

Central Lincolnshire Policy S19 Fossil Fuel Exploration, Extraction, Production or Energy Generation Evidence Report

Formerly Policy S18

March 2022



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1. Introduction

- 1.1. The Central Lincolnshire Local Plan is being updated since the first Local Plan for Central Lincolnshire, an area covering the districts of City of Lincoln, North Kesteven and West Lindsey, was adopted in April 2017.
- 1.2. This Evidence Report (which is one of a collection) provides background information and justification for Policy S19, which relates to fossil fuel exploration, extraction, production or energy generation.

2. Policy Context

National Policy and Guidance

- 2.1. Since the Central Lincolnshire Plan was adopted, the National Planning Policy Framework (NPPF) was updated in July 2018, with subsequent additional changes being published in February 2019 and again in July 2021.
- 2.2. Chapter 2 of the NPPF sets out national policy for achieving sustainable development, and separates it out into three objectives – economic, social and environmental. Within the environmental objective, “*mitigating and adapting to climate change, including moving to a low carbon economy*” forms a key part of achieving sustainable development – a key goal of the planning system.
- 2.3. Paragraph 20 of the NPPF sets out the strategic matters that should be addressed through strategic policies, including “*planning measures to address climate change mitigation and adaptation.*”
- 2.4. Chapter 14 of the NPPF provides national planning policy relating to climate change. It provides some clarity for the expectations of how Local Plans should address the challenges of climate change in paragraph 152 where it says:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”
- 2.5. Paragraph 155 of the NPPF goes on to state that to increase the use and supply of renewable energy, 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.”*
- 2.6. This all makes it clear that there is a duty for Local Plans to proactively plan to deliver a renewable and low carbon energy future.

- 2.7. The Planning Practice Guidance (PPG) was first introduced in 2014 and offers 'live' government guidance. The PPG provides guidance to help in the implementation of policy in the NPPF.
- 2.8. The PPG includes a section of guidance titled [Renewable and low carbon energy](#). In this section it provides guidance for how Local Planning Authorities should plan for renewable and low carbon energy including setting out its importance:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.”¹

Local Policy

- 2.9. The current Local Plan does not include any policy specifically relating to fossil fuel exploration, extraction, production or energy generation.

3. Context and Evidence

- 3.1. Consultants were appointed in July 2020 to investigate the scale of Central Lincolnshire's contribution to greenhouse gas emissions and climate change, and the opportunities that exist to tackle these problems locally, including through the Local Plan.
- 3.2. This work set out the overarching context for Central Lincolnshire, identifying what would need to be done in order to achieve a carbon neutral Central Lincolnshire by 2050 (and 2041 to align to the science-based approach) to accord with the Paris Agreement. This research painted a very challenging picture to achieve these goals.
- 3.3. The Central Lincolnshire Local Plan is striving to deliver a carbon neutral Central Lincolnshire: policy S19 is essential as part of the areas commitment to a net zero-carbon society and economy.

4. Issues and Options Consultation

- 4.1. The Issues and Options Consultation in 2019 did not include any specific question around fossil fuel exploration, extraction, production or energy generation, however questions were asked in relation to our Climate Change objective and other climate change matters, and responses to these questions included a desire to ban all fossil fuel exploration and extraction from Lincolnshire and a complete ban on use of fossil fuels.

¹ PPG Reference ID: 5-001-20140306

5. Regulation 18 Consultation

- 5.1. A Consultation Draft of the Local Plan was published for consultation between 30 June and 24 August 2021. During this eight week consultation comments were received on the plan, the policies within the plan, and supporting information and evidence.
- 5.2. There were a number of comments received in relation to this policy. Various comments broadly supported the policy, though there was some objection to inclusion of policy, on the grounds that responsibility lies with Lincolnshire County Council. There was also concern that the policy is not in conformity with the NPPF (chapter 17 and paragraphs 210 and 215 quoted).
- 5.3. In response to the comments regarding conformity with the NPPF, policy S19 only relates to fossil fuel-based extraction, not all mineral extraction. The NPPF stipulates that planning policy should 'provide for the extraction of mineral resources of local and national importance': the current Lincolnshire Minerals and Waste Local Plan (2016) does this.
- 5.4. Furthermore, paragraph 217 of the NPPF restricts coal extraction:

*'Planning permission should not be granted for the extraction of coal unless:
a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).'*

