

**Questions to Council Under Rule 11 of the Constitution –
Council 28 February 2024**

Q1. Councillor Jackson to Councillor Foster, Portfolio Holder for Operational Services

What measures has ELDC already put in place for emergency planning in relation to the proposed Geological Disposal Facility, and what measures will be put in place in the event of this facility being built in Theddlethorpe? What are the budget projections for these measures?

- A** *Given this proposal is at the very earliest consultation stage, the Council together with the Lincolnshire Resilience Forum (LRF) are maintaining a watching brief pending more surety over the proposal reaching fruition.*

The site will be regulated by Nuclear Waste Services (NWS), the regulator with oversight of this sector. It is NWS that will dictate the measures the operator is required to meet to gain approval to operate.

The cost of the measures is not a consideration of this Council.

Q2. Councillor Jackson to Councillor Gray, Portfolio Holder for Communities and Better Ageing

The LGA has reported that empty homes have increased nationally by 10% over the past 5 years, and now amount to just over 1% of housing stock. What is ELDC doing to bring empty homes back into use, and what are our current numbers of empty homes?

- A** *Long term empty homes are classed as those that are unoccupied longer than 6 months. There are many reasons why homes become empty. Many of these reasons are complex and may include lengthy legal proceedings.*

Through council tax records, we are aware that 691 properties within the district have been empty between 6 months and two years, with a further 385 properties empty for longer than two years. A further 37 properties are classed as uninhabitable.

The Long-Term Empty Dwelling Premium (additional council tax charges) encourages homeowners with long term empty homes to bring them back into use through financial incentive.

Additionally, through a proposed Housing Standards Strategy and associated action plan, the Housing Standards Team at ELDC are developing further opportunities in supporting and addressing Empty Homes within our district.

Q3. Councillor Jackson to Councillor Fry, Portfolio Holder for Finance

How much is ELDC estimated to lose to business rates avoidance techniques such as "box shifting" (when a company moves boxes into an empty building for up to 6 weeks, so it can benefit from a business rates exemption extension

due to the appearance of occupancy) or from the wrong application of agricultural business rates relief?

- A** *Unfortunately, it is not possible to provide an estimate of loss in respect of the areas specifically referred to in this question.*

The Department for Levelling Up Housing and Communities (DLUHC) acknowledged in its 2023 consultation on business rates avoidance and evasion that it is not possible to accurately determine the financial loss resulting from abuse of the business rates system. It did however reference an estimate provided by the Local Government Association in 2020, that around one per cent of total business rates, or £250m, was lost to business rates avoidance in England each year.

In that paper, the department recognised 'Avoidance' as bending the rules of the tax system to gain a financial advantage, which government did not intend. There is no statutory definition of what constitutes 'occupation' of a property, and minimal occupation possibly of no material benefit to the occupier, except as a method to avoid paying rates, may be sufficient to allow ratepayers access to a rate-free period.

In respect of agricultural exempt property, where there is information indicating non-agricultural use, identified for example through planning, or through routine property inspection, the details will be referred to the Valuation Office Agency who are responsible for entries in the rating list.

Again, it is not possible to put an estimate on what might constitute wrong application of agricultural exemption as to do so would require a certain knowledge, and if the council was in possession of that knowledge, then steps would already be in motion to get the property brought into rating through the Valuation Office Agency thereby minimising any loss.

It is acknowledged that 'Avoidance' and 'Evasion' are real issues nationally for business rates, as recognised in the government's recent consultation paper. At the point of this response, we await the outcome from that consultation.

In the meantime, the Non-Domestic Rating Act 2023 introduced requirements for ratepayers to notify the VOA of any relevant changes to their properties, which in turn may enable the VOA and HMRC to share more complete ratepayer information with local authorities.

Q4. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Conservative, Graham Stuart MP and East Riding Councillors are calling for a referendum, now, on a Nuclear Dump at Holderness. "...we need to have a referendum before we have the conversation about safety and what it will mean for Withernsea and Holderness". Why are you sitting on the fence until 2027?

- A** *Cllr Hesketh,*

In responding to this question, I also draw your attention to other responses provided previously at Council and also my previous statements.

Whilst Holderness Councillors are entitled to take decisions which they believe are in the interests of their communities. It does not follow that ELDC should take the same decision to withdraw from the siting process.

