, climate change has the potential to increase the frequency of both droughts and flooding. However, the importance of water management in Lincolnshire and the county's established expertise in managing flood risk, provides an opportunity to explore innovative approaches to address these matters.

Geology

- 3.16 As described in the Geology of Lincolnshire (Lincolnshire Naturalists' Union, 1976), the rocks that outcrop in Lincolnshire are sedimentary in origin. In general, the rock strata are flat or dip gently eastwards. Consequently, a west-east traverse reveals outcrops in order of oldest (Triassic) to youngest (Cretaceous). The present topography reflects the different resistances offered by these rocks to the sculptural forces of nature.
- 3.17 The limestone and ironstone deposits from the middle Jurassic forms one of the most striking landscape features of the county, the Lincoln Cliff which stretches from the north of the county southwards through Lincoln to Grantham where it broadens out to form the South Lincolnshire Uplands. Similarly, the rocks of the Cretaceous period, including sandstone, ironstone, and chalk outcrop in the Lincolnshire Wolds in the north-east of the county.
- 3.18 During the glacial periods, boulder clay and extensive sand and gravel deposits formed. When the ice receded, on the low ground it abandoned most of its transported material so that large tracts of land, the Fens, and Marshlands, were built up. Original glacial drift remains largely undisturbed but further accumulations by river and marine deposits have taken place, including the older river gravels of the earlier drainage system and the newer river gravels associated with existing streams. The most recent drift deposits formations in the county comprise the areas of blown sand in the north.

Natural Environment

- 3.19 The countryside and its associated natural environment have long been recognised as one of Lincolnshire's principal assets. In addition to nationally designated areas such as the Lincolnshire Wolds AONB, the Wash and Gibraltar Point, the county's whole character and distinctiveness is framed by its essentially open, rural and tranquil image. The coastal area of Lincolnshire is a defining feature of the county; it has a variety of land-uses linked to agriculture, settlements and tourism, and plays an important role in terms of the natural environment.

- 3.20 There are five Special Areas of Conservation (SACs) in Lincolnshire: Baston Fen, Grimsthorpe, part of the Humber Estuary, the Coast (Saltfleetby–Theddlethorpe Dunes and Gibraltar Point) and part of the Wash (and North Norfolk Coast). The Wash is the largest estuarine system in the UK. Gibraltar Point, Saltfleetby-Theddlethorpe Dunes, the Humber Estuary and the Wash (and North Norfolk Coast) are also Special Protection Areas (SPA) and Ramsar sites.
- 3.21 The county has a large number of sites that have been nationally designated as Sites of Special Scientific Interest (some of which are National Nature Reserves). In addition, local sites have been selected at a local level for their wildlife or geological value with the aim of protecting biodiversity and geodiversity.

Historic Environment

- 3.22 Lincolnshire is a county rich in historic assets. The county is interspersed with conservation areas; has a Civil War battlefield at Winceby, near Horncastle; and is home to a varied archaeological heritage, including remains of national and international importance. Lincolnshire has many pleasant and appealing market towns and villages, vernacular cottages, farm buildings and great country houses. Many of these buildings are recognised as significant and are protected as listed buildings. The historic centre of Lincoln is one of the county's greatest attractions.
- 3.23 Lincolnshire's wealth of very important archaeological remains include the flint tools of the early "Palaeolithic" inhabitants, the prehistoric burial mounds of the Wolds, the waterlogged landscapes of the Witham and Trent Valleys. Structures include medieval castles and monasteries, the industrial buildings of Lincolnshire's major towns, and the agri-industrial buildings in the countryside.
- 3.24 There are a large number of nationally important and legally protected Scheduled Monuments, as well as many thousands of locally important archaeological sites covering periods from pre-history to the recently modern period. Lincolnshire retains important examples of the nation's air-warfare heritage dating from the Second World War.
- 3.25 Historic landscapes are an important part of Lincolnshire's physical and cultural resource. They contain innumerable visible traces of human interaction with nature over several millennia. They contribute to the identity of the county, provide settings for everyday life, attract tourism and business, and are a source of enjoyment and inspiration.

Question 4

Do you think any other factors need to be taken into account in the Spatial Portrait that may have implications for the winning and working of minerals or the management of waste?

If so, please provide details.

4. Spatial vision and strategic objectives

Spatial vision

- 4.1 A spatial vision is required in order to shape the overall direction of the new LMWLP and set out a positive framework for the delivery of sustainable minerals and waste development over the plan period. The spatial vision must recognise the balance that must be struck in Lincolnshire between making provision for minerals and waste developments to meet future requirements, whilst at the same time ensuring that such developments seek social, environmental and economic gains.
- 4.2 Using the current adopted LMWLP as a starting point and taking into account the relevant legislative and policy context, a draft spatial vision for the new plan is set out below, which aims to refine and improve the clarity of that included in the current plan:

“Over the plan period to the end of 2040 Lincolnshire County Council will provide a strategic planning framework which ensures the provision of sufficient minerals and waste infrastructure to support sustainable economic growth, whilst conserving and enhancing the natural, built and historic environment, protecting the health and amenity of local communities, and taking positive action to mitigate and adapt to climate change.”

Question 5

Do you agree with the above draft spatial vision for Lincolnshire’s new Minerals and Waste Local Plan?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what changes you consider are needed to the spatial vision.

Strategic objectives

- 4.3 To assist in the delivery of the spatial vision and in delivering sustainable development, the identification of strategic objectives provides a framework for the development of policies that will be included in the new LMWLP.
- 4.4 Using the current adopted LMWLP as a starting point and taking into account the relevant legislative and policy context, a set of draft strategic objectives for the new

plan is set out below, which aim to refine and improve the clarity of those included in the current plan:

1. Facilitate the sustainable use of minerals by ensuring the efficient use of primary minerals, ensuring that minerals are supplied from appropriately located and environmentally acceptable sources, encouraging the use of sustainable modes of transport whilst minimising transportation by road, and encouraging the production and use of good quality secondary and recycled aggregates.
2. Facilitate the sustainable management of waste by encouraging the movement of waste up the waste hierarchy, supporting the minimisation of waste generation and the need for disposal in line with the circular economy, and ensuring waste management facilities are appropriately located to ensure waste is managed as near as possible to where it is produced, sustainable modes of transport are encouraged, and transportation by road minimised.
3. Provide for a steady and adequate supply of minerals to contribute to local and national requirements and support sustainable economic growth.
4. Provide for sufficient waste management capacity to meet future requirements and enable Lincolnshire to be net self-sufficient in terms of managing the amount of waste predicted to arise in the County.
5. Ensure minerals and waste developments incorporate measures which actively contribute to the need to mitigate climate change through a reduction in greenhouse gas emissions and provide opportunities for adaptation to the effects of climate change such as flood risk management and habitat resilience.
6. Safeguard important mineral resources, minerals sites and associated infrastructure, and waste management facilities from incompatible development where appropriate.
7. Minimise the impacts of minerals and waste development on communities and human health in relation to matters such as noise, dust, vibration, odour, light pollution, traffic, access, and visual impact.
8. Ensure minerals and waste developments conserve and enhance Lincolnshire's unique natural, built and historic environment, having particular regard to the increased protection afforded to the Lincolnshire Wolds Area of Outstanding Natural Beauty.
9. Ensure the restoration of temporary mineral and waste sites at the earliest opportunity and the delivery of high quality after-uses which best meet local circumstances and achieve an appropriate balance of priorities including landscape scale nature conservation and biodiversity net gain, climate change adaptation, public access and recreation, preservation of soils and the best and most versatile agricultural land, and aviation safety.

Question 6

Do you agree with the draft strategic objectives?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what changes you consider are needed to the strategic objectives.

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5. Providing for minerals

Introduction

- 5.1 Lincolnshire contains a wide variety of mineral resources and is a major minerals producer. Both aggregate and non-aggregate minerals are produced within the county.
- 5.2 Lincolnshire's primary aggregates are derived from sand and gravel, limestone or chalk and are used in the construction industry. Non-aggregate minerals being worked in Lincolnshire include building stone (limestone) and hydrocarbons (oil and gas), but in the past included clay and ironstone. There are also silica sand and coal resources within the county.

National considerations for minerals

- 5.3 Paragraph 209 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs. It goes on to state that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. To meet these aims, paragraph 210 states, amongst other things, that mineral planning authorities should include policies for the extraction and safeguarding of mineral resources of local and national importance in their local plans.
- 5.4 In addition, the NPPF states within paragraph 211 that in considering proposals for mineral extraction, minerals planning authorities should as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas.

Aggregates

National considerations for aggregate

- 5.5 Paragraph 213 of the NPPF states that mineral planning authorities should plan for a steady and adequate supply of aggregates by:
- a. preparing an annual Local Aggregate Assessment (LAA) to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
 - b. participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;

- c. making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- d. taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e. using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f. maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised;
- g. ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h. calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

5.6 The PPG provides clarification on the term “landbanks” (paragraph 083 of the minerals section). In particular, it states that the length of the aggregate landbank is the sum in tonnes of all permitted reserves for which planning permissions are extant, divided by the annual rate of future demand based on the latest annual Local Aggregate Assessment. In calculating landbanks, the term permitted reserves includes current non-working sites but excludes those sites where mineral working cannot take place until there has been a review of the planning conditions.

5.7 The PPG also states that aggregate landbanks are an essential component of planning decision-making and are the basis on which the level of provision of new areas for aggregate extraction should be calculated when preparing local mineral plans (paragraph 082 of the minerals section).

Issue 1: Sand and gravel

Background

5.8 Sand and gravel resources are the most important of the county’s aggregate minerals. Over the ten-year period 2011-2020, sales from Lincolnshire averaged 2.18 million tonnes (mt) per annum. This represents around a third of sand and gravel sales in the East Midlands making it the largest producer in the region. These resources are used primarily in the construction industry as building sand or in the manufacture of concrete.

Establishing the shortfall in sand and gravel provision

- 5.9 The latest LAA (reporting 2020 data), which should be read in conjunction with this document, sets the annual provision rate for sand and gravel. After considering all relevant factors, the LAA has based this rate on the average of the sales data for the ten-year period 2011 to 2020. As previously stated, this amounts to 2.18mt per annum. In accordance with the PPG, this figure has been used in Table 2 for calculating the proposed total level of provision that will need to be made in the new plan for the years 2021 to 2040. The table also sets out the shortfall between this total provision and the level of permitted reserves at the end of 2020. This shortfall will need to be met during the new plan period to 2040.

Table 2: Shortfall in sand and gravel provision for Lincolnshire 2021-2040 (inclusive)

LAA annual provision rate (mt)	Proposed provision 2021 to 2040 (mt)	Permitted reserves at 31.12.20 (mt)	Shortfall (mt)
2.18	43.60	20.70	22.90

Question 7

Do you agree with the proposed method for calculating the shortfall in sand and gravel provision that will need to be met during the plan period?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.10 Whilst deposits of sand and gravel occur across large parts of the county, historically production has mostly been concentrated in three “centres of production” with the active quarries clustered around:
- Whisby, Swinderby and Norton Disney in the Trent Valley
 - Woodhall Spa, Tattershall and Kirkby on Bain in the Bain Valley
 - Baston, Langtoft and West Deeping in South Lincolnshire
- 5.11 The cost of transporting high bulk, low value materials such as aggregate means that, in general, sand and gravel quarries normally only serve relatively local markets. Therefore, given the large area covered by the county, together with the uneven distribution of active sand and gravel quarries, the county has historically been

subdivided into three parts (known as “production areas”) reflecting the markets served by the respective centres of production (Figure 2). These are known as:

- the Trent Valley Production Area
- the Central Lincolnshire Production Area
- the South Lincolnshire Production Area

Figure 2: Sand and gravel production areas



5.12 The adopted LMWLP splits the total provision required for that plan period between the three production areas. Going forward, it is proposed to continue this approach in the new LMWLP for the following reasons:

- the production areas still broadly reflect the markets served
- it assists in spreading the burden of provision and dispersing the effects of mineral working (thereby avoiding an over concentration of works in a single centre of production)
- it will facilitate any future comparative studies on aggregate sales and distribution.

- 5.13 Table 3 splits the proposed total provision of sand and gravel between the three production areas based on the annual provision rates set out in the LAA (2020 Data). These annual provision rates are based on the ten-year average sales for the period 2011 to 2020 for each of the production areas. In addition, the table sets out the shortfall between the required provision during the new plan period and the level of permitted reserves for each production area at the end of 2020. These shortfalls will need to be met during the plan period.

Table 3: Shortfall in sand and gravel provision for each production area 2021-2040 (inclusive)

Production area	LAA annual provision rate (mt)	Proposed provision 2021 to 2040 (mt)	Permitted reserves at 31.12.20 (mt)	Shortfall (mt)
Lincoln Trent Valley	1.04	20.80	10.37	10.43
Central Lincolnshire	0.35	7.00	5.42	1.58
South Lincolnshire	0.79	15.80	4.91	10.89

Question 8

Do you agree that the overall sand and gravel provision made in the plan should continue to be split between the three production areas?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Question 9.

Do you agree with the proposed method for calculating the shortfall in sand and gravel provision for each production area that will need to be met during the plan period?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Spatial strategy

- 5.14 The NPPF states that provision for land won aggregates in mineral plans should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate. Specific sites will generally be where viable mineral resources are known to exist, where landowners are supportive of mineral development taking place and where the council considers that any planning applications which are made are likely to be acceptable in planning terms. Preferred areas are areas of known resources where planning permission might reasonably be expected. Areas of search will be broader areas where knowledge of mineral resources may be less certain but within which planning permission could be granted to meet any shortfall in supply.
- 5.15 The approach that was taken in the adopted LMWLP was to allocate specific sites in the SLD to meet the identified shortfalls in sand and gravel provision. These sites all accord with the spatial strategy set out in Policy M2 of the CSDMP, which seeks to secure the county's future supplies of sand and gravel from extensions to existing operational sites (i.e. Active Mining Sites under the Planning and Compensation Act 1991 or Environment Act 1995) wherever possible, and where this will not have unacceptable impacts on local communities or the environment.
- 5.16 It is proposed to continue with this approach in the new LMWLP for the following reasons:
- a. it avoids a proliferation of sites and ensures that future extraction is confined to areas where disturbance to the local environment has already taken place;
 - b. it permits the council to exercise greater control over the release of reserves as a new quarry would invariably require the release of substantial reserves to justify expenditure in new plant and equipment; and
 - c. it potentially provides an opportunity for higher overall standards of restoration.

Furthermore, the LMWLP Review, has found that this approach has been delivering a sufficient supply of sand and gravel in each production area to meet the level of demand.

Question 10

Do you agree that the spatial strategy should continue to secure the county's future supplies of sand and gravel from extensions to existing operational sites (Active Mining Sites) wherever possible, and where this will not have unacceptable impacts on local communities or the environment?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.17 The Spatial Strategy recognises that it will not always be possible to extend existing workings where, for example, the deposit in adjacent land is unviable or where environmental factors preclude further working. Therefore, where new sites are required to replace sites that will become exhausted during the plan period, the CSDMP has designated three areas of search, one in each production area and located:
- west of Lincoln and north-south of Gainsborough for the Lincoln Trent Valley Production Area
 - around Tattershall Thorpe for the Central Lincolnshire Production Area and
 - around West Deeping and Langtoft for the South Lincolnshire Production Area
- 5.18 These areas of search include the most viable sand and gravel resource based on an assessment carried out by the British Geological Survey (BGS) in 2010. They do, however, exclude some areas shown as having a high-grade resource. In particular, a large area of sub-alluvial sand and gravel covering the Witham Valley has not been included because this has not been subject to any industry interest and is known to contain extensive archaeological features. Similarly, the sub-alluvial deposit in the South Lincolnshire area has been excluded.
- 5.19 Although the NPPF recognises that areas of search can be used to identify broad areas of land with the potential to meet shortfalls in sand and gravel provision, site specific allocations are preferable as they give more certainty on where and how shortfalls would be met. Therefore, provided the council can secure sufficient sites which are acceptable through the call for sites exercise, it is proposed that the areas of search will not be carried forward in the new LMWLP. All sites put forward for allocation in the new LMWLP, whether they be extensions to existing workings or new quarries, will need to be accompanied by evidence demonstrating that they contain viable deposits of sand and gravel. Areas of Search would therefore add little value to the site selection process.

Question 11

Provided the council can secure the shortfalls in sand and gravel provision through the allocation of sites, do you agree that the areas of search should not be carried forward in the new LMWLP?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.20 It is proposed that the sites already allocated in the SLD, and which have not already secured planning permission, will be carried forward as allocations in the new LMWLP - except where evidence emerges that there has been a significant change in circumstances since a site was allocated, for example a site is no longer being promoted by a mineral operator.

