

Lincolnshire Minerals and Waste Development Scheme

February 2021

Lincolnshire County Council

Telephone 01522 782070

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language or format**

For all enquiries please contact the above number

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1. Introduction

- 1.1 The development plan lies at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise. In Lincolnshire the development plan is made up of a number of Development Plan Documents (DPDs) prepared by various bodies that together set out a vision and framework for the future development of the county.
- 1.2 Lincolnshire County Council, as the Minerals and Waste Planning Authority for the county, is responsible for preparing DPDs for minerals and waste planning in the county. These DPDs collectively make up part of the development plan known as the Lincolnshire Minerals and Waste Local Plan (LMWLP).
- 1.3 Under Section 16 of the Planning & Compulsory Purchase Act 2004 (as amended), the county council is required to produce a Minerals and Waste Development Scheme setting out a timetable for the preparation and revision of the DPDs that make up the LMWLP, and the various stages that each will have to go through to adoption.
- 1.4 This Lincolnshire Minerals and Waste Development Scheme (LMWDS) replaces the previous scheme dated April 2017, and sets out:
 - the main stages in the preparation of DPDs;
 - details of the individual DPDs that make up the current adopted LMWLP;
 - the procedures for the monitoring and review of the LMWLP; and
 - the programme for the preparation of a new, updated LMWLP.

2. What is a DPD?

2.1 A DPD is any document prepared by a local planning authority which contains statements regarding:

- the development and use of land which the local planning authority wish to encourage during any specified period;
- the allocation of sites for a particular type of development or use; or
- development management and site allocation policies which are intended to guide the determination of applications for planning permission.

Document preparation and public involvement

2.2 There are five main stages of preparation for a DPD (see table 1).

Table 1: Summary of main stages in preparing a DPD

Stage	Tasks undertaken
1. Pre-production	<ul style="list-style-type: none">◦ Background studies and collation of evidence base.
2. Production	<ul style="list-style-type: none">◦ Consult public and stakeholders with regard to the subject and content of the DPD (Regulation 18).◦ Publication of proposed submission DPD (Regulation 19) (statutory six week consultation).◦ Consider responses and prepare for the submission of the DPD.
3. Submission	<ul style="list-style-type: none">◦ Submit DPD and SA/SEA to Secretary of State (Regulation 22).
4. Examination	<ul style="list-style-type: none">◦ Examination of DPD by independent Inspector to assess soundness and legal compliance.
5. Adoption	<ul style="list-style-type: none">◦ Inspector issues binding report.◦ Council adopts DPD.

2.3 The county council involves the community and stakeholders in the development of DPDs in line with legislation and guidance. Details of the methods of consultation and publicity utilised are set out in Lincolnshire's Statement of Community Involvement (SCI), alongside further information regarding the different stages of DPD preparation.

2.4 Further information on plan-making procedures is contained in publications from the government, including:

- National Planning Policy Framework 2019 – Chapter 3: Plan-making
- Planning Practice Guidance – Plan-making
- Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

2.5 Supplementary Planning Documents (SPDs) may also be produced if a local planning authority wishes to provide further detail and guidance to support DPDs, however these do not form part of the development plan and do not follow the same procedure, or carry the same status as DPDs. There is no requirement for this LMWDS to set out a timetable for the production of any SPDs, but in the interests of clarity there are currently no SPDs in place in the county in relation to minerals and waste, and none are currently proposed.

3 Supporting evidence and appraisals

Supporting documents

- 3.1 A number of supporting documents provide the evidence base, assessments and methodology behind DPDs. These are produced by or for the council and vary depending on the nature and content of the DPD, and the stage of preparation.
- 3.2 With regard to minerals and waste planning, supporting documents could for example include topical background papers covering matters such as site restoration or minerals safeguarding, detailed assessments of future waste management needs, or reports detailing site assessment and selection processes. The council is also required to produce formal statements at key stages of DPD preparation setting out matters such as how it has fulfilled the duty to co-operate, and how stakeholders and interested parties have been involved during DPD production. DPDs are also subject to Sustainability Appraisal and Habitats Regulations Assessment as detailed below.

Sustainability Appraisal

- 3.3 Legislation requires DPDs to go through a process of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). The purpose of an SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of planning policy documents. The SA incorporates an SEA carried out under the Environmental Assessment of Plans and Programmes Regulations 2004.
- 3.4 SA/SEA is undertaken as an integral part of preparing DPDs. It is carried out at key stages of preparation and the results published.

Habitats Regulations Assessment

- 3.5 Appropriate Assessment or 'Habitats Regulations Assessment' (HRA) of DPDs is required under the Conservation of Habitats and Species Regulations 2017 (as amended). HRA provides for the protection of 'European Sites'. These are sites which are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community.

