



County Offices
Newland
Lincoln
LN1 1YL

28 October 2022

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 7 November 2022 at 10.30 am in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

Debbie Barnes OBE
Chief Executive

Membership of the Planning and Regulation Committee
(15 Members of the Council)

Councillors I G Fleetwood (Chairman), Mrs C L E Vernon (Vice-Chairman), P Ashleigh-Morris, T R Ashton, Mrs A M Austin, S A J Blackburn, I D Carrington, A M Hall, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear, P A Skinner, T J N Smith and 1 Vacancy

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 7 NOVEMBER 2022**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 3 October 2022	5 - 8
4.	Traffic Items	
4.1	Lincoln, St Catherine's Grove - Proposed No Waiting at Any Time restriction	9 - 14
4.2	Branston: Station Rd, Fairleas and Archer Road - Proposed waiting restrictions	15 - 22
4.3	East Heckington A17 - Proposed 40mph Speed Limit	23 - 28
4.4	Lincoln, Proposed Permit Parking Scheme Zone 5C - Roads between Sincil Bank Drain, High Street, Pennell Street and Portland Street	29 - 56
5.	County Matter Applications	
5.1	For the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment at Bede Farm, Cross Keys Lane, Coningsby (Applicant: W R Hanson and Son) - S/035/02549/21	57 - 78

Democratic Services Officer Contact Details

Name: **Rachel Wilson**

Direct Dial **07796 994874**

E Mail Address democraticservices@lincolnshire.gov.uk

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

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

Contact details set out above.

Please note: This meeting will be broadcast live on the internet and access can be sought by accessing [Agenda for Planning and Regulation Committee on Monday, 7th November, 2022, 10.30 am \(moderngov.co.uk\)](#)

For more information about the Planning process and to view Planning decisions please click on the following link: [Planning Portal](#)

All papers for council meetings are available on:
<https://www.lincolnshire.gov.uk/council-business/search-committee-records>



**PLANNING AND REGULATION COMMITTEE
3 OCTOBER 2022**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors Mrs C L E Vernon (Vice-Chairman), Mrs A M Austin, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear, P A Skinner and T J N Smith

Officers in attendance:-

Jeanne Gibson (Programme Leader: Minor Works and Traffic), Martha Rees (Solicitor) and Rachel Wilson (Democratic Services Officer)

29 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors T R Ashton, Mrs S A J Blackburn and I D Carrington.

30 DECLARATIONS OF MEMBERS' INTERESTS

Councillor P A Skinner wished it to be noted that agenda item 4.2 related to an area within his division.

Councillor R P H Reid wished it to be noted that agenda item 4.3 related to an area within his division.

31 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 5 SEPTEMBER 2022

RESOLVED

That the minutes of the meeting held on 5 September 2022 be signed by the Chairman as a correct record.

32 TRAFFIC ITEMS

33 STAMFORD, ST PAUL'S STREET AND STAR LANE - PROPOSED WAITING AND LOADING RESTRICTIONS

The Committee considered a report which detailed an objection to proposed waiting and loading restrictions at St Paul's Street and Star Lane, Stamford.

The Programme Leader: Minor Works and Traffic introduced the report and shared a presentation which detailed the area under consideration.

Members commented that they were aware of the area under consideration and would support the proposal. In response to a query, it was clarified that the objection had been received from a resident who lived adjacent to the proposed waiting and loading restriction area.

On a motion proposed by Councillor R P H Reid and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous)

That the objection be overruled so that the order as advertised may be introduced.

34 FREISTON CHURCH ROAD AND PRIORY ROAD - PROPOSED 30MPH SPEED LIMIT EXTENSIONS

The Committee considered a report which reviewed the existing 40mph speed limits at Church Road and Priory Road. Investigations had indicated that these sites were Borderline Cases as defined in the Council's speed limit policy.

The Programme Leader: Minor Works and Traffic introduced the report and shared a presentation which detailed the area under consideration.

Councillor P A Skinner commented that as the local member, he supported the officer recommendations, and there had been a number of near misses .

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor R P H Reid, it was

RESOLVED (8 For, 0 Against, 1 Abstention)

That the reductions in speed limit proposed be approved so that the necessary consultation process to bring them into effect may be pursued.

35 A15 NORTHORPE - BOURNE: PROPOSED 40MPH SPEED LIMIT

The Committee considered a report which detailed an objection to the proposed extension of the 40mph speed limit in Northorpe further northwards along the A15.

The Programme Leader: Minor Works and Traffic introduced a report and presentation which detailed the area that was under consideration.

The Committee welcomed the work on this, and members commented that they were aware of the opposition to this proposed extension. It was queried whether it was within the gift

of the Committee to extend the limit up to the roundabout. Officers advised that this was not possible in line with policy criteria, and that locating the 40mph roundels on the exit from the roundabout would encourage traffic to maintain this speed through to Northorpe.

On a motion by Councillor P A Skinner, and seconded by Councillor N H Pepper, it was:

RESOLVED (8 For, 0 Against, 1 Abstention)

That the objection be overruled so that the proposal may be publicly advertised.

36 COUNTY MATTER APPLICATIONS

37 FOR OUTBUILDINGS AND STRUCTURES RELATING TO RECYCLING FACILITY
(RETROSPECTIVE) AT LAUREL LODGE FARM, HURN ROAD, HOLBEACH HURN,
SPALDING - MIDWEST POLYCHEM LTD, (AGENT: MAX DESIGN CONSULTANCY) -
H09-0667-22

It was reported that this application had been withdrawn prior to the meeting.

The meeting closed at 10.48 am

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

Report to:	Planning and Regulation Committee
Date:	07 November 2022
Subject:	Lincoln, St Catherine's Grove – Proposed No Waiting at Any Time restriction

Summary:

This report considers an objection to proposed waiting restrictions at the junction of St Catherine's Grove and St Catherine's Court, Lincoln

Recommendation(s):

That the Committee overrules the objection so that the Order, as advertised, may be introduced.

Background

A request has been received from the local Member for additional waiting restrictions to be introduced in this area, and in particular at the junction of St Catherine's Grove and St Catherine's Court. Parked vehicles at this location obstruct both the flow of traffic in and out of St Catherine's Court, and the dropped kerb crossing facility. Access for emergency vehicles may also be restricted. Monitoring at this site confirms that the presence of parked vehicles close to this junction does result in the issues raised.

It is therefore proposed to introduce a restriction on parking at all times on the southern side of the junction with St Catherine's Court, as shown at Appendix B.

An objection has been received to this proposal citing that the availability of on street parking is very limited in this area and that further restrictions will compound this issue.

The objection is noted and it is acknowledged that on street parking is at a premium in this area with residents of the surrounding streets using St Catherine's Grove and Court to park. The proposal will result in the loss of two or three potential parking spaces. In addition, restrictions are already in place on St Catherine's Grove, opposite the junction and on the northern radius. With this in mind, the extent of additional restriction has been kept to a minimum in order to reduce the impact on residents.

Conclusion

Having considered the potential impact of reducing on street parking on residents in this area, a minimum extent of restriction is proposed. However, it is anticipated that access to and from St Catherines Court will be improved should this proposal be introduced, as well as visibility of pedestrians using the dropped crossing facilities provided.

Consultation

The following were consulted with regards to this proposal: local Member, Lincolnshire Road Safety partnership, Lincolnshire Police, Lincoln City Council, Fire & Rescue, East Midlands Ambulance Trust, Traffic Commissioners, Confederation of Public Transport, Stagecoach East Midlands, Road Haulage Association, Freight Transport Association, Disability Lincs Ltd and the National Farmers Union.

Consultation letters and plans of the proposal were delivered to frontagers on 9 May 2022.

The proposal was advertised in the Lincolnshire Echo on 12 May 2022 with the objection period ending on 10 June 2022. The documents were also available on the County Council's website.

The local Member has confirmed their support for the proposal.

Risks and Impact Analysis

None carried out

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Detail of proposed restrictions

Background Papers

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

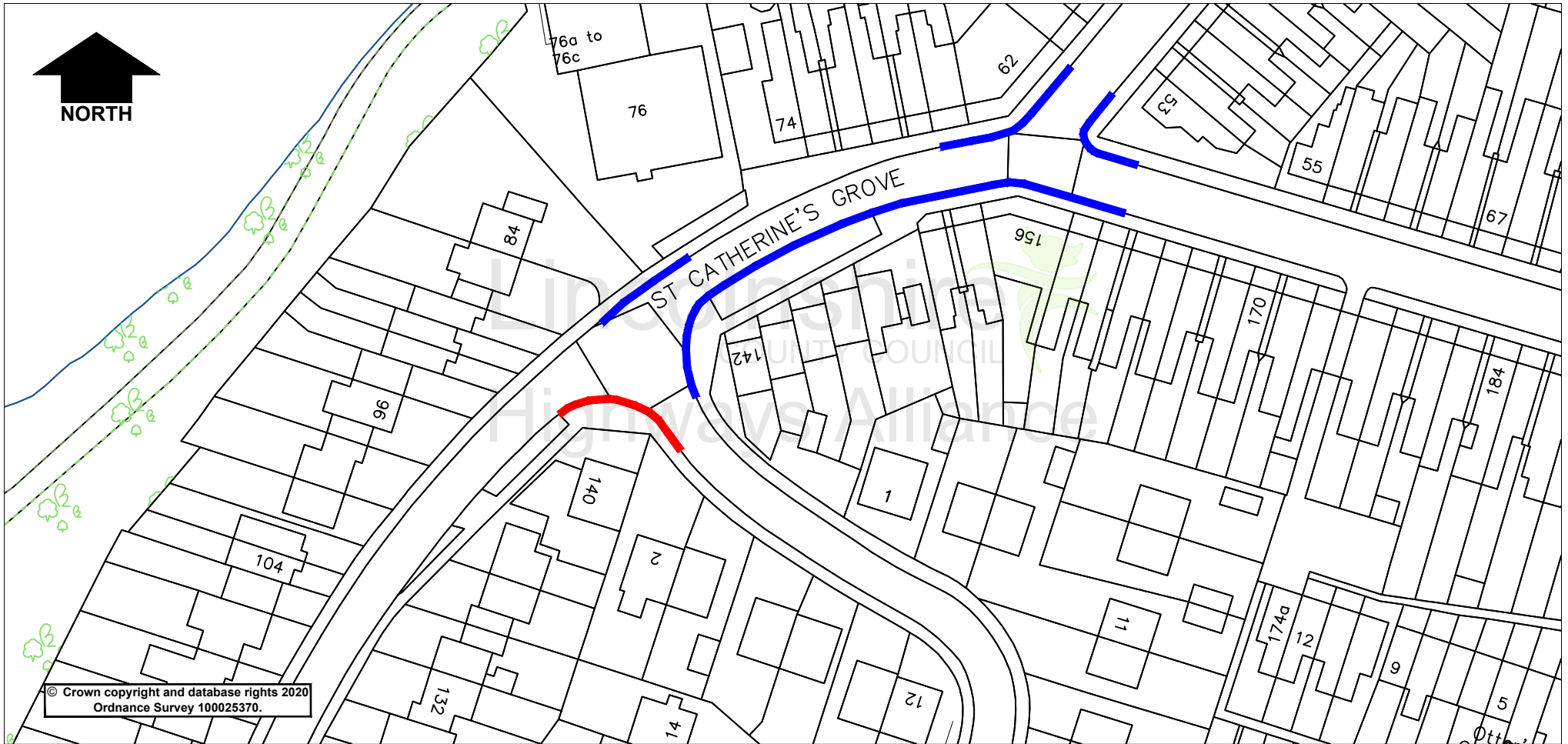
Document title	Where the document can be viewed
Assessment information; Consultation documents and correspondence.	Available on request

This report was written by Tina Featherstone, who can be contacted on 01522 782070 or TRO@lincolnshire.gov.uk.

APPENDIX A: Lincoln, St Catherine's Grove/St Catherine's Court – site location



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KEY

- Proposed No Waiting at Any Time
- Existing No Waiting at Any Time

Lincolnshire
COUNTY COUNCIL
Highways Alliance
Lancaster House, 36 Orchard Street, Lincoln, LN1 1YZ

Rev.	Description	Drawn	Ch'kd	Auth	Date
		TF			March 22
		JE			March 22
0					NTS

Project		Lincoln - St Catherine's Grove			
Status	Project No.	Appendix B			
Drawing Title		Proposed No Waiting at Any Time			
Drawing No.		TF/942/001			

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

Report to:	Planning and Regulation Committee
Date:	07 November 2022
Subject:	Branston: Station Rd, Fairleas and Archer Rd - Proposed waiting restrictions

Summary:

This report considers an objection to a proposed traffic regulation order to introduce waiting restrictions at Station Rd, Fairleas and Archer Rd, Branston

Recommendation(s):

That the Committee overrules the objection so that the Order as advertised may be introduced.