Withdrawal would not be the end of the process; it would not prevent NWS from continuing to undertake evaluation work or further investigations in to the suitability of this facility at Theddlethorpe. As you know, there is a clear Government framework which must be followed.

Both myself and the Leader of LCC have committed to undertaking a Test of Public Support as soon as possible before 2027. This has not changed. I maintain that it is important that all parties fully understand the positive and negative effects of the proposals, as well as the underlying safety case.

It is important for Residents to be provided with as much information as possible to enable them to make an informed judgement on this matter.

Withdrawal from the process would deny Residents the opportunity to form their own view when the information is available. Whilst Local Councillors and interest groups may believe that they understand Residents views on this matter, there will undoubtedly be sections of the community who will remain silent, or indeed may be supportive of the proposals.

I believe it is only right and fair that the full spectrum of the community is given the opportunity to fully understand the implications of the proposed GDF – including positive and negatives – before the Test of Public Support is taken.

At this stage therefore, I believe it is in the best interests of the community to remain engaged in the process, in order to help shape it, and to enable the Test of Public Support to come forward at the earliest opportunity when all of the facts are available. It is my belief that this is the correct approach to ensure robust decision making, within the established Government framework.

Q5. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

What are the top 3 strategic issues that this Council represents on behalf of residents?

A *Thank you for the question.*

At Council in December, Council approved the Partnership's Sub-Regional Strategy setting out strategic priorities for the next four-year period.

Those priorities are Growth and Prosperity, Healthy Lives, Safe and Resilient Communities and the Environment. There is a detailed evidence base – as presented at the Member engagement sessions during the Strategy's development – to underpin these priority areas.

More detail on each priority can be viewed in the Strategy itself.

The Annual Delivery Plan – presented to Council this evening alongside the budget – sets out the specific activity to be taken forward over the next 12 months in respect of each priority area.

Q6. Councillor Hesketh to Councillor Ashton, Portfolio Holder for Planning

What land in Mablethorpe have you identified as suitable to build 4000 new houses?

A *Cllr Hesketh,*

I presume this question is linked to the potential impacts of the Theddlethorpe Geological Disposal Facility proposals and the potential additional jobs and staffing requirement that development could create thus leading to a need for more homes.

At this time, no exercise has been undertaken to demonstrate a need and what time period there would be a need for 4000 homes in Mablethorpe, and neither has any exercise been undertaken to look at sites which may be able to accommodate them.

Whilst the Local Plan is currently under review, the above scenario does not form part of this current review. It may however feature in future reviews in the event that the GDF proposal becomes more certain and the evidence demonstrates a need for additional homes.

A Local Plan can be reviewed at any time, particularly if there is a significant change in local circumstances.

As such, I can comment no further on this at the current time.

Q7. Councillor Horton to Councillor Fry, Portfolio Holder for Finance

When the Alliance was formed payments were calculated on a percentage basis. So what percentage did East Lindsey's ratepayer give towards the retirement of the Boston Chief Executive?

A *I have made enquiries on this matter and have been informed that no charge was made to East Lindsey as savings were made by both Councils at that time as a result of the shared structure.*

Q8. Councillor Horton to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Following last year's comments, what has this authority done to work with our leisure provider to increase the provision of grass roots football particularly in the Louth area?

A *Further to your 2nd November discussions with Magna Vitae and Council Officers, regarding the developing Football Foundation bid for a 3g pitch to*

increase grass roots football provision for Louth, the Council is also working with a Louth based Football Club, to secure Football Foundation funding to develop the facilities on London Road.

Where there aren't Magna Vitae managed facilities, Magna Vitae deliver the Council's Inland Conurbation and Sports Development initiatives, to provide community based programmes around the District. These initiatives are also helping communities develop prospective bids to the Football Foundation for new facilities, with Spilsby and now Coningsby being engaged in such projects.

Support has also been given to Horncastle for a bid for new facilities in the town, and our Planners are in the process of undertaking an assessment of all existing facilities in the District, to inform local plan policy and future decision making.

Q9. Councillor Horton to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Why is it that this authority was involved, one way or another, in the payment of a substantial sum in compensation for the "retirement" of a senior member of staff of one of our arm's length partners only for the Partnership to hire them back in a short space of time on a daily basis and then a further six months down the road make them full time? (I have omitted the individual's name to enable you to answer this question)

- A** *It would not be appropriate to comment on the employment decisions of another organisation. Our own recruitment decisions reflect the needs of the organisation at that point in time.*

Q10. Councillor Makinson-Sanders to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

How many times has the Call In procedure been activated in the last five years? Examples encouraged. How does our system compare with Scrutiny of Executive/Cabinet decision making in the Alliance?

