

Central Lincolnshire Local Plan 2012-2036 Examination

MATTER 13 – Design and the Natural Environment **(LP26, LP14, LP16, LP17, LP18, LP19 and LP21)**

Central Lincolnshire Joint Strategic Planning Committee
Hearing Statement

October 2016



MATTER 13 – Design and the Natural Environment (LP26, LP14, LP16, LP17, LP18, LP19 and LP21)

Issue 13a – Design – Policy LP26

Q1. It is possible for a development proposal to both ‘respect’ and ‘enhance’ local distinctiveness? Is this consistent with paragraph 60 of the framework which states that it is proper to seek to promote or reinforce local distinctiveness? Policy LP26k also requires materials to ‘reinforce or enhance’. To be effective is a more consistent approach needed?

The Committee accept that the opening paragraph under sub heading ‘Design Principles’ could be misused (for example, if the ‘local distinctiveness’ of an area was currently very poor, you wouldn’t want a development proposal to necessarily ‘respect’ it, which is what the policy states). It is therefore suggested (modification Main/SC/9) the wording be amended to:

“All development **proposals** must ~~respect and enhance~~ **take into consideration** the character and local distinctiveness of the area **(and enhance or reinforce it, as appropriate)** and create a sense of place.”

The above changes would make the policy more consistent with the NPPF as well as consistent with criteria k of the policy,

Q2. What is the justification for preventing development that results in ribbon development or extends existing linear features of a settlement? How does this relate to Policies LP2 and LP4 of the Local Plan which allows for new development on the edges of a settlement, and residential allocations?

LP26e is considered to reflect the core planning principle within the NPPF that states that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. The policy seeks to prevent unrestrained urban sprawl along roads and to promote compact urban forms.

It is not considered to conflict with Policies LP2 (particularly paragraph 2) and LP4 of the Local Plan, but is necessary wording to ensure LP2 and LP4 (and the linked matter of no development envelopes on the Policies Map) are not potentially abused by never ending applications for frontage development in the countryside along approach roads to settlements.

Q3. Should Policy LP26m-u require applicants to consider amenity issues in relation to the construction phase? If the effects of construction were adverse in respect of these criteria would planning permission be refused?

The policy already does this.

The second paragraph, under the sub-heading ‘Amenity Considerations’ explicitly says ‘...both the **construction** and life of the development’ [Committee’s emphasis added]

Q4. What is a ‘bad neighbour’ for the purpose of Policy LP26? Is this precise enough? Is the policy effective in this regard?

‘Bad neighbour’ for the purpose of Policy LP26 is used as a single, generally accepted term which applies to uses that are likely to have a negative impact on the amenity of a neighbouring property. We are not aware of a current legal definition (though it was commonly accepted to mean the list

as set out by the now revoked Article 11 of the GDO 1988 – see box at end of this answer – with para 14 of Circ 15/92 stating that “*with the revocation of Article 11 of the GDO there is no longer a list of development classified as “bad neighbour”. It will be the responsibility of local planning authorities to decide on a case by case basis...*”).

The policy seeks to acknowledge that such ‘bad neighbour’ uses exist and need to be accommodated and that their continued operation should not be compromised by a neighbouring use that may generate complaint and potentially interfere with their normal operation.

The Committee does not feel it necessary to include further wording in the Local Plan (or the Glossary), but if the Inspector disagrees, then Article 11 of the 1988 GDO appears a sensible list from which, it is suggested, examples could be taken to illustrate to the reader what sort of development might constitute a ‘bad neighbour’.

Extract of The Town and Country Planning General Development Order 1988

11.—(1)The following classes of development are designated for the purposes of section 26 of the Act (publication of notices as to applications)—

- (a)the construction of buildings for use as public conveniences;
- (b)the construction of buildings or other operations or the use of land for the disposal of waste materials or the use of land as a scrap yard;
- (c)the winning or working of minerals or the use of land for mineral working deposits;
- (d)the construction of buildings or other operations or the use of land for retaining, treating or disposing of sewage, trade waste or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers or the construction of septic tanks and cesspools serving single dwellinghouses, single buildings or single caravans in which not more than ten people will normally reside, work or congregate, and works ancillary thereto);
- (e)the construction of buildings to a height exceeding 20 metres;
- (f)the construction of buildings or the use of land for the purposes of a slaughter-house or knacker’s yard or for killing or plucking poultry;
- (g)the construction of buildings or the use of land for the purposes of a casino, a funfair or a bingo hall, a theatre, a cinema, a music hall, a dance hall, a skating rink, a sportshall, a swimming bath or gymnasium (not forming part of a school, college or university), or a Turkish or other vapour or foam bath;
- (h)the construction of buildings or the use of land as a zoo or for the business of boarding or breeding cats or dogs;
- (i)the construction of buildings or the use of land for motor car or motorcycle racing, including trials of speed;
- (j)the construction of a stadium;
- (k)the use of land as a cemetery or crematorium.