Background

Following concerns raised by the Parish Council and local residents with regard to parking in the vicinity of Branston Community Academy, visits to the area took place to investigate the issues raised.

Advisory 'School Keep Clear' markings have been in place on Station Road adjacent to the school site for some time and these are generally well observed. There is a route within the school grounds which the school promotes as a drive through facility for dropping off and collecting pupils. This is available up until 8.45am and after 3.45pm and is fully utilised.

Visits to the area have confirmed that on street parking takes place on the west side of Station Rd and at its junctions with Archer Road and Fairleas, and along Fairleas itself. This results in the obstruction of traffic flow and visibility for both vehicles and pedestrians at the affected junctions.

In order to manage parking at these locations it is proposed to introduce double yellow lines to restrict parking at the junctions with both Archer Road and Fairleas with Station Road, and on Fairleas opposite its junction with Earlsfield. On Station Road it is proposed to restrict parking at school start and finish times opposite the school accesses to facilitate access for bus transport. The extents of these restrictions are shown at Appendix B.

Following statutory consultation, the proposal was publicly advertised from 6th January to 12th February 2022.

Objection

One objection has been received citing that the proposals do not address the fact that parking issues arise as a consequence of the school's lack of provision of off street parking facilities. They believe that the school should provide these facilities, or at least permit access for vehicles to drop off and pick up pupils at all times. There has been extensive new development in the area, and they suggest that funding for the school to make these provisions should be extracted from developers to mitigate the traffic impact on the local community. They also make the point that the restrictions merely reflect the rules already set out in the Highway Code and are therefore of little benefit. They are of the opinion that these proposals will shift the existing problems elsewhere into the surrounding area and that the resulting safety issues and inconvenience caused to residents will continue.

Comments

The concerns raised are noted. However, the County Council is not in a position to instruct Branston Community Academy to provide off street parking facilities for parents. The drive through arrangement within the school site is not permitted during operations to safely drop off or pick up pupils using bus transport, so as to avoid the presence of moving traffic at these times.

Funding may be secured from developers as part of the planning process for new development and this may be used to fund improvements to highway infrastructure where this can be justified, and criteria are met.

The proposed restrictions will restrict parking in areas covered by the Highway Code. However, the introduction of a traffic regulation order enables the County Council's parking enforcement team to enforce these areas, which otherwise would rely on enforcement by the police. Should further issues arise if the scheme is introduced then the area can be reassessed.

Conclusion

The restrictions proposed serve to manage on street parking on roads and junctions in the immediate vicinity of the school where traffic and pedestrian movements are high at particular times of the day. It aims to maintain on street parking where it can be safely accommodated to minimise the impact on parking for residents and their visitors. It is anticipated that if these restrictions are introduced, improvements to traffic flow and access for buses to and from the school will result and that pedestrian safety, particularly that of school children, will be improved.

Consultation

The following were consulted with regard to these proposals: Cllr Ian Carrington, North Kesteven District Council, Branston Parish Council, Lincolnshire Police, Fire & Rescue, East Midlands Ambulance, Branston Community Academy, Stagecoach, PC Coaches, Centrebus, Road Haulage Association Ltd, Freight Transport Association, National Farmers Union

Consultation letters and plans were delivered to frontagers on 22nd December 2022. The local Member supports the scheme but has concerns about the likelihood of effective enforcement.

a) Risks and Impact Analysis

None carried out

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Detail of proposed restrictions

Background Papers

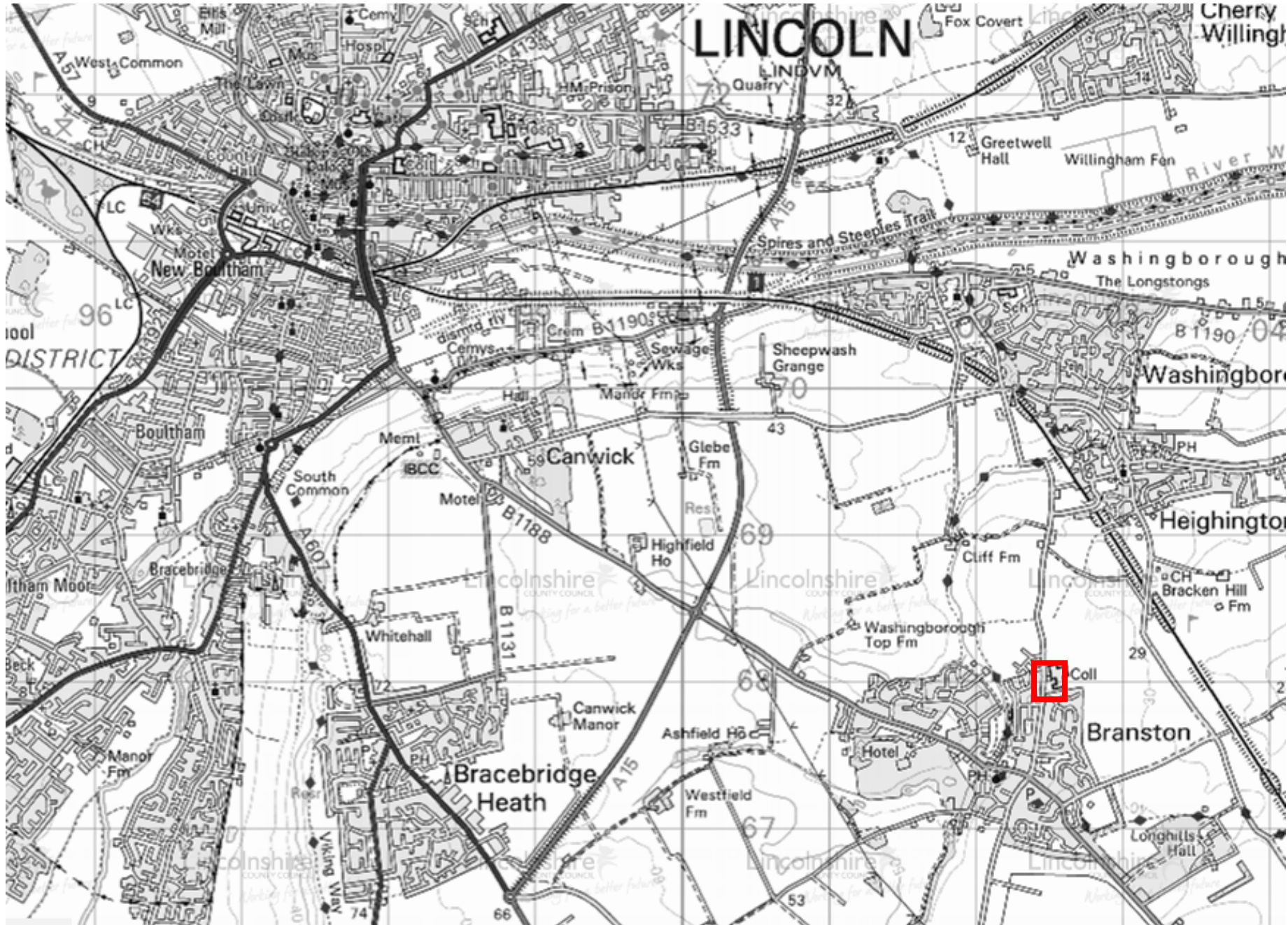
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Assessment information; Consultation documents and correspondence.	Available on request

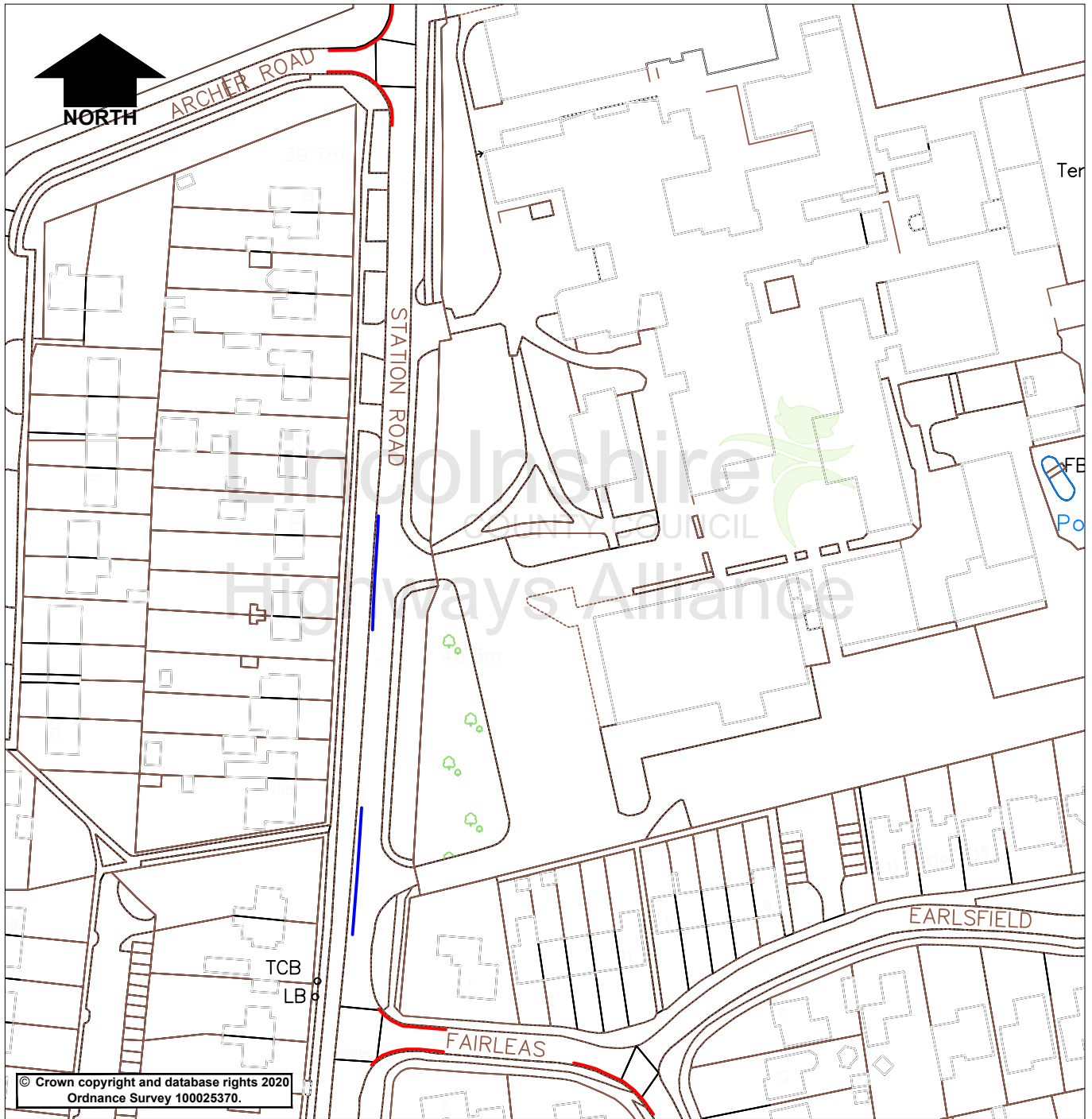
This report was written by Aine McMorrow, who can be contacted on 01522 782070 or TRO@lincolnshire.gov.uk.



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Appendix A : Site location - Branston, Station Road, Fairleas and Archer Road – Proposed Waiting Restrictions



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Key	
	Proposed No Waiting At Any Time
	Proposed No Waiting 8.15am to 9.15am and 3.15pm to 4.15pm Monday to Friday

Appendix B

Rev.	Description	Drawn	Ch'kd	Auth	Date
	Project	Drawn		Date	
	Branston - Station Road Fairleas & Archer Road	AM		21/09/21	
	Status	Ch'kd		Date	
	Project No. 787				
	Drawing Title	Auth		Traced	
	Proposed Waiting Restrictions				NTS
	Drawing No. H/AM/787/001			Rev.	0

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 36 Orchard Street
 Lincoln
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Open Report on behalf of Andy Gutherson, Executive Director of Place

Report to:	Planning and Regulation Committee
Date:	07 November 2022
Subject:	East Heckington A17 – Proposed 40mph speed limit

Summary:

This report considers a request for the existing 50mph speed limit on the A17, East Heckington, to be reduced to 40mph. Investigations have indicated that this site may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy.

Recommendation(s):

That the Committee approves the reduction in speed limit proposed so that the necessary consultation process to bring it into effect may be pursued.

Background

Following a request for a review of the current 50mph speed limit through East Heckington, received from the former local Member for this area, an assessment has been carried out.

The County Council's Speed Limit Policy provides a means by which requests for speed limits can be assessed consistently throughout the county. The criteria by which the reduction of an existing speed limit can be justified is determined by the mean speed of vehicles travelling along it. This being the case, speed survey equipment has been installed at the three sites identified at Appendix B with the following results:

Site 1 – 46mph; Site 2 – 42mph; Site 3- 46mph

In accordance with the criteria set out in the speed limit policy a borderline case may be identified and is defined within the policy at 4.2 as follows:

4.2 At locations where the mean speed data falls within +/- 3mph of Table 3 (Mean Speeds), then this is classed as a Borderline Case.