- A** *Thank you for the question. The Scrutiny Call-In procedure has not been activated during this period.*

Our partner Councils operate executive arrangements and accordingly have associated scrutiny arrangements in place. Boston Borough Council takes a thematic approach to scrutiny based on corporate priorities with two committees in operation. Whilst South Holland District Council has a Policy Development Panel and a Performance Monitoring Panel the latter of which is designated for Call-In purposes. All three Councils have provision for scrutiny committees to set up Task and Finish Groups/Panels to undertake scrutiny work which is then reported to the parent committee.

Q11. Councillor Makinson-Sanders to Councillor Fry, Portfolio Holder for Finance

Why does this Authority not allow people to pay by cheque, which is still a legal method of payment?

- A** *We do still accept payment by cheque. If the Councillor has the details of the circumstances of this enquiry we will look into the matter.*

Q12. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Why are elected members unable to have a council debate on pylons, vote and express an opinion.

- A** *Thank you for the question. The reasons why your motion, which related to the National Grid Pylon proposals, was not included within the agenda have been communicated to you and the proposer of the motion.*

The Authority will consider and respond to the proposals through the statutory process. The function of responding to National Significant Infrastructure Projects such as the National Grid proposals is an Executive Function which is delegated to the Assistant Director for Planning.

As the proposals develop it is likely an array of technical information will come forward which the Authority will review to determine whether or not the proposals are in line with local or national planning policies. This approach is fundamental in ensuring the Authority provides robust and credible responses throughout the process including at the examination stage. If there are points which you or other members would wish the Authority to consider when responding, please do raise them with the Assistant Director for Planning or with the Portfolio Holder for Planning.

Furthermore a briefing will be presented to the next Planning Policy Committee on this matter in the context of the Local Plan Review.

Q13. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Given that people in Holderness have demonstrated that their council listen and understand community opinion, Why won't you gauge the sentiment of people in Mablethorpe and Theddlethorpe toward Nuclear Waste?

- A** *Cllr Hesketh,*

I have provided a response to a very similar question earlier and I believe that this adequately responds to this question.

Q14. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Why do you sit on the fence on Pylons?

- A** *Cllr Hesketh,*

I have provided an additional Leaders report in respect of this matter, and I believe that this adequately responds to this question.

Q15. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

What is this Council going to do to advocate the community held view that Pylons are unacceptable?

A *Cllr Hesketh,*

I have provided an additional Leaders report in respect of this matter, and I believe that this adequately responds to this question.

Q16. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Why was a decision to remove Robert Watson motion on Pylons only communicated very late preventing an alternate motion to be submitted?

A *Thank you for the question. The decision to not include the motion was made when finalising the agenda and communicated to the motion proposer and seconder on the same day as the decision was taken.*

Q17. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

What time and day were you informed that Robert Watson motion on Pylons would not be heard?

A *Thank you for the question. Wednesday 21 February 2024 via an email sent by Councillor Watson.*

Q18. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Do you think that this Council should be able to express a community held opinion?

A *Thank you for the question. Each Member of this Council has been elected to represent the views of their community and how this is represented through the Council is dependent on the individual circumstances of the matter in question.*

There are examples where it would be inappropriate for the Council to express a view at a particular point in time as in doing so it might leave the Council open to the risk of legal challenge, for example.

We need to judge each issue on its own merits but as Councillors collectively do the best we can to support the communities we serve through our decision making.

Q19. Councillor Hesketh to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

What is the Council doing to advocate for communities affected by the high pressure pipeline from Immingham to Theddlethorpe containing pollution from the Immingham oil refineries?

A *The development you are referring to is the Viking CCS Pipeline project.*

This is a Nationally Significant Infrastructure Project (NSIP) which comprises a new 55 km (approx.) onshore underground pipeline from the point of receipt of dense phase CO2 at Immingham, through its transportation to facilities at Theddlethorpe Gas Terminal, and transportation from there through the existing LOGGS pipeline to a storage facility.

Carbon capture is part of the national picture towards the desire for a net-zero economy, and the proposals will in part make use of an existing facility. These factors will have to be clearly balanced against the effects of the development both during construction and operation.