Question 12

Do you agree that where there have been no significant change in circumstances, sites allocated in the SLD that have not already secured planning permission should be carried forward as allocations in the new LMWLP?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.21 Any remaining shortfalls in the sand and gravel provision in the new LMWLP would then be met by the allocation of additional sites, subject to acceptable sites being promoted through the associated call for sites exercise. These would be selected in accordance with the Proposed Site Selection Methodology for Updating the Plan (which is included in the consultation).

Question 13

Do you agree that the remaining shortfalls in sand and gravel provision should be met by the allocation of additional sites in the new LMWLP, subject to acceptable sites being promoted through the associated call for sites exercise?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Landbanks

- 5.22 To help ensure that the provision made in the adopted LMWLP gives rise to a steady and adequate supply of sand and gravel throughout the plan period, Policy M3 seeks to maintain a landbank of permitted reserves of at least seven years in each production area based on the council's latest LAA. This includes a requirement for the "preservation of productive capacity".
- 5.23 Although the LMWLP Review found that the landbank has consistently exceeded the minimum of seven years, the LAA (2020 Data) has identified an issue with the policy regarding the inclusion of the requirement to preserve productive capacity. In practice, the council already goes further than most mineral planning authorities in maintaining productive capacity by subdividing the county into three production areas, with a requirement to maintain a seven-year landbank in each of these areas. However, providing a detailed analysis of productive capacities for each production area would require the use of data on individual quarries, which is either unavailable or is commercially sensitive. It is therefore proposed to remove this term from the policy. Instead, the council's approach for dealing with productive capacity would be set out in the explanatory text which supports the policy.

Question 14

Do you agree that the term "productive capacity" should be removed from the landbank policy?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Non-allocated sites

- 5.24 Policy M4 of the adopted LMWLP recognises that sites that are not allocated in the SLD should be granted planning permission in limited circumstances. These circumstances are where the proposals would accord with the spatial strategy and are required to meet:
- 1) a proven need that cannot be met from existing permitted reserves; or
 - 2) a specific shortfall in the landbank of the relevant production area.
- 5.25 The LMWLP Review found that these criteria are not relevant to most applications relating to non-allocated sites. In practice, these applications normally relate to small extensions to existing workings that would allow the more efficient working of the deposit and/or would allow a higher standard of restoration, which the council normally finds acceptable.

Question 15

Do you agree that the new LMWLP should give greater flexibility for the council to grant planning permission for non-allocated sites that form small extensions to active sand and gravel workings, where it can be demonstrated that this would allow the reserves to be worked more efficiently and/or would lead to an overall improvement in the restoration?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 2: Crushed rock**Background**

- 5.26 The principal source of crushed rock aggregate produced in Lincolnshire is the Lincolnshire Limestone. Generally, this aggregate is of relatively low strength with poor resistance to frost damage. It is therefore normally only suitable for use as constructional fill or for sub-base material.
- 5.27 The Lincolnshire Limestone outcrop runs north to south through Lincoln and Grantham, and forms the prominent escarpment of the Lincoln Edge. It is currently worked for aggregates at a number of small to medium-sized quarries, that are fairly evenly distributed along the outcrop between Lincoln and Stamford.
- 5.28 Chalk is also extracted for aggregate purposes but is only suitable for even less demanding applications than Lincolnshire Limestone. Until the 90s chalk was classified as a secondary aggregate in the national aggregate monitoring surveys due to these limitations. Although it has since been reclassified as a primary aggregate, its limitations were still recognised when it was excluded from the county's sub-regional apportionment of crushed rock aggregate in 2010.
- 5.29 There are currently only two operational chalk quarries in the county, one located within the Lincolnshire Wolds AONB and the other immediately adjacent to the AONB. There has been little data available in recent years on chalk sales, but only relatively small amounts are extracted.
- 5.30 The council is seeking the progressive reduction of mineral production within the Lincolnshire Wolds AONB to help conserve the landscape and scenic beauty of this area in line with the NPPF. As a result, it is proposed to continue to meet the county's crushed rock provision through Lincolnshire Limestone.

Question 16

Do you agree that the county's crushed rock provision during the plan period should be met from Lincolnshire Limestone?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.31 The latest LAA (reporting 2020 data), sets the annual provision rate for crushed rock aggregate. After considering all relevant factors, the LAA has based this rate on the average of the sales data for Lincolnshire Limestone for the three-year period 2018 to 2020. The use of a shorter period (compared with the ten-year average used for sand and gravel) reflects a recent upturn in sales, which averages 1.3mt per annum. In accordance with the PPG, this figure has been used in Table 4 for calculating the proposed total level of provision that will need to be made in the new plan for the years 2021 to 2040. The table also sets out the shortfall between this total provision and the level of permitted reserves at the end of 2020. This shortfall will need to be met during the new plan period to 2040.

Table 4: Shortfall in crushed rock (Lincolnshire Limestone) provision for Lincolnshire 2021-2040 (inclusive)

LAA annual provision rate (mt)	Proposed provision 2021 to 2040 (mt)	Permitted reserves at 31.12.20 (mt)	Shortfall (mt)
1.30	26.0	22.16	3.84

Question 17

Do you agree with the proposed method for calculating the shortfall in crushed rock (Lincolnshire Limestone) provision that will need to be met during the plan period?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Spatial strategy

- 5.32 When the adopted LMWLP was being prepared it was found that the county had sufficient permitted reserves of Lincolnshire Limestone to meet the forecast requirement for limestone aggregate during that plan period. As result the plan did not need to make provision for a shortfall. It does, however, include a restrictive criteria-based policy which allow extensions to existing limestone workings or the development of new sites provided they meet a proven need that cannot be met by existing sites and/or sources and accord with all relevant Development Management Policies and Restoration Policies set out in the plan.
- 5.33 As set out in Table 4 above, the new LMWLP will need to make provision for a shortfall of 3.84mt of limestone for crushed rock aggregate. In common with the approach taken on sand and gravel, it is proposed to secure this shortfall from extensions to existing operational sites (Active Mining Sites) wherever possible, and where this will not have unacceptable impacts on local communities or the environment. Under this approach, new quarries would normally only be allowed where they are to replace sites that will become worked out during the plan period.

Question 18

Do you agree that the spatial strategy should aim to secure the county's future supplies of crushed rock (Lincolnshire Limestone) from extensions to existing operational sites (Active Mining Sites) wherever possible, and where this will not have unacceptable impacts on local communities or the environment?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.34 Provision for this shortfall could be made in a number of ways in the new LMWLP, as set out in the NPPF (i.e. through specific sites allocations, preferred areas, areas of search, or locational criteria). In this case it is proposed to primarily take a site-specific approach, provided that acceptable sites are put forward through the associated call for sites exercise. Such sites would be selected in accordance with the Proposed Site Selection Methodology for Updating the Plan (which is included in the consultation). This approach should provide more certainty on how and where this provision would be met during the life of the plan.
- 5.35 The allocation of specific sites will need to take into account the fact that most limestone quarries also produce limited quantities of non-aggregate material such as agricultural lime. This will therefore need to be accommodated in the total amount of reserve allocated.

Question 19

Do you agree that the shortfall in crushed rock aggregate provision (Lincolnshire Limestone) should be secured by the allocation of sites in the new LMWLP, subject to acceptable sites being promoted through the associated call for sites exercise?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.36 In addition, it is proposed that the new LMWLP would include a criteria-based policy allowing small extensions to existing workings where these will not have unacceptable impacts on local communities or the environment. This would help ensure that existing operations could continue within the plan period, maintaining jobs and competition in the sector.

Question 20

Do you agree that the new LMWLP should include a criteria-based policy to allow small extensions to existing limestone workings (Active Mining Sites) to maintain jobs and competition where this will not have unacceptable impacts on local communities or the environment?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Landbank

- 5.37 The adopted LMWLP does not include a specific policy on maintaining a landbank of crushed rock. This is because at the time of adoption the level of permitted reserves were so high that the maintenance of a landbank of at least ten years throughout the plan period was not considered to be an issue. This will not, however, be the case for the new LMWLP where a shortfall has been identified in the level of provision for the proposed plan period.
- 5.38 To help ensure that the provision made in the new LMWLP gives rise to a steady and adequate supply of crushed rock throughout the plan period, it is proposed to include a policy to maintain a landbank of permitted reserves of at least ten years based on the council's latest LAA. This approach is considered to be in conformity with the NPPF.

Question 21

Do you agree that the new LMWLP should include a policy seeking to maintain a landbank of permitted reserves for crushed rock of at least ten years based on the council's latest LAA?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 3: Allocation of new sites for the winning and working of aggregate (sand and gravel, and crushed rock)**Background**

- 5.39 It is proposed that any additional reserves that are needed to meet the shortfalls in aggregate provision during the plan period will be secured through new site allocations in the new LMWLP. The council is therefore undertaking a call for sites exercise during the consultation period to give landowners and other interested parties an opportunity to nominate potential mineral sites for allocation in the new LMWLP.

Options

- 5.40 The Proposed Site Selection Methodology for Updating the Plan has been developed to ensure that the sites that are selected accord with the emerging policies of the LMWLP and promote a sustainable pattern of development, as required by the government's National Planning Policy Framework.

Question 22

Do you agree with the approach set out in the Proposed Site Selection Methodology for Updating the Plan?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Non-aggregates

Issue 4: Historic building stone

Background

- 5.41 Historically, Lincolnshire has produced and used a wide range of indigenous stones for building purposes. As a result, parts of the county have developed their own unique and locally distinctive character reflecting the locally available building materials. English Heritage (now Historic England) published the Lincolnshire Strategic Stone Study in July 2013 which provides a detailed analysis of building stone types within the county.
- 5.42 Specific building stone is needed for repairing historic structures across the county and for maintaining local distinctiveness with appropriate new buildings. Stone selected for the repair of historic buildings and structures must closely match the original stone to avoid differences in appearance. Building Stone therefore has an important role to play in the conservation, management, and enhancement of the historic environment, and in tackling heritage at risk. Lincolnshire building stone also has an important role beyond the county, with relatively small quantities being exported for use in the repair of important historic buildings such as the Palace of Westminster.
- 5.43 The only building stone resource that is currently exploited in the county is limestone from the Lincolnshire Limestone Formation. There are three “historic” limestone quarries in the county that exclusively produce building stone. Two of these are located in the adjoining parishes of Wilsford and Heydour and produce Ancaster Stone. The third is located in Holywell, near Stamford, and produces Clipsham Stone.
- 5.44 These quarries are significantly smaller than aggregate quarries in terms of scale of operation and produce much lower levels of noise, dust, and vehicle movements. As a result, they are less likely to have significant impacts on communities and the environment.
- 5.45 Historically, some of the large aggregate quarries in the county have intermittently produced limited quantities of building stone, and in more recent years a few former aggregate quarries have reopened as “building stone quarries”. However, in practice these can produce substantial quantities of aggregate.

National considerations

- 5.46 Paragraph 211 of the NPPF states, amongst other things, that in considering proposals for mineral extraction, mineral planning authorities should:
- a) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and

- b) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Existing approach

- 5.47 The council has made provision for historic building stone quarries through Policy M7 of the LMWLP. This states that proposals for the small-scale extraction of building stone will be permitted where it can be demonstrated that:
 - 1. there is a specific need for the stone; and
 - 2. the stone cannot be obtained from permitted reserves at existing sites; and
 - 3. the proposals accord with all relevant Development Management Policies and Restoration Policies set out in the Plan.
- 5.48 The aim of this policy is to ensure that proposals demonstrate a specific need for the stone which cannot be met from existing quarries, as well as reflecting the government's view that such quarries should be small scale and of low impact. The council does, however, recognise in the supporting text to the policy that building stone quarries often contain beds of varying quality. As a result, a quarry that produces stone for use in conservation projects may also need to produce stone for other building stone markets, such as new build, to be economically viable.
- 5.49 The supporting text to the policy also makes it clear that larger scale proposals for the extraction of building stone that are considered to be primarily a means to extract aggregate, will be assessed against the council's aggregate policy for limestone (Policy M5).

Outcome of the LMWLP Review

- 5.50 No planning applications were received for building stone over the review period 2016 – 2019, so it has not been possible to assess the performance of Policy M7.

Options

- 5.51 As no issues have been identified with Policy M7, no changes are proposed.

Question 23

Do you agree that no significant changes are required to the council's current approach to the provision of historic building stone?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 5: Silica sand

- 5.52 Silica sands are valued for a combination of chemical and physical properties. These include a high silica content in the form of quartz and, more importantly, very low levels of deleterious impurities. These properties have made it an essential raw material for many industrial applications including: glass making, foundry casting, ceramics and filtration. Workable deposits of silica sand are, however, sparsely distributed making them a valuable resource recognized by the government as an essential raw material of national importance.
- 5.53 The most extensive windblown deposits of silica sand are located in the north of the county where they extend across the county boundary into North Lincolnshire. These are not worked in Lincolnshire but are worked extensively in North Lincolnshire around the Messingham area.

National considerations

- 5.54 Paragraph 214 of the NPPF states that minerals planning authorities should plan for a steady and adequate supply of industrial minerals by, amongst other things:
- co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes
 - maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment
- 5.55 Footnote 74 of the NPPF states that these reserves should be at least 10 years for individual silica sand sites, and at least 15 years for silica sand sites where significant new capital is required.

Existing approach

- 5.56 Policy M8 of the CSDMP states that 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.

Outcome of the LMWLP

- 5.57 No planning applications were received for silica sand over the review period to assess the performance of Policy M8. However, with no relevant changes in the NPPF over this period, there is no evidence to indicate that this policy needs to be updated.

Options

- 5.58 Although silica sand is not being worked in the county at present, given the importance of this mineral, it is possible that applications will be made during the proposed plan period. It is therefore proposed to retain the current policy approach.

Question 24

Do you agree that no significant changes are required to the council's current approach to silica sand?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 6: Hydrocarbons (oil and gas)

Background

- 5.59 Oil and gas resources can be broadly split into two categories: conventional and unconventional. "Conventional" is used to describe oil and gas resources ('hydrocarbons') located in relatively porous rock formations such as limestone and sandstone. The extraction methods generally involve drilling a borehole down to the porous rock where the hydrocarbons are located in a reservoir. These resources are then pumped out of the ground using beam pumps (known as 'nodding donkeys') or electric pumps.
- 5.60 Lincolnshire has a long history associated with the production of conventional oil and gas going back to the 1940s, and large parts of the county are licensed for production. Welton oilfield is the second largest on-shore field in the UK after Wytch Farm in Dorset. It started oil production in 1984 and has a predicted total production of 16.7 million bbl (barrels) of oil. In addition, the county has extensive oil fields around Gainsborough, Corringham and Scampton. Gas has previously been produced from the Saltfleetby field to the east of the county on a significant scale. At the beginning of 2021 there were 37 permitted oil and gas sites across the county.
- 5.61 "Unconventional" oil and gas resources require methods for extraction which are not normally necessary in the conventional extraction of hydrocarbons. Such resources are generally obtained from less porous rock formations that were previously considered too impermeable ('tight') to allow economic recovery. Technological advancements over the last decade have, however, made them economically viable. Examples of unconventional hydrocarbons include Coal Bed Methane (CBM) and Shale Gas. Methods involved in the extraction of unconventional hydrocarbons can include hydraulic fracturing.

5.62 The British Geological Survey (BGS) in association with the former Department of Energy and Climate Change (DECC) completed a study in 2013 which estimated the resource (gas-in-place) of shale gas associated with the 'Bowland Shale' in Central Britain. The study area included the northern half of Lincolnshire and identified an area referred to as the 'Gainsborough Trough' as being prospective for shale gas. This area lies to the south and east of Gainsborough and extends into adjoining Nottinghamshire and North Lincolnshire. To date, however, no Shale Gas development has taken place in Lincolnshire. Until exploratory wells are sought and drilled, and the location and extent of any resource determined, the prospect for economic recovery in Lincolnshire is unknown.

5.63 There are several bodies responsible for regulating oil and gas development in the county, but the principal ones are:

- (a) The North Sea Transition Authority (NSTA) – which issues Petroleum Exploration and Development Licence's (PEDL) in competitive offerings (licence rounds). These grant exclusivity to operators who receive a licence to drill in the licensed area once all other permissions and approvals are in place. NSTA have responsibility for assessing risk and monitoring seismic activity, as well as granting consent to flare or vent. Under section 4A of the Petroleum Act 1998 (inserted by section 50 Infrastructure Act 2015), all well consents issued on or after 6th April 2016 contain a requirement that the Licensee obtain hydraulic fracturing consent (HFC) from the Secretary of State before carrying out any associated hydraulic fracturing as defined in section 4B of that Act.
- (b) The county council as Mineral Planning Authority – which grants permission for the location of any acceptable wells and wellpads and imposes conditions to ensure that the impacts on the use of the land are mitigated.
- (c) Environment Agency – which is responsible for protecting water resources (including groundwater aquifers), ensuring appropriate treatment and disposal of mining waste, controlling emissions to air, and ensuring suitable treatment and management of any naturally occurring radioactive materials.
- (d) Health and Safety Executive – which regulates the safety aspects of all phases of extraction, with responsibility for ensuring the appropriate design and construction of well casings for boreholes.