The average mean traffic speed along the length surveyed lies within 3mph of the level required to justify a 40mph speed limit, as specified in Table 3 from the policy:

Table 3

Mean Speed	Limit
< 33 mph	30 mph
33 – 43 mph	40 mph
>43 mph	50 mph

A reduction to a 40mph limit at this location may therefore be considered as a Borderline Case and the Committee may approve the initiation of the speed limit order process whereby the existing 50mph speed limit can be reduced to 40mph. as shown at Appendix B.

For information, 15 reported injury accidents have occurred over the last five years on this stretch of the A17 within the proposed length of speed limit reduction.

Conclusion

Under the normal criteria set out in the Council's speed limit policy this location would not be considered eligible for a reduction in speed limit. As a borderline case however the Planning and Regulation Committee may approve a departure from the criteria where appropriate.

Consultation

No formal consultation is required at this stage. The local Member is in support of the proposal.

Risks and Impact Analysis

None carried out

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Proposed speed limit and survey locations

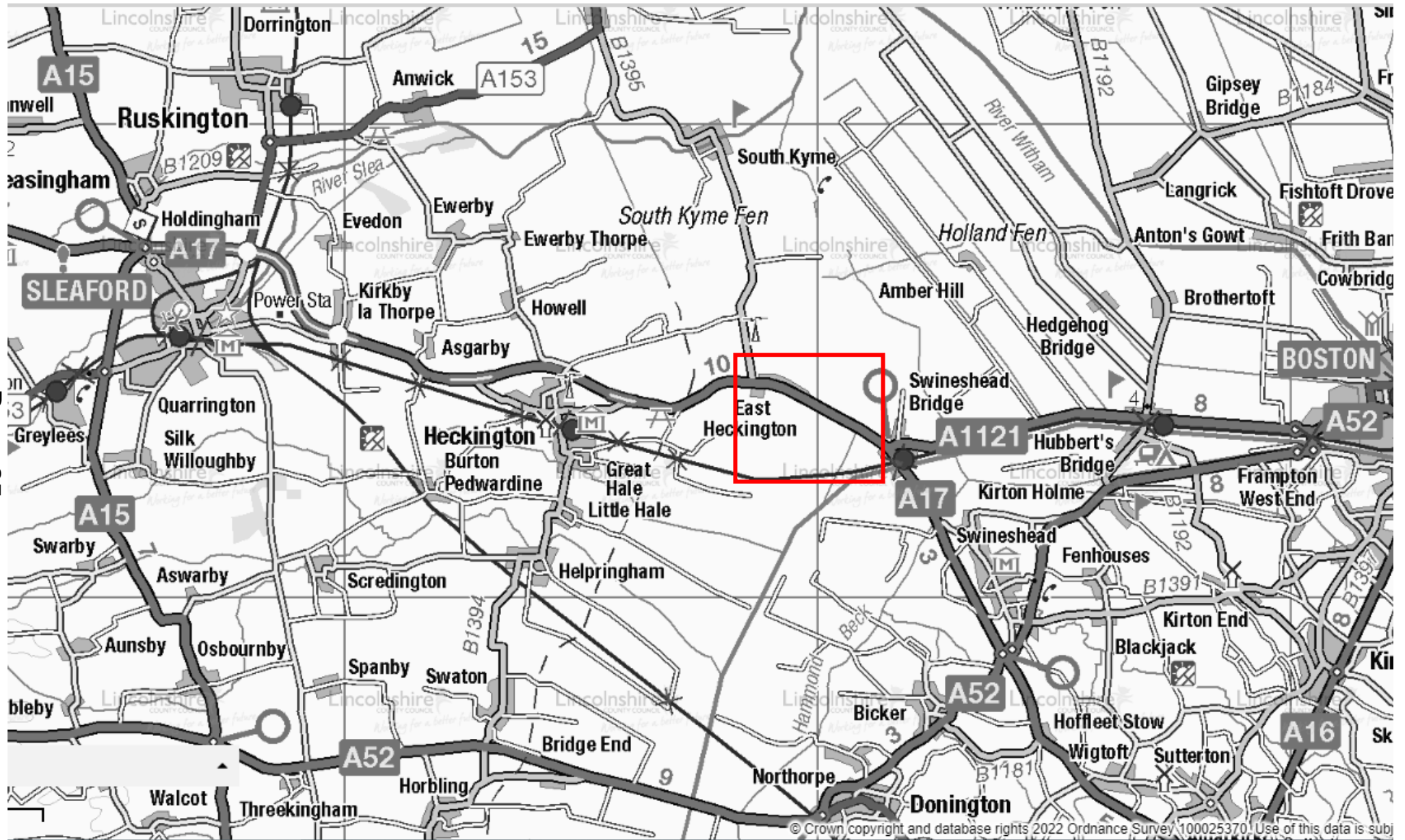
Background Papers

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

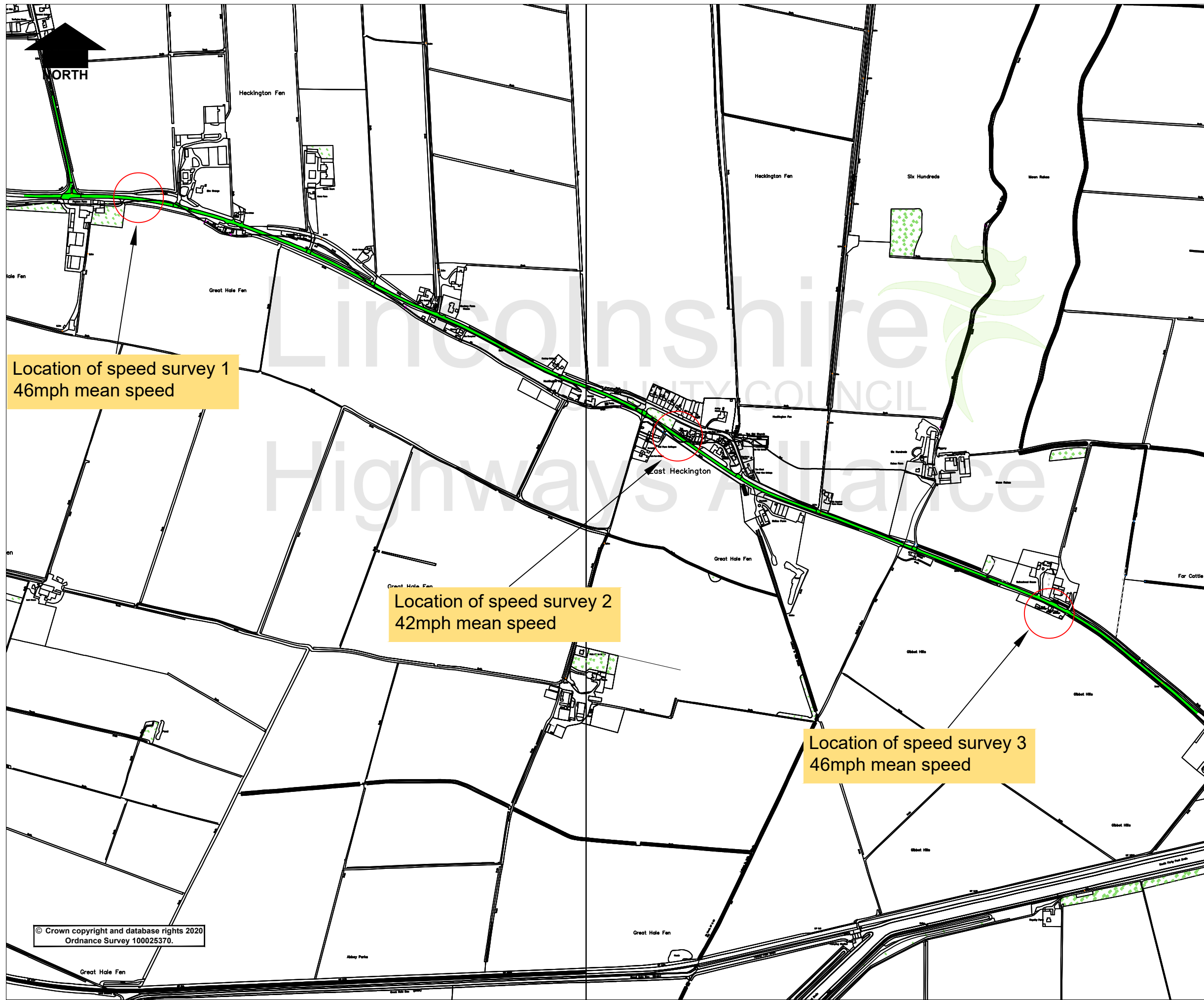
Document title	Where the document can be viewed
Correspondence; speed survey results	Available on request

This report was written by Tina Featherstone, who can be contacted on 01522 782070 or TRO@lincolnshire.gov.uk.

APPENDIX A : A17 East Heckington speed limit review



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Location of speed survey 1
46mph mean speed

Location of speed survey 2
42mph mean speed

Location of speed survey 3
46mph mean speed

Key

Proposed 40mph

Currently 50mph

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Rev.	Description	Drawn	Ch'kd	Auth	Date
Project East Heckington - A17					
Status Project No. Appendix B					
Drawing Title Borderline Case - 40mph					
Scale NTS	Drawn	TF	Date June 22		
	Ch'kd	JG	Date June 22		
	Auth		Traced		
Drawing No. TF/185/003					Rev. 0

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

Report to:	Planning and Regulation Committee
Date:	07 November 2022
Subject:	Lincoln, Proposed Permit Parking Scheme Zone 5C – Roads between Sincil Bank Drain, High Street, Pennell Street and Portland Street

Summary:

This report considers objections received to the above proposal which has been publicly advertised from Thursday 14th July to Friday 9th September 2022.

Recommendation(s):

That the objections be overruled and that the scheme as advertised be introduced.

Background

In 2017, the City of Lincoln Council developed a new approach to working in neighbourhoods. The profile and needs of the Sincil Bank area were such that a decision was taken to focus resources on improvements here, working closely with the local community to identify a range of actions that would result in transformational change. One of the key aims is to reduce the high level of commuter parking in the area and the traffic movements this generates. This results in congested streets, restricted footpaths, busy rat runs and poor air quality, and has a negative impact on the quality of life for residents.

A scheme of environmental highway improvements is planned towards the end of next year to support this vision, and the proposed permit parking scheme is a step towards the regeneration the area, supporting the community's aspiration to give streets back to local people and to promote shared spaces less dominated by traffic.

A formal request was received in 2018 from the City of Lincoln Council for an expansion of the permit parking scheme south of the city centre, to include the Sincil Bank area. Subsequently investigations took place to confirm if these streets would be eligible for such a scheme in line with County Council guidance. Surveys confirmed that available kerbside space for on street parking here during the day was limited for residents owing to use of the area by non-residents. In July 2019 a questionnaire was sent to all properties within the proposed Zone 5C asking if residents would be in support of the introduction of a permit parking scheme. In accordance with the Council's guidance for District Council

administered schemes, a majority of respondents must be in support for it to be viable. The results indicated that 64% were in favour, enabling the scheme to be progressed.

The proposed scheme will be operational from Monday to Saturday, 8am to 6pm. Dual use bays providing a two hour stay for non-permit holders and an unlimited period for permit holders will be introduced and a similar treatment is proposed for the existing limited waiting bays. Double yellow lines will replace lengths of single yellow line on Sibthorpe Street (southern side) and Scorer Street (passing areas) to assist with traffic flow.

The City of Lincoln Council, as the permit issuing authority, confirmed which properties within the Zone would be eligible for permits.

Statutory consultation for the traffic regulation order took place from 15th July to 13th August 2021. No adverse comments were received. The scheme was then publicly advertised until Friday 9th September 2022, with each property in the Zone being sent a copy of the proposals.

Objections

During the advertisement period 17 objections to the scheme were received. Various grounds for objection were referenced and these are itemised in detail, along with officer's comments, at Appendix C.

In summary, there is concern about the additional cost of permits for residents should the scheme be implemented, given the ongoing increase in the cost of living. It is suggested that the need for this scheme should be re-assessed and that if more incentives were provided to use car parks in the city centre then the issue of non-residents using Sincil Bank would not exist. It is stated that the scheme will fail as it does not address competition for parking after 6pm, when the bays for permit holders would no longer apply. Many are concerned on the impact on visitors and carers accessing the area. Lack of information on how the scheme and its enforcement operates has also been raised, along with a suggestion that it is designed to generate income for both the City and County councils.

