



Policy LP16 Development on Land Affected by Contamination Evidence Report

**Proposed Submission
April 2016**

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1. Introduction and Policy Context

Introduction

- 1.1 A joint Local Plan for the Central Lincolnshire area is being produced which will set the framework for how development will be considered across the districts of the City of Lincoln, North Kesteven and West Lindsey to 2036.
- 1.2 This Evidence Report (which is one of a collection) provides background information and justification for policy LP16, which relates to Development on Land Affected by Contamination.

National policy

- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and the National Planning Practice Guidance (NPPG) was introduced in 2014 which offers 'live' government guidance.
- 1.4 Section 11 of the NPPF concerns "conserving and enhancing the natural environment" and there is a separate section on "Plan-making". The following points are particularly relevant:
 - Paragraph 109 of section 11 states that the Planning system should contribute to and enhance the natural and local environment by:... remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate;
 - Paragraph 121 of section 11 requires planning policies and decision to also ensure that: ... adequate site investigation information, prepared by a competent person, is presented and
 - Paragraph 152 – states that when plan-making, Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three.
- 1.5 The NPPG provides detailed guidance on how to deal with land affected by contamination. (See Reference ID:33-001-20140306, as at 6th March 2014.)
- 1.6 The above NPPF policy and NPPG guidance has been taken into account in preparing the Local Plan as a whole, and policy LP16 in particular.

2 Central Lincolnshire Context in Relation to Policy LP16

- 2.1 There are no specific local Central Lincolnshire significant issues or relevant studies in relation to Policy LP16.

3 Local Plan Policy: Preliminary Draft

- 3.1 The Preliminary Draft version of the Local Plan (published for consultation in October – November 2014) included a policy on development on land affected by contamination.

- 3.2 Most comments received during the consultation on the Preliminary Draft version of the Local Plan welcomed and supported the policy. One comment did feel that the effect on neighbouring users should also be acknowledged. A few respondents commented on the impact that any necessary remediation may have on viability, though, in response, contamination is of such importance that, should a site be unviable as a result of such contamination, then development should not proceed. Relaxing the requirements to tackle contamination, in order to make a site viable, would be inappropriate.

4 Local Plan Policy: Further Draft

- 4.1 The policy in the Further Draft Version of the Local Plan was amended to include reference to neighbouring users to reflect the comments made. The Further Draft Local Plan was published for consultation in October – November 2015.
- 4.2 Various comments were received during the Further Draft consultation broadly supporting the policy including recognition of significant benefits to health and wellbeing and potential environmental impacts on biodiversity. Some suggestions were made to strengthen and clarify policy wording including the need to reference the protection of existing ‘bad neighbour’ users/ businesses such as livestock buildings and grain driers from proposed new development
- 4.3 A comment expressed concern about the identification in the plan of agricultural uses and recognition of other regulation/ controls.

5 Local Plan Policy: Proposed Submission

- 5.1 The representations have been carefully considered. Agricultural uses are given as an example only and used to illustrate the range of potential causes of contamination. However, the supporting text has been amended to refer to ‘some’ agricultural uses (rather than, as implied in the Further Draft, all agricultural uses). The protection of existing “bad neighbour” users/ businesses is noted and the wording of policy LP26: Design and Amenity has been amended to reflect this.
- 5.2 Only minor inconsequential wording of the policy have been made (for clarity reasons), between the Further Draft and the Proposed Submission Local Plan.
- 5.3 The policy is supported by Local Plan policy LP9 – Health and Wellbeing, which requires any health impacts from development to be addressed and mitigated, policy LP14 – Managing Water Resources and Flood Risk, which seeks to protect water quality and the water environment and Policy LP26 – Design and Amenity, which sets out the design criteria to inform the layout and design of development and protecting amenity for existing, proposed and neighbouring users.

6 Alternative Reasonable Options

- 6.1 The following alternative options have been considered for this policy (**Option 1** is the preferred policy approach which has been included in the Proposed Submission version of the Local Plan).

- 6.2 **Option 2:** To have no Local Plan policy but rely on national policy/ guidance. National guidance on contamination is quite extensive but it is felt that expressing a clear local approach to clarify Central Lincolnshire's position has a positive effect on sustainability objectives.

7 Conclusion

- 7.1 This Evidence Report demonstrates the rationale for the proposed policy as contained in the Proposed Submission Local Plan April 2016. We hope this helps demonstrate how we have responded to comments received during the Preliminary Draft and Further Draft consultation, as well as how the latest evidence and national guidance has been taken into account.