



South East Lincolnshire Local Plan 2011-2036: Proposed Main Modifications (2018)

Comment Form

Comments must be received by 5pm on 28th August 2018 either by:

- **Email to:** programme.officer@southeastlincslocalplan.org; or
- **Post to:** Elaine Henton, Programme Officer, South East Lincolnshire Local Plan, Boston Borough Council, Municipal Buildings, West Street, Boston PE21 8QR

Late representations will not be accepted.

This comment form has three parts:

Part A : Your personal details

Part B : Your comment(s)

Part C : Notification Request

1. Please fill in Part A
2. If you are making representations on more than one Main Modification you will need to complete a separate form for each representation. However, you only need to complete Part A: Personal Details and Part C: Notification request once. (Please bundle your forms together so it is clear Part A and Part C relate to all the Part Bs)
3. Sign the Data Protection Act section at the end of the form, before returning it to us.

We have created **guidance notes** to help you with completing this form. **Please read** these before completing your comments as they will help you understand the nature of comment that is required.

Anonymous comments or those received outside of the consultation period will not be accepted.

PART A:

Personal Details		Agents Details (if applicable)
Title		Mr
First name		Tim
Last name		Waller
Organisation (if applicable)	Ashwood Homes Ltd	Waller Planning
Address	1 Goodison Road Lincs Gateway Business Park Spalding	Suite A 19-25 Salisbury Square Hatfield
Postcode	PE12 6FY	AL9 5BT
Telephone No.		
Email address		

NOTE:

Representations will only be accepted that refer to:

- a proposed change shown in the schedule of 'Proposed Main Modifications' to the Publication Draft Local Plan (2017),
- a map change to the Publication Draft Local Plan (2017),
- the Habitats Regulations Assessment Report on the Main Modifications (2017) and
- the Sustainability Appraisal Report on the Main Modifications (2017).

Your responses on the above documents will be sent to the Planning Inspector without prejudice to the Inspectors final report.

You should not repeat or re-submit your previous representations, these have already been considered by the Inspector during the examination process.

PART B:

Please fill in a separate Part B for each comment you wish to make

1. To which Main Modification does your comment relate?	
Please state the relevant reference number that you are commenting on from the Schedule of Proposed Main Modifications (e.g. MM008):	MM PMM005
Description of the proposed Main Modification (e.g. Policy 8 Improving South East Lincolnshire's Employment Land Portfolio, or Para 4.2.9, or Inset Map 19 Moulton)	Policy 4

2. Do you consider this proposed Main Modification is:		
A. Legally compliant?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
B. Sound?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

3. If you consider the proposed Main Modification to be unsound please identify which test of soundness your representation relates to: 'Sound' means: is the Main Modification justified, effective, positively prepared and consistent with national policy?	
Positively Prepared	<input type="checkbox"/>
Justified	<input type="checkbox"/>
Effective	<input type="checkbox"/>
Consistent with national policy	<input type="checkbox"/>

Your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify your representation and any suggested changes.

4. Please give details of why you consider the Local Plan is, or is not, legally compliant or sound?

Please be as precise as possible.

Draft Policy 4 is intended to add local distinctiveness with regard to an important local issue, but it does not. As the policy acknowledges, the majority of the Plan area is affected by the risk of flooding (ignoring the effect of flood defences). In this context, a locally-specific approach is required, as the standard approach taken by the Environment Agency in other parts of the country, which are not anywhere near as badly affected by flood risk, is not appropriate here. The proposed policy has been written only with regard to flood risk issues, and not to the effect it may have on wider matters, such as meeting the need for new development.

The draft policy states that the sequential test should be applied to the whole of each local authority's administrative area. It also suggests that planning permission should be withheld if it is possible to identify a location or locations for a similar development to take place, on sequentially preferable land.

The implication of applying the sequential test in this way could be to effectively preclude any windfall housing coming forward in a settlement such as Holbeach. If we were to assume there was at some point in the future a shortfall in the housing land supply, or the Housing Delivery Test were failed, and the Local Plan were not able to provide sufficient new housing to meet the need at that time, there would be a need for windfall development to take up the slack. In this circumstance, should a windfall site be proposed, for instance for 10 houses in Holbeach (which is largely at risk of flooding, according to the EA mapping and the SFRA), the draft policy suggest that the sequential test would be failed if there was a site available to provide a similar scale development somewhere else in the Borough/District. In this scenario, it is possible that many sites of 10 dwellings or fewer could be considered to fail the sequential test due to the presence of a single site for 10 dwellings in a sequentially preferable location. So, the potential to provide only 10 dwellings in Flood Zone 1 could lead to the refusal of what may be hundreds of dwellings in Flood Zones 2 and 3. Such an approach would not have regard to the need to provide housing. It could therefore seriously frustrate the provision of housing at a time when it was required to come forward to meet an identified need.