The project is at the pre-examination stage, the process for this is dictated by the Planning Inspectorate. The Council are a consultee in the process, and are actively engaged in it, responding to the various consultations that have taken place.

As with all planning projects, the decision must be taken within the context of planning law, legislation, and established policy, with due regard to relevant material considerations. In responding to the application process, the Council is providing comments based on this remit – including those of a technical nature which we have brought in external support for as necessary. The comments we provide will highlight any concerns, potential impacts, and also recognise benefits or potential options to increase the benefits arising from the scheme.

All members of communities are able to engage with and provide comments on the proposal. These will be considered in the same way as the Councils comments by the Planning Inspectorate.

As part of the ongoing engagement with the project and the process, the Councils communications has highlighted the previous engagement events that have been held; and in the Planning response, we would draw attention to any comments provided to us. However, we would also encourage the community to engage directly with the Planning Inspectorate on this matter.

Details on how to do this, and the application details etc can all be found online here: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN070008>

Q20. Councillor Horton to Councillor Grist, Portfolio Holder for Market Towns and Rural Economy

Who is running our markets now the previous manager has a different job? In which directorate do markets sit and what is the plan to improve them?

- A** *The Markets operation is run as it was previously, and an advert for an operational Manager going out to the Market imminently.*

The Markets Service sits within the Partnership's Leisure and Cultural Services, and this service works collaboratively with East Lindsey's Neighbourhoods Team, to ensure the smooth running of the six markets each week across the District.

Plans are in place for Market events during the next financial year, these are listed on the Council's website. The service is also in the process of writing an action plan to support further modernisation and development of the service, for future years.

Q21. Councillor Makinson-Sanders to Councillor Foster, Portfolio Holder for Operational Services

Why does this council have a shortage of litter bins?

- A** *The Council has over 2000 litter bins across the district, and new bins are sited in discussion with parish and town councils in locations where the need has been evidenced.*

If there are any particular areas where councillors believe a litter bin is needed, then please contact the cleansing team who will review the location.

Q22. Councillor McNally to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Background Information – Motion refused

Proposed by Daniel McNally

Seconded by Alex Hall

This Council is concerned with the proposal from National Grid to construct large pylons running uninterrupted from Grimsby to Walpole. The scheme will also include the construction of substantial substations along its route.

The proposed route corridor will impact the amenity of many residents and the visual impact will be to the detriment of residents and many businesses involved in hospitality and tourism.

Lincolnshire has been a treasured secret to those that live here and visit our glorious coast and Wolds. We have not, historically, benefited from a fair funding regime from central government and yet we are now being asked to host a plethora of infrastructure projects that may benefit the national interest but are not sympathetic to our local needs or aspirations and have no clear benefit.

We have seen applications for nuclear disposal, large scale anaerobic digesters, carbon capture pipelines and now we have to contend with 400KvA 50-meter-high pylons scaring our country side. If the benefits of a green economy are being delivered nationally, this should not be done on cost alone and far more suitable alternatives should be available.

A 1950's solution to a 2020's problem is not acceptable.

Motion

This Council is concerned with the visual impacts of the National Grid proposal for 50-meter pylons to be constructed from Grimsby to Walpole.

As a council we will.

- Use our communication channels to make sure residents have full access to the consultation process.*
- Make sure, as the LPA, we direct appropriate resources to understand the environmental and visual impacts of the scheme. This may include hiring specialist to inform our response to this significant infrastructure proposal.*

Cllr Alex Hall and I submitted the above motion to council. Disappointingly it was rejected by officers due to viewpoints of the constitution, and only responded after the agenda had been published. Since the motion cannot be discussed by the full council could you answer the following:

Could ELDC use their communication channels to make sure residents have full access to the consultation process?

A *Thank you for the question.*

You have my assurance that as we respond to this matter as a Sub-regional Partnership we will draw our community's attention to the consultation. Along with the Leaders of BBC and SHDC, I issued a statement doing just that on 9 February, 2024.

Whilst National Infrastructure Projects are important, it is critical National Grid takes all available steps to help minimise the impact on our residents and businesses and protect the unique character of South and East Lincolnshire. As an Executive Board – and wider Council – we will do our best to ensure that is the case through engagement with National Grid.

