

Examination of North Lincolnshire Local Plan 2020-2038

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Dear Mr Durham

Inspectors' Initial Questions – Minerals and Waste

Introduction

1. Further to our initial questions dated 15 December 2022 (Core Document EXAM1) we are continuing our preparation and have identified a number of initial questions specifically relating to the minerals and waste sections of the Plan that would benefit from early clarification. For continuity the format and numbering of our questions follows on from our previous set of initial questions. These questions are intended to assist in our understanding of the Plan and the evidence base, to help in our assessment of soundness and legal compliance, and to provide clarity and potentially narrow down the focus of the examination in relation to the minerals and waste sections.
2. At this early stage in the examination, we have some questions about the Plan and in particular the evidence base as submitted. We also have some questions regarding the soundness of the Plan, some of which are raised here and others which will be set out in our Matters Issues and Questions in due course.

Statement of Common Ground

3. Paragraph 3.49 of the Statement of Common Ground (DLP22) indicates that there are some additional authorities have yet to sign in terms of minerals.

IQ43 what is the latest position?

Sustainability Appraisal/Draft Environmental Report (DLP11, DLP11a, DLP 15 and DLP15a)

4. Table 3-6, page 29 of the SA/Draft ER (DLP11) and also Table 3-5, page 26 of DLP15, **IQ44** please explain how the appraisal criteria safeguard mineral resources for their own sake, particularly when the fourth bullet criteria focus is on safeguarding existing development from the environmental effects of mineral working. **IQ45** how does the SA/Draft ER protect the minerals from potential development.
5. The SA/Draft ER Appendices (DLP11a and DLP15a) set out the assessment of each policy against the SA objectives. **IQ46** please explain how you consider that there will be neutral impact on mineral resources with the assessment being no direct or indirect impact on minerals from all of the site allocations proposed in the Plan.
6. This neutral impact seems at odds with the result for SAC27 in Table 6-4, page 64 in DLP11 onwards and Table 7-4, page 67 onwards in DLP15 which assesses the housing site allocations (committed and proposed) in relation to the environmental features/SAC 27 minerals resources.
7. In relation to minerals, the majority, 59% are coloured red/high on Table 6-6 on page 82 in DLP11 and also Table 7-6, page 85 of DLP15. Similarly for employment allocations, the summary Table 6-12 on page 97 of DLP11 and also Table 7-12, page 100 of DLP15 indicates that a good proportion 38.9% of employment allocations score high in relation to the environmental features/SAC27 mineral resources.

8. **IQ47** please explain how the Plan responds to the recommendations for the proposed housing site allocations in Table 6-8, from page 86 in DLP11 and Table 7.8 from page 89 of DLP15 in relation to SAC27.
9. **IQ48** please explain how the Plan responds to the recommendations for the proposed employment site allocations in Table 6-14, from page 99 in DLP11 and Table 7.14 from page 102 in DLP15 in relation to SAC27.
10. Paragraph 7.14, page 157 of DLP11 and paragraph 8.14, page 160 of DLP15 set out the conclusions in relation to SA Objective 14. The majority (85%) of proposed policies are assessed as likely to have a neutral impact. **IQ49** please explain why the proposed policies of the Plan are “unlikely to affect mineral resources, either directly or indirectly.”
11. **IQ50** please can you explain the inconsistency in the conclusion in Table 6.25, page 144 of DLP11 (also stated in paragraph 7.25, page 147 of DLP15), that states “only 16% of sites were located outside of a safeguarding area” but it also says that “None of the sites were within a safeguarding area.”

Minerals

Mineral Supply

12. Policy MIN1 criterion 2 indicates the annual requirements for sand and gravel and crushed rock. MIN3 paragraph 5.7 suggested an upward trend for both sand and gravel and crushed rock. The figure in Policy MIN1 for crushed rock reflects this upward trend. **IQ51** why does the figure for sand and gravel in Policy MIN1 not reflect the similar upward trend for sand and gravel?
13. The mineral supply requirements section of the Plan including Policy MIN1 focusses on sand and gravel, and crushed rock. **IQ52** where is the strategy for silica sand and brick clay including supply requirement and their landbank figures?

14. SoCG Appendix (DLP22a) indicates that North Lincolnshire will seek to provide for the sustainable use of aggregate minerals to ensure sufficient supplies of material for planned growth in infrastructure and development proposals. **IQ53** where within the evidence base can we find more information of how this has been assessed?
15. **IQ54** specifically how have the potential mineral requirements for future large-scale infrastructure projects, such as Able Marine Energy Park; Able Logistics Park; Lincolnshire Lakes and new road schemes etc been taken into account in calculating the need over the plan period. Is there any evidence or assessment available? **IQ55** how will the Plan ensure these mineral needs are met?
16. **IQ56** does the Plan set out a strategy for marine aggregates?