5.64 Hydrocarbon development has three distinct stages:

1. Exploration - which involves drilling, is often the most intrusive part of the development due to the potential visual, lighting and noise disturbance and impacts on local roads. It requires night-time drilling to ensure that the borehole does not close up, which would otherwise significantly extend the period the drilling rig needs to remain on site.
2. Appraisal - which is the longer-term testing of an exploratory well to assess the long-term suitability of the site for production purposes.
3. Production - which generally involves additional facilities such as pipelines, storage facilities and export terminals.

All stages require planning permission.

National considerations

- 5.65 Paragraph 215(b) of the NPPF sets out that mineral planning authorities should, when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate provision is made for monitoring and site restoration.
- 5.66 The PPG states 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 (paragraph 106 of the minerals section). They may also include specific locations should the onshore oil and gas industry wish to promote specific sites (paragraph 107 of the minerals section).
- 5.67 The PPG goes on to state that mineral planning authorities should take account of government energy policy, which makes it clear that energy supplies should come from a variety of sources. This includes onshore oil and gas, as set out in the government's Annual Energy Statement published in October 2013 (paragraph 124 of the minerals section).
- 5.68 On 4 November 2019, following seismic events linked to shale gas exploration in Lancashire, the Secretary of State for Business, Energy and Industrial Strategy issued a ministerial statement announcing a moratorium on fracking. Whilst acknowledging the huge potential of UK shale gas to provide a bridge to a zero-carbon future, the statement confirmed that the government will take a presumption against issuing any further Hydraulic Fracturing Consents. This approach was considered necessary to minimise disturbance to those living and working nearby, and to prevent the risk of any damage. The statement goes on to state that this position will be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity.
- 5.69 Whilst the government has announced a moratorium on fracking, this does not override the requirements of the NPPF or the PPG for mineral planning authorities to plan for both types of hydrocarbon development (conventional and unconventional) in their local plans.

Existing approach

- 5.70 The council currently has a criteria-based policy (Policy M9) which is applicable to all three stages of development for both conventional and unconventional hydrocarbons. This policy requires that proposals must accord with all relevant development management policies set out in the plan, which seek to protect local amenity and the environment.

- 5.71 The supporting text to Policy M9 makes it clear that each stage of development is considered on its own merits with no presumption in favour of permission being granted for subsequent stages. It also states that applications for hydrocarbon development should contain sufficient information to adequately assess the impact of the proposal on the local community and the environment, and at the production stage should include detailed field development plans.
- 5.72 All sites that are granted planning permission are subject to planning conditions and, where appropriate, planning obligations to ensure that the operations do not have an unacceptable impact on local residents or the environment. Conditions are also imposed to require the restoration of the sites when operations cease, although this requirement is not implicit in the policy.
- 5.73 All mineral sites are regularly inspected by a dedicated monitoring officer to ensure that the planning requirements are being met in accordance with the council's Local Enforcement Plan.

Outcome of the LMWLP Review

- 5.74 The review of the LMWLP found no issues with the performance of Policy M9 in the determination of planning applications. However, two issues were identified with respect to its conformity with the NPPF:
- (a) firstly, it has been questioned whether the current approach strictly adheres to the NPPF by having a single policy covering all stages of hydrocarbon development; and
 - (b) secondly, whether the policy accords with revisions made to the NPPF after the adoption of the CSDMP in 2016. In particular, the latest NPPF now includes an additional provision contained in paragraph 209 part (b) that, when planning for onshore oil and gas, mineral planning authorities should ensure that appropriate provision is made for appropriate monitoring and site restoration.

Options

- 5.75 The policy could be broken down into three separate policies to cover the three stages of hydrocarbon development. However, this would only be advantageous if different criteria were to apply to each stage. At present this is not the case in Policy M9. Furthermore, the requirements of the NPPF and PPG with respect to the three stages were similar at the time the CSDMP was under examination. At that time the Inspector found the "one policy approach" sound and legally compliant. It is therefore considered that the three phases can be accommodated within one policy.
- 5.76 The revised NPPF states that mineral planning authorities should ensure that "appropriate monitoring and site restoration is provided for". On the first aspect, "monitoring", this is not presently covered by Policy M9, but is covered by the council's Local Enforcement Plan in line with paragraph 58 of the NPPF. It is not therefore considered necessary to include this specifically in the LMWLP.

- 5.77 On the second aspect, restoration, this is covered by a separate policy (Policy R1) of the CSDMP, but is not referred to in Policy M9. For greater clarity, it could therefore be specifically included in a new policy.

Question 25

Do you agree that the three stages of hydrocarbon development (oil and gas) should be contained in one policy and that this should be expanded to make specific provision for restoration?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 7: Underground gas and carbon storage

Background

- 5.78 A number of underground geological structures are potentially suitable for the storage of gas, these can include depleted oil and gas reservoirs, aquifers, and rock and salt caverns. Each have distinctive characteristics which govern the deliverability and economic viability of different storage types.
- 5.79 Underground gas storage is predominantly associated with the storage and management of natural gas as part of the UK's energy infrastructure. In recent years however, it is becoming increasingly considered alongside emerging technologies involving carbon capture and storage (CCS) as part of the wider transition to a low carbon economy. CCS involves capturing the carbon dioxide produced by power stations and other industrial processes that would otherwise be released to the atmosphere. This carbon dioxide can then be permanently stored in deep geological formations such as those outlined above. CCS therefore has the potential to help mitigate against the impacts of climate change through reducing emissions.
- 5.80 The history of onshore oil and gas development in Lincolnshire suggests that geological circumstances in the county could be suitable for underground gas storage. Although not implemented, planning permission was granted in 2010 for an underground gas storage facility within the Saltfleetby gas field. With regard to CCS, the government's Overarching National Policy Statement for Energy (EN-1) suggests that in the UK, the majority of locations thought to be best suited to storage of carbon dioxide are located offshore.
- 5.81 Like hydrocarbon development, in addition to the need for planning permission and hazardous substances consent (where appropriate), underground gas storage facilities are comprehensively regulated by organisations including the HSE, EA and NSTA.

National considerations

- 5.82 Paragraph 215(b) of the NPPF states that minerals planning authorities should encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility. Paragraph 216 states that, when determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.
- 5.83 The PPG for Minerals notes that mineral planning authorities are responsible for determining underground gas storage proposals within their areas which:
- a) have an expected working capacity below 43 million standard cubic metres; or
 - b) have an expected maximum flow rate below 4.5 million standard cubic metres per day.

Any applications for storage projects above this size are dealt with under the Planning Act 2008 as Nationally Significant Infrastructure Projects and must be made to the relevant Secretary of State.

Existing approach

- 5.84 The existing CSDMP contains a simple criteria-based policy (Policy M10) which sets out that 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.

Outcome of the LMWLP Review

- 5.85 No planning applications for underground gas storage have been received since the CSDMP was adopted in 2016 so the current policy remains untested. However, the LMWLP Review concluded that the positive approach of the policy toward the provision of development for underground gas storage accords with the aims of current legislation and national policy.

Options

- 5.86 The existing policy could therefore be incorporated unchanged into the new LMWLP. Alternatively, the policy could be amended slightly to give more explicit reference to proposals for carbon storage.
- 5.87 CCS technology is at an early stage and the likelihood of any future proposals coming forward within Lincolnshire is unknown. However, given the potential contributions towards climate change mitigation, it is considered that it would be appropriate to specifically include it within a positive policy framework.

Question 26

Do you agree that a specific policy for underground gas storage should be retained in the new LMWLP, and that it should be expanded to include specific reference to carbon storage?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 8: Other minerals

Background

- 5.88 There are a number of minerals in the county which are not covered by strategic policies of the adopted LMWLP, which include clay, ironstone and coal.
- 5.89 Lincolnshire has a long history of clay working. However, competition from the major brick-working areas of South Humberside and Peterborough led to the decline of this local industry. By the mid-1970s all but one of the brickworks had closed, and the one remaining site (located in Stamford) was obtaining its supplies of clay from outside the county. The Stamford site subsequently closed around 2003.
- 5.90 The county also contains substantial deposits of ironstone. From the late nineteenth century to the 1970s, it was extensively worked both by underground and opencast methods. As a result, there are substantial areas of land with planning permission for ironstone working in the southwest and north of the county. Most of these permissions, however, are now dormant, and where working is still taking place, this is limited to the overlying limestone.
- 5.91 Due of the decline of the steel industry in the UK and the low-grade nature of the ironstone in Lincolnshire, it is considered unlikely that ironstone working will take place in the foreseeable future, other than potentially as a source of building stone.

- 5.92 Coal is also present in Lincolnshire with a major part of the county underlain by Lower and Middle Coal Measures strata. These coal measures, however, are entirely concealed by a thick Permian and Mesozoic cover and have never been worked. With current concerns over the burning of fossil fuels – particularly coal, it is looking increasingly unlikely that they will be worked in the future.

National considerations

- 5.93 Paragraphs 17 to 23 of the NPPF set out the plan making framework and the role of strategic policies. In particular:
- Paragraph 17 states that the development plan must include strategic policies to address the local planning authority's priorities for the development and use of land in its area
 - Paragraph 20 indicates that strategic policies should, amongst other things, make sufficient provision for minerals
 - Paragraph 21 states that strategic policies should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues)
 - Paragraph 22 states that strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure

- 5.94 Paragraph 210 of the NPPF requires planning policies to provide for the extraction of mineral resources of local and national importance.

Existing approach

- 5.95 At the time the CSDMP was prepared, the council considered that clay, ironstone and coal were not of local and national importance. In line with Paragraph 210 of the NPPF, the CSDMP does not therefore include strategic policies for these minerals as they were not considered to be strategic priorities (i.e. there was no demand to extract these minerals and no demand was foreseen during the plan period).

Outcome of the LMWLP Review

- 5.96 No applications for the extraction of mineral types not covered by specific policies of the CSDMP were made during the review period. As a result, the review found no evidence that such policies are needed.

Options

- 5.97 No information has come to light to indicate that any mineral type not already covered by the LMWLP should be considered a strategic priority and therefore covered by a specific strategic policy. On this basis, it is considered that no additional strategic policies are needed to cover such minerals.

Question 27

Do you agree that the new LMWLP does not need to include strategic policies to cover additional mineral types (i.e. minerals not already covered by the adopted LMWLP)?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 9: Associated industrial development**Background**

- 5.98 In addition to the plant, machinery and buildings directly associated with the working of minerals, mineral operators may seek to undertake certain associated industrial activities at mineral extraction sites. A limited range of industrial development is permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), which can be carried out without the prior approval of the mineral planning authority. This must be for purposes principally in connection with the winning and working of minerals and may only be carried out on land that is used as a mine. It includes the treatment, storage or removal of minerals and derived wastes. A wider range of development, including secondary industry, is also permitted under the GPDO both at the mine and on ancillary mining land, but this is subject to the prior approval of the mineral planning authority. It includes ready mixed concrete and coating plants.
- 5.99 There may be benefits for certain industrial development utilising minerals from the mine, but falling outside the scope of the GPDO, to be located in close proximity to where the mineral is extracted. This could include, for example, concrete products manufacturing operations. Such operations normally require planning permission from the mineral planning authority.

National considerations

- 5.100 There are no specific policies set out in the NPPF which relate directly to the provision of industrial development in association with mineral extraction.

Existing approach

- 5.101 Policy M13 of the LMWLP sets out that 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 minerals development and that the proposals accord with the relevant development management policies set out in the plan. Where permission is granted, the policy states that the operation and retention of the development will be limited to the life of the permitted reserves.

- 5.102 The mineral sites referred to in this policy includes sites used for the winning and working of hydrocarbons (oil and gas).

Outcome of the LMWLP Review

- 5.103 The review indicates that the existing policy is underperforming. Only 43% of the applications that were granted planning permission strictly accorded with the policy as they were not considered to have close links with the associated minerals development.

Options

- 5.104 One option would be to delete this policy and to simply assess proposals for ancillary industrial development against the development management policies of the LMWLP. This approach would remove the need to demonstrate a close link between the existing mineral working and the proposed industrial development. However, it could result in permissions being granted without the imposition of conditions requiring the development to be removed on cessation of mineral working. This, in turn, could compromise the restoration of the mineral sites affected and leave industrial development in the open countryside where such development would not normally be permitted. It is therefore considered that a policy should be retained requiring the development to be removed on cessation of mineral working.

Question 28

Do you agree that the plan should continue to include a specific policy on associated industrial development that requires such development to be removed on cessation of mineral working?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.105 If a policy is retained, the reference to “close link” could either be deleted or given greater prominence, depending on how much importance is to be attached to this criterion. Relaxing this requirement so that ancillary development would only need a “link” to the minerals development would allow a wider range of industrial development to be undertaken on, or adjacent to, mineral sites. These could include, for example, renewable energy projects that generate electricity or produce green hydrogen primarily for use off site.

Question 29

If a specific policy on associated industrial development is retained, do you think the current requirement for it to have a “close link” with the minerals development should be relaxed so that it only needs a “link” to the minerals development?

Please explain the reason for reaching your decision.

Issue 10: Agricultural irrigation reservoirs

Background

- 5.106 Agricultural irrigation reservoirs provide water for the irrigation of crops and can be constructed under agricultural permitted development rights granted by Paragraph 3 and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, subject to the limitations and requirements of that Class. This includes a condition that any material excavated during construction must be retained on the agricultural unit. As a result, any proposal to construct an irrigation reservoir which involves the removal of the excavated material off the agricultural unit will require planning permission from the county council as mineral planning authority.
- 5.107 Historically many irrigation reservoirs that were constructed in Lincolnshire were relatively small in scale. These were often excavated into porous stratum allowing them to fill through the seepage of groundwater. In more recent times, however, there has been a move away from “seepage reservoirs” to “storage reservoir”, which are sealed from the surrounding groundwater. These reservoirs are used to store water abstracted from nearby water courses during the winter months - when water flows are higher, and when the Environment Agency is more likely to allow abstraction.
- 5.108 As storage reservoirs are not recharged from the groundwater, they tend to be significantly larger than seepage reservoirs to allow them to hold sufficient water to meet the irrigation requirements of the agricultural unit. They also need to hold a surplus to account for evaporation losses and to enable the retention of some water to protect the impermeable seal and any wildlife. Such reservoirs can involve the extraction of very substantial amounts of mineral, in many cases sand and gravel. It is therefore important that these reservoirs are well designed to improve their efficiency and minimize the amount of material that needs to be excavated, particularly where it is proposed to remove this off site.
- 5.109 When considering an application for an irrigation reservoir that involves the removal of the excavated material off the agricultural unit, the county council needs to be satisfied that there is a genuine need for irrigation that can be met by a reservoir, and that the development is not simply mineral extraction under the guise of agricultural development.

National considerations

5.110 There are no specific policies set out in the NPPF for agricultural irrigation reservoirs.

Existing approach

5.111 The approach of Policy M14 of the CSDMP is that planning permission will be granted for new irrigation reservoirs or extensions to existing irrigation reservoirs where strict criteria are met. These are:

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

Outcome of the LMWLP Review

5.112 One planning application was received for an agricultural irrigation reservoir over the review period 2016 – 2019, which was in part retrospective. The prospective part of this application was determined in accordance with Policy M14. The LMWLP Review therefore concluded that as no relevant changes had been made to national policy over this period, there is no evidence to indicate that that the policy needs any amendments.

Options

5.113 As no issues have been identified with Policy M14, no changes are proposed.

Question 30

Do you agree that no significant changes are required to the council's current approach to agricultural irrigation reservoirs?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 11: Borrow pits

Background

5.114 Borrow pits are temporary mineral workings sited in close proximity to major construction projects, particularly new road schemes and flood defence schemes, and are used solely to supply minerals (aggregate or clay) for this purpose. In some

cases, the void created by the extraction is backfilled by the disposal of waste materials arising from the project.

- 5.115 They can have advantages over established mineral sites by reducing the impact of concentrated flows of heavy goods traffic on the public highway, and meeting peaks of demand without disrupting supplies elsewhere. They can also assist in the sustainable use of minerals by conserving resources of higher quality at existing mineral sites, thereby reducing the need to make additional provision.

National considerations

- 5.116 There are no specific policies set out in the NPPF for borrow pits.