Q23. Councillor McNally to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Background Information: - As Question 22

Cllr Alex Hall and I submitted the above motion to council. Disappointingly it was rejected by officers due to viewpoints of the constitution, and only responded after the agenda had been published. Since the motion cannot be discussed by the full council could you answer the following:

Would you make sure as an executive that resources are directed to understand the environmental and visual impacts of the scheme, which would include hiring in specialists to help inform responses by the council?

- A** *AD – Planning - ELDC will need additional resources, both specialist and non, but the extent is currently unknown as is the timing. There is also the potential for some of the cost to be covered by a PPA with National Grid.*

S151 - From a budgetary position the Executive can authorise up to £300,000 from reserves as needed to support resource requirements.

Q24. Councillor Yarsley to Councillor Ashton, Portfolio Holder for Planning.

What can ward members do about non statutory bodies like Anglian water when they give no support to residents and take ages to get back to them with regards to sewage over flowing onto roads and pavements?

- A** *Thank you Cllr Yarsley,*

I share sympathy with you in respect of this matter. Anglian Water are a regulated business, and thus, as Local Ward Members the best way for us to support our residents is to continue to raise these failings directly with Anglian Water, but also via our relationships with the County Council and our MPs all of whom also interact with Anglian Water.

In my own County role, I would be happy to discuss with you the issues faced by your residents, and highlight them at relevant flood and drainage meetings I have, some of which are attended by Anglian Water representatives.

I look forward to discussing with you directly.

Q25. Councillor Yarsley to Councillor Ashton, Portfolio Holder for Planning.

What responsibility does ELDC have towards supporting its residents who pay taxes but get no support from bodies like Anglian water during high water levels?

- A** *Cllr Yarsley,*

As set out in response to your previous question, I do have sympathy with this situation and that faced by your residents.

Unfortunately however, ELDC does not have a specific responsibility in respect of this matter, as Anglian Water are a regulated business, and ELDC are not the Lead Local Flood Authority (this is LCC).

As I said however, I am open to discussing this issue more fully with you.

Q26. Councillor Yarsley to Councillor Ashton, Portfolio Holder for Planning.

What responsibility does Planning have towards the developments that has existed prior to the new developments going through planning with regards to ensuring no top water or sewage build up will affect the previous properties? Who monitors this in the future and ensures there is no issues created due to it?

- A** *Planning does consider the impact of new development upon existing properties, particularly in relation to drainage (both foul and surface water). The extent to which this is material depends on the scale, type and effect of the development.*

Where necessary details relating to how the surface and foul water are to be managed are requested, and consultations undertaken with Anglian Water, the Lead Local Flood Authority (LLFA which is LCC), Drainage Boards, our internal teams (including Building Control and Environmental Health) and if necessary the Environment Agency.

In most cases, developments are proposed with technical measures to limit the effects. This has an overlap with Building Regulations in relation to this matter. Further, Anglian Water and the IDBs are also required to give regard to other legislation such as the Water Industry Act 1990.

In terms of monitoring, the responsibility can fall to any of the above bodies or the Council depending on what issue arises and the timing of it. For example, it could be a Planning Enforcement matter, or it could be an Anglian Water matter if the connection has not been completed correctly.

I can however assure you, that as far as practicably possible, this Council does seek to ensure that new development would not have a detrimental impact as a result of drainage. However, we can only operate within our remit, and we do have to rely on statutory bodies such as Anglian Water to undertake their duties.

As set out in previous responses, if you wish to discuss directly, please do let me know.

Q27. Councillor Bristow to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

How does the Leader consider the decision by East Riding Council to listen to its residents to withdraw from the proposed nuclear dump - only a month after being put forward - reflects on the reputation of this council to represent the wishes of its residents?

- A** *Thank you for the question. A decision to withdraw this Council from the Theddlethorpe Community Partnership would not result in the Geological Disposal Facility (GDF) siting process ceasing and will leave the District Council and the residents it represents without representation on the Community Partnership. The decision to engage in the process was taken following a pre-decision scrutiny exercise.*

Residents in the potential host community will determine whether the community is willing to host a GDF through a Test of Public Support.

Q28. Councillor Bristow to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Will the Leader now put in place a mechanism to accurately test the wishes of the residents of Theddlethorpe, or follow the leader of East Riding council and call for a vote in full council regarding withdrawing from the process?

