

Central Lincolnshire Joint Strategic Planning Committee Hearing Statement

November 2022

[MATTER 14: Design and the Built Environment](#)



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Issue 1 - Delivering Good Design and Advertisements – Policies S53 and NS55

Q1 – Are policies S53 and NS55 consistent with paragraph 130 of the Framework, which sets out requirements for planning policies?

Yes. Policies S53 and NS55 are consistent with paragraph 130 of the Framework.

Policy S53 has been created to link into the ten themes of the National Design Guide providing a clear policy framework for applicants to develop well-designed proposals and for decision-makers to assess such schemes. It adds detail to the provisions of each of the bullet points in paragraph 130 of the NPPF.

Policy NS55 has largely been carried across from Policy LP27 of the adopted Local Plan. It is also consistent with paragraph 136 of the NPPF in that it provides support for advertisements unless they will result in amenity or public safety issues.

Q2 – Are the requirements justified and effective?

Yes. The policy requirements are justified in the evidence reports for the policies (**EVR053** and **EVR055**).

Policy S53 sets out a number of design requirements which are closely aligned to the National Design Guide which allows for a scheme to be designed, factoring in these requirements as designs are developed. It will promote innovative design and consideration of context and help schemes to contribute positively to the area creating successful communities. The policy is also closely linked to other policies in this plan pulling together a number of thematic strands to ensure the design of new schemes are suitably high quality and policy compliant.

Policy NS55 is largely carried forward from the existing plan and has been working well with no need to significantly update the policy.

Both policies are justified and effective.

Issue 2 – Health and Wellbeing – Policy S54

Q1 – How were the thresholds set out under criterion b) determined and are they justified?

Yes, they are justified.

This policy has largely been carried across from Policy LP9 of the adopted Local Plan. In LP9 the thresholds at criterion b) were significantly lower, at 25 dwellings or 0.5ha. The thresholds have been amended to 150 dwellings or 5ha, to reduce the burden on small and medium sites but to ensure that the larger sites continue to undertake Health Impact Assessments. This change has been made in response to feedback from the Central Lincolnshire Districts about its application on smaller sites not yielding the results intended of the policy. The revised threshold was selected as it would be the right scale to ensure that the benefits of a Health Impact Assessment will be achieved – making the implementation of this part of the policy more efficient and focused on the schemes where the most positive results can be realised.

Issue 3 – Contaminated Land – Policy S56

Q1 – Is the requirement for all risk assessments to be carried out prior to the grant of planning permission justified?

Yes. The policy has been carried forward from the adopted Local Plan and was not highlighted as needing to be reviewed in the Issues and Options consultation or in discussion with district council planning officers. In response to wording suggestions at the Regulation 18 consultation stage, some amendments were proposed to the layout of the policy, separating the final paragraph into bullet points to aid clarification. The supporting text has been updated to refer to the “Land Contamination Risk Management” guidance published by Government.

The policy requires a preliminary (not full or comprehensive) risk assessment to be undertaken, in accordance with government guidance, where development is proposed on a site which is known to be or has the potential to be affected by contamination. Land contamination can harm human health, drinking water supplies, groundwater and surface water, soils, ecosystems including wildlife, animals and wetlands and property on the site itself or the users of neighbouring sites. It is therefore justified to identify and assess if there is an unacceptable risk on such sites prior to the granting of planning permission.

Q2 – How does the Local Plan consider land instability, and does it include policies which contribute to the remediation of unstable land?

Land instability is not specifically identified in any policy and has not been highlighted as a particular issue within Central Lincolnshire. Where any land stability issues are identified on a site, the Committee considers that the NPPF offers sufficient guidance to allow the matter to be dealt with on a site-by-site basis. Therefore, a specific policy or reference within a policy to land instability had not been considered by the Committee to be necessary at this time.

However, if the Inspectors consider that specific reference to land instability is required, the Committee has no objection to incorporating an amendment.

Issue 4 – The Historic Environment – Policy S57

Q1 – Is Policy S57 positively prepared, justified, effective and consistent with national policy, in particular paragraphs 194-208 of the Framework?

Yes. Policy S57 is positively prepared, justified, effective and consistent with national policy, including in relation to paragraphs 194-208 of the Framework.

The background to the development of Policy S57 is primarily contained within policy evidence report (ENV057). The policy was developed in communication with conservation officers at the Central Lincolnshire districts and with input from Historic England. The policy evidence report demonstrates that this policy is justified. It is the most appropriate strategy when considered against the reasonable alternatives (as set out in the evidence report and appraised through the SA (STA004.1b, STA004.1g) and is based on robust and credible evidence.

