

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

Report to:	County Council
Date:	15 December 2017
Subject:	Lincolnshire Minerals and Waste Local Plan: Site Locations

Summary:

As the Minerals and Waste Planning Authority for the County, Lincolnshire County Council has a statutory responsibility for producing a Minerals and Waste Local Plan (MWLP). The plan is being produced in two parts and covers the period up to (and including) 2031.

The first part of the plan, the Core Strategy and Development Management Policies (CSDMP) document, has been completed and was formally adopted by the County Council on 1 June 2016 following a public examination. This document sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County, together with the criteria against which planning applications for minerals and waste development will be considered.

This report relates to the second part of the MWLP, the Site Locations document, which is at the final stage of preparation and includes the specific proposals and policies for the provision of land for the winning and working of sand and gravel and for waste management in line with the strategic policies of the CSDMP. A Pre-Submission Draft version of this document was approved by the County Council on 24 February 2017 for submission to the Secretary of State for Communities and Local Government for examination.

The examination was conducted by an independent inspector appointed by the Secretary of State and included public hearings held between 25 and 27 July 2017. During the examination a number of minor modifications known as "Additional Modifications" were proposed by the Council's Officers to add clarity to the plan in response to questions raised by the Inspector (Appendix A).

The examination closed on 19 September 2017 with the issuing of the Inspector's report (Appendix B). Within that report the Inspector advises that the plan is sound and legally compliant, and concludes that it provides an appropriate basis for the planning of minerals and waste development in the County. The Inspector has therefore recommended that the plan is adopted on the basis that it meets the full requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004.

The Inspector has also confirmed that should the County Council decide to incorporate the Additional Modifications, these would not affect the soundness of the plan.

On 7 November 2017 the Executive endorsed the Site Locations (Pre-Submission Draft) as amended by the Additional Modifications. It also authorised the Planning Services Manager to recommend to the County Council further Additional Modifications to the plan (i.e. updating the Introduction and removing references to "Pre-Submission Draft") to reflect the plans status should the County Council resolve to adopt the plan.

The Site Locations document attached as Appendix C is the proposed final version of this plan and incorporates the Additional Modifications endorsed/authorised by the Executive.

Recommendation(s):

That the County Council resolves that the Lincolnshire Minerals and Waste Local Plan: Site Locations document attached as Appendix C is adopted.

1. Background

- 1.1 As the Minerals and Waste Planning Authority for the County, Lincolnshire County Council has a statutory responsibility for producing a Minerals and Waste Local Plan (MWLP). The plan is being prepared in two parts and covers the period up to (and including) 2031.
- 1.2 The first part of the MWLP, the Core Strategy and Development Management Policies (CSDMP) document, has been completed and was formally adopted by the County Council on 1 June 2016 following a public examination. This document sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County, together with the criteria against which planning applications for minerals and waste development will be considered. It replaces the former Lincolnshire Minerals Local Plan (1991) and most of the policies in the Lincolnshire Waste Local Plan (2006), except Policies WLP2, WLP6, and WLP12 of that document. These policies are saved until the second part of the plan has been adopted.
- 1.3 This report relates to the second part of the MWLP, the Site Locations document, which is at the final stage of preparation and includes the specific proposals and policies for the provision of land for minerals and waste development in line with the strategic policies of the CSDMP.
- 1.4 The MWLP must take into account European and National policy and legislation. It is a key part of meeting the planning requirements of the EU Waste Framework Directive and the need to identify where future waste will be managed including the identification of specific sites and areas. It must

also meet the requirements of the National Planning Policy Framework and National Planning Policy for Waste.