This approach would not be acceptable when determining the locations of housing allocations in a Local Plan, as is made clear by the PPG. The supporting text to the policy itself clarifies that a more nuanced approach was used in writing the Local Plan, which took account of a range of planning considerations, including the need to provide housing and the accessibility to services and facilities. What is required in this case is a policy which would allow the Council to determine any necessary applications for windfall development on a similar basis.

Question 4 Continued

The approach proposed by the draft Policy 4 would have the effect of prioritising flood risk as an issue above the application of the Local Plan's spatial strategy, and other planning matters. For instance, settlements such as Bicker in Boston Borough would be seen as a more suitable location than Boston itself. Or, Moulton may be seen as a more suitable location than Holbeach.

The sequential test has historically been undertaken on a settlement-by-settlement basis in this area, and we believe that it should continue to be applied in this way. This is due to the wide expanse of areas identified as being at risk of flooding, and the local circumstances that this implies.

Draft Policy 4 also specifically requires the application of the sequential test where the EA flood map suggests that the site falls within Flood Zones 2 or 3. This effectively implies the entire Plan area, with only a very few exceptions (for instance, the whole of both Spalding and Boston are shown as being within Flood Zone 3 on the EA mapping). This is despite the Council's Strategic Flood Risk Assessment having undertaken a more detailed appraisal of flood risk. We believe that the EA mapping is entirely impractical in this situation, and the SFRA should be both the trigger for applying the sequential test, and the basis for its application (this latter suggestion is consistent with paragraph 101 of the NPPF (2012), and paragraph 158 of the NPPF (2018)).

5. Please set out what change(s) you consider necessary to make the proposed Main Modification to the Local Plan legally compliant or sound, having regard to the test you have identified in Q3 where your comment relates to soundness.

You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text Please be as precise as possible.

Policy 4 should be amended to reflect the following principles:

The sequential test should be applied to an individual settlement, in accordance with the spatial strategy set out within the Local Plan. So, for instance, if housing was proposed on a site in a particular town or village, it would be considered against the potential to provide housing of an appropriate scale on other sites within and around that settlement.

The Council's SFRA maps, and not the EA's maps, should be used as the basis for applying the sequential test. They are based on a more detailed analysis of the actual risk of flooding. This implies, for instance, that development in areas such as Spalding, Donington and Gosberton would not need to be constrained by the application of the sequential test.

The need for new development should be taken into account in applying the test. The Council should be able to use their discretion to determine whether a shortage of preferable sites at a lower risk of flooding should lead to the need for permission to be granted; i.e. permission could be granted where there are preferable sites, but they would not deliver sufficient housing to meet local needs.

Please continue on a separate sheet / expand box if necessary.

6. Do you have any comments on the updated Addendum to the Sustainability Appraisal or Addendum to the Habitats Regulations Assessment in respect of this particular modification?

PART C: Notification request

You can request to be notified at an address or email address of any future stages relating to the Local Plan.

1. Would you like to be notified of future stages?

Yes	
No	

2. How would you like to be notified? Please select one answer.

By post to my address:	
By post to my agent's address:	
By email to my email address:	
By email to my agent's email address:	

3. Which stages would you like to be notified about:

The publication of the recommendations of Planning Inspector?	
The adoption of the Local Plan?	

Data Protection Act 1988 and Freedom of Information Act 2000

Representations cannot be treated in confidence. The Town and Country Planning (Local Planning) (England) Regulations 2012, requires copies of all representations to be made publically available, this will be done via the Council's website. The Council will not publish personal information such as addresses, telephone numbers, or email addresses.

By submitting a representation you confirm that you agree to this and accept responsibility for your representations.

Signature: <i>For electronic responses a typed signature is acceptable</i>	Tim Waller	Date:	28 August 2018
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JOINT COMMITTEE RESPONSE FORM

REP: MM48

PMM REF: PMM005

Clearly the Local Plan has been prepared having due regard to local conditions and material considerations in respect of flood risk; this is acknowledged by the Objector. In order to provide a coherent and deliverable strategy that considered meeting housing needs, sustainable development considerations, infrastructure requirements and flood risk, a settlement by settlement Sequential Test approach in combination with the Exceptions Test was taken.

The Objector argues that this approach should also apply to windfall sites and that the Sequential Test should continue to be applied at a settlement level only. The Objector provides, as an example of windfall, a site of under 10 homes, but this is just as likely to be a much larger site.

Given the scenario that, going forward, the Local Plan continues to meet the identified housing needs through its allocations and existing commitments it seems to be the correct approach to expect windfall applications to be considered through a Local Planning Authority area Sequential Test approach. To **not** take this approach might mean that a windfall site in one settlement would be preferred to an allocated site in another. In essence market forces would determine where planning permissions were granted and not the development plan. The Local Plan has a 25 year timeframe for its development to be delivered and there will be different rates of progress according to settlements and sites.

If the Local Plan and developers do not deliver development and meet housing needs (including through the Reserve Sites) then considerations of the Housing Delivery Test, 5 year housing land supply and Local Plan review may prevail.

The Joint Committee considers that a Local Planning area Sequential Test approach (as per Policy 5) is the most appropriate approach outside the Plan Making process.