4 The adopted Lincolnshire Minerals and Waste Local Plan (LMWLP)

Adopted DPDs

- 4.1 The DPDs that include minerals and waste policies for the county collectively form the LMWLP. This currently comprises two separate DPDs:
- a Core Strategy and Development Management Policies (CSDMP) document adopted on 1 June 2016; and
 - a Site Locations document (SLD) adopted on 15 December 2017.
- 4.2 The CSDMP sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County up to 2031. It also sets out the development management policies against which planning applications for minerals and waste development will be considered.
- 4.3 The SLD includes specific proposals and policies for the provision of land for mineral and waste development.
- 4.4 Both of these documents are summarised in tables 2 and 3 below:

Table 2: Core Strategy and Development Management Policies (CSDMP) DPD

Scope of Document	Summary
Spatial Vision and Strategic Objectives	Shapes the overall direction of the LMWLP with key aims for the plan period to 2031
Core Policies	Provides the strategic policies for delivering the Spatial Vision and Strategic Objectives
Key Diagram	Diagram illustrating the spatial strategy
Development Management Policies	Policies to control development and deliver the Core Strategy
Geographical coverage	County of Lincolnshire
Chain of conformity	In conformity with the National Planning Policy Framework and the National Planning Policy for Waste
Preparation	Dates
Date of adoption	1 June 2016

Table 3: Site Locations document (SLD) DPD

Scope of Document	Summary
Allocation of Mineral Sites	Allocates specific sites for the winning and working of sand and gravel and safeguards these against non-minerals development
Allocation of Waste Site/Areas	Allocates a specific waste site for future waste management, together with preferred areas which are considered suitable for waste management activities
Geographical coverage	County of Lincolnshire
Chain of conformity	In conformity with the National Planning Policy Framework, the National Planning Policy for Waste and the CSDMP
Preparation	Dates
Date of adoption	15 December 2017

5 Monitoring and review

Monitoring

- 5.1 The LMWDS is monitored annually to assess progress of plan preparation against the timescales and targets set out within the document. This is reported in the council's Authority Monitoring Reports (AMRs).
- 5.2 The AMRs also monitor the effectiveness of the LMWLP, based on the monitoring framework set out in the CSDMP and SLD. This uses performance targets linked to output indicators to provide a benchmark for measuring policy implementation. It also includes provision to monitor the Sustainability Appraisal objectives. The AMRs report on the effectiveness of the policies and identify any changes needed if a policy is not working or the targets are not being met.
- 5.3 The council is also required to produce an annual Local Aggregate Assessment (LAA) which assesses aggregate sales, market trends, and other relevant information to determine future demand for aggregates, and how landbanks should be calculated.
- 5.4 The AMRs and LAAs therefore assist the council in ascertaining if there is any need to review and/or update the LMWLP. They also identify if any changes are necessary for the LMWDS.

Review

- 5.5 Under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the council is required to carry out a review of the LMWLP at least once every 5 years, starting from the date of adoption, in order to assess whether the Plan needs to be updated.
- 5.6 This means that a review of the CSDMP must be completed by June 2021, and a review of the SLD by December 2022. As a result of changes in legislation and government policy, the two parts of the current LMWLP would now be prepared as a single document. It is therefore considered that they need to be reviewed at the same time, which must be no later than five years from the earlier adoption date (i.e. by 1 June 2021).
- 5.7 The review process builds on the existing monitoring framework and requires the council to look in detail at factors such as changes in national policy and local circumstances, whether there is a need to update supporting evidence

base documents, and whether allocations are still appropriate and deliverable within required timescales.

- 5.8 In line with the above requirements, a review of both the CSDMP and SLD was carried out during 2020. The final report setting out the conclusions of this review was approved by the county council on [date to be inserted] 2021. The review report highlighted issues with a number of policies in the LMWLP and concluded that rather than take a piecemeal approach and seek to update individual policies, the most appropriate course of action would be to update the LMWLP in its entirety.

Proposed

6 Updating the Lincolnshire Minerals and Waste Local Plan

- 6.1 In response to the conclusions of the review of the adopted LMWLP, on [Date to be inserted] the county council resolved to commence work on a new, updated LMWLP. This will eventually replace the existing adopted CSDMP and SLD.
- 6.2 In line with national planning policy and legislation it is proposed to produce the new LMWLP as a single DPD, which will include both strategic and criteria based policies, along with site allocations (where required) for both minerals and waste. Much of the detailed scope and content of the new LMWLP is yet to be determined, however table 4 below provides a summary of the proposed subject matter.