- 1.5 Development of the Site Locations document began in 2008. In 2009 a consultation exercise was carried out that invited the mineral and waste industries to submit details of sites or areas for consideration for future mineral and waste development. Although the findings of this exercise were subject to consultation in 2010, further work was delayed due to resources being concentrated on delivering the CSDMP. However, in 2014 work resumed and a second "call for sites" exercise was undertaken in order to update the list of sites to be considered for allocation.
- 1.6 On 1 December 2015, the Executive approved a Draft Site Locations Document, setting out the "Preferred Sites and Areas", for consultation. At that stage, the examination of the CSDMP had not been completed and as a result the Draft Site Locations Document was based on an earlier Pre-Submission version of the CSDMP.
- 1.7 The consultation took place between 4 December 2015 and 29 January 2016 with a total of 97 respondents making 368 representations on the document.
- 1.8 Following that consultation exercise, the examination of the CSDMP resulted in modifications to that document and, in particular, to the level of provision that needs to be made in the Site Locations document to ensure a steady and adequate supply of sand and gravel for aggregate purposes during the plan period. This was reduced from an annual requirement of 3.28 million tonnes to 2.37 million tonnes to more appropriately reflect recent production data.
- 1.9 Both the modifications of the CSDMP and, where appropriate, the representations received through the consultation exercise were taken into account in the preparation of a further draft known as the "Pre-Submission Draft" intended for submission to the Secretary of State for examination.
- 1.10 On 1 November 2016 the Executive resolved to approve the publication of the Site Locations (Pre-Submission Draft) document for consultation as to its soundness and legal compliance. That consultation commenced on 7 November 2016 and ran for a period of six weeks.
- 1.11 A total of 45 respondents made representations on the Pre-Submission draft document, a significant reduction compared with the previous stage of consultation. This was largely due to the fact that a controversial site at Urn Farm, Greatford contained within the previous draft for the extraction of sand and gravel, and which had received a large number of objections, was removed. As a result only two responses were received directly from the general public.
- 1.12 A large number of the respondents either raised no objections or sought very minor modifications to the plan primarily to add clarity on various

issues. They also included local nature conservation groups that made representations of support, acknowledging the proactive engagement and cooperation that contributed to the formulation of the site development briefs and restoration options.

- 1.13 Where objections/concerns were raised, for the main part these had already been considered in depth during the examination of the CSDMP, or at earlier stages in the preparation of the Site Locations Document, and had been dismissed on sound planning grounds. Where new issues had been raised, these were not considered to affect the soundness or legal compliance of the Site Locations (Pre-Submission Draft) document.
- 1.14 On 24 February 2017 the County Council approved the Site Location (Pre-Submission Draft) for submission to the Secretary of State for Communities and Local Government in April 2017 for examination. The document was subsequently submitted on 3 April 2017, commencing the examination.

2. Policy Framework for the Site Locations Document

- 2.1 The CSDMP sets out the strategic framework for identifying the preferred locations for new minerals and waste development in the County for the plan period up to 2031. It is therefore the starting point for assessing the selection of sites and areas for the Site Locations Document.
- 2.2 In relation to waste the focus is for new waste management facilities to be located in and around Lincoln; Boston; Grantham; Spalding; Bourne; Gainsborough; Louth; Skegness; Sleaford; and Stamford. The Lincolnshire Waste Need Assessment 2014 (which was subject to Addenda in May 2015 and October 2015) identifies the waste management requirements of the County during the plan period. This is reflected in the CSDMP and Table 1 below shows the facilities required. This sets out the need for built waste management facilities for recycling and energy from waste facility which is mainly for the management of commercial, industrial, construction and demolition waste. There is no requirement for any further landfill facilities. The need for specialised thermal treatment and hazardous landfill will continue to be met by national facilities outside of the County.

Table 1: Predicted Requirements for Waste Facilities 2014-2031

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

- 2.3 For minerals, the CSDMP has only identified a need to provide additional resources to maintain an adequate supply of sand and gravel to the County during the plan period. Allocations will therefore be restricted to this mineral.
- 2.4 The CSDMP also proposes that the County continues to be divided into three Production Areas (Lincoln Trent Valley; Central Lincolnshire; and South Lincolnshire). This reflects that fact that most of the quarries are concentrated into three areas that serve local markets.
- 2.5 Priority is to be given to extensions to existing active mineral sites and to only allocate new quarries where they are required to replace existing mineral sites that will become exhausted during the plan period. If new sites are required these are to be located in the Areas of Search for Sand and Gravel as set out in the key diagram of the CSDMP.
- 2.6 Table 2 below provides information on the sand and gravel requirements by Production Area to be met through allocations in the Site Locations document. This is derived from the CSDMP, but has been updated to take into account additional reserves that have been, or will be, released following the determination of recent planning applications.