- A** *Thank you for the question. As Leader of this Council I have publicly indicated a timeframe, as has the Leader of Lincolnshire County Council, in which the Test of Public Support should take place.*

Details relating to the Test of Public Support are contained within the Government's Implementing Geological Disposal – Working with Communities document. A copy of the document is available on the Government's website and via the following link:

<https://assets.publishing.service.gov.uk/media/65a7e79fb2f3c60013e5d451/implementing-geological-disposal-working-with-communities.pdf>

As highlighted in the document the Community Partnership as a whole will determine the mechanism for Testing the Public's Support.

The document also sets out:

"If the result of the Test of Public Support is positive, RWM may then proceed with statutory licensing, environmental permitting and development consent application processes to build a GDF. This process is discussed further in chapter 4. If the result of the Test of Public Support is not positive, RWM will not be able to seek regulatory approval and development consent for a GDF and the siting process will cease in that community."

Q29. Councillor Alex Hall to Councillor Ashton, Portfolio Holder for Planning.

Would the portfolio holder for planning consider extending the wolds AONB to include the coastal marsh area to protect the view from the wolds to the sea? This is so the area would have the same national protected status as the wolds themselves.

- A** *Thank you Cllr Hall,*

Unfortunately neither I or this Council has the power to extend the AONB in the manner you have suggested.

This is a matter for Natural England, and details of the process can be found here: <https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management>

The Management arrangements for the Wolds AONB sits presently with

Lincolnshire County Council. Who would also be consulted on any proposals to extend the AONB.

I would be happy to take forward your suggestion to LCC, to understand if there is support from them also, and if there is, we can then determine next steps in respect of lobbying Natural England to consider extending the AONB.

Q30. Councillor Alex Hall to Councillor Ashton, Portfolio Holder for Planning.

As back benchers we are unable to debate significant planning matters. Before the council responds to the national grid proposals, would you be prepared to bring the response to a council meeting so backbenchers can have some input into the response?

A *Thank you for the question.*

The Authority will consider and respond to the proposals through the statutory process. The function of responding to National Significant Infrastructure Projects such as the National Grid proposals is an Executive Function which is delegated to the Assistant Director for Planning.

As the proposals develop it is likely an array of technical information will come forward which the Authority will review to determine whether or not the proposals are in line with local or national planning policies. This approach is fundamental in ensuring the Authority provides robust and credible responses throughout the process including at the examination stage. If there are points which you or other members would wish the Authority to consider when responding, please do raise them with the Assistant Director for Planning or with myself as Portfolio Holder for Planning.

Furthermore a briefing will be presented to the next Planning Policy Committee on this matter which using my discretion as Chairman, I will allow all members so affected to the opportunity to contribute to the discussion which will follow. Additionally we will be reviewing the relevant Policies in the Local Plan, as we are with all of our Policies, in the context of the Local Plan Review.

Q31. Councillor Watson to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

I am sure that the leader of the council is delighted that Magna Vitae achieved an excellent rating for the Meridian Centre from a Sport England endorsed benchmarking scheme last month. The award places the Meridian Centre in the top 6% of all leisure centres in the country and it is to be hoped that Magna Vitae will decide to enter a bid in the forthcoming leisure operator procurement project.

Does the leader consider that having their contract terminated was an appropriate reward for the staff there and will he confirm that this council will still be able to select its own leisure services provider independently of the other two councils in the partnership, if desired when the impending procurement process is finally decided?

- A** *The Council recognises and is very appreciative of the achievements of Magna Vitae and congratulates them on achieving the Quest 'Excellent' status for the Meridian Leisure Centre.*

As was outlined in the briefing note provided with the Members Point Brief on 12th January, it was necessary to serve partial termination to Magna Vitae, in respect of the venues, to allow ELDC to participate in the upcoming SELCP wide operator contract process. The timing was entirely coincidental.

The process will enable respective councils to make a judgment when we are able to consider what is on offer.

Q32. Councillor Simpson to Councillor Ashton, Portfolio Holder for Planning

On the back of public interest and with reference to 155b of the NPPF what and where are the areas that this authority has identified as suitable for renewable and low carbon energy sources and supporting infrastructure?

- A** *Cllr Simpson,*

Para 155b of the NPPF (December 2023) relates to development in the Green Belt (as indicated below):

*155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
These are: a) mineral extraction; b) engineering operations....*

This is not relevant to ELDC as we do not have any defined Green Belt.

