

Lincolnshire Minerals and Waste Local Plan

Issues and Options for Updating the Plan

[Date to be inserted]

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1. Introduction

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

What is the Lincolnshire Minerals and Waste Local Plan?

- 1.4 The Lincolnshire Minerals and Waste Local Plan (LMWLP) is part of the statutory development plan for Lincolnshire and sits alongside other local plans produced by Lincolnshire's district councils that cover matters such as the delivery of housing and employment. It comprises two separate documents: a Core Strategy and Development Management Policies (CSDMP) document adopted in 2016, and a Site Locations document (SLD) adopted in 2017.
- 1.5 The CSDMP sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the county up to 2031. It also sets out the development management policies against which planning applications for minerals and waste development will be considered.
- 1.6 The SLD includes specific proposals and policies for the provision of land for mineral and waste development.

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

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

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

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

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

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

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

- 1.14 Details of the methods of consultation and publicity utilised at each key stage of plan preparation are set out in the Statement of Community Involvement (SCI). The SCI is also available on the county council’s website.
- 1.15 The SCI sets out how particular effort will be made to identify and engage underrepresented and seldom heard groups in Lincolnshire, including those with the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Within a sparsely populated county such as Lincolnshire, it is also important to ensure the involvement of groups, including rural communities suffering from isolation.

Question 1

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

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

Issues and Options consultation and ‘call for sites’

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

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

Question 2

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

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

How to get involved

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

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

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

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

How we will use your information

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

What happens next?

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

2. Legislative and policy context

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

Sustainable development and climate change

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

Minerals context

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

The Managed Aggregate Supply System (MASS)

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

Waste context

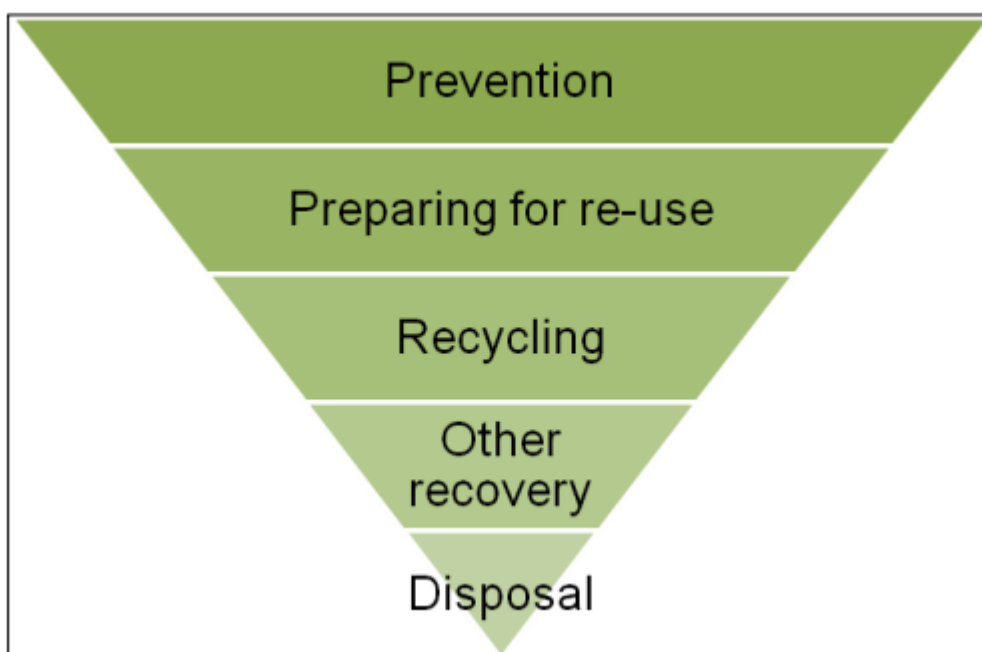
- 2.11 National policy on planning for waste management is set out in the National Planning Policy for Waste (NPPW) 2014. Additional guidance is also set out in the PPG. The NPPW (paragraph 3) requires waste planning authorities such as Lincolnshire County Council to prepare local plans which identify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

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

The waste hierarchy

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

Figure 1: The waste hierarchy



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

The proximity principle

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

The circular economy

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

Other relevant plans, strategies, and programmes

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

Duty to co-operate

- 2.20 Planning for mineral extraction and the provision of waste management infrastructure are both strategic matters which require cross-boundary co-operation between different minerals and waste planning authorities, between the county and district councils, and with other organisations such as the Environment Agency. The county council has a legal duty to co-operate on an ongoing basis with relevant organisations and is required to document this as part of the plan-making process.