Issue 13b – Landscape, Townscape and Views – Policy LP17**Q5. How have the Areas of Great Landscape Value been determined? What evidence are the designations based on?**

The Areas of Great Landscape Value are carried over from the adopted Local Plans for the area. They have been informed by the West Lindsey Landscape Character Assessment (E037) and the North Kesteven Landscape Character Assessment (E036).

They are long standing designations, have been used effectively, and we are not aware of any fundamental concern with their designation or use.

Q6. Are the designations justified, effective and consistent with national policy? Are there any significant factors that indicate that any sites or areas should not have been designated?

Yes – they are justified, effective and consistent with national policy.

No - there aren't any significant factors that indicate that any sites or areas should not have been designated

Q7. Are there any areas where evidence-based documents recommended inclusion as part of an Area of Great Landscape Value that were not taken forward into the Local Plan? If not, why not? Is this justified?

No. They are simply carried forward from the existing adopted Local Plans.

Q8. What is the justification for including land at Urban Street, Bracebridge Heath (site CL416) within an Area of Great Landscape Value?

The land was designated for such value under the existing Local Plan.

However, the wider value of this area has recently been reassessed as part of the Green Wedges review. It is identified as Zone C2 in the Green Wedge Evidence Report review (PS.EVR22 – appendix, with particular reference to paragraphs 5.123-5.140).

Q9. For purposes of Policy LP17 how are 'key local views and vistas' defined? Does this give certainty to decision makers, developers and communities? Is the policy effective in this regard?

For Gainsborough – see Matter 10 Q2 response.

For Sleaford – see Matter 11 Q2 response

For Lincoln – see Policy LP29

More generally, it would be inappropriate for the Local Plan to set out 'key local views and vistas' for all settlements in Central Lincolnshire or other potential development area. The policy wording is flexible and appropriate, and will ensure both the development promoter and the decision maker determines what is a key local view or vista (possibly assisted by evidence in, for example, a Conservation Area Appraisal, Lincoln Townscape Assessment 2012, the Green Wedge Review (PS.EVR22-appendix), Landscape Character Assessments (E036 and E037), the Green

Infrastructure Study (E038) or a Neighbourhood Plan), and whether such views and vistas have been appropriately preserved or enhanced.

Issue 13c – Climate Change and Renewable Energy – Policies LP18 and LP19

Q10. The Written Ministerial Statement of 25 March 2015 states that local planning authorities should not set in their emerging Local Plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Does Policy LP18 introduce any new standards relating to the construction of buildings that are inconsistent with national planning policy?

No.

Policy LP18 seeks to encourage developers to ‘take account of’ means that help to reduce demand, ‘take opportunities’ to use sustainable materials and minimise waste, suggest where development ‘could’ provide site based decentralised or renewable energy infrastructure and where development ‘could provide’ for carbon off-setting.

The opening part of the policy uses the phrase ‘development proposals will be considered more favourably’ rather than, for example, ‘development proposals must...’

The Policy therefore:

- seeks to encourage developers to meet the challenge of climate change as detailed in paragraphs 93-97 of the NPPF;
- acknowledges that weight will be given to proposals which make a contribution to one or more of the matters listed in the policy;
- but does not introduce any new compulsory standards relating to the construction of buildings that would be inconsistent with national planning policy.

Issue 13d – Water Resources and Flooding – Policy LP14

Q11. The PPG states that all new homes already have to meet the mandatory national standard in the Building Regulations of 125 litres/ person/ day. Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations requirement of 110 litres/ person/ day (Ref ID 56-014-20150327). Is the standard of 110 litres/ person/ day in Policy LP14 justified on available, up-to-date evidence?

Yes.

Central Lincolnshire lies within the East Midlands area of serious water stress as identified by the “Water Stressed Areas – Final Classification” report (2013) where drought is identified as a cause for concern. Anglian Water’s Resources Management Plan (2015) identifies a 25 year plan for maintaining the supply-demand balance and whilst not forecasting an immediate deficit does include a number of demand management schemes as a means of maintaining this balance. This is reflected in the most up to date water cycle study for Central Lincolnshire (E023B). The Greater Lincolnshire Local Enterprise Partnership (GLLEP) have a stated priority to deliver water efficiency measures and particularly highlight the need to explore opportunities to adopt tighter standards and have produced a Water Management Plan.

In order to support the aims of the Anglian Water’s Resources Management Plan, the stated priorities of the GLLEP and in response to EA comment on the Local Plan and in consultation with the EA and Anglian Water, the Committee has appropriately pursued the higher water efficiency standards in the Local Plan.

This response is supported by a Statement of Common Ground between the Committee, the EA and Anglian Water (see separate document).

Q12. Is the requirement to meet the tighter standard location specific, or does it apply to proposals across Central Lincolnshire? If so, is there a need for a higher requirement across the whole area?

Up to date evidence, as listed above, identifies water resources to be an issue across the Anglian Water area although there are areas within Central Lincolnshire where the situation is more significant. However, management of water resources needs to be seen over a wider spatial area and is an approach taken by both the Environment Agency and the Water Companies. Applying separate standards across the area may also complicate the planning and development process (especially Building Regulations) and be counterproductive to wider objectives of securing supplies of water for people, businesses and agriculture (stimulating and supporting growth).