However, I would assure you that we do have sufficient policies within the current Local Plan which relate to renewables, low carbon technologies and similar infrastructure, which enable us to consider proposals and either determine or comment on them. In particular I draw your attention to policy SP27.

As you know we are reviewing our Local Plan, and should amendments to those policies be required to better align with the NPPF which was last updated in December 2023, we can of course do so through that process.

Q33. Councillor Simpson to Councillor Ashton, Portfolio Holder for Planning

On the back of public interest and with reference to 58b of the NPPF how and why can the ELDC and its Planning department demonstrate that it has the necessary policies in place to progress applications?

- A** *Cllr Simpson,*

I am unclear on your reference or the focus of your question as there is no para 58b nor 158b within the NPPF December 2023. I am also unclear on the relevance to public interest.

However, as indicated by my response to an earlier question, I am content that as a Council we have sufficient planning policies in place through our existing Local Plan, coupled with our ability to bring in consideration of other national planning policies (including the NPPF and National Policy Statements) and other material considerations, to enable us to progress, determine or comment on all manner of application types, sizes, scales and implications.

Q34. Councillor Simpson to Councillor Ashton, Portfolio Holder for Planning

In 2006 I sought an explanation from the then Head of Planning as to why solar / photo voltaic panels were not conditioned as being a requirement on any new development. I was told that this placed an unreasonable cost on the developer. What are the reasons in 2024 for not making it a requirement that all and any development capable of accommodating solar / photo voltaic panels will be the default policy?

A *Thank you Cllr Simpson,*

I would refer you to the response from the Leader to the Question from Mrs Gough earlier this evening, and also to the response to Cllr Yarsely's question of 11.10.23 wherein this matter has been addressed.

Q35. Councillor Simpson to Councillor Ashton, Portfolio Holder for Planning

On the back of Prime Minister Rishi Sunak's pronouncements at the recent NFU conference to support the putting of solar / photo voltaic panels on farm buildings what will this Council do see that it is delivered.

A *This question follows a theme as responded to under the previous question.*

The Prime Minister may make suggestions at public or private events, but those are not Written Ministerial Statements or formal changes in policy. As such, whilst they may indicate a direction of travel, until such time as that direction is formalised, the Council cannot give weight to it.

I would welcome the suggested provision you have identified, and consider that changes in legislation, and/or permitted development rights to encourage the provision of such technologies would be beneficial.

Q36. Councillor Simpson to Councillor Ashton, Portfolio Holder for Planning

Going forward what assurances do the public have that any new development in the control or ownership of the District Council will be fitted with solar/photo voltaic panels by default?

A *Cllr Simpson, I believe this matter has been responded to within earlier responses.*

ELDC is committed to being net zero by 2040 with a 45% reduction in emissions by 2027 for its own internal operations. It is also committed to wider

decarbonisation of the sub-region through the South and East Lincolnshire Climate Change Strategy.

There are many ways new buildings can be made energy efficient and contribute to the carbon reduction agenda, including but not limited to solar panels. Solar panels may not be the most viable or efficient approach for all contexts and schemes, and thus, it would be inappropriate for me to make a commitment along the lines you have suggested.

Equally, in developing proposals for new assets, input comes from a variety of sources including Officers, Members of the Executive and wider Council. Therefore whilst I cannot commit to solar panels by default, I can assure you that they will be one of many potential solutions considered and where appropriate they will be implemented.

Q37. Councillor Simpson to Councillor Ashton, Portfolio Holder for Planning

Bearing in mind the inevitable march of future renewable energy proposals and associated infrastructure I brought forward a motion on notice to Council probably around 2006/7? to implement a planning policy to protect the impressive views of St James' Parish Church Louth. This was to implement a six-mile radius zone around St James' where no development, industrial in nature or otherwise would compromise the views of the Parish Church or at the very least selected views or vistas to be considered for protection. The policy in mind reflected those which protect the views of Lincoln Cathedral. Sadley and with a lack of foresight as to the inevitable, Council voted to dismiss any such policy or variation with a degree of derision. In view of the National Grid proposals should ELDC revisit this planning policy proposal since such a policy in place would surely have carried some weight to consider the undergrounding of cables?

A *Cllr Simpson,*

Since 2006/2007 planning policy in respect of heritage assets (including their setting) and landscape has moved on considerably. There is a wealth of Case Law and Appeal decisions which support this. This collectively sets out the process by which Applicants and Decision-makers are duty bound to consider views, context, setting and various other factors which collectively recognise the importance of heritage assets and landscape value.