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

Duration

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

Question 3

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

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

Spatial portrait

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

Administrative boundaries and neighbours

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

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

Population and settlement character

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

Transport

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

Land-use and economy

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

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

Water resources and flood risk

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

Geology

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

Natural Environment

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

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

Historic Environment

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

Question 4

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

If so, please provide details.

4. Spatial vision and strategic objectives

Spatial vision

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

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

Question 5

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

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

Strategic objectives

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

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

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

Question 6

Do you agree with the draft strategic objectives?

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

5. Providing for minerals

Introduction

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

National considerations for minerals

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

Aggregates

National considerations for aggregate

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

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

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

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

Issue 1: Sand and gravel

Background

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

Establishing the shortfall in sand and gravel provision

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

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

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

Question 7

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

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

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

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

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

Figure 2: Sand and gravel production areas



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

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

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

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

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

Question 8

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

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

Question 9.

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

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

Spatial strategy

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

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

Question 10

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

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

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

Question 11

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

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

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

Question 12

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

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

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

Question 13

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

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

Landbanks

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

Question 14

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

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

Non-allocated sites

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

Question 15

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

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

Issue 2: Crushed rock**Background**

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

Question 16

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

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

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

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

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

Question 17

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

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

Spatial strategy

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

Question 18

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

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

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

Question 19

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

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

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

Question 20

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

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

Landbank

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

Question 21

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

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

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

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

Options

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

Question 22

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

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

Non-aggregates

Issue 4: Historic building stone

Background

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

National considerations

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

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

Existing approach

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

Outcome of the LMWLP Review

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

Options

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

Question 23

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

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

Issue 5: Silica sand

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

National considerations

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

Existing approach

- 5.56 Policy M8 of the CSDMP states that planning permission will be granted for silica sand extraction where required to provide a stock of permitted reserves of at least 10 years for an individual silica sand site (or 15 years where significant new capital is required), provided that proposals accord with all relevant Development Management Policies and Restoration Policies set out in the plan.

Outcome of the LMWLP

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

Options

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

Question 24

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

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

Issue 6: Hydrocarbons (oil and gas)

Background

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

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

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

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

5.64 Hydrocarbon development has three distinct stages:

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

All stages require planning permission.

National considerations

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

Existing approach

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

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

Outcome of the LMWLP Review

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

Options

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

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

Question 25

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

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

Issue 7: Underground gas and carbon storage

Background

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

National considerations

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

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

Existing approach

- 5.84 The existing CSDMP contains a simple criteria-based policy (Policy M10) which sets out that planning permission will be granted for the development of underground gas storage facilities provided that proposals accord with all relevant Development Management Policies set out in the Plan.

Outcome of the LMWLP Review

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

Options

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

Question 26

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

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

Issue 8: Other minerals

Background

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

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

National considerations

- 5.93 Paragraphs 17 to 23 of the NPPF set out the plan making framework and the role of strategic policies. In particular:
- Paragraph 17 states that the development plan must include strategic policies to address the local planning authority's priorities for the development and use of land in its area
 - Paragraph 20 indicates that strategic policies should, amongst other things, make sufficient provision for minerals
 - Paragraph 21 states that strategic policies should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues)
 - Paragraph 22 states that strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure
- 5.94 Paragraph 210 of the NPPF requires planning policies to provide for the extraction of mineral resources of local and national importance.

Existing approach

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

Outcome of the LMWLP Review

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

Options

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

Question 27

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

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

Issue 9: Associated industrial development**Background**

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

National considerations

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

Existing approach

- 5.101 Policy M13 of the LMWLP sets out that planning permission will be granted for ancillary industrial development within or in proximity to mineral sites where it can be demonstrated that there are close links with the minerals development and that the proposals accord with the relevant development management policies set out in the plan. Where permission is granted, the policy states that the operation and retention of the development will be limited to the life of the permitted reserves.

