



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		Michael
Last name	Mr M Preston and Mrs C Tidswell	Braithwaite
Organisation (if applicable)		Robert Doughty Consultancy Limited
Address	c/o Robert Doughty Consultancy Limited	32 High Street Helpringham Lincolnshire
Postcode		NG34 0RA
Telephone No.		01529 421646
Email address		planning@rdc-landplan.co.uk

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):	MM012 & MM013
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 11 and new Policy 12

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 checked="" 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 checked="" 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.

PMM012 and PMM13 promote the allocation of new residential sites and the identification of "Reserve Sites" to be brought forward as allocations, should the relevant local planning authority fail to meet the Housing Delivery Test.

The need for allocations and the mechanism for the release of Reserve Sites, once identified, is not challenged.

The means used for selecting sites is, however, unsound. Sites have been selected from those identified in the SHLAA after a filtering exercise of unsuitable sites has been undertaken. Again this process is not challenged in principle. We are concerned, however, that no facility is in place to reassess sites when the reason they were originally rejected no longer applies. Our client's land at Redmiles Nursery, Wardentree Lane, Spalding (PIN038 in the SHLAA) is one such site. The site was filtered out in the April 2017 SHLAA in the Spalding section because:-

"The site is on a road that serves an industrial area and it is close to sites that are allocated for, or are being used for, industrial use. Development would both appear incongruous and would potentially be exposed to disturbance. If the planning application for PIN011 is granted planning permission this view may change"

PIN011 is not only subject to extant planning approval H14-0156-14 for residential development, but the site is also currently being developed out. PIN011 has existing industrial development to the east and south, but is still considered to be an acceptable location for residential development. PIN038, however, only has an employment allocation to the (short) eastern boundary and faces residential development across Wardentree Lane along the whole length of the site and to the west. The grant of permission on PIN011 demonstrates that residential development need not be prejudiced by proximity to industrial development on two sides. Any potential disturbance to residential development on PIN038 from the employment allocation to the east need not prejudice residential development.

PIN038 is adjacent to the built up area of Spalding, the main town and focus for development in South Holland. With development on three sides and a fixed boundary, in the shape of the Blue Gowt Drain to the north, the site is well related to the rest of Spalding and would not intrude into the open countryside. PIN038 faces residential development across Wardentree Lane and abuts existing and approved residential properties to the east. In this context it is not clear how residential development in this location would appear incongruous.

Despite the reference in the SHLAA to reassess PIN038, if planning permission was granted for PIN011, this has not been undertaken, although both reasons for discounting the site no longer apply. The same principle applies to other sites in the plan area. A number of sites in Crowland, for instance, have been filtered out on disturbance issues due to proximity to Spalding Cranes, although planning permission has subsequently been granted for residential development on those sites after a detailed consideration of the disturbance that may arise from proximity to an existing business operation.

The identification of specific sites as Allocation (PMM012) or Reserve Site (PMM013) is not justified because the Council has failed to take into consideration suitable candidate sites filtered out at previous stages in the plan making process which would not be filtered out now. There are clear indications that if some sites filtered out at previous stages in the plan making process were re-considered, they would be deemed more sustainable than sites promoted as allocations through the proposed Main Modification process.

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

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.

The Local Planning Authority should revisit SHLAA sites filtered out at previous stages of the SHLAA / Local Plan process, such as PIN038, and re-introduce those sites into the assessment where the reasons for discounting the site no longer apply.

Re-introducing such sites will ensure the most sustainable sites are promoted.

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?

The Addendum to the Sustainability Appraisal (SA) considers the allocation of new sites and the identification of Reserve Sites at Paragraphs 3.43 to 3.47 and Appendix 4.

The SA restricts itself to an assessment of the chosen sites and does not address the process for discounting others. The process for identifying the pool of candidate sites has not been addressed in any way. Following a fundamental change in circumstance, there is no strategy to review those sites previously filtered out and in the case of PIN038, the original assessment identified a change of circumstances that would justify a re-assessment.

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	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

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

By post to my address:	<input type="checkbox"/>
By post to my agent's address:	<input type="checkbox"/>
By email to my email address:	<input checked="" type="checkbox"/>
By email to my agent's email address:	<input type="checkbox"/>

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

The publication of the recommendations of Planning Inspector?	<input checked="" type="checkbox"/>
The adoption of the Local Plan?	<input checked="" type="checkbox"/>

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>	Michael Braithwaite	Date:	24 August 2018
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JOINT COMMITTEE RESPONSE FORM

REP: MM30

PMM REF: PMM012/PMM013

The objectors are incorrect in their assertion that potential housing sites have not been re-assessed in the South East Lincolnshire Strategic Housing Land Availability Assessment (SHLAA) since the version published in April 2017. In fact, the SHLAA has been reviewed on three occasions since that date to take account of changing circumstances and new information arising from the Examination Hearings – these updates are available to view in the Core Documents library as CD/Hsg/018B, CD/Hsg/018C, and CD/Hsg/018D.

The assessment for the site to which the objectors refer (Pin038) was subject to up-date in CD/Hsg/018C, to take account of the fact that planning permission (reference H14-0156-14) was outstanding for the residential development of site Pin011 opposite. Taking account of this nearby permission, the assessment still concluded that Pin038 it was unsuitable because it is on a road that serves an industrial area and is close to land that is allocated for, or is being used for, industrial use. Thus, there were concerns that dwellings would both appear incongruous and would potentially be exposed to disturbance.

Given that the SHLAA has been subject to on-going review throughout the Examination process, the Joint Committee does not agree that candidate sites for identification as either Housing Allocations or Reserve Sites have been wrongly 'filtered out' of consideration as a consequence of out-of-date assessments.

With respect to the comments concerning the Addendum to the Sustainability Appraisal, the SA is required to assess reasonable alternatives to inform the plan-making process. Over the preparation of the Local Plan a wide range of sites, that have been selected for allocation and alternative sites that have been discounted, have been considered through SA.

The SA process is not required to assess all parcels of land for development and is informed by the initial technical assessments of potentially available and suitable sites for development. It is important that the SA considers potential alternatives for development but it is not the role of the SA to review or draw conclusions on the process undertaken in other aspects of plan-making, such as the Strategic Housing Land Availability Assessment (SHLAA), that inform the SA and subsequent site selection.

It is not considered that one of the more recent SHLAA update exercises can be considered out of date in relation to the planning context for Site Pin038. The SHLAA Update published in April 2018 was undertaken following the 2016 approval of H14-0156-14, and concluded that Site Pin038 was unsuitable for housing, stating:

'SITE CHARACTERISTICS - The site is on a road that serves an industrial area and it is close to the site's site that are allocated for, or are being used for industrial use. Dwellings would both appear

incongruous & would potentially be exposed to disturbance.'