Table 4: Proposed new Lincolnshire Minerals and Waste Local Plan DPD

Scope of Document	Summary
Spatial Vision and Strategic Objectives	Shapes the overall direction of the LMWLP with key aims for the plan period
Strategic Policies	Provides the strategic policies for delivering the Spatial Vision and Strategic Objectives
Criteria based Policies	Provides spatial and locational parameters to deliver the aims of the LMWLP
Development Management Policies	Policies to control development in order to minimise impacts on the environment and amenity, and where appropriate secure environmental gains
Allocation of Mineral Sites and/or areas	Allocates specific sites, preferred areas and/or areas of search for the winning and working of minerals (where both a need and suitable sites/areas have been identified)
Allocation of Waste Sites and/or areas	Allocates specific sites, preferred areas and/or areas of search for waste management facilities (where both a need and suitable sites/areas have been identified)
Geographical coverage	County of Lincolnshire
Chain of conformity	National Planning Policy Framework and National Planning Policy for Waste

Timetable

- 6.3 Table 5 below sets out the proposed timetable for the production of the new Lincolnshire Minerals and Waste Local Plan. Further information on the production of DPDs is set out in Section 2.

Table 5: Lincolnshire Minerals and Waste Local Plan DPD timetable

Stage of Plan-production	Target
Consultation on Issues and Options, including a "call for sites" exercise (Regulation 18)	Spring 2022
Consultation on the Preferred Approach (Draft) of the new LMWLP (Regulation 18)	Spring 2023
Publication of the 'Proposed Submission' version of the new LMWLP (Regulation 19)	Spring 2024
Submission to Secretary of State	Summer 2024
Examination hearings	Autumn 2024
Adoption	Winter 2024/2025

- 6.4 The preparation of the new LMWLP and the council's compliance with the above timetable will be monitored regularly through the AMRs which are published by the county council. This MWDS will also be maintained and revised periodically to reflect any changes to the above timetable, and where necessary, to incorporate any further details in relation to the new LMWLP as it is developed.

7 Relationship to other plans

- 7.1 The LMWLP is prepared and reviewed having regard to the county's district local plans, especially with respect to housing and economic growth targets which are indicators of the potential level of demand for further mineral resources and waste management facilities.
- 7.2 Officers are members of regional working parties: East Midlands Strategic Waste Advisory Group (EMSWAG) and the East Midlands Aggregates Working Party (EMAWP), which promotes information sharing and the duty to co-operate between neighbouring authorities.
- 7.3 The Lincolnshire Joint Municipal Waste Management Strategy (JMWMS) 2019 also has an impact upon waste land use policies. The LMWLP therefore has regard to the JMWMS and other county council strategies.

8 Managing risk and uncertainty

8.1 The LMWLP needs to:

- be prepared/reviewed/updated within the timescales set; and
- deliver the strategic objectives set out in the plan

8.2 The potential risks to the above are:

- unexpected delays caused by changes in national policy and guidance;
- significant public objections slowing down the preparation process;
- staffing and resourcing difficulties;
- ability of third parties to resource input to process, e.g. the Planning Inspectorate;
- legal challenges;
- land allocated in the LMWLP not coming forward;
- detailed proposals not addressing planning issues; and
- land being land-banked by industry.

8.3 The above risks will be considered in detail as part of the preparation of the new LMWLP.

9 Resources and contingency planning

- 9.1 The preparation, review and updating of the LMWLP is the responsibility of the county council's minerals and waste policy team. This team forms part of the planning section within the council's Place directorate.
- 9.2 The minerals and waste policy team comprises:
- the Minerals and Waste Policy and Compliance Manager;
 - the Senior Policy and Programme Officer (Minerals and Waste);
 - the Senior Policy and Monitoring Officer (Minerals and Waste); and
 - the Trainee Planning Officer/Planning Officer (Policy)
- 9.3 The minerals and waste policy team works closely with other county council officers dealing with development management, highways, the historic environment, the natural environment, waste disposal and flood risk to ensure a corporate approach and integration between strategies.
- 9.4 It will be a priority to ensure sufficient staff resources are in place to meet required timescales for the new LMWLP.

10 Further Information

- 10.1 For further information on the Lincolnshire Minerals and Waste Development Scheme, please contact:

Planning Services
Lincolnshire County Council
Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

Tel: (01522) 782070

Email: mineralsandwaste@lincolnshire.gov.uk

Proposed

Appendix 1: Acronyms

AMR	Authority Monitoring Report
CSDMP	Core Strategy and Development Management Policies
DPD	Development Plan Document
EMAWP	East Midlands Aggregate Working Party
EMSWAG	East Midlands Strategic Waste Advisory Group
HRA	Habitats Regulations Assessment
JMWMS	(Lincolnshire) Joint Municipal Waste Management Strategy
LAA	Local Aggregate Assessment
LMWDS	Lincolnshire Minerals and Waste Development Scheme
LMWLP	Lincolnshire Minerals and Waste Local Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SLD	Site Locations document
SPD	Supplementary Planning Document