Existing approach

- 5.117 The approach of Policy M15 of CSDMP is that planning permission will be granted for borrow pits to supply materials for major construction projects where the following criteria are met:

- i. there is a need for a particular type of mineral which cannot reasonably be supplied from existing sites, including alternative materials; and
- ii. 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
- iii. in the case of proposals involving the extraction of aggregates, the site lies on or in close proximity to the project; and
- iv. the mineral can be transported to the point of use without leading to harmful conditions on a public highway; and
- v. 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
- vi. the proposals accord with all relevant Development Management Policies set out in the Plan.

- 5.118 In addition, the policy goes on to state that 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.

Outcome of the LMWLP Review

- 5.119 No applications for borrow pits were received during the review period. Consequently, there was no evidence to indicate that a change to the council's approach is necessary.

Options

As no issues have been identified with Policy M15, no changes are proposed.

Question 31

Do you agree that no significant changes are required to the council's current approach to borrow pits?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 12: Safeguarding mineral resources**Background**

- 5.120 Mineral resource safeguarding is the process of ensuring that non-minerals development, such as housing, does not needlessly prevent the future extraction of mineral resources of local and national importance, and involves safeguarding areas of land containing such resources.
- 5.121 In areas with two-tiers of local government such as Lincolnshire, safeguarding of mineral resources can be achieved only through county and district councils co-operating in the exercise of their respective planning powers over land with potential for mineral extraction.
- 5.122 Safeguarding a mineral resource does not mean that a proposal to extract that resource will be permitted, as the main purpose of the safeguarding is to protect the resource for the long term for future generations. Furthermore, it should be borne in mind that just because there may be no economic need for the minerals now, that may not be the case in the future.

National considerations

- 5.123 Paragraph 210 of the NPPF states that mineral planning authorities should safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas. They should also adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked). If it is necessary for non-minerals development to take place, it states that mineral planning authorities should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible.
- 5.124 The PPG (paragraph 003 of the minerals section) requires mineral planning

authorities to adopt a systematic approach for safeguarding mineral resources which:

- (a) uses the best available information on the location of all mineral resources in the authority area. This may include use of British Geological Survey maps as well as industry sources;
- (b) consults with the minerals industry, other local authorities (especially district authorities in 2-tier areas), local communities and other relevant interests to define Mineral Safeguarding Areas;
- (c) sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas; and
- (d) adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals.

Existing approach

- 5.125 The council carried out an assessment of mineral resources to support the production of the adopted LMWLP. This work identified the locations of the following minerals resources of particular economic importance: sand and gravel; limestone; blown sand; and potential sources of building stone for the repair and conservation of Lincoln Cathedral and Lincoln Castle. Chalk was not considered to be an economically important mineral and was not safeguarded, except for very limited areas around the permitted chalk workings.
- 5.126 At the time it was recognised that incompatible development, such as housing, granted planning permission in close proximity to a mineral resource could lead to (proximal) sterilisation of part of the resource due to the potential impact of working the mineral on the new development. This could, for example, be from the impacts of noise, visual intrusion, or blast vibration on local residents. When defining Mineral Safeguarding Areas (MSAs), the council therefore considered the advice included in the British Geological Survey (BGS) publication, 'Mineral Safeguarding in England: Good Practice Advice' (2011) and where appropriate incorporated buffer zones around the mineral resources. A distance of 250m was adopted around sand and gravel and blown sand resources, and 500m around limestone resources to ensure an adequate safeguarding margin.
- 5.127 The BGS also advises that, in urban areas, mineral planning authorities should define MSAs to highlight the potential for extracting minerals beneath large regeneration projects and brownfield sites. In Lincolnshire, however it was considered that the viability of such opportunities was probably limited to small scale building stone operations to provide stone for Lincoln Cathedral and Lincoln Castle. The resource areas consequently exclude mineral deposits within settlements with a population

more than 1000 and a minimum area of 20 hectares. However, in such cases a 250m buffer extending into the urban areas has been retained to avoid sterilisation by proximal development at the urban edge.

5.128 The current policy for mineral resource safeguarding is set out in Policy M11, which seeks to protect safeguarded resources from permanent sterilisation by other development. The following activities are, however, specifically exempted from the policy:

- 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

5.129 Policy M11 requires all applications for non-minerals development caught by the policy to be accompanied by a Minerals Assessment. The supporting text to the policy states that this should be prepared in accordance with the latest guidance from the BGS. In particular, it should provide an appropriate assessment of the minerals resource including an estimate of the economic value, its potential for use in the forthcoming development and an assessment of whether it is feasible and viable to extract the mineral resource ahead of development to prevent unnecessary sterilisation. Where prior extraction can be undertaken, the assessment should also include an explanation of how this will be carried out as part of the overall scheme.

5.130 Where the Minerals Assessment demonstrates that the development would not sterilise mineral resources within the MSA or prevent future minerals extraction on neighbouring land, the policy states that planning permission will be granted. Otherwise, planning permission will be granted when:

- (a) 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
- (b) 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
- (c) there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or
- (d) the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or
- (e) the development is, or forms part of, an allocation in the Development Plan.

5.131 To facilitate the safeguarding procedure, the council has defined Mineral Consultation Areas (MCAs) under the Town and Country Planning Act 1990. These cover the same areas as the MSAs and require the district councils to consult the mineral planning authority before determining any planning applications they receive within the boundary of an MCA not covered by the exemptions of Policy M11.

Outcome of the LMWLP Review

5.132 As part of the review, information was collated from the council's Authority Monitoring Reports (AMRs) on the efficacy of this policy since the adoption of the CSDMP in 2016. Full detail of the issues identified are set out in the LMWLP Review, which should be read in conjunction with this document.

5.133 Since the adoption of the CSDMP, eight decisions have been made by the district councils that have not reflected the county council's advice that the proposals would be contrary to policy M11. This indicates that the policy is not being particularly effective.

5.134 In addition, the review found that there have been other issues with the implementation of the policy, including:

- At best only 37% (in 2019) of applications submitted to the county council for consultation included a MA (referred to as Mineral Resource Assessments (MRA) in the LMWLP Review) as required by the policy
- Concerns have been raised by district council officers and developers questioning the scope of the policy, i.e., the cost implications of having MAs prepared for sites that in their view were not suitable for minerals extraction due to other constraints
- The council's officers have also recognised that, despite the policy requirement, it would be disproportionate and unreasonable to require an MA in a large number of cases

5.135 The LMWLP Review concluded that the performance data collated in the council's AMRs have demonstrated that Policy M11 in its current form does not provide a practical or an efficient approach for safeguarding mineral resources, and that it would benefit from being updated.

Options

5.136 The requirement for all applications caught by Policy M11 to be accompanied by a Mineral Assessment could be removed, and instead the supporting text to the policy expanded to provide greater guidance on the circumstances where an MA should be submitted. For some applications the current requirement is considered to be too onerous and amending it would give greater flexibility for the council to only require MAs where they are needed to inform the decision-making process.

Question 32

Do you agree that the council should remove the requirement that all applications caught by the mineral resource safeguarding policy must be accompanied by a Mineral Assessment, and that instead more guidance should be provided in the supporting text for the policy regarding the provision of Mineral Assessments?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.137 The council could consider exempting more types of non-minerals development from the requirements of the safeguarding policy where such development is unlikely to sterilise mineral resources.

Question 33

Do you agree that the council should seek to expand the list of exceptions to the policy to include more types of development that are unlikely to sterilise the safeguarded mineral resources?

If you agree, please indicate which additional types of development should be exempt from the policy. If you disagree, please give your reasons.

- 5.138 At present the council is receiving a large number of consultations for sites where mineral extraction is unlikely to be acceptable, particularly in urban areas. The council could therefore consider removing the buffer zones from the MSAs but retaining them in the MCAs. This would mean that the district councils would still need to consult the county council on applications falling within a buffer zone, allowing it to assess whether the proposals would be likely to compromise mineral working in an MSA. However, it would remove the presumption in favour of “prior extraction” in the buffer zone itself.

Question 34

Do you agree that the council should seek to remove the buffer zones from the Mineral Safeguarding Areas, but retain them in the Mineral Consultation Areas?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 5.139 For the minerals that are safeguarded, not all the resources have been included in the MSAs for the reasons set out earlier in this section. However, if new evidence emerges on this matter, the MSAs could be amended. In addition, there are a number of minerals which are present in the county that are not safeguarded (including clay and ironstone) because they were not considered to be of particular economic importance. Whilst the MSAs could be expanded, it is considered that the current requirements are disproportionate and that it would be preferable, wherever possible, to make the MSAs more focussed.

Question 35

Do you think that the council needs to amend the Mineral Safeguarding Areas in the county?

If so, please specify what changes you consider are needed.

Issue 13: Safeguarding existing minerals sites, mineral allocations and associated infrastructure

- 5.140 The safeguarding of mineral sites, mineral allocations and associated infrastructure is necessary to protect them from the encroachment of other forms of more sensitive development, such as housing. Such development could either directly or indirectly impact upon the current or future operation of the mineral sites or infrastructure interrupting the supply of minerals and associated products.
- 5.141 In areas with two-tiers of local government such as Lincolnshire, safeguarding of mineral sites, mineral allocations and associated infrastructure can be achieved only through county and district councils co-operating in the exercise of their respective planning powers.

National considerations

- 5.142 Paragraph 187 of the NPPF establishes the “agent of change” principle. It states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.
- 5.143 In relation to minerals development, paragraph 210 of the NPPF states that planning policies should safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and

concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

5.144 The PPG (paragraph 006 of the minerals section) states:

“Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:

- ensure that sites for these purposes are available should they be needed; and
- prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.

In areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority. Exceptions will be where such facilities and sites are located at quarries or aggregate wharves or rail terminals.

Planning authorities should consider the possibility of combining safeguarded sites for storage, handling and transport of minerals with those for processing and distribution of recycled and secondary aggregate. This will require close co-operation between planning authorities”

Existing approach

5.145 Policy M12 of the adopted CSDMP safeguards mineral sites (excluding sites classified as dormant under the Planning and Compensation Act 1991 or the Environment Act 1995) and associated infrastructure that supports the supply of minerals in the county against development that would unnecessarily sterilise the sites and infrastructure, or prejudice or jeopardise their use by creating incompatible land uses nearby. By including mineral sites, the policy goes beyond the minimum requirements of the NPPF.

5.146 The following activities are specifically exempted from Policy M12 as they are unlikely to have a significant impact on mineral sites and/or infrastructure:

- 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

5.147 The mineral sites and associated infrastructure safeguarded by Policy M12 are:

- sand and gravel quarries
- limestone quarries
- chalk quarries
- energy mineral development sites
- associated infrastructure co-located at quarries such as concrete batching plants and aggregate recycling facilities

As set out in the supporting text for the policy, each safeguarded site includes a 250m surrounding buffer zone.

5.148 Similarly, sites allocated for mineral working in the SLD have been safeguarded by Policy SL2 of that document. The requirements of this policy are essentially the same as Policy M12, although it makes it clearer within the policy itself that each site includes a surrounding 250m buffer area.

5.149 Safeguarded sites have been defined by the county council as Mineral Consultation Areas under the Town and Country Planning Act 1990 and notified to the district councils. This requires the district councils to consult the county council on any applications they receive within the safeguarded areas caught by Policy M12. Under this procedure, the county council can object to applications likely to compromise the operation of a safeguarded site unless adequate mitigation measures can be secured from the applicant.

Outcome of the LMWLP Review

5.150 No specific issues with the implementation of Policies M12 and SL2 were identified in the review.

Options

5.151 No specific issues were identified in the LMWLP Review. However, in order to remain consistent with the proposed approach to mineral resource safeguarding, it is considered that it would be preferable to limit safeguarded areas to the sites themselves whilst retaining the buffer zones within the mineral consultation areas.

Question 36

Do you agree that the council should continue to safeguard existing mineral sites, minerals allocations and associated infrastructure, but should remove the buffer zones from the safeguarded areas (whilst retaining them in the mineral consultation areas)?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

6. Providing for waste

Introduction

- 6.1 As Waste Planning Authority (WPA), Lincolnshire County Council is required to prepare a local plan which identifies sufficient opportunities to meet the identified needs of the area for the management of waste.
- 6.2 Periodically the county council commissions a Waste Needs Assessment (WNA) to establish the future waste management requirements for each waste stream in the county. This includes an assessment of whether existing waste management capacity will be sufficient to meet these needs or whether the county council should plan for additional capacity. The WNA therefore forms a key component of the evidence base that underpins the LMWLP.
- 6.3 The current adopted LMWLP is based upon WNAs carried out in 2014 and 2017. It identifies a need for additional waste management capacity and makes provision through a combination of criteria-based policies and allocations.
- 6.4 In order to provide an up-to-date evidence base to inform the new LMWLP, the county council commissioned the preparation of a new WNA by a waste management consultant. This latest WNA was published in June 2021 and covers a forecast period to the end of 2045 (five years beyond the proposed plan period). The WNA 2021 is based on a robust analysis of the best available data and is made up of several reports that focus on individual waste streams, along with an overview report. The WNA 2021 is available to view alongside this issues and options consultation.

Issue 14: Determining the waste management requirements

Waste arisings

- 6.5 The WNA 2021 has found that a total of just over 2 million tonnes of waste arose within Lincolnshire in 2019 (the latest data available). This was made up of the following principal waste streams (figures have been rounded):
- c360,000 tonnes of Local Authority Collected Waste (LACW)
 - c730,000 tonnes of Commercial and Industrial Waste (C&I)
 - c900,000 tonnes of Construction, Demolition and Excavation Waste (CD&E)
 - c125,000 tonnes of Hazardous waste

Future requirements

- 6.6 In order to determine future waste management requirements up to 2045, the WNA 2021 generates a number of forecasts of future waste arisings for the different waste streams, taking into account factors such as population growth and economic

activity. The WNA 2021 also identifies targets for the management of waste, such as recycling rates, to ensure waste is managed in accordance with the waste hierarchy and any associated government targets and local aspirations. The key forecasts, assumptions and targets used for each waste stream are summarised below. Further detailed information is provided in the WNA 2021.

- 6.7 It should be noted that there are slight inconsistencies between some of the figures quoted in the documents forming the WNA 2021; however these minor variations do not materially affect the outcomes and conclusions of the WNA 2021.

Local Authority Collected Waste (LACW)

- 6.8 The WNA 2021 considers a number of different forecast scenarios for LACW. An annual growth rate per head of 0% multiplied by predicted population growth was selected, which is consistent with the approach taken in the current Joint Municipal Waste Management Strategy (JMWMS) for Lincolnshire and represents a maximum growth scenario. Taking into account the targets set out in the JMWMS, and the national Resource and Waste Strategy, the WNA 2021 applies a target of 55% recycling by 2025, and 65% by 2035. As minimal landfill levels are already being achieved, it is projected that the current rate of 5% is maintained over the forecast period.
- 6.9 Table 5 below sets out the projected future requirements for LACW at key milestone years when applying the selected forecasts and management targets to 2018/19 baseline arisings. Overall, LACW arisings are projected to increase to 404,062 tonnes by 2045, whilst the proportion of waste going to 'other recovery' (primarily energy from waste) is projected to reduce, reflecting increased recycling.

Table 5: Forecast future arisings and management profile for LACW at key milestone years (tonnes)

Year	Forecast arisings	Recycling or composting	Other recovery	Remainder to landfill
2018/19	359,911	156,662	187,946	15,303
2024/25	374,213	205,817	149,685	18,711
2029/30	383,750	230,250	134,312	19,187
2034/35	391,021	254,164	117,306	19,551
2039/40	397,499	258,374	119,250	19,875
2044/45	404,062	262,640	121,218	20,203

Source: WNA 2021

Question 37

Do you agree with the baseline, forecasts and targets that have been used to determine future waste management requirements for LACW?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Commercial and Industrial Waste (C&I)

- 6.10 In line with PPG, the WNA 2021 applies a positive growth rate when forecasting future C&I arisings. A conservative growth rate of 0.275% has been modelled to account for factors such as the move towards a more circular economy, and the forthcoming adoption of a 'Waste Prevention Programme for England'. In terms of future waste management targets, when considering the UK's commitment to the EU's circular economy package, it is proposed that recycling and composting will increase over the forecast period, from a baseline of 54%, to 75% by 2040. 'Other recovery' and landfill are both proposed to gradually reduce to a low of 2.5% respectively by 2040. The proposed targets are more ambitious than those proposed for LACW due to the differing composition of C&I waste.
- 6.11 Table 6 below sets out the projected future requirements for C&I waste at key milestone years when applying the selected forecasts and management targets to 2019 baseline arisings. Overall C&I waste arisings are projected to increase to c782,000 tonnes by 2045.