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

Outcome of the LMWLP Review

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

Options

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

Question 28

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

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

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

Question 29

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

Please explain the reason for reaching your decision.

Issue 10: Agricultural irrigation reservoirs**Background**

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

National considerations

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

Existing approach

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

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

Outcome of the LMWLP Review

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

Options

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

Question 30

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

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

Issue 11: Borrow pits

Background

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

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

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

National considerations

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

Existing approach

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

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

- 5.118 In addition, the policy goes on to state that where planning permission is granted, conditions will be imposed to ensure that operations are time-limited and that all mineral extracted is used only for the specified project.

Outcome of the LMWLP Review

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

Options

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

Question 31

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

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

Issue 12: Safeguarding mineral resources**Background**

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

National considerations

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

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

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

Existing approach

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

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

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

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

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

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

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

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

Outcome of the LMWLP Review

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

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

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

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

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

Options

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

Question 32

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

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

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

Question 33

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

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

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

Question 34

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

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

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

Question 35

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

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

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

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

National considerations

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

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

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

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

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

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

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

Existing approach

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

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

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

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

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

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

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

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

Outcome of the LMWLP Review

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

Options

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

Question 36

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

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

6. Providing for waste

Introduction

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

Issue 14: Determining the waste management requirements

Waste arisings

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

Future requirements

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

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

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

Local Authority Collected Waste (LACW)

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

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

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

Source: WNA 2021

Question 37

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

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

Commercial and Industrial Waste (C&I)

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

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

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

Source: WNA 2021

Question 38

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

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

Construction, Demolition and Excavation Waste (CD&E)

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

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

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

Source: WNA 2021

Question 39

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

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

Hazardous Waste

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

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

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

Source: WNA 2021

Question 40

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

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

Other Waste

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

Question 41

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

If so, please give details.

Capacity assessment

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

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

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

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

Source: WNA 2021

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

Question 42

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

If so, please give details.

Duty to cooperate

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

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

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

National considerations

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

Existing approach

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

Outcome of the LMWLP Review

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

Options for the spatial strategy

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

Question 43

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

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

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

Question 44

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

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

Options for identifying appropriate locations

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

Question 45

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

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

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

Background

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

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

National considerations

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

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

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

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

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

Existing approach

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

Outcome of the LMWLP Review

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

Options

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

Question 46

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

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

Issue 17: Landfill

Background

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

National considerations

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

Existing approach

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

Outcome of the LMWLP Review

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

Options

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

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

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

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

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

Question 47

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

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

Issue 18: Safeguarding waste management sites

Background

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

National considerations

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

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

Existing Approach

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

Outcome of the LMWLP Review

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

Options

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

Question 48

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

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

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

Question 49

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

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

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

Issue 19: Restoration and after-use priorities

Background

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

National considerations

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

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

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

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

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

Existing approach

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

- i. restoration will be undertaken using best practice to secure a high standard of restoration and aftercare; and
- ii. restoration will be completed within a reasonable timescale and is progressive; and
- iii. the restoration is appropriate for the natural and historic landscape and geological and wildlife interest of the area and measures to create, protect, restore and enhance geodiversity and biodiversity conservation features, and the historic landscape are practical, of a high quality appropriate to the area and secure their long term safeguarding and maintenance; and
- iv. there is an aftercare management programme, appropriate to the objectives of the site, to ensure that the restoration of the site is established successfully.

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

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

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

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

Where appropriate, the proposed restoration should provide improvements for public access to the countryside including access links to surrounding green infrastructure.

Restoration proposals should be designed to ensure that they do not give rise to new or increased hazards to aviation.”

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

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

Outcome of the LMWLP review

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

Options

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

Question 50

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

If so, please give details.