I also draw attention to policy within our own Local Plan, including SP27 which cover this issue in relation to infrastructure proposals.

To that end, I do not consider that at this time there is a need to revise the approach in relation to St James' Parish Church in Louth.

In respect of the National Grid proposal, or indeed any other proposal which may impact on assets such as St James' Church and the landscape within which it is set and observed; there is sufficient protection and requirements for a process to be undertaken to consider the impact of a development proposal and respond to it as a potential constraint. As such, I am of the belief that there is likely to be sufficient analysis of this asset undertaken, informed

by the thoughts and feelings of statutory consultees such as Historic England and non-statutory bodies, to enable informed views and decisions to be made in due course.

Q38. Councillor McNally to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

With the ongoing review of the partnership's constitution, could the board look at being more flexible in allowing debates of planning matters that the council is only a consultee for?

A *Thank you for the question. The provisions relating to motions on notice within the Council's Constitution will be reviewed as part of this work.*

Q39. Councillor McNally to Councillor Leyland, Leader of the Council and Portfolio Holder for Corporate Affairs

Can the council put in a procedure where the proposer and seconder are notified in a timely manner that motions are either accepted or rejected so they can be adjusted and resubmitted before a deadline?

A *Thank you for the question. I'm happy to explore this further with officers. Such a procedure would need to have regard to the timeframe for the legal aspects of any motions submitted to be considered.*

Q40. Councillor Makinson-Sanders to Councillor Kirk, Portfolio Holder for Coastal Economy and Councillor William Gray, Portfolio Holder for Communities and Better Ageing

In the LCC annual report by the Director of Public Health on the subject of Ageing Better, it is stated that health inequalities as a result of the huge number of caravans on our coast is a growing problem for our elderly population and for Lincolnshire. We can only address this issue by increasing our investment in getting to grips with this long neglected issue. How are you both addressing this problem positively?

A *The Council is already aware of the older people populations that occupy residential park sites and holiday sites (both lawfully when the site is open and they have a sole address elsewhere, and also unlawfully when they are living in a caravan as their main home).*

Older people occupying holiday parks lawfully would not fall within the remit of East Lindsey and their health needs are dealt with under the remit of the GP in the area of their home address.

Council members have already made a commitment to deliver the recommendations in the Caravan Scrutiny Report 2023, one of which is to properly resource the enforcement/caravan team to tackle unauthorised occupancy. That in turn will reduce the amount of older people living in caravans which is known to have a negative impact on their health and in some circumstances is also unsuitable accommodation for their physical needs also.

A report to the executive board will be presented this year as per the scrutiny report.

The health inequalities that are becoming evident in both residents using temporary housing and in our older population will be a key area of focus for the new Lincolnshire Health Inequalities and Prevention Board, chaired by our Director of Public Health whose annual report you reference. ELDC have been invited to be part of this board.

ELDC are proactive members of the national network of Age Friendly Communities which seeks to support residents to live and age well in their communities. Unfortunately, nationally there are huge inequalities in our health and wellbeing due to factors like ethnicity, where we live, and our wealth – this is recognised in the Annual State of Ageing report published by our partners at the Centre of ageing Well.

As part of our Age Friendly work we are increasing understanding of local causes, barriers and engaging local partners to support our residents and visitors.

Q41. Councillor Makinson-Sanders to Councillor Ashton, Portfolio Holder for Planning

The Saltmarsh, east of the Wolds, is an Area of Outstanding Natural Beauty (or whatever they are now called), peppered with SSSIs and wonderful nature reserves opened by the King, so why after we have already had lottery schemes to identify the quality of the iconic natural landscape and salt marsh are we not pressing Natural England to have this very special area identified nationally? What steps can you take to ensure this area has the recognition it deserves?

A *Thank you Cllr Makinson-Sanders,*

I believe my answer to Cllr Hall's earlier question clarifies this point and my proposed approach.

Whilst not formally designated, this does not mean that the landscape in the area identified is of no value. It clearly contains features of special interest, as well as having its own unique qualities.

As such, if there are proposals which would impact on this landscape, they must be duly considered based on evidence, and there is a clear policy and technical approach for doing this.

I can assure you that irrespective of designation, the Council gives due regard to the impact on this landscape when determining or commenting on proposals. That will not change.

Ends.