Table 6: Forecast future arisings and management profile for C&I waste at key milestone years (tonnes)

Year	Forecast arisings	Recycling or organic treatment	Other recovery	Remainder to landfill	Treatment to sewer
2019	c730,000	395,000	77,700	103,300	152,100
2025	c740,000	444,000	51,800	88,800	155,400
2030	c750,000	487,650	37,512	75,023	150,046
2035	c760,500	532,423	30,424	38,030	159,727
2040	c771,000	578,340	19,278	19,278	154,224
2045	c782,000	586,336	19,545	19,545	156,356

Source: WNA 2021

Question 38

Do you agree with the baseline, forecasts and targets that have been used to determine future waste management requirements for C&I waste?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Construction, Demolition and Excavation Waste (CD&E)

- 6.12 In line with PPG and having regard to the drive for waste minimisation and on-site management in parallel with projected growth in house building, the WNA 2021 proposes a static growth rate for CD&E waste. It is assumed that arisings in Lincolnshire will remain the same for the duration of the forecast period. In setting targets for future waste management, it is proposed that recycling and reuse will increase over the forecast period, from a baseline of 41%, to 65% by 2045, whilst 'other recovery' (including inert landfill and recovery to land) is anticipated to remain constant at around 30%. This leads to a combined total of 95% recycling and recovery by 2045 which is considered to be the maximum achievable.
- 6.13 Table 7 below sets out the projected future requirements for CD&E waste at key milestone years when applying the selected forecasts and management targets to 2019 baseline arisings.

Table 7: Forecast future arisings and management profile for CD&E waste at key milestone years (tonnes)

Year	Forecast arisings	Materials recycling	Recycled aggregate	Other recovery	Remainder to non-inert landfill
2020	c900,000	90,500	286,000	311,200	231,800
2025	c900,000	90,100	315,350	270,300	225,000
2030	c900,000	90,100	360,400	270,300	180,200
2035	c900,000	90,100	405,450	270,300	135,150
2040	c900,000	90,100	450,500	270,300	90,100
2045	c900,000	90,100	495,550	270,300	45,000

Source: WNA 2021

Question 39

Do you agree with the baseline, forecasts and targets that have been used to determine future waste management requirements for CD&E waste?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Hazardous Waste

- 6.14 Hazardous wastes are usually only created in relatively small quantities and this factor combined with the need for specialist facilities means it is unlikely that it will be economically viable to provide a full range of treatment or disposal facilities within a single WPA area. When forecasting future requirements, the WNA 2021 therefore focusses on total projected arisings but does not apply targets to specific management methods.
- 6.15 The WNA 2021 projects forward using a revised baseline arisings value of 51,600 tonnes for hazardous waste to account for issues, including double counting and permitting exemptions where identification of additional waste capacity is not required.
- 6.16 Based on an analysis of recent, and likely future trends in hazardous waste arisings, the WNA 2021 applies a zero-growth forecast to 2030, with a fall of 0.5% per annum from 2031 to 2040, and then a fall of 1.5% in the final five years to 2045.
- 6.17 Table 8 below sets out the projected future requirements for hazardous waste at key milestone years when applying the selected forecasts to 2019 baseline arisings. Overall hazardous waste arisings are projected to fall to around 45,250 tonnes by 2045.

Table 8: Forecast future arisings for Hazardous Waste at key milestone years

Year	Forecast arisings (tonnes)
2019	50,191
2025	50,191
2031	49,989
2035	48,996
2040	48,028
2045	45,250

Source: WNA 2021

Question 40

Do you agree with the baseline and forecasts that have been used to determine future waste management requirements for hazardous waste?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Other Waste

- 6.18 In line with PPG, the WNA 2021 also considers other waste streams including Wastewater, Agricultural Waste and Low Level Radioactive Waste when seeking to determine future waste management requirements for Lincolnshire. When considering the nature of these other wastes and the way that they are currently managed, the WNA 2021 does not identify any specific, separate management requirements for these waste streams, and therefore concludes that there is no need for further assessment of these other waste streams.

Question 41

Do you have any comments in relation to future waste management requirements for the other waste streams identified?

If so, please give details.

Capacity assessment

- 6.19 Once future requirements are determined, the WNA 2021 assesses the current capacity of existing waste management facilities within Lincolnshire to determine whether sufficient capacity exists to meet the requirements, or if there are likely to be any shortfalls or 'gaps' in capacity during the forecast period for which provision will need to be made.
- 6.20 Whilst future requirements have been determined in relation to specific waste streams, the assessment of capacity instead focuses on waste management method, since a single waste management facility may manage a mix of wastes from a number of different waste streams. The only exception to this approach is hazardous waste, for the reasons already set out.
- 6.21 The outcome of the capacity analysis includes two main components: an assessment of 'built waste management capacity' which considers the operational capacity of waste management facilities (tonnes per annum), and 'permanent deposit to land capacity' (available void space at landfill and recovery to land operations).
- 6.22 Table 9 below summarises the predicted capacity gaps and surpluses for built waste management facilities at key milestone years during the forecast period to 2045.

Positive figures identify a surplus of capacity. Negative figures would indicate a capacity gap, but none were identified.

Table 9: Forecast built waste management capacity gaps and surpluses (tonnes)

Capacity type	Gap 2025	Gap 2030	Gap 2035	Gap 2040	Gap 2045
Recycling and composting	+845,000	+777,000	+708,000	+658,000	+646,000
Energy recovery	+119,500	+149,000	+173,000	+182,500	+180,000
Aggregate recycling	+427,500	+382,000	+337,000	+292,000	+247,000
Hazardous waste	+15,500	+15,500	+15,500	+15,500	+15,500

Source: WNA 2021

- 6.23 In relation to permanent deposit to land, the WNA 2021 identifies existing void space capacity in Lincolnshire of at least 3.15 million m³ at inert landfill sites and recovery to land operations, and at least 9.14 million m³ at non-inert landfill sites.
- 6.24 Over the forecast period to 2045, the total cumulative permanent deposit to land requirement for inert waste is 4.5 million m³. The identified void space available at dedicated inert landfill and recovery sites is therefore approximately 1.35 million m³ less than this requirement. However, the WNA 2021 acknowledges that capacity will also be provided at non-inert landfill sites which require inert waste for operational use and restoration material. Allowing for 15% of the available non-inert void space for operational and restoration purposes would provide a further 1.37 million m³ of inert waste management capacity, leaving no shortfall over the forecast period.
- 6.25 The total cumulative permanent deposit to land requirement for non-inert waste over the forecast period to 2045 is just under 6 million m³. There is therefore sufficient capacity in Lincolnshire's non-inert landfill sites to accommodate future requirements for non-inert waste, even when it is assumed that 1.37 million m³ of the available void is used for inert waste for operational and restoration purposes.
- 6.26 The WNA 2021 has therefore found that there appears to be sufficient existing consented capacity to meet predicted waste management requirements for Lincolnshire through to 2045 (beyond the proposed plan period), with surpluses identified in built waste management capacity, and sufficient combined void space available across consented recovery sites, inert and non-inert landfill sites. Further detailed information is provided in the WNA 2021.

Question 42

Do you have any comments in relation to the capacity assessment, and the findings that there are projected to be no capacity gaps over the forecast period?

If so, please give details.

Duty to cooperate

- 6.27 In assessing future waste management requirements and existing capacity, the county council is seeking to plan for sufficient waste management capacity to accommodate the amount of waste predicted to arise within Lincolnshire.
- 6.28 It is however acknowledged that waste movements occur between local authority boundaries due to factors such as commercial influences, proximity of facilities to arisings, and larger catchment areas associated with specialist facilities (including hazardous waste). Planning for waste management is therefore a strategic matter which requires cross-boundary co-operation between waste planning authorities and other organisations in line with the duty to cooperate.
- 6.29 The county council has, and will continue to cooperate with other waste planning authorities where significant movements of waste are identified, in order to ensure any implications for waste management requirements are identified. To date, no issues have been identified that affect the conclusions of the WNA 2021.

Issue 15: Making provision for waste management**Background**

- 6.30 Once future waste management requirements have been identified, and capacity assessed, the LMWLP is required to make provision for the waste management infrastructure that may be required to meet any identified needs over the plan period.

National considerations

- 6.31 Paragraph 4 of the NPPW states that waste planning authorities should identify, in their local plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations.
- 6.32 The PPG (paragraph 039 of the waste section) states that local plans covering waste should include clearly defined locations and/or areas of search.
- 6.33 Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering this country's waste ambitions through a number of factors. These include providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle.

Existing approach

- 6.34 In order to guide waste management facilities to the most sustainable locations and maintain an effective network of facilities across Lincolnshire, Policy W3 of the adopted LMWLP focuses new waste management facilities in and around specified 'main urban areas'. By focussing on the key centres of population, this approach seeks to locate facilities close to arisings, minimising the distances that waste is transported in line with the proximity principle. This approach also allows benefits such as greater potential for co-location of energy recovery facilities with potential customers for their heat and/or electricity.
- 6.35 There are a number of exceptions to this spatial strategy, which include:
- a) facility types such as those involving biological treatment of waste and treatment of waste water, which due to their operational requirements, characteristics and potential amenity impacts may be best placed outside areas of high population;
 - b) small scale facilities outside the main urban areas to serve local communities;
 - c) extensions to existing facilities outside of the main urban areas provided certain tests are met including demonstrating need, proximity to arisings and transport links.
- 6.36 In addition, all facilities are required to comply with detailed locational criteria to reduce the potential for significant adverse environmental impacts, or impacts on the amenity of nearby residents.
- 6.37 The plan allocates a single waste 'site', and 16 'areas' considered suitable for waste management that accord with the spatial strategy and the locational criteria - identifying the types of facilities that would be potentially acceptable for each allocation.
- 6.38 The allocations make sufficient provision for the waste management needs that were identified at the time the plan was adopted. They are not, however, exclusive. A proposed facility that meets the spatial strategy and the locational criteria would potentially accord with the plan regardless of whether the land was allocated.

Outcome of the LMWLP Review

- 6.39 The review of the LMWLP concluded that whilst the spatial strategy and locational criteria are performing appropriately in terms of enabling delivery of waste management facilities in sustainable locations, the associated policies and linkages between them are too complicated and would benefit from updating.
- 6.40 The review also identified that the waste site and area allocations have been of very limited benefit in supporting the delivery of waste management facilities. This is because the broader range of acceptable locations set out through the spatial strategy and criteria-based policies have enabled most facilities to come forward on sites that are not allocated.

Options for the spatial strategy

- 6.41 As set out in detail in the previous section, the WNA 2021 has since demonstrated that there are no predicted waste management capacity gaps up to 2045. There is therefore no apparent need for specific provision to be made in the new LMWLP for the proposed plan period to 2040. However, when considering the ongoing evolution of waste management technologies, cross boundary movements, and the fact that waste needs may change over time, it is considered that it is still necessary for the new LMWLP to provide a suitable policy framework to guide and assess any future waste management proposals that may come forward during the plan period.
- 6.42 It is proposed to continue with the existing approach and set out a spatial strategy in the new LMWLP which focusses on the main urban areas, albeit in a simpler format to address the issues identified in the review. As most of the county's waste is produced in these urban areas, this approach is in line with the proximity principle. Alternatively, the council could consider other options for where waste management facilities may be acceptable, subject to compliance with national policy and guidance. At present, however, no such options have been identified.

Question 43

Do you agree that the spatial strategy for waste management should continue to focus new waste management facilities on the main urban areas?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 6.43 If the current spatial approach is continued, the council could consider whether any changes are necessary to the exceptions to the spatial strategy to ensure they remain relevant and effective. However, to date no alternatives have been identified.

Question 44

Do you agree that the council should continue to allow the current exceptions to the spatial strategy for waste management (as outlined in paragraph 6.35 above)?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Options for identifying appropriate locations

- 6.44 Within the overarching spatial strategy the new LMWLP needs to set out which specific types of locations would be acceptable for waste management facilities. As set out previously, the adopted LMWLP does this through a combination of site and area allocations, and criteria-based policies. The review of the LMWLP identified issues with the effectiveness of the existing waste allocations, and the WNA 2021 has not identified any additional waste management requirements for the plan period. It is considered that there is therefore no need for the new LMWLP to include specific allocations for additional waste management facilities.
- 6.45 The new LMWLP could, however, continue to set out criteria-based policies to ensure any future proposals that may come forward for waste management development are in the most appropriate locations. These policies could follow the same approach as the existing LMWLP which, in line with the NPPW and PPG focuses new waste facilities in locations such as previously developed land, existing or planned employment land, and land already in waste management use. Specific criteria are also set out for those facility types that are exempt from the spatial strategy and for those where other locations may be acceptable.
- 6.46 Alternatively the council could consider a different approach if any reasonable alternative options are put forward as part of this issues and options consultation. At present, however, no such options have been identified.

Question 45

Do you agree that criteria-based policies are the most appropriate mechanism to ensure any future proposals for waste management that come forward are located in the most appropriate and sustainable locations?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 16: Low level non-nuclear radioactive waste (LLW)

Background

- 6.47 Low level radioactive waste (LLW) is radioactive waste having a low radioactive content. The majority of this waste is produced by sectors outside the nuclear industry such as hospitals, the pharmaceutical sector, and research and educational establishments, and hence is termed “non-nuclear”. LLW makes up more than 90% of the UK’s radioactive waste by volume but contains less than 0.1% of the total radioactivity.

- 6.48 Most radioactive waste produced by non-nuclear sources contains very low levels of radioactive content and is therefore placed into a sub-category known as Very Low Level radioactive Waste (VLLW). Most of this material is similar in its physical and chemical nature to general wastes from households, commercial or industrial sources.
- 6.49 The disposal of most LLW (not falling within the sub-category VLLW) requires a permit to be held by both the waste producer and the operator of the waste management facility that receives it. LLW can either go to a landfill as “controlled burial” or may be dealt with by incineration. There are few facilities, however, in the UK with permits to take LLW. The closest one to Lincolnshire is in Northamptonshire (the East Northants Resource Management Facility – ENRMF). The ENRMF has a development consent including provision for disposal of LLW up to 2026 and a DCO application to extend its capacity and life is imminent. However, there is nothing to indicate that any LLW that would not be managed as VLLW is produced in Lincolnshire (LWNA 2021).
- 6.50 For VLLW the situation is different. A site producing less than 50m³ per year is classed as a low volume VLLW source and as such is exempt from reporting quantities of waste produced and managed. VLLW from such sources is not required to be managed separately and so will generally be managed in the same manner as general waste produced on the source site. As a result, any landfill or incinerator in the UK may accept small volumes of VLLW mixed in with the other wastes. Therefore, it may be assumed that any waste management facility receiving mixed waste might receive low volumes of VLLW depending on whether source sites fall within their catchment.
- 6.51 The WNA (2021) reports that a review of radioactive source permits granted by the Environment Agency indicates that there were six authorisations held by four entities in January 2021. These permits are issued to establishment which use radioactive substances. It is therefore possible that, as part of their activities, these entities will generate some LLW or VLLW requiring disposal offsite.
- 6.52 In addition to the above, there are a number of entities that hold permits for the disposal of radioactive waste in Lincolnshire. These are principally energy exploration companies. In the process of drilling for oil and gas, these companies might extract “naturally occurring radioactive materials” (NORM), which is present in many geological formations including oil- and gas-bearing strata. Holders of these permits are required to have contracts in place for the management of waste arising prior to the commencement of production.

National considerations

- 6.53 The government’s UK Strategy for the Management of Solid LLW Arising from the Non-Nuclear Industry (2012) states that waste planning authorities should be aware of the current disposal needs and waste management practices of non-nuclear industries that operate within their areas of responsibility as they prepare their

plans. The strategy includes a number of key points of which the following are of particular importance:

- 1) Producers of LLW should work with planning authorities, to ensure that such wastes may be effectively handled through the preparation of local plans and in determining planning applications.
- 2) Exempt low volume VLLW is currently disposed to landfills and incinerators used for handling Directive waste. No special provisions need to be addressed in environmental permits, and no extra provisions need to be made by waste planning authorities to allow this practice to continue.
- 3) The proximity principle needs to be a consideration, alongside other considerations, in any waste management plan prepared by LLW producers. The principle is a component of work and decisions by waste producers, the environment agencies, and planning authorities.
- 4) Communities which benefit from the beneficial uses of radioactive materials (including direct benefit such as the use of radiopharmaceuticals, and indirect benefits such as contributions to a local economy from commercial bodies using radioactive materials) should take a share in the responsibility for managing the radioactive wastes which inevitably arise from their use, where possible, while recognising that each and every local authority can not necessarily be self-sufficient in the matter of waste management.
- 5) Waste planning authorities should consider how to manage LLW and VLLW arising in their areas as part of the preparation of their local waste plans. They should seek advice from waste producers and the environment agencies to ensure that the waste is being sent to a suitable waste management facility. If necessary and feasible, they should work with other waste planning authorities to share facilities. The environment agencies will supply information on disposal facility locations, on request, to waste producers and planning authorities to assist their decisions.