Comments

Any decision on this proposal will take into account the effect of increases in the costs borne by residents at this time and in the coming months. It is recognised that the scheme will have limitations in terms of provision for permit holders during the evenings. The scheme however is designed to exclude non-residents when there is demand from them during the day, but more space for residents and permit holders outside this time cannot be provided; neither does the scheme guarantee a parking space at any time. The concerns of nearby businesses and the school are noted, but the aim of the scheme is to give permit holders priority over commuters. There are alternative places to park both off and on street, although these may be less convenient. Temporary parking is permitted on yellow lines for the purposes of loading and unloading of equipment should this be required. Parking by visitors and carers is provided for through the scheme's visitor permit system. The consultation exercise included details of the workings of the scheme and

where additional information can be found. The charges for permits are set at a level which covers the costs of administering the scheme and enforcing it.

Conclusion

The proposed permit scheme contributes to a number of initiatives which aim to improve the environment in the Sincil Bank area and therefore the lives of residents. The provision of bays for permit holders and short term parking only, restricts parking by non-residents and the additional traffic they generate. This in turn will facilitate future improvements in the area which will deter through traffic further and deliver improved routes for pedestrians and cyclists.

Consultation

The following were consulted with regards to this proposal: Local Member, Lincolnshire Road Safety Partnership, Lincolnshire Police, City of Lincoln Council, Lincolnshire Fire & Rescue, East Midlands Ambulance Trust, Road Haulage Association, Freight Transport Association and Lincoln BIG.

a) Risks and Impact Analysis

See attached Equality Impact Assessment.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Detail of proposed restrictions
Appendix C	List of objections and comments
Appendix D	Equality Impact Assessment

Background Papers

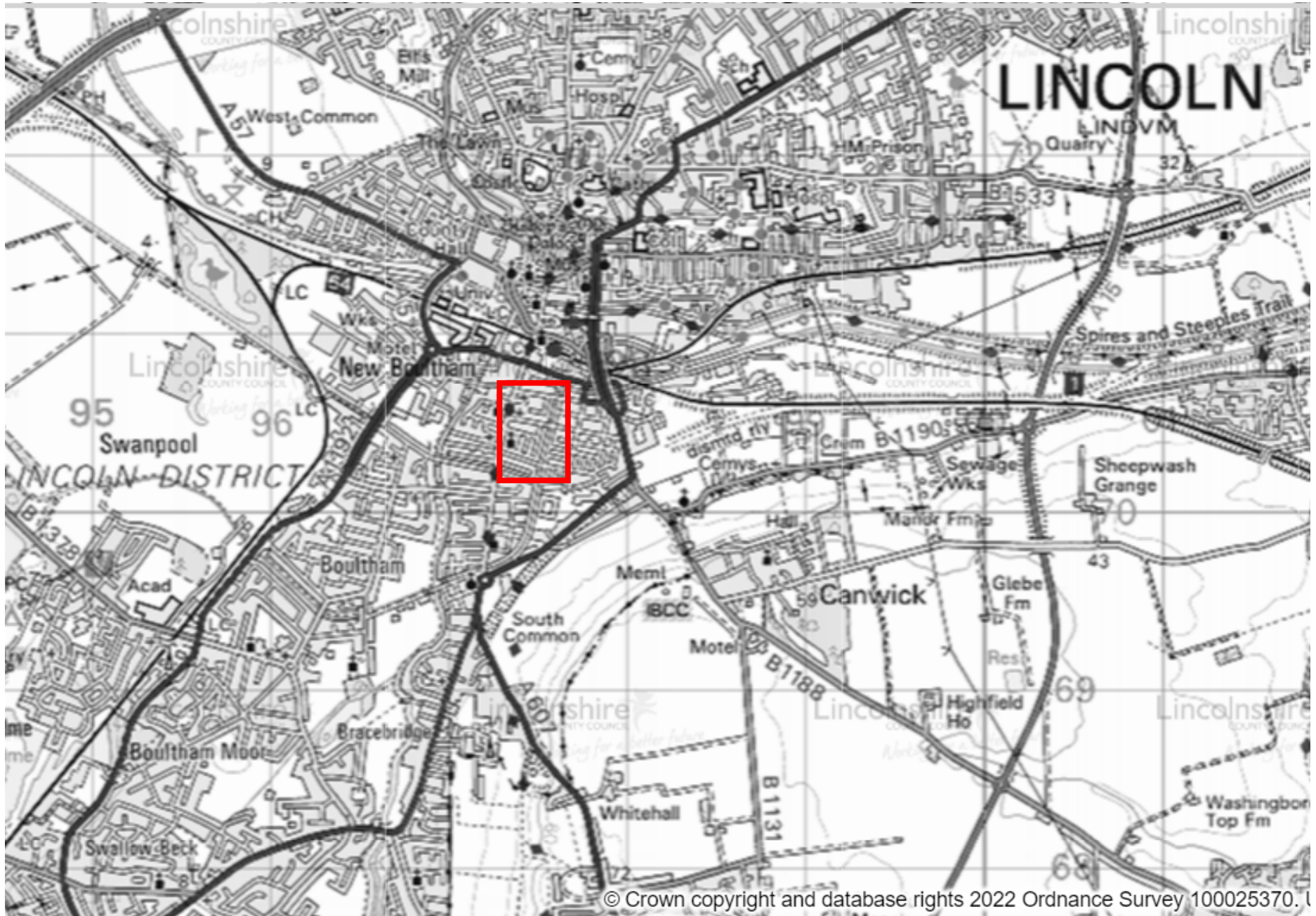
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Assessment and survey information; Consultation documents and correspondence.	Available on request

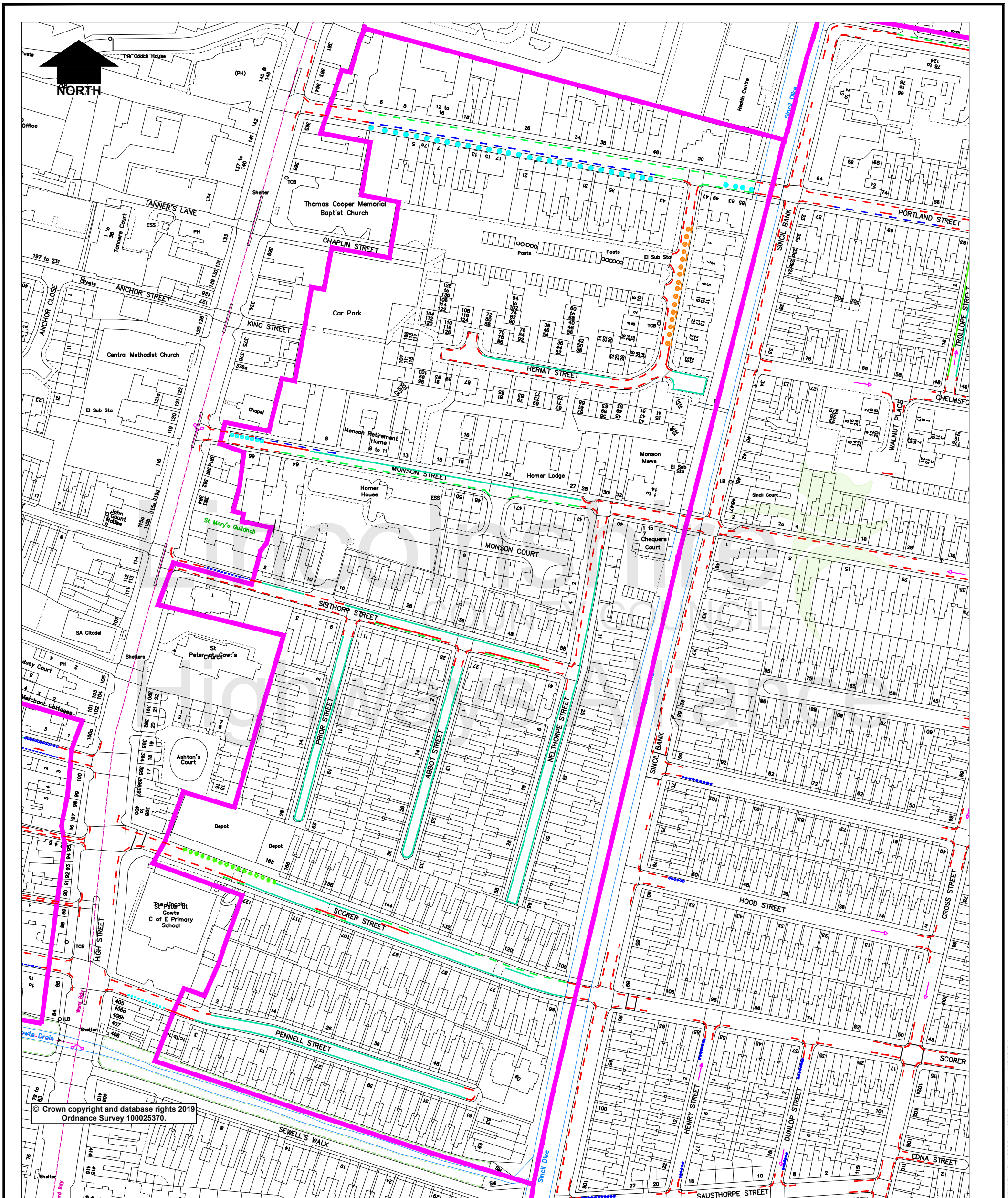
This report was written by Dan O'Neill, who can be contacted on 01522 782070 or TRO@lincolnshire.gov.uk.

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APPENDIX A – Site location : Lincoln, Proposed Permit Parking Scheme Zone 5C



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- | | |
|---|---|
| <ul style="list-style-type: none"> Existing no waiting at any time Existing no waiting Mon - Sat 8am - 6pm Existing 2 hours ltd waiting (NRW2Hrs) Mon - Sat 8am - 6pm Existing 1 hour ltd waiting (NRW1Hr) Mon - Sat 8am - 6pm Existing 1 hour ltd waiting (NRW2Hrs) Mon - Sat 8am - 6pm | <ul style="list-style-type: none"> Proposed no waiting at any time Proposed no waiting Mon - Sat 8am - 6pm Proposed Permit holders only Mon - Sat, 8am - 6pm Proposed 2 hours ltd waiting Mon - Sat 8am - 6pm, except permit Holders 5C Proposed 1 hour ltd waiting Mon - Sat 8am - 6pm except permit holders 5C |
|---|---|

Rev.	Description	Drawn	Ch'kd	Auth	Date
0		DON			Jun 2021

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Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX

Project: Sincil Bank RPS
Appendix B
Zone 5C
D/SCH830/5C/1

Jun 25, 2021 11:27pm C:\common\Traffic Regulation\Orders\Schemes Master Folder\DO NOT CHANGE\501-500\80 Sincil Bank RPS Scheme\CAD\Drawings\Proposed\5C_5D.dwg

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Appendix C

Objections and Comments.

No of objs	Grounds for objection	Comment
16	The cost of permits and the cost of alternatives to parking in the area will cause hardship at the current time.	City of Lincoln Council is responsible for the administration of the scheme, which means that they set the maximum number of permits per household and the level of charges for permits, as well as what permit types are available. The Planning and Regulation Committee will determine how to proceed following the consideration of the objections received.
1	Please can a second consultation take place in light of the current cost of living crisis, to check that residents fully understand, still support, and can afford this scheme.	The Planning and Regulation Committee will determine how to proceed following the consideration of the objections received.
1	Unfair to penalise residents for shoppers parking	Residents parking schemes remove parking by third parties, whether they be working in the area, in the City Centre or shopping. This means residents' have a greater opportunity to park within their Zone during its times of operation.
1	Will be detrimental to tourism and the local economy if people visiting the City get parking fines within the RPS zone(s)	Residents parking schemes remove parking by third parties, whether they be working in the area, in the City Centre or shopping. This means residents' have a greater opportunity to park within their Zone during its' times of operation.
2	Local City Councillors have said the scheme will be introduced. That implies this consultation is going to have no effect whatsoever.	The scheme is being proposed by Lincolnshire County Council and the Planning and Regulation Committee will consider objections as part of this process.
1	More flexible options at car parks to incentivise their use. Eg. free parking for shoppers and commuters 1 st 10 in Council car parks free for a maximum 3 days per week.	City of Lincoln Council operates several car parks.
1	Didn't get the questionnaire for Zone 5DE	Best endeavours were made when hand delivering the questionnaires.
1	Nobody from the Council lives here so they are unaware of what is required or needed.	Conversely, there might be comments if a scheme were perceived as being proposed only because employees from the Council did live there.
2	Residents parking will cut the number of spaces down and lead to resident's being issued Penalty Charge Notices (PCNs)	There will be an increase in the amount of double yellow lines on Sibthorpe Street and Scorer Street.
1	Parked cars give no emissions so how does a RPS have a positive environmental effect.	A restriction on parking by third parties would reduce the number of vehicles driving within the Zones looking for parking.
1	GDPR a concern as information on permits could lead to people being identified.	The objector provided examples whereby a permit holder can be traced if someone looks at the permit, remembers the vehicle it's in and visits the Zone shown on the permit.
1	No mention of hidden costs in terms of exemptions for builders and Penalty Charge Notices if permits are not displayed.	Links to information were provided in the letters sent to residents during the advertisement of the proposals.
1	£70 per PCN	This figure is reduced if paid within 14 days.
1	"249 misinformed people ruined it for 6000"	Questionnaires were delivered to all properties within the proposed zone for a response by the household, not individuals. The questionnaires sent out were similar to those sent regarding other RPS schemes in Lincoln.
1	You can't get rid of residents parking once it's been put in.	There will be a review of the scheme if it is introduced

