

Central Lincolnshire Joint Strategic Planning Committee Hearing Statement

November 2022

[MATTER 16: Natural Environment](#)



Contents

Issue 1 – Green and Blue Infrastructure – Policy S59.....	3
Issue 2 – Biodiversity and Geodiversity – Policies S60 and S61.....	4
Issue 3 – Areas of Outstanding Natural Beauty and Areas of Great Landscape Value – Policy S62.....	6
Issue 4 – Trees, Woodland and Hedgerows – Policy S66	6
Issue 5 – Best and Most Versatile Agricultural Land – Policy S67	7

Issue 1 – Green and Blue Infrastructure – Policy S59

Q1 – What is the current status of the Developer Contributions Supplementary Planning Document and how has it influenced the formulation of Policy S59?

See Q2 below.

Q2 – Is the Local Plan justified in requiring development to be in accordance with a Supplementary Planning Document?

An update to the Developer Contributions SPD has been drafted and the Committee aim to undertake consultation on the document and adopt it in line with the Local Plan timetable for adoption.

Supplementary Planning Documents (SPDs) cannot introduce new planning policies into development plans but provide more detailed advice or guidance on policies set out in adopted Local Plans¹. Therefore, the Developer Contributions SPD has not influenced the formulation of policy S59. The SPD will provide guidance to help deliver the policy and is based on the evidence in the Infrastructure Delivery Plan (IDP) (**INF001a**).

The Committee considers it is justified in requiring development to be in accordance with the SPD and is aware of other Local Plans that do so likewise. The alternative would be for Local Plans to repeat SPD guidance within the Local Plan itself. SPDs are useful to reference in a policy as they provide further information to applicants and decision makers as to how the policy is expected to be implemented – providing the necessary clarity to ensure the plan will be effective. Similar wording (“*in compliance with*”) has been used in the adopted Local Plan April 2017 (for example, see policy LP24, paragraph 2).

Therefore, referring to an SPD in a policy is both sound and common practice. However, if the Inspectors remain nervous with the phrase ‘in accordance with the Developer Contributions SPD’, because it is felt it delegates too much status to a non-development plan document, then the following phrase would be acceptable to the Committee (though it is not presently proposed as a suggested modification, as the current wording is not considered unsound):

“...with such a contribution informed by the guidance set out in the latest in accordance with the Developer Contributions SPD”

Q3 – Is Policy S59 positively prepared, justified, effective and consistent with national policy, in particular paragraphs 20 and 92 of the Framework?

Yes. Policy S59 has been positively prepared, and it is justified, effective and consistent with national policy, in particular paragraphs 20 and 92 of the NPPF, but also paragraph 175, which requires plans to take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.

The background to the development of Policy S59 is primarily contained within the policy evidence report (**ENV059**). 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 proportionate evidence.

The implementation of Policy S59 is key to delivering the vision of the Local Plan and the strategic objective:

¹ National Planning Guidance, Paragraph: 008 Reference ID: 61-008-20190315

“...To protect, enhance and create and improve high quality green and blue spaces that are multifunctional; for sport, recreation, play and ecosystem services, and which form part of and are connected to the green infrastructure network, improving landscape connectivity for people and wildlife.”

The policy provides a positive framework to ensure that new development contributes towards protecting, extending and enhancing the green and blue infrastructure network. The policy approach remains similar to that set out in Policy LP20 Green Infrastructure Network of the adopted Local Plan but supported by updated evidence on the green infrastructure baseline and urban green grids for Lincoln, Sleaford and Gainsborough. The following evidence is particularly relevant: Central Lincolnshire Green Infrastructure Study (**ENV002a**, **ENV002b** and **ENV002c**), the Green Infrastructure Baseline Report and Map (**ENV002d** and **ENV002e**) and Green Infrastructure Profiles for the three urban green grid settlements: Lincoln (**ENV002f**), Sleaford (**ENV002g**) and Gainsborough (**ENV002h**).