Q13. The PPG also states that it will be for a local planning authority to establish a clear need based on, amongst other things, a consideration of the impact on viability and housing supply of such a requirement. Has this been done? Will the standard of 110 litres/ person/ day be viable?

When discussing the possible need to include a higher water efficiency standard with the relevant bodies, reference was made to the [2014 Department for Communities and Local Government Housing Standards Review*](#) which states that delivery of the tighter Building Regulations requirement of 110 litres/ person/ day would cost up to £9 per dwelling. The breakdown for individual dwellings is identified on *Table 26 – Water standards costs summary* (p27). At £9, the cost is therefore negligible and is not considered to have any impact on development viability.

[*\(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353387/021c_Cost_Report_11th_Sept_2014_FINAL.pdf\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353387/021c_Cost_Report_11th_Sept_2014_FINAL.pdf)

Q14. Is the Local Plan based on the most up-to-date Water Cycle Study and Strategic Flood Risk Assessment? Are updates to either document material to the Local Plan?

The Local Plan is based on the most up-to-date Water Cycle Study, the Central Lincolnshire Water Cycle Study Update - June 2016 (E023B) and the most up-to-date Strategic Flood Risk Assessment, the Strategic Flood Risk Assessment Level 1 – April 2015 (E031) and the Strategic Flood Risk Assessment Level 2 – April 2016 (E031A). All of which are material to the Local Plan and have been taken into account.

Issue 13e – Biodiversity – Policy LP21

Q15. Is Policy LP21 consistent with paragraph 117 of the Framework, in particular with regard to the need to plan for biodiversity at a landscape scale across local authority boundaries, and, identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation?

The Committee are of the opinion that Policy LP21 is fully consistent with paragraph 117 of the NPPF. Further information on the background to the development of the policy is provided in LP21 Biodiversity and Geodiversity Evidence Report (**PS.EVR21**). Policy LP21 has been developed with input from Natural England, the Greater Lincolnshire Nature Partnership and the Lincolnshire Wildlife Trust. The Committee did not receive any objections from these bodies to the formal Proposed Submission consultation.

As identified in the Habitats Regulations Assessment (**E050A**), there are no international designated sites of importance for biodiversity within Central Lincolnshire. The location of nationally and locally designated sites (Nature Improvement Areas, National Nature Reserves, Sites of Special Scientific Interest and Local Nature Reserves) are shown on the Policies Map (**LP03 – Map**) with the exception of Local Sites. Local sites (which include Local Wildlife Sites, Local Geological Sites, Sites of Nature Conservation Interest and Regionally Important Geological Sites) are instead mapped and updated via an interactive map on the Central Lincolnshire website (see explanation in **PS.EVR21** paragraph 5.2, p3).

The Lincolnshire Biodiversity Action Plan (**E039**) and Geodiversity Action Plan identify priority habitats and species within and beyond Central Lincolnshire. As explained in paragraph 5.6.3 of the supporting text to Policy LP21, the Central Lincolnshire Biodiversity Opportunity Mapping Study (**E049**) maps the known areas of opportunity for habitat restoration or creation in Central Lincolnshire, an area spanning across three local authority boundaries. These opportunity areas were identified working in partnership with the Central Lincolnshire Local Authorities, Lincolnshire County Council, Natural England, Environment Agency, the Greater Lincolnshire Nature Partnership and the Lincolnshire Wildlife Trust. Consultation was undertaken with a range of stakeholders before the opportunity areas were finalised. Policy LP21 specifically refers to the Biodiversity Action Plan, Geodiversity Action Plan and Biodiversity Opportunity Mapping Study.

Additionally, there are other policies in the Plan which are relevant to LP21 and which demonstrate the identification and mapping of the local ecological network, including sites, wildlife corridors and stepping stones. These are Policy LP20 Green Infrastructure Network (where the Green Infrastructure network and opportunities for enhancement are mapped in the Central Lincolnshire Green Infrastructure Study (**E038**)), Policy LP22 Green Wedges (shown on the Policies Map) and Policy LP23 Local Green Space and other Important Open Space (shown on the Policies Map).

Q16. What is the definition of ‘major development’ for the purposes of Policy LP21? To be effective does this need to be set out in the Plan? The supporting text refers to ‘large scale major development schemes’. Is this the same? Is a consistent approach required?

The Committee accepts that, at present, the wording of LP21 at para 4 is open to potential confusion or misinterpretation. As such, the following amendments are proposed (suggested modifications Main/SC/10, Main/SC/11 and Minor/SC/14):

Policy LP21, para 4:

Para 5.6.3:

“...They indicate where it is considered most important and feasible to target habitat protection, restoration and creation, including woodland and wetlands. **Major development should adopt an ecosystem services approach, whilst** Large scale major development schemes, such as Sustainable Urban Extensions, should adopt a landscape scale approach in any masterplanning work...”

Add a definition of ‘ecosystem services approach’ to Appendix D Glossary as follows:

“An approach which integrates the management of land, water and living resources to reach a balance between: conservation of biodiversity; its sustainable use; and achieving the maximum benefit from natural resource use”