2	"All residents parking will do there is limit even more the 'free' spaces and risk a £70 parking invoice."	There will be an increase in the amount of double yellow lines within Zone 5C, particularly on Sibthorpe Street and Scorer Street. This has been done to maintain traffic flows.
1	"There are more reasons for NOT having residents parking than for it (unless 1 mile of Skegness beach). You don't enforce the zones you have or the regulations you have."	Enforcement of the Zone can be adjusted.
1	"Can you put in writing that if it goes ahead, you will review after one year and do a new survey using the £127,000 surplus the council makes."	There will be a review of the scheme if it is introduced.
3	The proposals are a money-making exercise.	The County Council will not derive income from permit sales.
2	Street notices were inadequate and not maintained in position	Street notices were replaced and additional ones put up throughout the advertisement period.
1	"Nothing is mentioned about the 2 hour visitor slots, or the £1.70 per visitor cost, or the fact you need your ID to get the permits, extra £5 if you want to take on the day, if your permit drops off the window in the hear/cold £70 parking ticket you can't get rid of, nor pay and bailiffs kicking your door in. Nobody is aware of this if you walk around the streets."	Information on permit charges and types was included in the questionnaire that was sent out in July 2019. If someone considers a PCN has been issued incorrectly they are able to appeal.
1	"If the residents parking is wanted and that good, then why is there nobody on the Sincil Bank community site defending it, or giving any reasons for it? "	Some parking schemes are very emotive. People may not feel comfortable expressing their views either way, where they may attract attention or argument from other people.
1	The county council website says " in compliance with GDPR we will not identify properties either in favour or against the introduction of the scheme. But the questionnaire returns give the name and address of people.	The County Council will not identify properties either in favour or against the introduction of the scheme.
1	"Can our local community officer, knock on doors and see how many people that want the RPS still live there and are they aware of the consequences for everyone else, just so they can park outside their own house?"	The scheme is being proposed by Lincolnshire County Council, the local community officer works for City of Lincoln Council.
1	"Why do they need to be 'different zones' Those thinking they can still see their friends three streets away are risking a £70 invoice, 2 hours only visit or £1.70 for scratch card. Nor does it mention you can't visit your friend in their residents parking zone with your pass. Why do they need to be different zones, in this area? This is clearly being forced and I have no doubts the community will just override everything and not care about it."	In this case the Sincil Bank Drain and its bridges forms a natural boundary between proposed Zones 5C and 5D. Zone 5C and 5B are separated by the High Street. The Zones are different sizes because of these boundaries.
1	They are just going to delete all objections, behind closed doors	Objections are reported to the County Councils Planning and Regulation Committee. A single valid objection will be put forward for consideration by the committee. The outcome does not necessarily depend upon the number of objections received.
1	"How do I appeal? Got to be ready for this, It's really is a dumb idea residents parking. No benefit at all, be the same 'day cars' 90% of the time anyway, scheme not working at night so is pointless."	Objections are being considered by the County Council's Planning and Regulation Committee. If the Order is made an application may be made to the High Court within six weeks.
1	"Your friend comes round, to help you lift new double bed upstairs, etc etc, ' look at our new residents parking signs we have' Bloke goes out to his car after trapping his fingers between the bed and wall to a find a £70 parking invoice, nobody was expecting, no warning of that or the scratch card, utter shambles."	Loading and unloading is permitted. If someone considers a PCN has been issued incorrectly they are able to appeal.

3	"Not one valid reason for it, utter con, like central government has said you need to introduce these scams"	The reasons for the scheme are outlined" in the main body of the report.
1	The residents parking allow you to park in council car parks, but not broad gate, why is this? you can only park in the ones that cars always get broken into."	City of Lincoln Council administer and manage the permit scheme and the use of their car parks.
1	"Should be available in local shops."	City of Lincoln Council administer and manage the permit scheme.
1	"The permits must be able to ordered only from City Hall, at weird times, like 10:30- 11:12 only. So it irritates even those who wanted it because it's not straight forward."	City of Lincoln Council administer and manage the permit scheme.
1	"Disabled people getting free permits? Everyone should be made to pay for permits"	City of Lincoln Council administer and manage the permit scheme.
1	"In one of the streets, a family have three vehicles (minimum), What will they do when it's only two permits per house?"	City of Lincoln Council have a maximum of two annual permits per property. Daily scratch cards or limited waiting may be used to facilitate parking by a third vehicle. Only City of Lincoln Council can change this limit.
11	"Often Park on Scorer Street and usually get close to the work. Restricting access will be hard for staff. Often have equipment to take to and from work, sometimes taking two trips. This will be impossible if we can't park close to where we work. We appreciate that for residents it must be hard to park at times but please consider the impact on the people who work to educate the children in the area. "	The introduction of the scheme would remove available all day on street parking from a number of workplaces in the area. This leaves people with a number of difficult choices to make on how best to get to work and park near to it. The nearest City of Lincoln owned car parks in the area are off King Street and Chaplin Street. The charge for a stay of 4 hours or over is £6.00. This would be an extra £30 per week for workers in the area. Vehicles may be temporarily parked on the proposed restrictions to enable equipment may be loaded/unloaded.
1	"The scheme, in my opinion, will make no difference to parking within this area because the issue is not the occasional shopper or worker who parks in the area to avoid car parking charges, but the number of cars per household in an area not designed for that number of cars."	The scheme will have little impact outside the times of operation.
2	"The West End is a prime example of the permit system not working, with residents getting tickets when their area is over parked."	Each scheme has specific factors which may cause issues. Shared use bays are being proposed on a number of streets so permit holders can continue to use them rather than get a PCN for exceeding the time limit.
1	"If the aim is to improve parking in these areas, another strategy needs to be found to reduce the number of vehicles. Better use of a TRO would be to limit certain vehicles from accessing and parking in these areas. If the aim is to deter shoppers and workers parking in neighbouring streets, the council should look at reducing the car park charges and enticing their use."	Car park charges at City of Lincoln car parks are a matter for that authority.
1	"The scheme is open to abuse because with a visitor's permit, anyone can park. I have already heard that residents are selling visitor's permits, at a profit, to local workers."	The administration of the scheme is done by City of Lincoln Council
1	"Whilst I acknowledge there have been projects to help make Sincil Bank a better place to live, LCC is not doing its best for the finances of residents in this area of Lincoln. Recently, fuel costs have risen with an expectation of them rising again, food banks are a necessity for too many https://www.bbc.co.uk/news/uk-england-lincolnshire-61510584.amp . Council Tax band A properties are already £55 worse off from last year in this ward. Litter picking, art work and CCTV will not help with the cost of living.	Residents received a letter when the proposals were advertised which contained links to further information on the County Council's website relating to the proposals and also the City of Lincoln's website so people could see how the permit scheme would work. The questionnaire survey and the majority response met the policy in place in 2019.

	<p>It cannot be claimed that it would encourage the use of public transport as buses and trains are very irregular, very expensive and don't run later at night. Even taxis are difficult to book.</p> <p>To conclude, these are the reasons I believe the Sincil Bank Residents' Parking scheme should not happen. There has been nothing to offer for why this scheme should go ahead; persuasive wording on official letters; the statistics showing how many people have "asked" for the scheme is skewed and the reality is a low percentage of residents; the Income Deprivation Domain for this area shows residents will struggle to afford an extra annual bill; and there has been no user-friendly factual information given to residents (or easily searchable online).</p> <p>The whole scheme is a disgrace!"</p>	<p>In terms of the impact of individual finances the timing of the scheme if it goes ahead would be a matter for both Council's to agree upon.</p> <p>Permit fees are set by City of Lincoln Council.</p>
2	<p>"According to the Lincolnshire.gov.uk website, 30% of eligible addresses must reply to a consultation and 66% must be in favour. Neither of these conditions have been met so this scheme should not be going ahead anyway. "</p>	<p>The questionnaire was undertaken in 2019 when the policy in place needed a simple majority of the responses received and there was no minimum response level. This still applies for District Council managed schemes. The more recent guidance provided on the LCC website refers to new schemes administered by the County Council only.</p>
1	<p>"This scheme will not resolve the parking issues for Pennell Street, making it an additional and unnecessary expense at a time when all households are being hit incredibly hard with energy price increases and the cost of living crisis. Implementing this scheme now is both cruel and harmful, and even those that originally supported the scheme likely have a different opinion in light of current financial constraints.</p> <p>Parking on Pennell Street can occasionally be a problem, but at other times is not an issue at all. Basically, it fluctuates depending on how many cars residents own - I know this is stating the obvious, but this is the bottom line, and no parking permit scheme will ever change this.</p> <p>Many of the parking problems that we do have are caused by inconsiderate parking (e.g. taking up two spaces just to be directly outside of a property) – again, parking permits will not resolve this in the slightest. Outside of these everyday issues, one of the biggest parking pressures we have is when Lincoln City are playing at home, and whilst the permit scheme may help with this for Saturday matches, it will not help at all with Sunday and evening matches as these fall outside of the scheme's parameters.</p> <p>Another pressure on daytime parking is staff & visitors to the school at the top of the street – as the scheme will allow the school to purchase both resident and visitor permits, the scheme will do nothing to reduce these pressures or free up extra space.</p> <p>The scheme also seems very complicated, with a lot of scope for misunderstanding and confusion, particularly in relation to visitor and trade permits and the associated time limitations, which in turn will potentially lead to extra costs and possible fines, and cause residents a huge amount of frustration and stress.</p> <p>The requirements for trade visits look to be particularly problematic and inconvenient – we all need to have maintenance work carried out, but to have to apply for a waiver permit, and wait at least 5 working days for one to be granted, is not feasible in many cases, as many trades need to visit at much shorter notice. The permits also add a considerable amount to the cost of having</p>	<p>The proposals include a small limited waiting bay at the High Street end of Pennell Street, with parking for the most part maintained as at present.</p> <p>The costs of permits are set by City of Lincoln Council as they administer the scheme.</p> <p>People often assume a space is guaranteed outside their house, even when information sent out, such as in the original questionnaire, says this is not the case.</p> <p>City of Lincoln Council is keen to see the scheme introduced in order to reduce traffic flows and parking levels to aid regeneration within the area.</p>

	<p>any work done – another unnecessary and unwelcome burden in these difficult financial times. There is also the impression that permission may not be granted, which raises the question- how do we get maintenance work done if the tradesperson cannot park near the property?</p> <p>Time limited waiting bays are also mentioned – would Pennell Street have these? If so this would reduce the available parking even further, exacerbating the original problem rather than doing anything to resolve it.</p> <p>Supporters of the scheme also seem to be under the misguided notion that the scheme will guarantee them a parking spot outside their property – this is very much not the case, and I think these misunderstandings need to be clearly communicated, otherwise the scheme is being implemented under false pretences.</p> <p>I would also add that the feedback I have seen from areas with parking permits already in place suggests that the schemes have caused far more problems than they have solved, and caused great inconvenience and large additional costs, with many residents being fined for parking elsewhere when spaces are not available on their street, or because they have misunderstood the rather complicated rules. The general impression I get is that they wish the schemes had never been implemented in the first place.</p> <p>For all of these reasons I strongly believe that the proposed parking permit scheme will be nothing more than an admin heavy, money making exercise, that will cause a lot of expense, inconvenience, frustration and stress to the residents of Pennell Street, whilst offering little or no value in return, and not resolving the existing parking pressures. Not being able to find a parking space occasionally is annoying, but having to pay for a parking permit, faff around with visitor permits every time a friend wants to pop round, potentially even pay to have friends call round once your free permits have been used, pay extra for trades to do work (as the cost will be passed on) and still sometimes not be able to park (as will likely be the case for all the reasons I have mentioned above) will be absolutely infuriating, and will do nothing to gain the council support from the local residents!</p> <p>I would strongly urge that this permit scheme is cancelled, for Pennell Street at least, or at the very least delayed, whilst a second consultation can take place in light of the current cost of living crisis, to check that residents fully understand, still support, and can afford this scheme. “</p>	
1	<p>“Whoever wrote the article in the Sincil Bank community news, should be made to issue a public apology for such a misleading article.”</p>	<p>The publication concerned is not a County Council document.</p>
1	<p>Visit friends and family in the area</p>	<p>Limited waiting is being maintained within the proposed Zone and scratch cards will be available to residents to give to visitors with the conditions of use as specified by City of Lincoln Council.</p>

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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.