The Committee received a positive response to this policy during the Proposed Submission Local Plan consultation (Regulation 19), with only one objection to the policy wording (covered by Question 1 and 2 above).

For the reasons stated above, the Committee considers Policy S59 to be positively prepared, justified, effective and consistent with national policy.

Issue 2 – Biodiversity and Geodiversity – Policies S60 and S61

Q1 – Are policies S60 and S61 positively prepared, justified, effective and consistent with national policy, in particular paragraphs 174, 179 and 180 of the Framework?

Yes. Policies S60 and S61 have been positively prepared, and are justified, effective and consistent with national policy, in particular paragraphs 174, 179 and 180 of the NPPF, but are also in line with the aims of the Government's 25 Year Environment Plan and consistent with the Environment Act 2021.

The background to the development of Policies S60 and S61, and Appendix 4, is primarily contained within the policy evidence reports (**ENV060** and **ENV061**). The policy evidence reports demonstrate that these policies are justified. They are 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 are based on robust and proportionate evidence.

The implementation of Policies S60 and S61 is key to delivering the vision of the Local Plan and the strategic objectives:

“...To conserve and enhance biodiversity and geodiversity across Central Lincolnshire by delivering measurable net gain in biodiversity through development and establishing nature recovery networks through planning. To provide enhanced opportunities for people to access and appreciate wildlife and the natural environment whilst safeguarding protected sites”

and

“To minimise vulnerability, improve community resilience and ensure Central Lincolnshire adapts to the effects of climate change, both now and in the future through careful planning and design of the built and natural environment.”

The following evidence is particularly relevant to Policy S61 and Appendix 4: Central Lincolnshire Biodiversity Opportunity Mapping Report (**ENV001a**) and Ecological Network and Opportunities Mapping (**ENV001b** and **ENV001c**).

The forthcoming Local Nature Recovery Strategy (LNRS) will also be a key piece of evidence to support the delivery of Policy S61, especially the identification of any location for priority off-site net gains. The LNRS will: agree priorities for nature's recovery, map the most valuable existing habitats for nature, and map specific proposals for creating or improving habitat for nature and wider environmental goals.

In March 2022, Lincolnshire County Council was identified as the likely Responsible Authority for producing the Greater Lincolnshire LNRS. Further regulations and guidance are to be released by Defra later this year, with the completion of the LNRS to be achieved by November 2023 in line with the introduction of mandatory Biodiversity Net Gain duties.

Ongoing discussions are taking place between Natural England, Lincolnshire County Council, North Lincolnshire Council, North East Lincolnshire Council and The Greater Lincolnshire Nature Partnership to agree a governance structure and ways of working for the LNRS.

Policies S60 and S61 have been positively prepared in collaboration with the Greater Lincolnshire Nature Partnership (GLNP), Lincolnshire Wildlife Trust, Environment Agency and Natural England to ensure that future development respects biodiversity and geodiversity and delivers genuine improvements for nature. The GLNP prepared the Biodiversity Opportunity Report and Mapping for Central Lincolnshire and worked closely with the Local Plan Team to prepare the development principles set out in Appendix 4 of the submitted Local Plan. Early, pre-consultation drafts of policies S60 and S61 were shared with the GLNP, who co-ordinated input from the other aforementioned organisations. This ensured that the Committee received no objections to Policies S60 and S61 during the Regulation 19 consultation from these organisations.

Since the Local Plan was submitted the Committee has been made aware of a minor factual update which is required to paragraph 11.2.9 to reflect the most up to date position. It currently states:

“A Supplementary Planning Document is currently being prepared to provide further guidance on providing biodiversity net gain through development proposals.”

However, it is now understood that this is not likely to take the form of a Supplementary Planning Document, but will be some supporting guidance and the agreement of shared principles across Greater Lincolnshire. As such the Committee will be proposing a modification to update this supporting text.

Q2 – What is the justification for suggested modification MMSC12? Is it necessary for soundness?

Biodiversity Net Gain is an evolving policy area, both at a national and local level. The Committee consider that the wording requires slight adjustment to better reflect both the Environment Act and emerging national guidance and to ensure the policy is flexible to deal with changing circumstances.

