

Central Lincolnshire Policy S56 Development on Land Affected by Contamination Evidence Report

Formerly Policy S55

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 S56, which relates to the development on land affected by contamination.

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 a further update in July 2021.
- 2.2. Section 15 of the NPPF concerns “conserving and enhancing the natural environment” which contains a section on “ground conditions and pollution” which is of particular relevance.
- 2.3. Para 183 states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination, that adequate site investigation, prepared by a competent person, is available to inform any assessments, including those for any proposals for mitigation including land remediation.
- 2.4. Para 185 requires planning policies to “ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”
- 2.5. The Planning Practice Guidance (PPG) was first introduced in 2014 which offers ‘live’ government guidance. The PPG provides guidance to help in the implementation of policy in the NPPF.
- 2.6. The PPG includes a section on “land affected by contamination” which offers detailed advice on how to determine whether land is contaminated, what other regimes are relevant, for example Part 2A of the Environmental Protection Act 1990, determining risk and remediation.

Local Policy

- 2.7. The adopted Local Plan includes Policy LP16 which requires development to take account of the potential impacts of contamination and the need for an early risk assessment and that it can be demonstrated that the site can be made safe.

3. Context and Evidence

- 3.1. There is extensive national guidance on contamination, but it is felt important to clarify Central Lincolnshire's position in requiring early engagement and ensuring a preliminary risk assessment is undertaken with development only permitted if it can be demonstrated that the site is suitable.

4. Issues and Options Consultation

- 4.1. The Issues and Options consultation identified the existing policy, LP16: Development on Land Affected by Contamination as a policy not intended to be changed. The majority of respondents supported the policies that were identified as not intended to be changed. With regard to this particular policy, of the responses received, one expressed support; one that it should be updated to prioritise brownfield development over greenfield and two that all policies should be reviewed in light of the report to Parliament on climate change.
- 4.2. The policy encourages the safe development of brownfield sites but the issue of prioritisation over greenfield sites is covered by other policies elsewhere in the plan. Following additional commissioned work on climate change several additional policies have been added to the plan and amendments to other policies made as appropriate, but this has not been necessary for Policy LP16, now S56.

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. Few comments were received on this policy. Comments received supported the policy or suggested minor policy and supporting text amendments for clarity. It was also suggested that the policy could be placed within other sections of the plan.
- 5.3. References to sustainable land remediation have been added to the policy and text and the final paragraph reordered to aid clarity. The location of this policy in a chapter on amenity is not considered unreasonable although it's final position in the plan may change as other policies and chapters in the plan evolve, particularly those concerned with climate change.

6. Proposed Approach in Draft Local Plan

- 6.1. The Draft Local Plan includes a policy which requires development to take account of the potential impacts of contamination and the need for an initial risk assessment and for it to be demonstrated that the site can be made safe. This policy has been carried forward from the adopted Local Plan with only minor amendments to take into account comments received during consultation which are intended to improve clarity.

7. Reasonable Alternative Options

- 7.1. The following alternative option has been considered for this policy (option 1 being the preferred option).

- 7.2. Option 2: to have no local policy and rely on national policy only. National guidance on contaminated land is extensive but expressing a clear local approach to clarify Central Lincolnshire's position and precautionary approach will have a positive effect on sustainability objectives.

8. Conclusion

- 8.1. This Evidence Report demonstrates the rationale for the proposed policy as contained in the Proposed Submission Draft 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.