Page 45

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	Traffic Regulation Order to introduce permit only parking bays in various streets, Sincil Bank, Lincoln	Person / people completing analysis	Jeanne Gibson, Programme Leader Minor Works & Traffic
Service Area	Place Highways Asset	Lead Officer	Jeanne Gibson
Who is the decision maker?	Planning and Regulation Committee	How was the Equality Impact Analysis undertaken?	By review
Date of meeting when decision will be made	07/11/2022	Version control	1.0
Is this proposed change to an existing policy/service/project or is it new?	New	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Directly delivered
Describe the proposed change	The traffic regulation order proposes to introduce bays available to permit holders only within the existing unrestricted sections of a number of streets in the Sincil Bank area of Lincoln.		

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 impact
Disability	Restriction of non permit holders in the area by virtue of this scheme will reduce competition for on street parking space and therefore parking closer to a resident's property is more likely. Blue Badge holders will be eligible for a free parking permit for the proposed zone.
Gender reassignment	No positive impact
Marriage and civil partnership	No positive impact
Pregnancy and maternity	No positive impact
Race	No positive impact
Religion or belief	No positive impact

Sex	No positive impact
Sexual orientation	No positive impact

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.

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'.

Page 50

Age	No perceived adverse impact
Disability	No perceived adverse impact
Gender reassignment	No perceived adverse impact
Marriage and civil partnership	No perceived adverse impact
Pregnancy and maternity	No perceived adverse impact

Race	No perceived adverse impact
Religion or belief	No perceived adverse impact
Sex	No perceived adverse impact
Sexual orientation	No perceived adverse impact

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.

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.

Objective(s) of the EIA consultation/engagement activity

The traffic regulation order required to introduce the scheme has been subject to a statutory process of consultation and public advertisement .

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

Age	
Disability	
Gender reassignment	
Marriage and civil partnership	
Pregnancy and maternity	
Race	
Religion or belief	

Sex	
Sexual orientation	
<p>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?</p> <p>The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	<p>The public advertisement of these proposals was open to all to submit comments and representations.</p>
<p>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?</p>	<p>Should the scheme be implemented its effects can be monitored.</p>

Further Details

Are you handling personal data?	<p>Yes</p> <p>If yes, please give details.</p> <p>Comments and representations received from the public may contain personal data.</p>
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Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.	Monitoring of the effects of the change to parking arrangements in the Sincil Bank area.	Jeanne Gibson	12 months from operable date of Order.

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
1.0	Lincoln, Sincil Bank, various streete – proposed residents permit scheme	J Gibson	26/10/22		

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

Report to:	Planning and Regulation Committee
Date:	7 November 2022
Subject:	County Matter Application - S/035/02549/21

Summary:

Planning permission is sought by W R Hanson and Son (Agent: Cliff Andrew Architectural Design Services) for the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment at Bede Farm, Cross Keys Lane, Coningsby.

The existing irrigation pond is approx. 40 metres long by 30 metres wide and 3.5 metres deep and is a seepage reservoir meaning that it is filled from the ingress of underlying groundwater when the water table is high. It is proposed to extend the pond northwards by 40 metres so as to double the footprint of the existing pond to 2,400 square metres. The extended pond would increase the holding capacity of the existing pond allowing additional irrigation water to be stored to support the growing of vegetables such as leeks and root crops on the applicants farmholding.

The main issues to be considered in the determination of this application are whether the applicant has demonstrated a proven need for an extended irrigation pond of this size and holding capacity; whether the design of the reservoir is "fit for purpose", and whether removal of the minerals from the site and impacts associated with the development would have a significant detrimental and unacceptable adverse impact on the environment and amenity of nearby residents.

Having assessed the information contained within the application, whilst the need and justification for an enlarged irrigation pond and its design and size appear reasonable given its intended purpose, the applicant has failed to demonstrate that an abstraction licence has been granted which would allow the volume of water required to fill the extended pond to be taken from the underlying groundwater. Without an appropriate abstraction licence in place, the applicant has failed to demonstrate compliance with criterion (iii) of Policy M14 which is a key pre-requisite requirement that needs to be met. Failure to have met this policy therefore means the applicant has also failed to demonstrate the proposal is fully compliant with the aims and objectives of the NPPF or DM1, DM2 and DM16 of the CSDMP which seeks sustainable development, and which require development to demonstrate that it would not have an unacceptable impact on ground waters.

Recommendation:

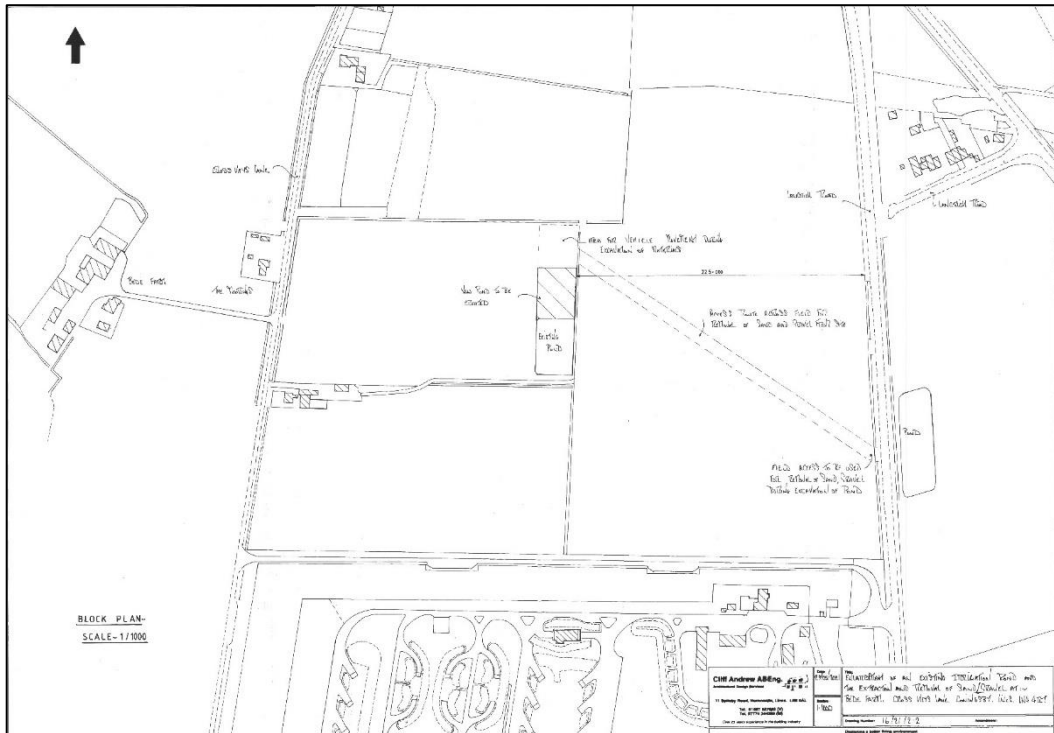
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that planning permission be refused.

Background

1. In March 1991 the Mineral Planning Authority granted planning permission to construct an irrigation pond in the field adjacent to the current application site (ref. E/2100/90) however there is no evidence this pond was ever constructed in the location identified. There is however an existing irrigation pond that adjoins the current proposal site which has been established for several decades and benefits from an abstraction license issued by the Environment Agency. The applicant is proposing to extend the existing irrigation pond and seeking to remove and export the extracted underlying mineral off the farm holding. Planning permission is therefore required as the export of minerals constitutes a 'county matter' and so the application has been made to the Mineral Planning Authority for determination rather than the District Council.

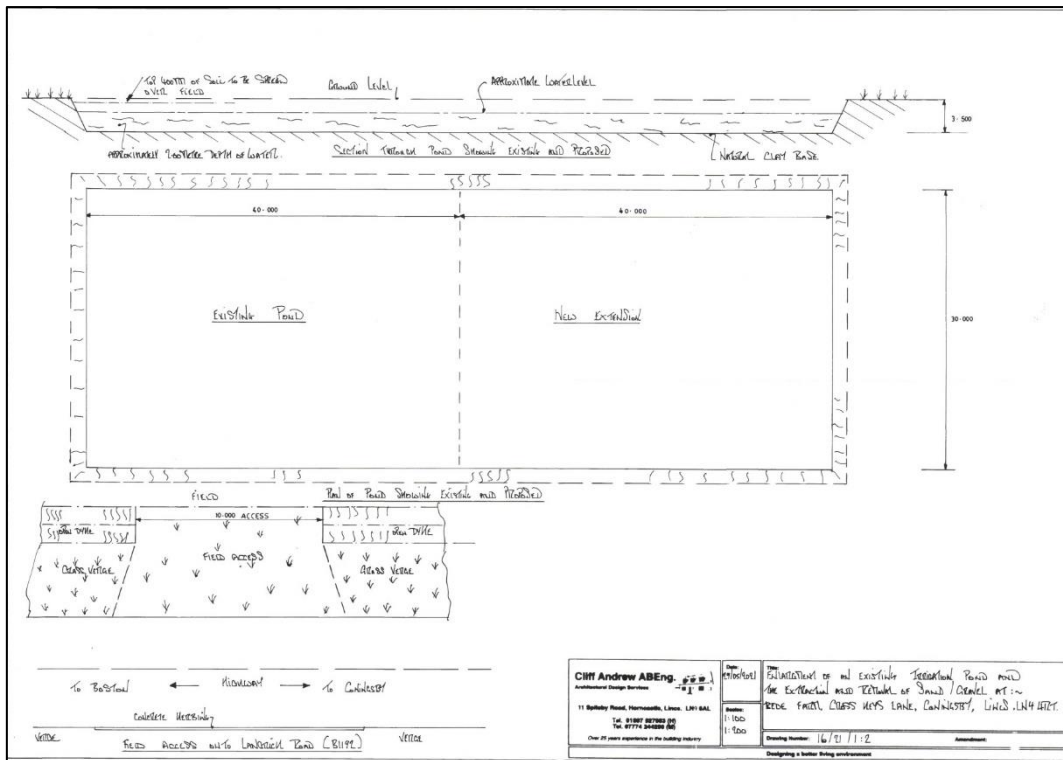
The Application

2. Planning permission is sought for the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment at Bede Farm, Cross Keys Lane, Coningsby, Lincolnshire. The existing pond is approx. 40 metres long by 30 metres wide and 3.5 metres deep and is a seepage reservoir meaning that it is filled from the ingress of underlying groundwater when the water table is high. The sides of the pond are clay lined to prevent water escaping and the applicant has an existing abstraction licence from the Environment Agency which permits its current use.



Site Plan

3. This proposal seeks to extend and enlarge the existing pond and the application site, including temporary construction access road, cover an area of 0.5 hectares. It is proposed to extend the pond northwards by 40 metres so as to double the footprint of the existing pond to 2,400 square metres. The overlying topsoil/subsoil (approx. 400mm) would be removed and redistributed across the adjoining field that is also in the ownership of the applicant. The pond would then be excavated to a depth of 3.5 metres (to match the existing) with the underlying sand and gravel being extracted and exported off site 'as raised' for processing elsewhere by a third party/aggregate company. It is estimated that approximately 4,200m³ or 6,300 tonnes of sand and gravel would be removed from site. The water level of the finished pond would be approximately 2 metres as the height of the winter water table is 1.5 metres below ground level. The slopes of the pond would be 3 degrees off the vertical and, like the existing pond, the sides of the extension would be clay lined to prevent water escaping through the sides. The existing abstraction licence issued by the Environment Agency (EA) would require an amendment to allow for the additional water holding capacity created by this enlargement/extension and the applicant confirms that an application seeking a licence has been submitted to the EA.



Pond Details and Section Plan

4. The applicant states the extended pond would be used to store water that would be used to irrigate crops grown on their farm holding. The farm holding extends to 17.5 hectares of land surrounding irrigation pond with a further 12 hectares located to the west of Cross Keys Lane. The applicant current grows sugar beet, carrots, and potatoes on 8.5 hectares of their land however the increasing demands for water cannot be met by the existing pond and a larger pond would enable the applicant to grow an increased variety of crops including leeks and brassicas and thereby deliver increased yields of high-quality vegetables.
5. It is estimated that it would take a total of four weeks to fully complete the development. Hours of work would be limited to daytime hours only between 0800 and 1700 hours with the extraction of mineral taking place over a two to three week period by a local aggregate company (dependant on weather conditions). A temporary haul route would be laid to the existing field entrance allowing access onto/off the B1192. This field entrance measures 10.0 metres in width and is flanked by a highway verge, with an existing culvert over a drainage ditch. There is unobscured visibility in both directions and the surface of the field entrance is currently compacted hardcore suitable for agricultural vehicles. In order to accommodate the HGV and construction equipment a temporary track would be laid using matting to reinforce the surface and to prevent mud and debris being deposited on the highway.