6.54 Paragraphs 17 to 23 of the NPPF set out the plan making framework and the role of strategic policies. In particular:

- Paragraph 17 states that the development plan must include strategic policies to address the local planning authority's priorities for the development and use of land in its area
- Paragraph 20 indicates that strategic policies should, amongst other things, make sufficient provision for infrastructure for waste management
- Paragraph 21 states that strategic policies should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues)
- Paragraph 22 states that strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure

Existing approach

- 6.55 The approach of Policy W2 of the CSDMP is that planning permission for the management of low level non-nuclear radioactive waste should be granted where it is demonstrated that:
1. there is a proven need for the facility;
 2. locating in Lincolnshire is the most viable locale for managing such waste; and
 3. the proposals accord with all relevant development management policies.

Outcome of the LMWLP Review

- 6.56 No planning applications for LLW development have been received since the CSDMP was adopted in 2016. Consequently, the current policy remains untested.

Options

- 6.57 The WNA (2021) has found that there are only a small number of permitted sources of non-nuclear waste within Lincolnshire. This strongly suggests that there is no critical mass of material requiring specialist capacity provision that needs to be planned for within the county. Furthermore, most of the radioactive waste produced, classed as VLLW, is likely to be disposed of through conventional management routes. The WNA also states that holders of permits for NORM arising from oil and gas exploration can be expected to make their own management arrangements.
- 6.58 As there is unlikely to be any demand for waste management facilities for dealing with LLW in Lincolnshire during the proposed plan period, it is not considered necessary to include a specific policy for LLW in the new LMWLP. This is consistent with the NPPF which states that strategic policies should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues).
- 6.59 In the unlikely event that an application is submitted, it would simply be assessed against national policy and the general waste policies of the plan.

Question 46

Do you agree that a specific policy for LLW is not needed in the new LMWLP?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 17: Landfill

Background

- 6.60 Lincolnshire has a significant number of sites with planning permission for non-inert and/or inert landfill as set out in the Waste Needs Assessment (2021), which are predominantly connected with the restoration of former mineral extraction sites. Most of these planning permissions were granted at a time when landfill was the principal means of dealing with waste generated in the county.
- 6.61 The opening of the Energy from Waste Plant at North Hykeham in 2013 has diverted most of the county's Local Authority Collected Waste away from the landfill sites. As a result, some of these landfill sites are now inactive.

National considerations

- 6.62 Section 3 of the National Planning Policy for Waste (NPPW) states that in preparing waste local plans, waste planning authorities should, amongst other things, drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.
- 6.63 Section 4 of the NPPW goes on to state that in preparing their plans, waste planning authorities should, amongst other things, plan for the disposal of waste in line with the proximity principle.
- 6.64 The NPPW states that it should be read in conjunction with a number of other documents, including the Waste Management Plan for England. The latest version of this was published in 2021.
- 6.65 The Waste Management Plan for England states that landfill should usually be the last resort for waste, particularly biodegradable waste. It goes on to state that the landfill tax is one of the key drivers to divert waste from landfill to ensure that the 2020 target (of no more than 10.16 million tonnes of biodegradable municipal waste to landfill) and the 2035 target (of no more than 10% of municipal waste to landfill) are both met. The plan states that this does not mean that all wastes will be diverted from landfill, and that there are some wastes for which landfill remains the best, or least worst, option. It recognises that there is an ongoing role for landfill in managing waste, particularly for inert waste that cannot be prevented, recovered or recycled, but that its use should be minimised as much as possible.
- 6.66 The Waste Management Plan for England also states that it is for the Environment Agency to determine on a case-by-case basis whether an application for an environmental permit constitutes a waste recovery or a disposal operation. Inert waste can and should be recovered or recycled whenever possible. However, the disposal of inert waste in or on land, i.e. landfill, remains a valid way of restoring quarries and worn out mineral workings where this is a planning requirement.

Existing approach

- 6.67 At the time the adopted CSDMP was prepared, no requirement for further landfill capacity above that already existing had been found through the chosen Waste Needs Assessment scenarios. The plan therefore contains a restrictive policy (Policy W6) which states that planning permission will only be granted for new landfills or extensions to existing landfills (inert, non-hazardous and hazardous) provided that:
1. 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
 2. there is a long term improvement to the local landscape and character of the area, with enhanced public access where appropriate; and
 3. the development would not cause a significant delay to the restoration of existing waste disposal sites; and
 4. the proposals accord with all relevant development management and restoration policies set out in the plan.

Outcome of the LMWLP Review

- 6.68 The LMWLP Review found that out of the six applications assessed and granted planning permission during the review period, two did not strictly comply with Policy W6 because the first criterion of the policy was not met. This criterion requires proposals to demonstrate that the current landfill capacity is insufficient to manage that waste arising in Lincolnshire or its equivalent.
- 6.69 Each of the non-compliant decisions were related to the use of inert wastes in the restoration or improvement of land, and this was considered on balance to be an appropriate use of waste despite there being existing consented capacity for this waste within the county at the time.
- 6.70 The review concluded that these decisions may highlight that either the policy criteria are too restrictive, or that the requirements of the policy are not sufficiently clear.

Options

- 6.71 The council's adopted CSDMP contains a restrictive policy on granting new capacity for landfill because at the time of its preparation the county had sufficient capacity for the plan period. This approach also:
- helps to ensure that the existing landfill sites receive the available wastes so they can be restored
 - provides an additional incentive for operators to recycle waste materials wherever possible before considering disposal to landfill, which is consistent with the aims of national policy.
- 6.72 The latest Waste Needs Assessment (2021) indicates that the council still has sufficient landfill capacity for inert and non-inert waste for the proposed plan period.

Whilst this might suggest that no changes are needed to the policy, there are a number of reasons why it may be beneficial to amend the policy approach for inert waste where this is to be used in the restoration of former quarry workings. These are:

1. Whilst the WNA (2021) indicates that the county has more than sufficient capacity for inert landfill for the forecast period (which goes 5 years beyond the proposed plan period), the excess capacity is marginal and provides little flexibility if demand exceeds the forecast. It may therefore be preferable to provide additional provision through the “recovery” of the waste in quarry restoration schemes.
2. The Waste Management Plan for England recognizes that inert landfill remains a valid way of restoring quarries, but with the important caveat “where this is a planning requirement”.
3. The LMWLP Review has identified that planning permissions have been granted for inert landfill despite the fact that the first criterion of Policy W6 was not met, indicating that other factors carried greater weight.

6.73 Relaxing the first criterion of Policy W6 (the need to demonstrate that the current capacity is insufficient) may help to overcome the issues identified above, but it could also have disadvantages. This is because the use of inert waste in the restoration of quarries may be exempt landfill tax – removing one of the principal drivers for encouraging recycling. If the policy is relaxed it is therefore considered that the use of inert waste in restoration schemes would need to be strictly controlled, and that applicants would need to demonstrate:

- substantial improvements to the overall restoration, particularly in terms of biodiversity gains (compared with the best scenario without using waste)
- that the restoration scheme is designed to minimise the amount of inert waste required
- adherence to the proximity principle
- that the other criteria currently attached to Policy W6 are met (i.e. proposals should provide long term local landscape improvements and public access (where appropriate), they should not delay the restoration of other sites, and they should accord with the Development Management Policies and Restoration Policies)

Question 47

Do you agree that the policy for landfill should be amended with respect to the use of inert waste in the restoration of quarries (as outlined above)?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 18: Safeguarding waste management sites

Background

- 6.74 Waste management sites are an important element of a community's infrastructure, ensuring that waste is dealt with at appropriate locations and that communities take responsibility for their own waste. Gaining permission for such facilities can be a challenging and protracted process in direct opposition to the wishes of parts of the host community. Because of this, the council considers it essential that those waste management sites should be protected. Such protection should be twofold: firstly, to ensure that a site permitted or allocated with a waste use is not redeveloped to another use (thereby retaining capacity); and secondly that there remains a sufficient distance between the waste facility and other forms of development or sensitive land uses (for example, housing). The latter requirement is to make certain that non-waste developments are not permitted within the vicinity of a waste management facility if it would either prevent or prejudice the effective use of that facility.
- 6.75 In two-tier planning areas such as Lincolnshire, the safeguarding of waste sites can be achieved only through county and district councils co-operating in the exercise of their respective planning powers. The county council can, however, invoke a formal consultation procedure under Schedule 1, paragraph 7 of the Town and Country Planning Act 1990. Under this procedure the district councils must consult with the county council before determining applications to which the consultation requirements apply.

National considerations

- 6.76 The 'agent of change' principle set out in paragraph 182 of the NPPF is relevant. This states that existing businesses and community facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 6.77 Paragraph 8 of the NPPW states that when determining planning applications for non-waste development, local planning authorities should, amongst other things, ensure that the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.
- 6.78 The PPG (paragraph 010 of the waste section) states that "non-waste" planning authorities must have regard to national planning policy for waste and are expected to help deliver the Waste Hierarchy. It goes on to state that this might include, amongst other things:
- working constructively with waste planning authorities to identify and protect those sites needed for waste management facilities
 - considering the need for waste management alongside other spatial planning objectives

- considering, where relevant, the likely impact of proposed, non-waste related development on existing waste management sites and on sites and areas allocated for waste management

Existing Approach

- 6.79 National policy and guidance with respect to both safeguarding and consultation on waste management facilities is less prescriptive than for minerals, which is reflected in the way it is dealt with in the LMWLP.
- 6.80 Policy W8 of the adopted LMWLP sets out that 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:
- a) alternative provision in the vicinity can be made in accordance with the Development Plan; or
 - b) it can be demonstrated that there is no longer a need for a waste facility at that location.
- 6.81 The CSDMP states that it is the responsibility of the district councils to ensure that when considering planning applications or proposals for future development within or near a boundary of a waste site, the presence of the waste site is taken into account. In practice this means that the district councils need to assess whether there are likely to be any conflicts, taking into account the nature of the waste management activities and the sensitivity of the proposed development to those activities. Where this is the case, the district councils should consult the county council.

Outcome of the LMWLP Review

- 6.82 The performance target for Policy W8 is that no applications should be granted by the district councils where the county council has expressed the view that the proposals would be contrary to Policy W8. In this respect the review concluded that the target is being met. However, it also acknowledged that the effectiveness of this performance target is limited by the fact that it assumes that the district councils have consulted the county council in all appropriate cases (which might not be the case).

Options

- 6.83 The current approach in the adopted LMWLP is to safeguard all existing and allocated waste management facilities. This approach is considered to be in line with the NPPW and PPG. Therefore, no other options have been considered at this stage.

Question 48

Do you agree that all existing waste management facilities and any sites allocated for waste management in the LMWLP should be safeguarded by both the county council and the district councils?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

- 6.84 In terms of the consultation arrangements, the current situation leaves this to the judgement of the district councils, which may lead to inconsistencies in how the arrangements are applied in practice. It is therefore considered that a more formal arrangement is put in place. This could include a requirement that the district councils consult the county council on all applications they receive within a waste management site. The county council could then assess whether this would have an unacceptable impact on waste management capacity.
- 6.85 In terms of applications for sensitive development beyond the boundaries of waste management sites but which encroach upon them, it is considered that the district councils should assess these for themselves in consultation with their Environmental Health Officers. They would then be expected to determine such applications in accordance with:
1. the county council's policy for the safeguarding of waste management facilities; and
 2. the requirements of the NPPF and NPPW.

Question 49

Do you agree that consultation arrangements between the county council and the district councils for the safeguarding of waste sites should be amended as outlined in paragraphs 6.84 and 6.85 above?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

7. Restoration and after-use of mineral sites and landfill sites

Issue 19: Restoration and after-use priorities

Background

- 7.1 Both the extraction of minerals and the landfilling of waste are forms of transient development that can take place over many years. It is therefore important that proper provision is made for the restoration of such sites and that, wherever possible, this is undertaken on a phased basis.
- 7.2 Restoration is secured through planning conditions, which are imposed when planning applications are determined. Conditions can also be imposed to require aftercare measures to be carried out for a period of up to five years following the completion of restoration of each phase of working. For the longer-term management, a legal agreement (s106 planning obligation) is required.
- 7.3 Mineral planning permissions are subject to the requirements of Section 96 and Schedule 14 of the Environment Act 1995. This means that the planning conditions can be reviewed by the county council periodically, including the restoration and aftercare conditions.

National considerations

- 7.4 With respect to restoration, sub paragraph 210(h) of the NPPF states that planning policies should ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place. This aim is also considered relevant to landfill sites given the NPPW states that when determining applications, waste planning authorities should ensure that land raising, or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary (paragraph 7).
- 7.5 There are a number of other objectives within the NPPF that are of particular relevance to the restoration of mineral sites and landfill sites as set out below.
- 7.6 Paragraph 153 includes the provision that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 7.7 Paragraph 174 states, amongst other things, that planning policies should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
 - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the

economic and other benefits of the best and most versatile agricultural land, and of trees and woodland

- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

7.8 Paragraph 176 states, amongst other things, that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas.

7.9 Paragraph 179 of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should amongst other things promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Existing approach

7.10 The LMWLP contains four policies relating to restoration and after-use (Policies R1 to R4). Policy R1 is an overarching policy that requires proposals to demonstrate that the restoration of mineral workings and landfill operations will be of a high quality and carried out at the earliest opportunity. It states that all proposals should be accompanied by detailed proposals for restoration, including an appropriate after-use of the site and demonstrate that:

- i. restoration will be undertaken using best practice to secure a high standard of restoration and aftercare; and
- ii. restoration will be completed within a reasonable timescale and is progressive; and
- iii. 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
- iv. there is an aftercare management programme, appropriate to the objectives of the site, to ensure that the restoration of the site is established successfully.

7.11 The supporting text for Policy R1 makes it clear that all after-uses will be considered in the light of realistic assumptions about the availability of restoration materials, particularly inert waste.

7.12 Policy R2 deals specifically with after-use and states:

“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 (including 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.”

- 7.13 The supporting text for Policy R2 goes into more detail over aspects of the policy. It recognises that restoration can provide opportunities to secure a net gain in both biodiversity and accessible geodiversity as well as adding to the county’s green infrastructure. It also recognises that habitat creation can act as a living carbon sink and that well-designed schemes, in appropriate locations, may offer benefits in terms of provision of climate change mitigation measures such as greater flood storage capacity allied to recreational or biodiversity after-uses.
- 7.14 Agricultural restoration is given significant consideration in the plan. Over 70% of agricultural land in Lincolnshire is classified as Best and Most Versatile Agricultural Land (BMVAL), that is Grades 1, 2 or 3a. There is therefore pressure to restore this land back to agricultural use in order to safeguard food supplies. The plan recognises that of all mineral types, sand and gravel extraction in Lincolnshire causes the greatest loss of land. Although these workings are generally shallow, they often extend below the water table and normally fill with water, which creates challenges when restoration to agriculture is considered. To address this, low level restoration techniques have been developed which involve sealing the floor and sides of the excavation with an impermeable material to prevent the entry of ground water and replacing soils together with a suitable drainage system. The only water then entering the site is rainwater which is regulated by occasional pumping.
- 7.15 Whilst the plan recognises that BMVAL should be safeguarded, and soils on all sites should be protected, this will not necessarily require sites to be restored to agriculture, provided that the requirements of the development management policies relating to soils (Policy DM11) and Best and Most Versatile Agricultural Land (Policy DM12) are met.
- 7.16 The plan also recognises that afforestation could make a potentially significant contribution to the achievement of carbon sequestration targets. This would add diversity to the county given that only 4% of Lincolnshire is covered by woodland, making it one of the least wooded counties in Britain.

- 7.17 The plan acknowledges that a large number of former sand and gravel workings have resulted in the creation of significant areas of standing water. The creation of further open water bodies may conflict with the high levels of RAF activity within the county due to increased bird activity and the potential for bird strike on aircraft. Proposals for the creation of large open water bodies therefore need to be closely scrutinised. The plan recognises that adapting restoration schemes to incorporate habitats such as reedbed and wet woodland can help alleviate the problem of bird strike by creating less open water.
- 7.18 Policy R3 of the CSDMP sets the restoration priorities for sand and gravel operations within the county's areas of search. This requires restoration proposals, other than those involving the restoration of BMVAL back to agriculture of a comparable quality, to have regard to the landscape scale objectives of the area. It then goes on to list priorities for different parts of the county. For the sites allocated in the SLD, more detail on the priorities is provided in the development briefs set out in Appendix 1 of that document.
- 7.19 Policy R4 of the CSDMP sets the restoration priorities for limestone and chalk workings. This requires restoration proposals to be sympathetic to the surrounding landscape and, other than those involving the restoration of BMVAL back to agriculture of a comparable quality, prioritises the creation of calcareous grassland habitat. It also requires the retention of suitable exposures for geological educational use where appropriate.