- 5.5. Turning to the matter of minerals and waste planning being the responsibility of Lincolnshire County Council. The current Lincolnshire Minerals and Waste Local Plan, adopted in 2016, includes a policy which supports the "exploration, appraisal and/or production of conventional and unconventional hydrocarbons" (Policy M9). However, the Central Lincolnshire Joint Strategic Planning Committee has taken the view that both the legislative and policy context has evolved considerably since then. Indeed, the remaining carbon budget, at both a local and a global level, cannot be met if fossil fuels continue to be extracted and consumed. Whilst undoubtedly there will be period of time where we transition away from fossil fuels, it is imperative that the economy needs to move to low carbon energy, and Policy M9 is not, in the view of the Committee, compatible with this transition. Extraction and burning of fossil fuels is not commensurate with delivering a net zero carbon Central Lincolnshire.
- 5.6. Lincolnshire County Council is the Minerals Authority for Lincolnshire and as such they are responsible for making decisions on applications for mineral exploration and working, and for allocating land for such uses, as well as maintaining planning policies for minerals exploration and extraction. Whilst the Joint Committee recognises that this Local Plan cannot introduce a minerals policy relating to developments that fall under the jurisdiction of the County Council, given that resisting fossil fuel extraction is vital in delivering the climate change aims of this Local Plan, the Joint Committee is confirming its position against any form of fossil fuel exploration, extraction, production or energy generation in its area.
- 5.7. Notwithstanding the County Council's responsibilities as the likely decision makers on such proposals, *should* one of the three district based Local Planning Authorities be the decision maker on a proposal which relates to fossil fuel exploration, extraction, production or energy generation, then Policy S19 confirms such proposals will be refused.

Ordinarily, however, the County Council is likely to be the decision maker. In such instances, Policy S19 cannot apply. However, the Joint Committee expresses its in-principle opposition to such proposals, and respectfully asks the County Council, as decision maker, and the District Councils as consultees, to take account of the Joint Committee's in-principle opposition when each party either makes a decision or comments on a proposal, respectively.

6. Proposed Approach in Proposed Submission Local Plan

- 6.1. The policy presented in the earlier Draft Local Plan provided that, in a situation where a proposal for fossil fuel-based exploration, extraction, production or energy generation is received for the determination by any of the four Central Lincolnshire authorities, the proposal will be refused, in line with the commitment to a new zero-carbon society and economy.
- 6.2. The policy wording in the Proposed Submission Local Plan has been amended, to now provide that in the case of any proposal for fossil fuel-based exploration, extraction, production or energy generation for determination by City of Lincoln, North Kesteven District Council or West Lindsey District Council the application will be refused: i.e. this presumption against such development does not apply to proposals determined by Lincolnshire County Council. This amendment has been made in light of the concerns raised in relation to the County Council's role as minerals planning authority.
- 6.3. The policy recognises that such applications are unlikely to be dealt with by a Local Planning Authority, rather they are likely to be determined by the County Council or national government, however the policy is included for such event.

7. Reasonable Alternative Options

- 7.1. Two alternative policy approaches were considered: the option of not having a local level policy, and instead relying on national level policy and guidance (Option 2). And the option as presented in the earlier Draft Local Plan, to include the County Council in the presumption against fossil fuel exploration, extraction, production or energy generation and to establish a presumption of opposition to proposals determined by another body (Option 1).
- 7.2. Option 2 was previously discounted in favour of policy option 1 (the preferred policy approach taken forward in the Draft Local Plan) because option 1 offered greater certainty and likelihood of more positive sustainability outcomes. (At the time of the production of the earlier Draft Local Plan, option 3, as taken forward in the Proposed Submission Local Plan was not identified as an option, and therefore not appraised).
- 7.3. Policy option 3 has been added following the Regulation 18 consultation and appraised as part of the sustainability appraisal process.
- 7.4. Sustainability appraisal concluded that the effects of option 3 in relation to the SA Objectives are also uncertain, as such applications are unlikely to be dealt with by one of the 3 local planning authorities, however there is potential for positive effects in instances where the local planning authority is the decision maker.

- 7.5. Option 1 was the preferred policy approach taken forward in the regulation 18 Draft Local Plan, as this option offered greater certainty and likelihood of more positive sustainability outcomes compared to option 2. However, policy option 3 is taken forward in the Proposed Submission Local Plan: despite this policy option not offering as much certainty in relation to the sustainability objectives, it is taken forward in light of the concerns raised in relation to the County Council's role as minerals planning authority.

8. Conclusion

- 8.1. This Evidence Report demonstrates the rationale for the proposed policy as contained in the Proposed Submission Central Lincolnshire Local Plan. This helps bring together relevant evidence that has informed this policy and how we have responded to comments received during the plan making process, as well as how the latest evidence and national guidance has been taken into account.