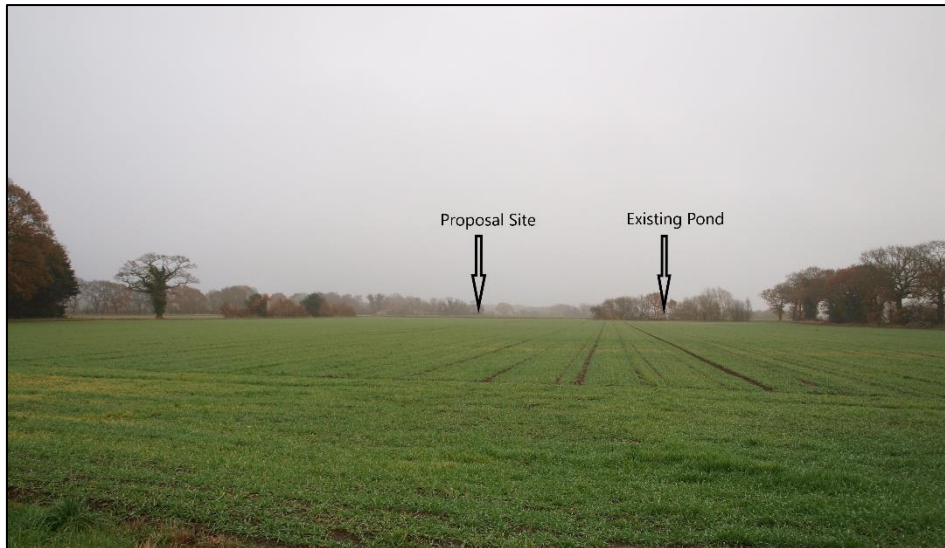


Photo view south from existing field entrance onto Langrick Road

6. The applicant states that contractors would liaise with the Highway Authority to ensure that correct signage is used, and no excavated sand and gravel would be stored at the site with all excavated material being removed by HGV for processing elsewhere. It is estimated that there would be approximately 40 lorry loads (80 two-way movements) per day during the extraction phase.
7. Finally, the existing pond and waterbody has been allowed to naturalise with established reeds beds and surrounding vegetation including mature trees. It is not proposed to damage or remove these during the construction works, rather this proposal seeks to increase the biodiversity interest in and around the site with an intention to retain the existing vegetation and to propagate reed beds into the extended pond. No landscape screening is proposed as the visual impact of the extension would not give rise to any adverse effects given the distance of the site from external views and as no raised earth banks are considered necessary.

Site and Surroundings

8. The site lies centrally between Cross Keys Lane to the west and B1192 to the east and is surrounded by agricultural land growing both grain and vegetables.



View from Cross Keys Lane Extent of existing and proposed ponds

9. The site is approximately 225.0 metres distant from either road. The proposed extension to the pond would be constructed to the north.



Photo View across existing pond to site beyond

10. A Public Right of Way Conb/228/2 runs east/west 130 metres to the north of the proposal site and is wholly screened from the site by the existing mature native hedgerow along the northern field boundary. The flat fenland landscape is characterised by a network of drainage ditches and native species hedgerows interspersed by mature trees and copses of trees and isolated farmsteads. The nearest residential property is a bungalow approximately 200 metres to the

southwest of the existing pond. The site does not lie within Flood Zone 1 and the proposal site is less than 1 hectare in area.

11. The site lies within the Impact Risk Zone of the Site of Special Scientific Interest being Troy Wood approximately one kilometre to the east. There is a Site of Nature Conservation Interest (SNCI) approximately 250 metres to the south and within a fenced secure compound ancillary to RAF Coningsby which lies further to the south and west of the proposal site.

Main Planning Considerations

Planning Policy Context

12. The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Achieving sustainable development) advises that LPAs should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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.

Paragraphs 110 & 111 (Considering development proposals) In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraphs 119 & 120 (Making effective use of land) Planning policies and decisions should promote in effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Planning policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife,

recreation, flood risk mitigation, cooling/shading, carbon storage or food production.

Paragraphs 174 & 179 (Conserving and enhancing the natural environment)
Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) 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);

b) 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; and

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 180 (Habitats and biodiversity) when determining planning applications, local planning authorities should apply the following principle - development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

Paragraph 187 (Ground conditions and pollution) the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 199 & 202 (Proposal affecting heritage assets) when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraphs 209 & 211 (Facilitating the sustainable use of minerals) 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. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health, or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. Provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

Paragraph 218 & 219 (Annex 1: Implementation) the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which the Framework has made. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Annex 3: Flood risk vulnerability classification.

Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) 2016. Of relevance in this case are the following policies:

Policy M11 (Safeguarding of Mineral Resources) seeks to protect mineral resources (including sand and gravel) from permanent sterilisation from other development. Applications for non-minerals development in a minerals safeguarding area will be granted provided that it would not sterilise mineral resources or prevent future minerals extraction on neighbouring land.

Policy M14 (Irrigation Reservoirs) states that planning permission will be granted for new or extensions to existing irrigation reservoirs that involve the extraction and off-site removal of minerals where it can be demonstrated that:

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

Policy DM1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) proposals for minerals and waste management developments should address the following matters where applicable:

- 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.
- 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.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g., noise, dust, vibrations, visual intrusion, etc).

Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused.

Policy DM4 (Historic Environment) states that proposals that have the potential to affect heritage assets including features of historic or archaeological importance should be assessed and the potential impacts of the development upon those assets and their settings taking into account and details of any mitigation measures identified.

Policy DM6 (Impact on Landscape) planning permission will be granted for minerals and waste development provided that due regard has been given to the likely impact of the proposed development on landscape and townscape, including landscape character, valued or distinctive landscape features and elements, and important views.

Policy DM8 (Nationally Designated Sites of Biodiversity and Geological Conservation Value) states that planning permission will be granted for developments on or affecting such sites (e.g., SSSI's and Ancient Woodland) provided it can be demonstrated that the development, either individually or in combination with other developments, would not conflict with the conservation,

management, and enhancement of the site to have any other adverse impact on the site.

Policy DM9 (Local Sites of Biodiversity Conservation Value) planning permission will be granted for minerals and waste development on or affecting locally designated sites {including Local Wildlife Sites and their predecessors: Sites of Nature Conservation Importance; County Wildlife Sites; Local Nature Reserves; Critical Natural Assets), sites meeting Local Wildlife Site criteria and undesignated priority habitats identified in the Lincolnshire Biodiversity Action Plan, provided that it can be demonstrated that the development would not have any significant adverse impacts on the site.

Policy DM11 (Soils) proposals for minerals and waste development should protect and, wherever possible, enhance soils.

Policy DM12 (Best and Most Versatile Agricultural Land) proposals for minerals and waste development that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that:

- no reasonable alternative exists; and
- for mineral sites, the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

Policy DM13 (Sustainable Transport Movements) proposals for minerals and waste development should seek to minimise road-based transport and seek to maximise where possible the use of the most sustainable transport option.

Policy DM14 (Transport by Road) planning permission will be granted for minerals and waste development involving transport by road where:

- the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and
- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity, or the environment.

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

Policy DM16 (Water Resources) planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on

surface or ground waters and due regard is given to water conservation and efficiency.

Policy R1 (Restoration and Aftercare) proposals must demonstrate that the restoration of mineral workings and landfill operations will be of high quality and carried out at the earliest opportunity.

Policy R2 (After-use) the proposed after-use should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character and the natural and historic environment of the area in which the site is located.

After- uses should enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources, safeguard the potential of the best and most versatile agricultural land, and decrease the risk of adverse climate change effects. Such after-uses could include agriculture, nature conservation, leisure, recreation/ sport, and woodland.

East Lindsey Local Plan (ELLP) (2018) - of relevance in this case are the following policies:

Policy SP10 (Design) the Council will support well-designed sustainable development, which maintains and enhances the character of the District's towns, villages and countryside

Policy SP11 (Historic Environment) the Council will support proposals that secure the continued protection and enhancement of heritage assets in East Lindsey, contribute to the wider vitality and regeneration of the areas in which they are located and reinforce a strong sense of place.

Policy SP22 (Transport and Accessibility) supporting development which is shown to link with the existing road and public transport systems operating within the District.

Policy SP23 (Landscape) the District's landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment. Development will be guided by the District's Landscape Character Assessment and landscapes defined as highly sensitive will be afforded the greatest protection. The Council will ensure that the distinctive character of the District's landscapes whether they are of cultural, natural or historic significance, will not be compromised.

Policy SP24 (Biodiversity and Geodiversity) development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings and minimise fragmentation and maximise opportunities for connection between natural habitats. Where new habitat is created it should, where possible, be linked to other similar habitats to provide a network of such sites for wildlife.

Lincolnshire Minerals and Waste Local Plan Review (Issues and Options) – work has begun on replacing the current Lincolnshire Minerals & Waste Local Plan with an ‘Issues and Options’ paper and ‘Call for Sites’ consultation having recently been carried out. Given the review is at an early stage of preparation and no draft policies or preferred allocated sites have yet been identified, this can be given very little weight at this stage.

Results of Consultation and Publicity

13. (a) Natural England – has no objection based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England’s has provided an Informative relating to generic advice on other natural environment issues.
- (b) Environment Agency (EA) – has no objection to the application but has advised that to fill and/or maintain the extended pond the applicant will need to apply for an increase to the current abstraction licence. It is added that there is no guarantee that a licence will be granted.
- (c) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- (d) Lincolnshire Police (Designing out Crime) – do not have any objections to this application.
- (e) Ministry of Defence (Safeguarding RAF Coningsby) – has no statutory safeguarding objection
- (f) Cadent – has no objection but provided an informative relating to their assets in the vicinity of the application site.
- (g) Western Power – has no objection but provided an informative relating to their assets in the vicinity of the application site
- (h) Historic Places Quarries (Lincolnshire County Council) – has no objection and commented that the application makes no reference to any assessment of the impact the development will have on heritage assets as required by the NPPF. That said, there is no indication that archaeological features will be harmed by this development. Also, the setting of listed buildings in the vicinity will not be harmed.
- (i) Local County Council Member – Councillor T Ashton is a member of the Planning and Regulation Committee and therefore reserves his position on the application until the Committee date.

The following bodies/persons were consulted on the application on 08 December 2021. No comments or response had been received within the statutory consultation period or by the time this report was prepared:

Coningsby Town Council
Environmental Health Officer (East Lindsey District Council)
Public Health (Lincolnshire County Council)
Health and Safety Executive (Quarries)
Lincolnshire Fire and Rescue
Lincolnshire Wildlife Trust
Arboricultural Officer (Lincolnshire County Council)

14. The application has been publicised by notices posted at the gate to the field on Cross Keys Lane and near the proposed access on the B1192 and in the local press (Skegness Standard and News on 15 December 2021). No representations have been received as a consequence of the publicity.

District Council's Recommendations

15. East Lindsey District Council has no objection in principle subject to there being no harm to biodiversity and encourage additional landscaping to help integrate the development within the wider, rural surrounding, and highlights concerns is undertaking work during the winter resulting mud on the highway. It is advised that an Informative be included that remediation to widen the existing farm access to serve would require separate planning permission.

Conclusions

16. The main issues to be considered in the determination of this application are whether the applicant has demonstrated a proven need for an extended irrigation pond of this size and holding capacity; whether the design of the reservoir is "fit for purpose", and whether removal of the minerals from the site and impacts associated with the development would have a significant detrimental and unacceptable adverse impact on the environment and amenity of nearby residents.

Agricultural justification and need for an irrigation facility

17. The sand and gravel to be extracted would be incidental to the creation of the extended pond and so are not the primary purpose or driver for this development. As a result, the policies contained in the CSDMP which usually apply when considering applications for new sand and gravel workings (namely Policies M1, M2 and M3) are not applicable in this case. Instead, Policy M14 of the CSDMP applies as this specifically relates to proposals for irrigation reservoirs where the extraction and export of minerals is proposed, and this policy sets out the criteria that must be met if proposals are to be supported.