The implementation of Policy S57 is key to delivering the vision of the Local Plan and the strategic objective “*To conserve and enhance the significance of buildings, sites and features of archaeological, historic or architectural and artistic interest and their settings, including both*

designated and non-designated heritage assets, and ensure new buildings, spaces and places are designed to a high quality.”

The policy is supported by an extensive evidence base. In their representations to the Proposed Submission Regulation 19 consultation, Historic England¹ suggested the location of the evidence base on the historic environment was unclear. This has now been resolved through the preparation of the Central Lincolnshire Historic Environment Evidence Base (**HE003**) and has been agreed with Historic England through a Statement of Common Ground.

The Local Plan sets out a positive strategy for the conservation and enjoyment of the historic environment, in accordance with paragraph 190 of the NPPF. This will primarily be achieved through the implementation of Policy S57; however, the following policies will also particularly assist in achieving this:

- S53 Design and Amenity
- NS55 Advertisements
- S58 Protecting Lincoln, Gainsborough and Sleaford’s Setting and Character

Policy S57 supports the delivery of the requirements of paragraphs 194 to 208 of the NPPF. It clearly sets out, through a criteria-based approach, what is expected from development proposals which may affect any heritage asset, as defined by the NPPF.

Q2 – What is the justification for suggested modification MMSC11? Is it necessary for soundness?

Policy S57 was largely supported by responses received to the Proposed Submission Local Plan Regulation 19 consultation, including Historic England.²

Proposed modification MMSC11 seeks to address a concern raised by the National Trust³ that the 4th paragraph of the policy should not refer to proposals that would affect the setting of an asset, as the criteria which follows relates to change of use. Similar concerns around interpretation were raised by Historic England⁴ during the Draft Local Plan Regulation 18 consultation, although amended wording was not provided at this stage. The Committee considers the proposed modification is necessary to ensure that the policy is clear to applicants and decision makers and would ensure the policy is effective and therefore is necessary for soundness.

Issue 5 – Protecting Lincoln, Gainsborough and Sleaford’s Setting and Character – Policy S58

Q1 – Is Policy S58 positively prepared, justified, effective and consistent with national policy, in particular paragraphs 194-208 of the Framework?

Yes. Policy S58, along with other heritage policies in the Local Plan, are positively prepared, justified, effective and consistent with national policy.

¹ Rep ID 110226

² Rep ID 1102247

³ Rep ID 1101336

⁴ Rep ID 1028427

The Local Plan sets out a positive strategy for achieving a strong sense of place, sympathetic to the local character, in accordance with paragraph 130 of the NPPF and the conservation and enjoyment of the historic environment, in accordance with paragraph 190 of the NPPF. The requirements of paragraphs 194-208 of the Framework will primarily be achieved through the implementation of Policy S57: The Historic Environment. Policy S57 sets out, through a criteria-based approach, what is expected from development proposals which may affect heritage assets. This is supported and complimented by Policy S58 which identifies and protects those wider, key elements within and around the three main urban areas of Lincoln, Gainsborough and Sleaford that contribute towards their distinctive character.

The background and reasoning for the development of Policy S58 is primarily contained within the policy evidence report (**ENV058**) and demonstrates that this policy is justified.

The adopted Local Plan contains a settlement hierarchy and approach to growth that focussed primarily on the three main urban areas. It contains a separate chapter for each of these urban areas and policies LP29, LP38 and LP43 seeks to ensure that development in these locations also protect and contribute positively towards the unique setting and character of each area. The settlement hierarchy and approach to growth is proposed to remain largely unchanged and the setting and character policies were not identified as intending to be changed at the Issues and Options consultation.

The submitted Local Plan no longer contains separate chapters for Lincoln, Gainsborough and Sleaford but rather, provides policies by subject area and the three policies have therefore been combined into a single policy. The policy contributes to the protection of the setting and character and views into and out of each of the three main settlements and contains sections within the policy that carry forward the identification of the unique character and features of each.

The policy is supported by an extensive evidence base. This includes the Central Lincolnshire Green Infrastructure Study (**ENV002a-h**), the Linking Lincoln – City Centre Masterplan and Lincoln Investment Plan (**ECO003 & ECO006**) and Conservation Area Appraisals and Masterplans, with links to them, listed in the Central Lincolnshire Historic Environment Evidence base document (**HE003**).