Landbanks

17. The NPPF sets out clear policy requirements for landbanks and reserves in paragraphs 213 and 214. Policy MIN1, criterion 3 refers to maintaining appropriate landbank for silica sand and brick clay. **IQ57** what is the current permitted reserves (landbank equivalent) for silica sand and brick clay? **IQ58** where in the evidence base can we find the details?
18. The Minerals Apportionment Background Paper (MIN03) focusses upon aggregate supply, i.e. sand and gravel and crushed rock. **IQ59** where can we find information on other minerals within North Lincolnshire which require a landbank in line with NPPF paragraph 214, footnote 74?

Safeguarding

19. Appendix 3 provides a list of exemptions from the need for the minerals assessment. **IQ60** what applications/development types therefore would be required to submit a minerals assessment?
20. **IQ61** is there any evidence available to demonstrate what impact these exemptions would have on planning application submissions to ensure that the policy would be effective in safeguarding mineral resources?

21. Based on past planning applications data over the past 5 years if MIN2 and the exemptions had been in place, **IQ62** how many planning applications would have been required to submit a minerals assessment?
22. **IQ63** where in the evidence base can we find the minerals assessments for all of the non-mineral development site allocations in the Plan?
23. **IQ64** is there a strategy to increase the use of recycled and secondary aggregates, and if so, where can we find it?
24. Policy MIN6 lists the mineral sites and areas of search together with Appendix 1. **IQ65** where can we find information on how much supply is remaining for each of allocated sites under part 1? **IQ66** where can we find a list of the end dates for each of these sites? Appendix 1 contains some information but it is incomplete, particularly with regard to existing operational sites.
25. **IQ67** Planning Practice Guidance for minerals Paragraph: 008 Reference ID: 27-008-20140306 indicates an order of priority for mineral planning authorities to plan for the steady and adequate supply of minerals. The designation process is specific sites; then preferred areas and then finally areas of search. Paragraph 12.40 of the Plan suggests areas of search are considered ahead of preferred areas. **IQ68** how will this policy be applied - is there a sequential preference for new sites to come forward before new areas of search?
26. **IQ69** what is the rationale for combining the list of new sites and areas of search under criterion 2 of Policy MIN6? **IQ70** why are site extensions indicated as areas of search rather than allocations?
27. Core Document MIN02 sets out the site selection methodology using a 5-stage approach. Paragraph 7.2 of MIN02 makes reference to a final report on outcome of assessment and recommendations for site allocations. **IQ71** is this report within the evidence base, and if so, where can we find it? **IQ72**

are the completed site assessment forms for the chosen sites and areas available, if so, where can we find them?

Waste

28. The present order and sequence of policies and supporting text does not effectively set out the strategy for waste. There is a lack of clarity within the Plan itself on the requirements and supply (capacity). Consequently, the section as a whole is not presenting a clear logical strategy for the management of waste.
29. We note that WAS01 Local Waste Needs Assessment contains background information, however, this is a document which contains information which is outside of the Plan itself. Furthermore, the Plan does contain some information within Appendix 5, but it is incomplete with the permission end dates for each site not always included.
30. **IQ73** we would request that some further consideration needs to be given to the structure, order of policies and supporting text of this section. For example, the context of the waste hierarchy and general explanation at the beginning of the section but then setting out what is the need, then capacity and how future proposals will be determined. For example, it is not until Policy WAS3 that there is some explanation as to what waste types are being planned for.
31. **IQ74** is the sequential hierarchy set out in criterion 1 a-f of Policy WAS2 suitable for all types of waste? For example, green waste. **IQ75** is there any information available to assess whether this sequential approach will work for all types of waste?
32. **IQ76** What is meant by 'sustainable locations' in both the first sentence of Policy WAS2 and within criterion 1d?
33. **IQ77** why does criterion 2d xiv require community benefits? **IQ78** how is this consistent with national policy?

34. Paragraph 13.8 of the Plan refers to Appendix B of the National Planning Policy for Waste for site selection and indicates that you will build on this approach. **IQ79** where do we find the evidence about how and why the new waste sites listed in Policy WAS4 have been selected?
35. Paragraph 13.17 of the Plan indicates that the Policies Map sets out those existing waste management facilities that should be safeguarded. **IQ80** are all 55 sites illustrated on Policies Map – M4 (Minerals) – Waste Sites and Infrastructure? **IQ81** the landfill sites have a green hatched notation but only the names of other sites are listed with names but no other notation or even a locational pinpoint, was this intentional?
36. **IQ82** how would plan users know what is meant by ‘in the vicinity of an existing or planned waste management facility’? **IQ83** how do they know if their site needs to consider the impact on a waste site or not?

Conclusion

37. An early response to the above queries would be appreciated. We are keen that the above matters are resolved promptly, in so far as they can be, in order to ensure that the examination is not unduly delayed. We have not set a deadline as we acknowledge these matters now add to our previous list to give a number of preliminary matters for you to consider. Some matters may take longer than others to deal with. However, can you please provide an indication of when you are likely to be able to reply in full, by **Friday 10 March 2023**.
38. If you have any queries regarding any of the above matters, then we can be contacted via the Programme Office. A copy of this note and the Council’s response should be placed on the examination website as soon as possible. No comments are invited from any representators at this stage.

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Examining Inspectors