8. Development management policies

Introduction

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

8.2 These policies cover the following issues:

DM1: Presumption in favour of sustainable development

DM2: Climate change

DM3: Quality of life and amenity

DM4: Historic environment

DM5: Lincolnshire Wolds Area of Outstanding Natural Beauty

DM6: Impact on landscape and townscape

DM7: Internationally designated sites of biodiversity conservation value

DM8: Nationally designated sites of biodiversity and geological conservation value

DM9: Local sites of biodiversity conservation value

DM10: Local sites of geological conservation value

DM11: Soils

DM12: Best and Most Versatile Agricultural Land

DM13: Sustainable transport movements

DM14: Transport by road

DM15: Flooding and flood risk

DM16: Water resources

DM17: Cumulative impacts

Issue 20: Sustainable development (Policy DM1)

National considerations

8.3 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

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

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

Existing approach

8.5 Policy DM1 of the CSDMP states:

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

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

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

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

Options

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

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

- 8.7 As set out in the NPPF, all plans should promote a sustainable pattern of development. The concept of sustainability therefore goes to the heart of plan making and is reflected in the plan as a whole rather than in one specific development management policy. It is therefore considered that Policy DM1 is an unnecessary duplication of the requirements of the NPPF. As such, it appears to be at odds with Paragraph 16 of the NPPF.
- 8.8 As an alternative, it may be more appropriate to include sustainability within an overarching strategic policy to help guide the development of the plan as a whole.

Question 51

Do you agree that the present development management policy should be superseded by a strategic policy setting out the need for minerals and waste development to contribute to the achievement of sustainable development?

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

Issue 21: Climate change

National considerations

- 8.9 The UK has made specific commitments to reducing emissions of greenhouse gases. In June 2019, the Climate Change Act 2008 was amended setting a new target for reducing these gases by at least 100% from the 1990 baseline by 2050, making the UK a “net zero emitter”.
- 8.10 Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 states that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- 8.11 Revisions to the NPPF in 2019 place more emphasis on the effects of climate change, including requirements on new development for enhanced flood management and the delivery of net gains in biodiversity.
- 8.12 Paragraph 153 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support

appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

- 8.13 Paragraph 154 of the NPPF goes on to state that new development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 8.14 Paragraph 155 of the NPPF states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
 - c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers

Existing approach

- 8.15 Policy DM2 of the CSDMP sets out the matters which proposals for minerals and waste development should address where applicable. These include for both minerals and waste a need to identify locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste, unless other environmental, sustainability and, for minerals, geological considerations override this aim.

8.16 In addition, for waste the policy lists the following matters that need to be addressed:

- Implement the Waste Hierarchy, and in particular reduce waste to landfill
- Identify locations suitable for renewable energy generation
- Encourage carbon reduction/capture measures to be implemented where appropriate

and for minerals it lists the following matters:

- Encourage ways of working which reduce the overall carbon footprint of a mineral site
- Promote new/enhanced biodiversity levels/habitats as part of restoration proposals to provide carbon sinks and/or better connected ecological networks
- Encourage the most efficient use of primary minerals

Outcome of the LMWLP Review

8.17 The review found that the policy was difficult to apply directly because of its more strategic nature. In addition, it was found that many of the issues were covered by more specific policies in the plan which could be more readily applied.

Options

8.18 As with Policy DM1, this policy is also less specific than the other Development Management Policies. It is also considered to be more strategic in nature, so its aims might be better incorporated into an overarching strategic policy possibly combined with sustainability (see Issue 20) in the new LMWLP rather than a development management policy. This would then help to guide the development of the plan, with the strategic aims of the new policy secured through the more detailed policies of the plan (e.g. by requiring increases in biodiversity through the restoration policies).

Question 52

Do you agree that climate change objectives should be incorporated into a strategic policy rather than a specific development management policy?

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

Issue 22: Other development management policies

Options

- 8.19 The LMWLP review did not find any significant issues with the remaining development management policies (Policies DM3 to DM17). However, the updating of the plan provides an opportunity to take a fresh look at the scope and content of the development management policies. The council is therefore seeking views on whether any changes or additions are needed to these policies.

Question 53

Do you think that any other changes or additions are needed to the development management policies?

If so, please give details.

9. Other key issues

- 9.1 This document has sought to identify the key issues which need to be considered in the updating of the LMWLP and has put forward options for improving the plan. It is, however, recognised that during the consultation interested parties may wish to raise issues not included in this document. The county council would welcome comments identifying such issues and any suggestions on how they should be addressed in the updated plan. Such comments will be given careful consideration.

Question 54

Are there any other issues which you think need to be considered in the updating of the LMWLP?

If so, please provide details together with your thoughts on how these should be addressed in the updated plan.

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