18. The proposed extension/enlargement of the existing pond would increase its overall holding capacity allowing more water to be stored and retained for irrigating the applicant's surrounding farmland. The applicant states that the farmholding is cropped mainly for root crops, including potatoes, carrots, and sugar beet and that they are looking to increase crop varieties by introducing leeks and brassicas in the future. In recent years the demand for irrigation water has increased because of climate change and drier summers and the capacity of the current irrigation pond is no longer sufficient to meet current demands and insufficient to meet the water requirements needed to produce high quality vegetables over a wider area of land. An extension to the existing pond would therefore enable more water to be abstracted during the winter months so that this can be stored for use during the summer months when the pressure on water resources is greatest.
19. The applicant has not provided any detailed or quantitative evidence or information to support the water consumption requirements and demand of existing/future crops however it is accepted that crops such as sugar beet and potatoes require high volumes of water. In this case the farmholding where the crops are to be grown is relatively small (less than 30 hectares in size) and the irrigation pond, when extended, would have a holding capacity of less than 4,800m³. Given the current and future crop types and farmholding size, the need for, and additional holding capacity created by, the extended pond seems reasonable and reflective of the reasons given as the basis and justification for this development. Therefore, in principle at least, I am satisfied that criterion (i) and (ii) of Policy M14 have been met.
20. Criterion (iii) of Policy M14 of the CSDMP requires all new and extended irrigation reservoirs to demonstrate that an abstraction licence has been granted by the Environment Agency before permission is granted. This is purposefully a pre-requisite requirement to ensure that planning permission is only granted for irrigation reservoirs/ponds (where mineral extraction and export is proposed) where they have consent to be filled and so reducing the risk that such proposals are simply a pretence for the working of unallocated mineral reserves. Given the relatively small volume of mineral identified to be extracted and exported by this development, Officers are content that the main driver for this proposal would appear to genuinely be for irrigation purposes rather than being a guise for mineral extraction itself. However, Policy M14 still requires that an abstraction licence be in place if a proposal is to be compliant with this policy. Whilst the Environment Agency has confirmed there is an existing abstraction license in place which allows water to be extracted and stored in association with the current pond, a variation to this licence would be required to allow the additional volume of water required to fill the proposed extended pond. The applicant has advised such an application has been made however this has not been granted and so has failed to demonstrate compliance with this criterion. The planning application for this development was submitted and received by the Mineral Planning Authority in September 2021 and so it has now been over 12 months since the application was first submitted. Given the absence of an appropriate abstraction licence (or any

evidence to suggest this is forthcoming) it is uncertain whether consent would be given to abstract the volumes of water required to fill the larger pond. As the construction of the extended pond involves the extraction and export of mineral then the justification and need for the development needs to be considered more carefully and therefore without an appropriate abstraction licence in place, there is no need to create a larger pond or to extract the mineral as proposed. As a result, the applicant has failed to demonstrate compliance with criterion (iii) of Policy M14 which is a key pre-requisite requirement that needs to be met. Failure to have met this policy therefore means the applicant has also failed to demonstrate the proposal is fully compliant with the aims and objectives of the NPPF and or in accordance with Policy M14, DM1, DM2 and DM16 of the CSDMP which seeks sustainable development, and which require development to demonstrate that it would not have an unacceptable impact on ground waters and due regard is given to water conservation and efficiency.

Design

21. Policy M14 also requires a development to demonstrate that: the design of the reservoir is fit for purpose; that the environmental impacts of removing material off-site would be less than constructing an above ground facility; and the proposals accord with all relevant Development Management Policies set out in the Plan.
22. In terms of design, the proposed pond extension would be excavated to reflect that of the existing pond with steep sides and utilise underlying clays to seal the sides to contain the irrigation water at a level equal to that of the natural surrounding water table. The excavated mineral would not be stockpiled or processed at the site and instead would be removed from site 'as raised' by a local aggregates company. The construction of the pond would not require the retention of the soils as no bunds are proposed and so the development would not result in the creation of any above surface structures or alien features within an otherwise flat landscape which is characterised by native species hedgerows interspersed with trees and drainage ditches. The stripped soils would not be removed from the farmholding but instead spread and distributed over the adjoining farmland to enhance the existing soil condition and structure. The MoD has confirmed that there are no safeguarding (bird strike zone) objections to this proposal and no objections have been received from any of the other consultees in respect of the overall size, scale, design or appearance of the extended pond. I am therefore satisfied that the design, size and capacity of the extended pond seem reasonable and not excessive given its intended purpose and so would be "fit for purpose" and meet criterion iv and v of Policy M14 and would also not broadly comply with Policy DM3, DM4, DM6, DM11, DM12 and DM16 of the CSDMP as well as Policies SP10, SP11 and SP24 of the ELLP that seek to preserve the historic and landscape character, best and most versatile soil and water resources of the district through good design and practices.

Environment and Amenity Considerations

Natural Environment

23. The existing pond and waterbody contains established reed beds and these are to be retained and propagated in order to increase biodiversity interest in the extended pond. Following construction, the periphery of the pond would be seeded with a wildflower mix and this would increase the existing value of the agricultural field. Natural England do not consider that the proposal poses an unacceptable risk to Troy Woods SSSI which is located 1 kilometre to the east and as the pond would be allowed to naturalise over time, it would not only have a functional role as an irrigation pond but also create new and extended biodiversity interest and habitat and so reflect the wider objectives of the NPPF and Policies DM6, DM8 and DM9, R1 and R2 of the CSDMP and Policies SP23 and SP24.

Highways

24. Following the provision of additional information requested by the Highway and Lead Local Flood Authority, the Highways Officer has raised no objection but has commented that the construction phase of the excavation has the potential to result in the deposit of debris on the highway. However, given that the proposal is for a limited period and the use of track matting is proposed, this would protect the road infrastructure at the existing field entrance and ameliorate the potential for mud being tracked into the highway. The comments of East Lindsey District Council are noted however this proposal does not seek to make any permanent changes to the existing field entrance and should planning permission be approved then conditions could be imposed to secure the use of track matting, and which imposes a requirement that debris and mud should not be deposited on the highway. Subject to such conditions the development would be considered acceptable from a highways perspective and therefore compliant with Policies DM2 and DM14 of the CSDMP and would not compromise or conflict with Policy SP22 of the ELLP.

Historic Environment

25. Whilst the application is not supported by any formal statement or assessment relating to archaeology or the historic environment, the Historic Environment Team has commented that there is no indication that archaeological features would be harmed by this development and that the setting of listed buildings in the vicinity would not be harmed. It is therefore considered that the proposal meets the aims and objectives of the NPPF and Policy DM4 of the CSDMP and would not conflict with or compromise Policy SP11 of the ELLP which seeks to secure the continued protection and enhancement of heritage assets in East Lindsey.

Final Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
27. Planning permission is sought to extend an existing irrigation pond in order to increase its holding capacity so that additional water supplies can be stored to help support the growth of a wider range of vegetable crops on the applicants farmholding. Whilst the justification for an enlarged irrigation pond and its general design and size appear reasonable, the applicant has not been granted an abstraction licence which would allow the volume of water required to fill the extended pond to be taken from the underlying water environment. As the construction of the extended pond involves the extraction and export of mineral the Mineral Planning Authority requires evidence that an appropriate abstraction licence is in place before permission will be granted. Without this there is no guarantee a larger pond could be filled and used as intended and therefore no need to create a larger pond or extract the mineral as proposed. As a result, the applicant has failed to demonstrate compliance with criterion (iii) of Policy M14 which is a key pre-requisite requirement that needs to be met. Failure to have met this policy therefore means the applicant has also failed to demonstrate the proposal is fully compliant with the aims and objectives of the NPPF and or in accordance with Policy M14, DM1, DM2 and DM16 of the CSDMP which seeks sustainable development, and which require development to demonstrate that it would not have an unacceptable impact on ground waters and due regard is given to water conservation and efficiency.

Human Rights Implications

28. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. The proposed development would extend an existing pond that acts as an irrigation reservoir serving the applicants farmholding. Whilst the justification for an enlarged irrigation pond and its general design and size appear reasonable, the

applicant has not been granted an abstraction licence which would allow the volume of water required to fill the extended pond to be taken from the underlying water environment. As the construction of the extended pond involves the extraction and export of mineral the Mineral Planning Authority requires evidence that an appropriate abstraction licence is in place before permission will be granted. Without this there is no guarantee a larger pond could be filled and used as intended and therefore no need to create a larger pond or extract the mineral as proposed.

2. Without an appropriate abstraction licence in place, the applicant has therefore failed to demonstrate compliance with criterion (iii) of Policy M14 which is a key pre-requisite requirement that needs to be met. Failure to have met this policy therefore means the applicant has also failed to demonstrate the proposal is fully compliant with the aims and objectives of the NPPF or DM1, DM2 and DM16 of the Core Strategy and Development Management Policies (2016) which seeks sustainable development and which require development to demonstrate that it would not have an unacceptable impact on ground waters and due regard is given to water conservation and efficiency.

Informatives

Attention is drawn to:

- (i) Environment Agency letter dated 23 December 2021 Ref: AN/2021/132577/01-L01
- (ii) Natural England letter dated 20 December 2021 Ref: 377581
- (iii) Cadent e-mail dated 07 December 2021 Ref: 24103045
- (iv) Western Power letter dated 07 December 2021 Ref: 24103045
- (iv) East Lindsey District Council letter dated 28 January 2022 Ref: S/035/02549/21
- (v) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner seeking further information to address issues identified and enhancements to the proposal and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

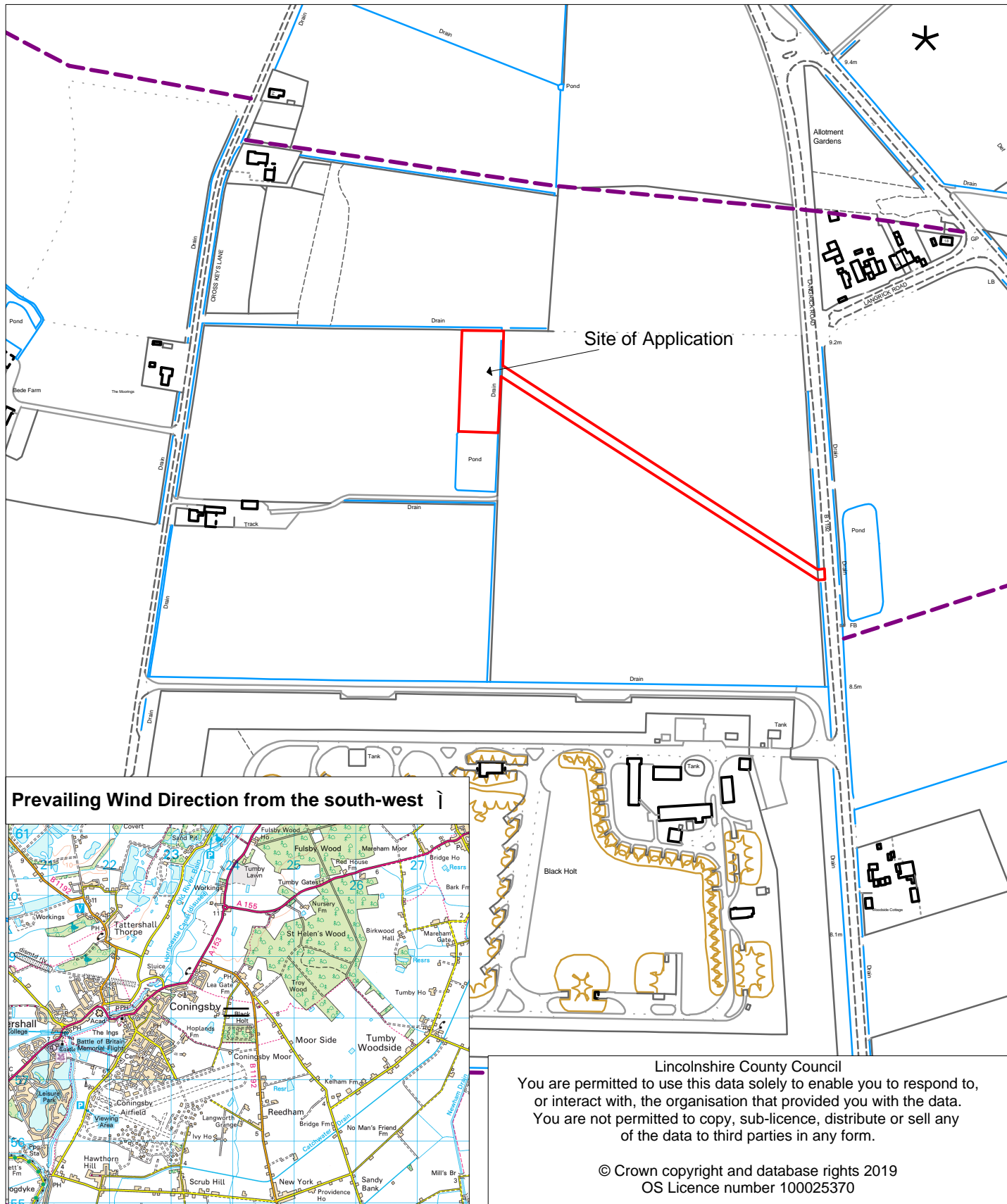
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S/035/02549/21	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016) Lincolnshire Minerals and Waste Local Plan Review (Issues and Options)	Lincolnshire County Council's website www.lincolnshire.gov.uk
East Lindsey Local Plan (2018)	East Lindsey District Council's website www.e-lindsey.gov.uk

This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 07 NOVEMBER 2022



Location:
 Bede Farm
 Cross Keys Lane
 Coningsby

Description:
 For the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment

Application No: S/035/02549/21

Scale: 1:2500

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