Table 2: Sand and Gravel Requirements 2014-2031

	Lincoln/Trent Valley	Central Lincolnshire	South Lincolnshire
Required Provision for the period 2014-2031, based on an annual requirement of 2.37mt (from Policy M2)	18.00mt	9.00mt	15.66mt
Permitted Reserves @ 31 December 2013	11.24	4.23mt	7.43mt
Applications granted planning permissions since 1 January 2014 or with a resolution* to grant permission: Whisby Quarry Kirkby on Bain Quarry (S73 application) Kirkby on Bain Quarry Baston No 2 Quarry Fox's Land, Manor Pit Quarry (Baston)	2.2mt	0.06mt 3.5mt	2.25mt 0.63mt
Total reserves from the above applications.	2.2mt	3.56mt	2.88mt
Shortfall	4.56mt	1.21mt	5.35mt

* Pending the completion of S106 Planning Obligations

3. Proposed Allocation of Sites/Areas for Waste Development

3.1 The Site Locations (Pre-Submission Draft) makes provision to meet the requirement for waste facilities through a specific site that has been put forward by the waste industry, and 16 areas (industrial estates) where waste uses are considered acceptable alongside other industrial and employment uses, providing flexibility and choice. These are listed in table 3.

Table 3: Proposed allocations for waste development

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

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

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

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

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

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

5. The Examination of the Site Locations Document (Pre-Submission Draft)

5.1 The examination was conducted by an independent inspector, Elizabeth Hill BSc(Hons), BPhil, MRTPI, appointed by the Secretary of State for Communities and Local Government. As part of the examination, public hearings were held between 25 and 27 July 2017. The Inspector's role was to assess whether the plan had been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The National Planning Policy Framework states that to be sound a plan should be:

- Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective - the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and
- Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

5.2 Under the provisions of the Planning and Compulsory Purchase Act 2004, an inspector can recommend that modifications are made to a plan to make it sound and legally compliant, but only if requested to do so by the authority that submitted the plan. Such modifications are known as **Main Modifications**. Where Main Modifications are recommended, a planning authority can only adopt a plan if it agrees to incorporate these modifications. In addition, a planning authority can make minor modifications to a plan that are not specifically recommended by an inspector provided that these taken together do not materially affect the policies set out in the plan. Such modifications are known as **Additional Modifications**.

5.3 During the examination a Schedule of Modifications was prepared by Officers of the Council to address issues raised during the examination. These were all considered to be Additional Modifications and are attached to this report as Appendix A. In brief, these propose to modify the plan by:

- adding clarification on the objectives of Mineral Safeguarding Areas;
- highlighting additional constraints, requirements and restoration objectives/priorities relating to the allocated sites/areas;
- incorporating a new table to show any relationship between the policies in the plan and the saved policies which will be superseded; and
- slightly reducing the size of two allocated waste areas in response to comments from the City of Lincoln Council.

5.4 The examination closed on 19 September 2017 with the issuing of the Inspector's report, attached as Appendix B. The Inspector has found that the plan is sound and legally compliant (without the need for any Main Modifications) and concludes that it provides an appropriate basis for the planning of minerals and waste development in the County. She therefore recommends that the plan is adopted on the basis that it meets the full requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004. The Inspector also confirms that the Additional Modifications advanced by the Council's Officers during the Examination relate to matters which do not affect the soundness of the plan.

6. Legal Issues:

Equality Act 2010

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

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

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

6.3 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

6.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

6.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice,

and promote understanding. Compliance with the duties in section 149 may involve treating some persons more favourably than others.

- 6.6 The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.
- 6.7 An impact analysis has been undertaken on the Site Locations document (Pre-Submission Draft) in accordance with the Statement of Community Involvement. As the approval of the specific sites and areas for minerals and waste development, the decision is considered to be neutral between persons having all or any of the protected characteristics and persons who do not. In particular the plan will govern future decision-making regardless of whether any proposal is made by a person with or without a protected characteristic. The modifications proposed for the plan are minor (non-material) and would not affect the findings of this impact analysis.

