



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

### Comment Form

Comments must be received by 5pm on 28<sup>th</sup> August 2018 either by:

- **Email to:** [programme.officer@southeastlincslocalplan.org](mailto: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		Braithwaite
Organisation (if applicable)	Mr J Woodroffe and Others	Robert Doughty Consultancy Limited
Address	c/o Robert Doughty Consultancy Limited	32 High Street Helpringham Sleaford 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

<b>1. To which Main Modification does your comment relate?</b>	
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

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

<b>3. If you consider the proposed Main Modification to be unsound please identify which test of soundness your representation relates to:</b> '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 to select 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 Crease Drove, Crowland (CRO018 and CRO049 in the SHLAA) was filtered out in the April 2017 SHLAA due to concerns regarding access along Harvester Way and the potential disturbance arising from the proximity to Crowland Cranes.

CRO018 and CRO049 has, however, been the subject of an outline planning application for development of up to 100 dwellings (application no. H02-0158-17). South Holland District Council approved the planning application, subject to agreement of a S106 agreement, at committee on the 8 November 2017. This followed detailed consideration of all relevant issues, including access along Harvester Way and an assessment of the potential disturbance from Crowland Cranes. The Planning Committee considered that a suitable improvement scheme to Harvester Way was being promoted and the Noise Surveys submitted with this and other planning applications, including one for the expansion of Crowland Cranes, demonstrated that any potential disturbance from the commercial site would not prejudice any residential development.

The reasons for concluding that our client's land was undevelopable no longer apply: the remainder of the SHLAA assessment was positive, highlighting the locational benefits of sites in the Crease Drove area. The process of bringing forward sites as allocations (PMM012) or Reserve Sites (PMM013) is flawed because the Local Planning Authority has failed to take into account the most recent information, and, as a consequence, is discounting sustainable and suitable sites using outdated and incorrect information. It is clear that, if some sites filtered out at previous stages in the plan making process were re-considered now, they would be deemed more sustainable than those 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 CRO018 and CRO049 and re-introduce those sites into the assessment where the reasons for filtering are no longer applicable.

Re-instating these 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 the 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 CRO018 and CRO049, the Council's decision to approve planning applications for residential development for a number of sites on Crease Drove including CRO018, represent 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	✓
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>	Michael Braithwaite	Date:	24 August 2018
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## JOINT COMMITTEE RESPONSE FORM

**REP: MM35**

**PMM REF: 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.

In respect of the sites in question, it should be noted that, as of 7 September, 2018, the legal agreement associated with application ref. no. H02-0158-17, to which this representation relates, had still not been signed. Consequently, it has not been possible to amend this site's planning status in the recent reviews of the SHLAA.

Given that the SHLAA has been subject to ongoing 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.

Comment on the Addendum to the Sustainability Appraisal (SA)

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.

Given that sites Cro018 and Cro049 have yet to receive planning permission, it has not been possible to give further consideration to these sites in one of the more recent SHLAA update exercises.