Outcome of the LMWLP review

- 7.20 The review found that all of the restoration policies had performed effectively in delivering appropriate schemes for the restoration and after-use of sites. Although the NPPF has been updated since the plan was adopted, giving greater emphasis to the effects of climate change, it is considered that this matter is already covered by the restoration policies.

Options

- 7.21 As no issues have been identified with the policies, there are no proposals for change. However, the updating of the LMWLP provides an opportunity for comment on whether they can be improved.

Question 50

Do you think that any changes or additions are needed to the restoration and after-use policies?

If so, please give details.

8. Development management policies

Introduction

8.1 With the exceptions referred to below (Policies DM1 and DM2), the development management policies in the adopted LMWLP primarily provide detailed criteria for assessing the potential impacts of development proposals on the environment and local amenity. Both mineral and waste planning applications are assessed against these criteria and, in general, would only accord with the policies if the proposed development would not have a significant impact, or the impact could be remediated through the implementation of mitigation measures. Such measures would be secured through planning conditions and/or legal agreements (s106 planning obligations).

8.2 These policies cover the following issues:

DM1: Presumption in favour of sustainable development

DM2: Climate change

DM3: Quality of life and amenity

DM4: Historic environment

DM5: Lincolnshire Wolds Area of Outstanding Natural Beauty

DM6: Impact on landscape and townscape

DM7: Internationally designated sites of biodiversity conservation value

DM8: Nationally designated sites of biodiversity and geological conservation value

DM9: Local sites of biodiversity conservation value

DM10: Local sites of geological conservation value

DM11: Soils

DM12: Best and Most Versatile Agricultural Land

DM13: Sustainable transport movements

DM14: Transport by road

DM15: Flooding and flood risk

DM16: Water resources

DM17: Cumulative impacts

Issue 20: Sustainable development (Policy DM1)

National considerations

- 8.3 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:
- a) all plans should promote a sustainable pattern of development that seeks to:
meet the development needs of their area; align growth and infrastructure;
improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

8.4 Paragraph 16 goes on to state, amongst other things, that plans should be prepared with the objective of contributing to the achievement of sustainable development and should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in the NPPF, where relevant)

Existing approach

8.5 Policy DM1 of the CSDMP states:

“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.”

Options

8.6 This policy is the first of two exceptions to the general approach taken by the other Development Management Policies, which relate directly to specific impacts on the environment or amenity. In contrast, this policy is more general in nature. It was included in the plan because at the time of the plan’s preparation it was understood

that the Planning Inspectorate required its inclusion. This, however, is no longer the case.

- 8.7 As set out in the NPPF, all plans should promote a sustainable pattern of development. The concept of sustainability therefore goes to the heart of plan making and is reflected in the plan as a whole rather than in one specific development management policy. It is therefore considered that Policy DM1 is an unnecessary duplication of the requirements of the NPPF. As such, it appears to be at odds with Paragraph 16 of the NPPF.
- 8.8 As an alternative, it may be more appropriate to include sustainability within an overarching strategic policy to help guide the development of the plan as a whole.

Question 51

Do you agree that the present development management policy should be superseded by a strategic policy setting out the need for minerals and waste development to contribute to the achievement of sustainable development?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 21: Climate change

National considerations

- 8.9 The UK has made specific commitments to reducing emissions of greenhouse gases. In June 2019, the Climate Change Act 2008 was amended setting a new target for reducing these gases by at least 100% from the 1990 baseline by 2050, making the UK a “net zero emitter”.
- 8.10 Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 states that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- 8.11 Revisions to the NPPF in 2019 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.
- 8.12 Paragraph 153 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support

appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

- 8.13 Paragraph 154 of the NPPF goes on to state that new development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 8.14 Paragraph 155 of the NPPF states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
 - c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers

Existing approach

- 8.15 Policy DM2 of the CSDMP sets out the matters which proposals for minerals and waste development should address where applicable. These include for both minerals and waste a need to 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.

8.16 In addition, for waste the policy lists the following matters that need to be addressed:

- 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

and for minerals it lists the following matters:

- 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

Outcome of the LMWLP Review

8.17 The review found that the policy was difficult to apply directly because of its more strategic nature. In addition, it was found that many of the issues were covered by more specific policies in the plan which could be more readily applied.

Options

8.18 As with Policy DM1, this policy is also less specific than the other Development Management Policies. It is also considered to be more strategic in nature, so its aims might be better incorporated into an overarching strategic policy possibly combined with sustainability (see Issue 20) in the new LMWLP rather than a development management policy. This would then help to guide the development of the plan, with the strategic aims of the new policy secured through the more detailed policies of the plan (e.g. by requiring increases in biodiversity through the restoration policies).

Question 52

Do you agree that climate change objectives should be incorporated into a strategic policy rather than a specific development management policy?

Whether you agree or disagree it would be helpful to have your comments on this matter. However, if you disagree, please let us know what approach you think should be taken.

Issue 22: Other development management policies

Options

- 8.19 The LMWLP review did not find any significant issues with the remaining development management policies (Policies DM3 to DM17). However, the updating of the plan provides an opportunity to take a fresh look at the scope and content of the development management policies. The council is therefore seeking views on whether any changes or additions are needed to these policies.

Question 53

Do you think that any other changes or additions are needed to the development management policies?

If so, please give details.

DRAFT

9. Other key issues

- 9.1 This document has sought to identify the key issues which need to be considered in the updating of the LMWLP and has put forward options for improving the plan. It is, however, recognised that during the consultation interested parties may wish to raise issues not included in this document. The county council would welcome comments identifying such issues and any suggestions on how they should be addressed in the updated plan. Such comments will be given careful consideration.

Question 54

Are there any other issues which you think need to be considered in the updating of the LMWLP?

If so, please provide details together with your thoughts on how these should be addressed in the updated plan.

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Lincolnshire Minerals and Waste Local Plan

Proposed site selection methodology
for updating the plan

[Date to be inserted]

This document can be provided in another language or format. For all enquiries, please contact the county council on telephone number 01522 782070

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1. Introduction

- 1.1 Lincolnshire County Council is updating its Lincolnshire Minerals and Waste Local Plan (LMWLP), which was produced in two parts: the Core Strategy and Development Management Policies (2016) and the Site Locations document (2017). The new plan will be produced as one document.
- 1.2 Work on updating the LMWLP is at an early stage. The council has published an Issues and Options document for consultation which, amongst other things, sets out the level of provision that the council is proposing to make for aggregate minerals (sand and gravel, and crushed rock) during the new plan period up to 2040. It is proposed that any additional reserves that are needed to meet this provision will be met through new site allocations in the plan. The council is therefore undertaking a “Call for Sites” exercise during the consultation period to give landowners and other interested parties an opportunity to nominate potential mineral sites for allocation in the new LMWLP.
- 1.3 This consultation document sets out how the council is proposing to assess and select the most appropriate nominated sites for allocation in the new LMWLP. The methodology has been developed to ensure that the sites that are selected accord with the emerging policies of the LMWLP and promote a sustainable pattern of development, as required by the government’s National Planning Policy Framework.
- 1.4 The updating of the LMWLP, including the assessment and selection of sites, will be informed by a Sustainability Appraisal (SA) throughout its preparation. SA is both a systematic and iterative process which promotes sustainable development by assessing the extent to which the emerging plan, when judged against the reasonable alternatives, will help to achieve relevant environmental, economic, and social objectives. This process will be carried out by independent consultants.
- 1.5 Details of the consultation procedure and how to make representations on this document are set out in the Issues and Options document.

2. The call for sites

- 2.1 In parallel with the consultations on this document and the Issues and Options document, the council has invited interested parties to nominate sites for the future working of aggregate minerals (sand and gravel, and crushed rock) for potential allocation in the new Lincolnshire Minerals and Waste Local Plan. The invitation is targeted at minerals operators, landowners and land agents who may wish to nominate a 'new' mineral site or an 'extension' to an existing one.
- 2.2 It is proposed that sites already allocated in the adopted LMWLP will be carried forward as allocations in the updated LMWLP, provided there have been no substantial change in circumstances since they were originally allocated. In particular, the council will need to be satisfied that they can still be delivered in accordance with the development briefs set out in Appendix 1 of the Site Locations document (2017). The council will therefore be entering into discussions with the previous proponents for these sites to confirm whether this is still the case.
- 2.3 Site nominations will only be accepted when a mineral site nomination form (see Appendix 1) has been completed and returned. This form has a series of questions arranged under the following headings:
- Site details
 - Land ownership and deliverability
 - Resource and operational details
 - Access and transportation
 - Restoration and afteruse
 - Environmental information
 - Other relevant information

In addition, it is expected that any applicable technical papers, reports or plans that are available to the applicant will be submitted to support the nomination.

3. Methodology for site selection

3.1 The following methodology provides a relatively objective approach for assessing sites for allocation in the updated LMWLP. Sites will be assessed in five stages as detailed in Appendix 2 (Assessment form for mineral sites). This process is described below:

Stage 1 (exclusionary criteria)

3.2 Stage 1 is an initial filtering stage which will assess each site against five “exclusionary” criteria. These constraints are considered to be so significant that any site caught by any of the criteria will normally be discounted and not progress to Stage 2.

3.3 The criteria are:

1. Sites that could have a significant effect on a “European Site” as defined in the national Planning Practice Guidance (i.e. SACs, SPAs, proposed SACs, potential SPAs and Ramsar Sites).
2. Sites that include or are adjacent to Ancient Woodland.
3. Sites that include or are adjacent to a Site of Special Scientific Interest (SSSI).
4. Sites that include or are adjacent to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).
5. Site that include or are adjacent to a site or building with a nationally recognised designation (Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens).

3.4 Where a site falls into one or more of the exclusionary criteria, the proponent may be invited to amend the site boundaries to overcome the conflicts if the council considers it to be practicable and desirable to do so.

3.5 Sites that conflict with the exclusionary criteria 2 to 5 will only be exempted and taken forward to Stage 2 if the proponent provides evidence upfront that working the site would be unlikely to have a detrimental effect upon the protected feature. This should include details of any mitigation measures required. In the case of the first criterion, no sites would be carried forward that conflict with the requirements of the Conservation of Habitats and Species Regulations 2017.

3.6 For each site, assessment at Stage 1 will include reviewing the finding of the work undertaken under the Conservation of Habitats and Species Regulations 2017 for the first criterion, and desk-based analysis using GIS for the other criteria. Sites that pass the exclusionary criteria, and sites that have been exempted will progress to Stage 2 of the assessment.

Stage 2 (constraints)

- 3.7 The aim of the Stage 2 constraints is to highlight any other issues that may have an adverse effect on the acceptability of a site. These will be given significant weight in the assessment and are grouped under the following headings:
- a) Communities (impacts on people and sensitive business)
 - b) Historic environment
 - c) Nature conservation
 - d) Landscape
 - e) Water resources and Flood risk
 - f) Traffic and access
 - g) Agricultural land
 - h) Aircraft hazard
 - i) Physical constraints

For full details of the criteria under each heading see Appendix 2.

- 3.8 The assessment of sites at Stage 2 will include desk-based analysis using GIS and site visits. In addition, it will include where appropriate:
- Consultation and meetings with key stakeholders, for example the district councils; the Environment Agency; Natural England; Historic England; Highways England; in-house experts at the county council; the county council's SA consultants; and representatives of local communities
 - Meetings with the proponents and industry representatives to discuss the sites puts forward in more detail.

3.9 Each site will then be initially allocated to a provisional band as set out in Table 1 below.

Table 1: Provisional site bands based on constraints

Band A	Band B	Band C	Band D	Band E
Sites subject to no more than minor constraints that need little or no mitigation	Sites subject to a small number of moderate constraints that can be addressed through standard mitigation measures.	Sites with a significant number of moderate constraints that can be addressed through standard mitigation measures.	Sites subject to a major constraint where more challenging bespoke mitigation may be required	Sites subject to a major constraint where mitigation may not be effective.

3.10 Whether a constraint is minor, moderate, or major will be a matter of judgement for each criterion. However, it will need to take into account the sensitivity and level of protection of any features, and the advice of statutory consultees and other relevant expert bodies.

Stage 3 (deliverability)

3.11 The third stage of the assessment considers whether there are any issues that might prevent the delivery of the mineral resource specified by the proponent during the plan period. It considers a number of criteria (set out in Schedule 2) grouped under the following headings:

- Ownership – including both landowners and mineral owners
- Mineral operator and competition – whether a mineral operator has been identified and whether this might affect competition in the area
- Geological data – whether bore information or other survey work has been undertaken
- Policy context and planning history – whether the site accords with the development plan and the emerging strategic policies of the updated LMWLP.

3.12 The first three criteria are important because if there is reasonable doubt that a site would be brought forward and deliver the specified reserves during the plan period, its allocation would affect the soundness of the updated plan. Proponents will therefore be required to demonstrate that agreements are place between owners and operators to ensure that sites would be available when required during the plan period.

- 3.13 The final criteria is also important as any sites allocated in the updated LMWLP will need to accord with its strategic policies, and should not conflict with any other strategic policies of the development plan.
- 3.14 Each proponent will therefore need to provide sufficient evidence that their site and its reserve can be delivered when required during the plan period. If there are any significant issues over the deliverability of a site, its provisional banding will be reduced. More minor issues will not affect the banding but will be taken into account in ranking sites within a particular band.
- 3.15 This part of the assessment will be based on information provided by the proponent (including any provided through subsequent discussions) together with a review of development plan documents and the emerging strategic policies of the updated LMWLP. If there are any changes to these emerging strategic policies, the site assessments may need to be reassessed.

Stage 4 (opportunities)

- 3.16 Stage 4 will consider any opportunities that a site may provide both whilst it is being worked and post restoration. The criteria fall under the following headings:
- Accessibility and sustainable transport, which includes the use of more sustainable means of transport and whether a site could supply aggregate for a nearby market
 - Restoration and after-use, which include the creation of priority habitats, potential for water and flood management, and the provision of green infrastructure and community benefits
 - Other environmental benefits, including other measures help mitigate the effects of climate change and increasing biodiversity.
- 3.17 This part of the assessment will take into account the details provided by the proponent (including any provided through subsequent discussions) and will include where appropriate consultation and meetings with key stakeholders, for example the district councils; the Environment Agency; Natural England; Historic England; in-house experts at the county council; the county council's SA consultants; representatives of local communities and other interest groups, including nature conservation bodies.
- 3.18 The weight given to any opportunities identified will depend on how significant the benefit is likely to be, and the likelihood of it being delivered. As opportunities are only positive, they will not be used for down-grading a site to a lower band. Instead, they will mainly be used for ranking sites within each provisional band. If a site offers exceptional benefits, it may result in it being moved to a higher provisional band. However, if the site is subject to a significant constraint that would only be considered with the support of the appropriate statutory consultee.

- 3.19 The final band to which a site is assigned will be established at the end of Stage 4 and will range from Band A (the best sites) to Band E (the worst sites which will be discounted).

Stage 5 (ranking)

- 3.20 Stage 5 is the final stage which will be used for the final ranking of sites within a band where only some of the sites need to be selected for allocation. This stage will take into account information from the previous stages (including mitigation measures identified) together with the findings of the Sustainability Appraisal and Flood Risk Sequential Test.
- 3.21 As the Sustainability Appraisal (SA) is an iterative process, there should be strong agreement between the SA and the results of this methodology. At this stage it should therefore help to fine tune the ranking of sites within a band where only some of the sites are needed.
- 3.22 Similarly the Flood Risk Sequential Test will be an important factor in the final selection of sites for allocation.
- 3.23 The sites selected for allocation in the new LMWLP will be those within the highest bands starting with Band A then moving down through the lower bands until sufficient sites have been selected to meet the proposed level of provision for sand and gravel, and crushed rock. If there are more sites than required to meet the required provision in the bands selected, the highest-ranking sites within the lowest band will be chosen to complete the provision.

Appendix 1: Mineral site nomination form

This form should be completed if you have a potential minerals site for the winning and working of aggregate that you wish to put forward for consideration in the updating of the Lincolnshire Minerals and Waste Local Plan. Please note that the county council is only seeking to allocate sites for aggregate minerals (sand and gravel, and crushed rock).

The information requested will help us to carry out an initial assessment of the site and should be submitted within the consultation period for the “Issues and Options” document.