Full justification for suggested modification MMSC12 is set out on page 11 of the Draft Schedule of Post-Submission Suggested Modifications (**EX011**).

Issue 3 – Areas of Outstanding Natural Beauty and Areas of Great Landscape Value – Policy S62

Q3 – Is Policy S62 positively prepared, justified, effective and consistent with national policy, in particular paragraphs 176 and 177 of the Framework?

Yes. Policy S62 is consistent with national policy, in particular paragraphs 176 and 177 of the NPPF, but also paragraph 174 a) and b), which require planning policies and decisions to contribute to and enhance the natural and local environment by “*protecting and enhancing valued landscapes...*” and “*recognise the intrinsic character and beauty of the countryside*”.

The background to the development of Policy S62 is primarily contained within the policy evidence report (**ENV062**). 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 proportionate evidence.

The implementation of Policy S62 is key to delivering the vision of the Local Plan and the strategic objective:

“To protect and enhance the rich diversity of the character and appearance of Central Lincolnshire’s landscape and townscape, maintaining and strengthening local distinctiveness and sense of place.”

Policy S62 gives the highest status of protection to the Lincolnshire Wolds Area of Outstanding National Beauty and is therefore consistent with paragraph 176 of the NPPF. The policy sets out criteria against which development proposals within, or affecting the setting, of the AONB will be judged. It is therefore consistent with paragraph 177 of the NPPF.

Areas of Great Landscape Value (AGLV) are locally important landscapes, first established in the West Lindsey Local Plan (2006) and North Kesteven Local Plan (2007) and carried forward into the adopted Central Lincolnshire Local Plan (April 2017).

The boundaries of the AGLV were reviewed in the preparation of the submitted Local Plan to ensure they remained accurate and reflected any changes that had taken place. The methodology is set out in Appendix 1 of the evidence report and the proposed amendments to the AGLV boundaries is set out in Appendix 3 (**ENV062**).

For the reasons stated above, the Committee considers Policy S62 to be positively prepared, justified, effective and consistent with national policy.

Issue 4 – Trees, Woodland and Hedgerows – Policy S66

Q1 – Is Policy S66 positively prepared, justified, effective and consistent with national policy, in particular paragraph 131, 174 and 180 of the Framework?

Yes. Policy S66 is positively prepared, justified, effective and consistent with national policy, in particular paragraphs 131, 174 and 180 of the NPPF. It provides a clear set of criteria for how applicants and decision makers should deal with the presence of trees, hedgerows and woodland in development schemes which will be effective in decision making.

The background to the development of Policy S66 and its justification is primarily contained within the policy evidence report (**EVR066**). The policy evidence report demonstrates that this policy 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.

It is worth noting that a near identical policy was found sound in the Peterborough Local Plan (2019)² – policy S66 – except that the submitted Policy in our case introduces (a) an additional (second) paragraph under the sub-heading of ‘New trees and woodland’, referencing replacement planting, the need to plant trees in the context of wider nature recovery and habitat opportunities; and (b) a new section relating to ‘hedgerows’, in order to better protect this important habitat and feature.

Issue 5 – Best and Most Versatile Agricultural Land – Policy S67

Q1 – Is Policy S67 positively prepared, justified, effective and consistent with national policy, in particular paragraph 174 of the Framework?

Yes. Policy S67 is positively prepared, justified, effective and consistent with national policy, in particular paragraph 174 of the NPPF. This policy is based on Part G of policy LP55 in the adopted Local Plan but has been updated in some areas to improve its effectiveness.

The background to the development of Policy S67 is primarily contained within the policy evidence report (**EVR067**). The policy evidence report provides justification for this policy and demonstrates that this policy 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.

Whilst we are not suggesting any modifications to Policy S67, for completeness please note the suggested modification to cross reference to it from Policy S14 (see Committee’s response to Matter 5, Issue 3, Question 7).

² See <https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/local-development-plan>