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

- 6.8 The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.
- 6.9 The Site Locations (Pre-Submission Draft) document together with the adopted Core Strategy and Development Management Policies (2016) document are considered to contribute to the aims of the strategy by providing a framework for development that takes into account and minimises impact on the environment. The incorporation of the modifications proposed for the plan are minor (non-material) and would not affect this finding.

Crime and Disorder

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

7. Recommendation of the Executive

7.1 On 7 November 2017 the Executive resolved to:

1. endorse the Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft) document as modified by the Additional Modifications set out in Appendix A of this report;
2. authorise the Planning Services Manager to recommend to the County Council further Additional Modifications to update Chapter 1 of the plan (Introduction) and to remove references to "Pre-Submission Draft" within the document in order to reflect its status at the point of adoption; and
3. recommend that the County Council adopts the Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft) as modified by the Additional Modifications referred to in 1 and 2 above as the Lincolnshire Minerals and Waste Local Plan: Site Locations.

7.2 The document attached as Appendix C is the proposed final version of the plan, which incorporates all the Additional Modifications referred to in the Executive's recommendation, and is the version recommended for adoption.

8. Conclusion

8.1 It is important that the County Council has in place an up-to-date Minerals and Waste Local Plan to help ensure that both mineral extraction and waste management in the County accord with the principles of sustainable development. This will be achieved through the adoption of the Site Locations document which will complete the Minerals and Waste Local Plan.

8.2 Following the close of the examination, the County Council cannot make any substantive modifications (Main Modifications) to the plan prior to adoption. As a result, it can either resolve to adopt the plan without substantive modifications or resolve not to adopt the plan. Should it choose the latter, work would have to begin on preparing a new Minerals and Waste Local Plan, which would cause a significant delay to the County Council having a full adopted plan in place and could risk Government intervention.

8.3 The County Council can incorporate minor modifications (Additional Modifications) into the plan provided that these taken together do not materially affect the policies set out in the plan. The Additional Modifications put forward by Officers during the Examination are very minor in nature and simply add clarity/information to the plan. The Inspector has confirmed that these modifications would not affect the plans soundness.

8.4 The other Additional Modifications incorporated into Appendix C, are limited to those necessary to reflect the plans status should it be adopted.

8.5 In accordance with the Executive's recommendation, it is recommended that the County Council adopt the Site Locations document attached as Appendix C.

9. Legal Comments:

The Council is under a statutory obligation to prepare and keep up to date a Minerals and Waste Local Plan. The Report seeks approval of full Council to the adoption of the Site Locations document which will form part of the Lincolnshire Minerals and Waste Local Plan.

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

10. Resource Comments:

Accepts the recommendations within this report should have no material financial impact on the budget of the Council.

11. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Environment and Economy Scrutiny Committee met on 24 October 2017 and considered a report to the Executive concerning the proposed Lincolnshire Minerals and Waste Local Plan: Site Locations document. The Committee unanimously supported the recommendations included in that report, which were subsequently approved by the Executive. The recommendations of the Executive to the County Council (reported earlier in this report) are therefore consistent with the recommendations of the EE Scrutiny Committee.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

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

www.lincolnshire.gov.uk

12. Appendices

These are listed below and attached at the back of the report	
Appendix A	Schedule of Proposed Modifications to the Pre-Submission Draft (Hearings Updates) July 2017
Appendix B	The Inspector's Report
Appendix C	Lincolnshire Minerals and Waste Local Plan: Site Locations (NOTE: owing to the size of the document, Appendix C has not been printed and is available electronically at: http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=5088&Ver=4)

13. Background Papers

Document title	Where the document can be viewed
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft) November 2016	Lincolnshire County Council website www.lincolnshire.gov.uk
Report to the Executive on the Lincolnshire Minerals and Waste Local Plan: Site Locations (7 November 2017)	Democratic Services (Lincolnshire County Council) or Lincolnshire County Council website www.lincolnshire.gov.uk

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