Complete one form per site and continue on a separate sheet if necessary. More detailed information may be required for sites which are shortlisted to allow further assessment as to whether they should be included in the next stage of plan preparation. This will be the Draft Lincolnshire Minerals and Waste Local Plan (Preferred Options document), which will be subject to consultation in 2023.

Please also provide an OS based map of the site showing the following information:

- Proposed boundary of the site (edged in red)
- Other land within the same ownership edged in blue
- Adjacent areas which have already been worked, if applicable
- The likely extent of excavations
- The proposed access

The proposed methodology for assessing any sites that are nominated through the “Call for Sites Exercise” is currently subject to consultation alongside the Issues and Options document for updating the plan.

Completed forms and supporting information should be submitted by email to:

mineralsandwaste@lincolnshire.gov.uk

or by post to:

Planning Services,
Lincolnshire County Council,
County Offices,
Newland,
Lincoln LN1 1YL

How we will use your information

Lincolnshire County Council (LCC) will use the information that you supply on this form in the site selection process, and to inform the preparation of the Lincolnshire Minerals and Waste Local Plan (LMWLP) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Please note that any information relating to site nominations for the LMWLP may be made publicly available and therefore cannot be treated as anonymous or confidential. Your information is kept only for as long as necessary. To find out more information on how your data is processed and your rights, please see the privacy notice directory which can be accessed via our [website](#) or made available on request.

Contact information	Please provide details
Title	
Surname	
First name	
Organisation (company)	
Job title	
Address	
Post code	
Telephone	
Email	
Are you the landowner, prospective developer, or other (please specify)?	

Site information	Please provide details
Name of site	
Location (grid reference)	
Size of site (hectares)	
Current land use	
Adjoining land uses	

Land ownership and deliverability	Please provide details
Landowner(s) name and address (NB there is no need to complete this section if you are the sole landowner and the address details are the same as above)	
If you are not the landowner, please give details of your interest in the land (e.g. do you have a legal option to purchase the land?)	
Please give details of any legal restrictions on the land (e.g. covenants, leases etc.)	
Have all the landowners and mineral rights owners agreed to mineral extraction being carried out on the site?	
Are there any known constraints restricting when the land would be available for mineral extraction? If so, please give details.	
Has an agreement been made with a mineral operator to work the site? If so, please give details of the operator, and whether they have any other mineral operations in or near the county.	

Resource and operational details	Please provide details
Mineral type(s) (e.g. sand and gravel, limestone)	
Total reserve (tonnes) (approximate quantity)	
Estimated annual output	
Is there geological evidence to indicate with confidence that a mineral is present of a suitable quality and in economically workable quantities? (Please provide details of any surveys or other evidence)	
Is the site an extension to an existing mineral site or a replacement for one that will become worked out during the plan period? If so, please give details of the linked mineral site.	
What is the timescale for proposed extraction? (Approximate start date and estimated life of site)	
Will extraction occur near to or below the water table?	
How will the excavated material be transported to the plant site? Will this involve crossing a public highway?	
Would part of the site be used for any ancillary uses or operations (e.g. aggregate processing plant, concrete batching plant, asphalt plant, aggregate recycling)? Please specify.	
Please provide an indication of direct employment either created or safeguarded by the proposal?	

Access and transportation	Please provide details
How will the minerals be transported from the site and what are the likely destinations?	
Please estimate the number of commercial vehicle movements that would be generated to and from the site each week.	
Where would the access to the public highway be located, and what route would be taken to the primary road (A class roads) network?	

Restoration and after-use	Please provide details
<p>What is the proposed after-use of the site following the cessation of working? (i.e. agriculture, forestry, nature conservation, recreation, or other - please specify)</p> <p>If a mixture, please indicate the percentage of each.</p>	
Is it proposed to import waste into the site for use in the restoration? If so please specify the type of waste, an estimate of the quantity, and whether this would be for “landfill” or “recovery”.	
Please provide a brief description of the restored landform and whether it will include any water bodies.	
What biodiversity gains would the restoration be seeking to deliver?	
Would the restoration provide any green infrastructure (e.g. footpaths) or other community benefits?	

Restoration and after-use	Please provide details
If the site is likely to include best and most versatile agricultural land (grades 1, 2 and 3a), how will this be addressed in the restoration?	
If the site is located in a military or civil airfield safeguarding area, what provision would be made in the restoration to prevent the site attracting bird species that present a hazard to aircraft?	
Would the restoration provide any benefits in terms of flood water storage or the storage of water for agriculture or industry?	
Is it proposed to make provision for the long-term management of the restored site through a legal agreement? If so, please give details.	

Environmental Information	Please provide details
Are there any sensitive uses in close proximity to the proposed site (e.g. housing, schools, health, community uses)? If so, what measures would be implemented to reduce the impacts?	
If a buffer zone would be used to reduce impacts on nearby sensitive uses, please specify the proposed separation distance.	
Has a survey been undertaken to establish the agricultural grade of the land? (Please provide details)	
Has any impact on ecology been assessed? (If so, please provide details)	
Has any impact on the historic environment (including archaeology) been assessed? If so, please provide details.	

Environmental Information	Please provide details
Has any impact on groundwater and/or hydrology been assessed? (If so, please provide details)	
Have any other environmental surveys been carried out for the site? (If so, please provide details)	
Are any advance mitigation measures proposed for the site, such as landscaping works to screen the site?	
What measure for climate change adaptation and mitigation would be implemented during the operation of the site and its restoration?	

Other relevant information	Please provide details
Please specify if you hold any other information to support this nomination.	

Appendix 2: Assessment form for mineral sites (to be completed by planning officers)

Introduction

Question	Answer
Site name	
Site reference number	
Parish	
District	
OS grid reference	
Size (ha)	
Mineral type	
Production area (sand and gravel only)	
Estimated reserves	
Type of site (extension, satellite, or new) - provide details of linked Active Mineral Site if applicable	
Proposed ancillary development (including processing, secondary industry, and waste management, recovery or disposal)	
Description of site (including existing land use)	
Description of surrounding uses	
Proponent (i.e. developer, landowner or other (please specify))	

Stage 1 (exclusionary criteria)

Ref. no.	Question	Answer
1	Does the HRA indicate that the proposal could have a significant effect on a European Site (SACs, SPAs, proposed SACs, potential SPAs or Ramsar Site)?	
2	Does the site include or is it adjacent to a Site of Special Scientific Interest (SSSI)?	
3	Does the site include or is it adjacent to Ancient Woodland?	
4	Is the site located within or adjacent to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB)?	
5	Does the site include or is it adjacent to a site or building with a nationally recognised designation (Scheduled Monuments, Conservation Areas, Listed Buildings (grade 1 and 2* and 2), Registered Historic Battlefields and Registered Parks and Gardens)?	

Stage 1: Summary and decision

Question	Answer
If the answer to any of the stage 1 criteria is "yes", is there a reason for taking the assessment to stage 2?	
Have any mitigation measures been identified from the stage 1 Criteria?	
Should the site be taken forward for further consideration? (Yes or No)	

Stage 2 (constraints)

Communities (impacts on people and sensitive business uses)

Ref. no.	Question	Answer
6	How close is the site to the nearest sensitive receptors, existing or proposed? (including houses, schools, hospitals, sensitive business uses, public or outdoor recreation uses).	
7	Are there any nearby receptors that are particularly sensitive to noise, vibration, dust, other emissions to air, and/or light where "standard" mitigation measures may not suffice? If so have any measures been proposed, such as standoffs (buffer zones) within the site?	
8	Is the site located in or close to an existing Air Quality Management Area (AQMA)?	
9	Is the site well screened visually from the surrounding area? If not, is any advanced screen planting proposed.	
10	Would it be likely to require the stopping up or diversion of a public right of way?	
11	Would it be likely to affect the setting of a public right of way?	

Historic environment

Ref. no.	Question	Answer
12	Is the site in proximity to archaeological sites or remains?	
13	Is development at this location likely to impact on a site or building with a nationally recognised designation (Scheduled Monuments, Conservation Areas, Listed Buildings grade 1, 2* and 2, Registered Historic Battlefields and Registered Parks and Gardens) or its setting?	

Nature conservation

Ref. no.	Question	Answer
14	Does the site appear to include habitats with a high potential to harbour protected species (e.g. ponds and copses)? Have any ecological surveys been undertaken?	
15	Is the site in an Impact Risk Assessment Zone for a SSSI? If so, is mineral working included in the types of development which could potentially have adverse impacts or has a nature conservation body raised any issues?	
16	Is the site in proximity to a site of local nature conservation importance, or has a nature conservation body identified an area that might be affected? If so, what is the reason for the designation?	
17	Is the site in proximity to Ancient Woodland or does it appear to include ancient or veteran trees?	
18	Is the site in proximity to a Local Geological Site (LGS) or Regional Geological Site (RIG), or has a nature conservation body identified an area of geological or geomorphological interest that might be affected? If so, what is the reason for the designation or interest?	

Landscape

Ref. no.	Question	Answer
19	Is the site located in a position where it could impact on views of the Lincolnshire Wolds A.O.N.B?	
20	Is the site located in a prominent location that could have a significant impact on the wider landscape?	

Water resources and flood risk

Ref. no.	Question	Answer
21	Is the site located within or adjacent to a Principal Aquifer or Source Protection Zone 1 or 2?	
22	Are there likely to be impacts on the quality and quantity of groundwater?	
23	Are there likely to be other impacts on surface water drainage?	
24	Are there likely to be any impacts on nearby watercourses?	
25	Does the SFRA indicate that the site is within flood zones 2 or 3, or in an area with a history of flooding?	

Traffic and access

Ref. no.	Question	Answer
26	Have any significant issues been identified over the proposed means of access to the site.	
27	How suitable is the road network to accommodate the transportation of material from the site to market?	
28	Will there be any impacts on the public highway in transporting excavated material from the site to the processing plant?	
29	Are lorries likely to pass through settlements on their way to an A Class Road and are adverse impacts on amenity likely?	

Agricultural land

Ref. no.	Question	Answer
30	Does a significant part of the site fall in an area identified on DEFRA's 1988 agricultural land classification survey as grade 1, 2 or 3? If so, has a site survey been carried out to establish whether the land comprises best and most versatile agricultural land and have any mitigation measures been proposed?	
31	If the site is likely to include best and most versatile agricultural land have any mitigation measures been put forward.	

Aircraft hazard

Ref. no.	Question	Answer
32	Is the site within an airfield safeguarding area (bird strike zone)? If so, have any mitigation measures been put forward?	

Physical constraints

Ref. no.	Question	Answer
33	Are there any other known physical constraints on or adjacent to the site such as infrastructure (e.g. electricity, gas, or water) or the presence of railway or flood embankments?	

Constraints: summary and initial band allocation

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Stage 3 (deliverability)

Ownership

Ref. no.	Question	Answer
34	Details of landowner(s) and mineral owners	
35	Are there any issues arising from the land ownerships and/or mineral ownerships that could prevent delivery of this site for working?	

Mineral operator and competition

Ref. no.	Question	Answer
36	Has the proposed mineral operator been identified for the site? (Provide details)	
37	If an operator has been identified, do they work any other quarries in or near Lincolnshire? Could this lead to a reduction in competition or give rise to sites being mothballed?	

Geological data

Ref. no.	Question	Answer
38	Has borehole data or other information on the extent and quality of the material been submitted as part of the call for sites?	

Policy context and planning history

Ref. no.	Question	Answer
39	Is the site allocated in a development plan documents for other land uses (e.g. employment, housing, recreation etc.)? If so would mineral working be compatible with the allocated use?	
40	Does the site accord with the strategic policies of the emerging LMWLP?	
41	Is there any relevant planning history of the site that should be considered?	

Deliverability: summary and reason for any downward adjustment to the band

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Stage 4 (opportunities)

Accessibility and sustainable transport

Ref. no.	Question	Answer
42	Is there a navigable waterway or wharf adjacent or very close to the site? Could this be used to transport material from the site?	
43	Is there a railway line suitable for freight traffic adjacent or very close to the site? Could this be used to transport material from the site?	
44	Is the site located in an area of major new development? Would it have the potential to supply material for this development?	

Restoration and after-use

Ref. no.	Question	Answer
45	What restoration objectives have been identified for this site?	
46	Have any opportunities been identified for the creation of priority habitats?	
47	Have any opportunities been identified for the restored site to improve water management (for example, by providing water for agricultural irrigation)?	
48	Have any opportunities been identified for the restored site to provide storage capacity for flood water?	
49	Would the restoration provide any green infrastructure (e.g. footpaths) or other community benefits?	
50	Is it proposed to make provision for the long-term management of the restored site through a legal agreement?	

Other environmental benefits

Ref. no.	Question	Answer
51	Has the proponent identified any other measures that would help to mitigate the effects of climate change during the working of the site or following its restoration?	
52	Has the proponent identified any other measures that would help to increase biodiversity during the working of the site or following its restoration?	

Opportunities: summary and reason for any upward adjustments to the band

Stage 5 (summary of other assessments)

Ref. no.	Type of assessment	Summary
53	Sustainability Appraisal	
54	Sequential Test	

Mitigation measures

Question	Answer
Are there any specific mitigation measures that have been identified in the appraisal which would need to be taken into account in the allocation process (e.g. standoffs to designated features)?	

Conclusions

Overall site performance

Question	Answer
To which band has the site been allocated (Band A to Band E)?	
Should this site be taken forward for proposed allocation)?	
Date the assessment was completed	

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.

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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

Title of the policy / project / service being considered	The Lincolnshire Minerals and Waste Local Plan: Issues and Options for updating the plan	Person / people completing analysis	Adrian Winkley Minerals and Waste Policy and Compliance Manager
Service Area	Planning Services	Lead Officer	Adrian Winkley Minerals and Waste Policy and Compliance Manager
Who is the decision maker?	The Executive	How was the Equality Impact Analysis undertaken?	Desk top exercise
Date of meeting when decision will be made	04/05/2022	Version control	Second Version (v2.0) - Initial version produced for the Review of the Lincolnshire Minerals and Waste Local Plan
Is this proposed change to an existing policy/service/project or is it new?	Existing policy/service/project	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Directly delivered
Describe the proposed change	The Lincolnshire Minerals and Waste Local Plan (LMWLP) forms part of the statutory development plan for the county and covers the period to 2031. It is proposed to roll the adopted LMWLP forward to 2040 and to update the policies so that they remain sound and legally compliant		

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 1st 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'.

Age	No positive impacts identified at this stage
Disability	No positive impacts identified at this stage
Gender reassignment	No positive impacts identified at this stage
Marriage and civil partnership	No positive impacts identified at this stage
Pregnancy and maternity	No positive impacts identified at this stage
Race	No positive impacts identified at this stage
Religion or belief	No positive impacts identified at this stage

Sex	No positive impacts identified at this stage
Sexual orientation	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 identified

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

Race	No negative impacts identified at this stage
Religion or belief	No negative impacts identified at this stage
Sex	No negative impacts identified at this stage
Sexual orientation	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 identified

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

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.

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Objective(s) of the EIA consultation/engagement activity

In 2021 the Full County Council sanctioned the updating of the LMWLP, which will be carried out in several stages in accordance with the programme set out in the Lincolnshire Minerals and Waste Development Scheme 2021. Each stage will be subject to public consultation in accordance with the adopted Statement of Community Involvement (SCI).

The approval of the Executive is currently being sought to undertake consultation on the first stage of this process. This is a “high level” Issues and Options consultation seeking views on what an updated LMWLP should contain. More detailed consultations on the emerging plan will take place in subsequent stages of plan preparation.

The SCI seeks to ensure that all sections of the community with an interest in a particular area will be engaged during this process. 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, will be identified with assistance from the Council's Community Engagement Team for consultation purposes. Appropriate locations and a variety of media will also be employed. Comments received through the consultation procedures relating to protected characteristic will 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

Age	N/A at this stage
Disability	N/A at this stage
Gender reassignment	N/A at this stage
Marriage and civil partnership	N/A at this stage
Pregnancy and maternity	N/A at this stage
Race	N/A at this stage
Religion or belief	N/A at this stage

Sex	N/A at this stage
Sexual orientation	N/A at this stage
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? The purpose is to make sure you have got the perspective of all the protected characteristics.	It is considered that consultation is not necessary at this stage. The Issues and Options document is the formative stage of plan development and, if approved by the Executive, 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. 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.
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?	If changes are necessary, these will be identified and evaluated at later stages of plan development.

Further Details

Are you handling personal data?

Yes

Data on the Council's records will be used to undertake consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Any contact details provided by any respondents will be retained so that they can be contacted, if necessary, about their comments and during further consultations.

Actions required

Include any actions identified in this analysis for on-going monitoring of impacts.

Action

Lead officer

Timescale

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
V2.0	LMWLP: Issues and Options for updating the plan	Adrian Winkley	7 March 2022	Neill McBride	9 March 2022

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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