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3rd March 2017

Central Lincolnshire Local Plan Team
C/O North Kesteven District Council
District Council Offices
Kesteven Street
Sleaford
NG34 7EF

Dear Sir/Madam,

Re: Consultation on Central Lincolnshire Local Plan Proposed Main Modifications and Policies Map Modifications – MM/15.

I write on behalf of Key Property Investments Ltd to make representation on the current consultation on the Main Modifications proposed in relation to the Submission Central Lincolnshire Local Plan. Specifically, our representation relates to the modifications proposed to Policy LP5 'Delivering Prosperity and Jobs'.

The land affected by the policy is situated at Waterside South on the eastern boundary of Lincoln City Centre and is bounded by the River Whitburn to the north, the A15 to the west and railway lines to the south.

In our previous representation we had noted that Waterside South had been allocated under Policy LP5 as an Important Established Employment Area (EEA). The policy stated that proposals for these areas for any use not identified within the latter parts of the policy would be refused, unless clearly ancillary to other employment uses identified within the policy.

It was concluded within our previous representation that this policy was highly prescriptive and restricted the future development of the site for uses outside of that defined, in this instance B1, B2 and B8 uses, contrary to paragraph 22 of the NPPF. Our objection also noted that the policy was unclear as to whether the criteria listed at the end of policy LP5 applied to EEAs.

It is considered that the proposed modification to Policy LP5 under 'Loss of Employment Sites and Buildings to Non Employment Uses' make the policy more stringent and prohibit development to uses outside that of employment. Therefore, the modifications to take away any flexibility for development on the site at Waterside South.

The National Planning Policy Framework (NPPF) outlines at Paragraph 22 that:

"Planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use,

applications for alternative uses of land or buildings should be related on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

The proposed amendment to the policy is also in direct conflict with the Council’s earlier justification for not according with our representations that the plan should identify Waterside South as a Regeneration and Opportunity area under Policy LP35. Paragraph 4.4 of the Council’s Evidence Report for Policy LP35 states:

“Ruston Works is identified as an established employment area in policy LP5: Delivering Prosperity and Jobs. Policy LP5 allows for the intensification and/ or renewal of established employment areas and also allows for the conversion and/ or redevelopment for non-employment uses if a site is no longer suitable for employment use. It is therefore felt that policy LP5 offers sufficient future flexibility of uses for established employment areas without the need for them to be mentioned in the regeneration and opportunity areas policy.”

The proposed amendment to policy LP5 removes any of the stated flexibility in respect of the EEA sites. We consider that the proposed amendment to the policy has not been appropriately justified, especially given the contradiction in the Council’s presentation and previous justification of the policy.

The NPPF outlines the Government’s policy in respect of plan making and paragraph 182 provides the considerations which should be taken into account in the process of examination of an emerging development plan. This states:

A Local Planning Authority should submit a plan for examination which it considers to be “sound” – namely that it is:

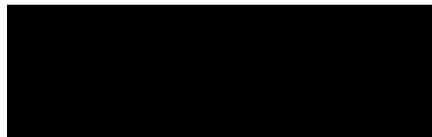
- **Positively Prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its plan period and based on effective joint working on cross-boundary strategic priorities; and*

- **Consistent with National Policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

The proposed modifications to Policy LP5 do not accord with the tests of soundness as outlined within the NPPF. The modifications are contrary to paragraph 22 of the NPPF and the policy is thus deemed to be unjustified if it is approach to development at Waterside South. It is therefore concluded that this policy does not provide the most effective strategy and as such is not positively prepared.

We trust that the above comments will be taken into account in progressing the Central Lincolnshire Local Plan. Please advise us of further opportunities to comment on emerging policies in the future.

Yours sincerely



NIGEL CUSSEN (ID 958518)
Planning Director

