



For and on behalf of
Skegness Town Council

Skegness Neighbourhood Plan Basic Conditions Statement

**Prepared by
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1.0 INTRODUCTION

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Skegness Neighbourhood Development Plan (NDP) has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 (as amended) and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) have been met.
- 1.2 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.3 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
 - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
 - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

a) Supporting Documents and Evidence

- 1.4 The Skegness NDP is supported by a Consultation Statement and this Basic Conditions Statement. The Skegness NDP is also supported by a Sustainability Appraisal (incorporating Strategic Environmental Assessment) and other evidence prepared or commissioned by Skegness Town Council.

b) Key Statements

- 1.5 Skegness Town Council is a qualifying body and entitled to submit a Neighbourhood Plan for its own parish. The Skegness NDP expresses policies that relate to the development and use of land only within the neighbourhood area.
- 1.6 The neighbourhood area is contiguous with the parish boundary, as shown in the map accompanying the neighbourhood area designation application which is attached at **Appendix 1**.
- 1.7 The Skegness NDP covers the period from 2021 to 2031.
- 1.8 No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 1.9 It is not considered that the Skegness NDP will have any effect to weaken the statutory protection for Listed Buildings and other designated heritage assets (such as Skegness Foreshore, which is a registered Historic Park and Garden) or environmental protected areas within the neighbourhood area (see also Section 5).
- 1.10 The Skegness NDP does not relate to more than one neighbourhood area. It is solely related to the area of Skegness as designated by East Lindsey District Council in August 2016. There are no other Neighbourhood Development Plans in place for the Skegness neighbourhood area.

2.0 CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 It is required that the Skegness Neighbourhood Development Plan (NDP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF, 2021).

a) National Planning Policy Framework

2.2 Paragraphs 28 to 30 of the NPPF refer to Neighbourhood Development Plans and states that these plan must be in “*general conformity with the strategic policies contained in any development plan that covers their area*” (footnote 18).

2.3 This section demonstrates that the Skegness NDP has regard to relevant policies within the NPPF in relation to:

- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

2.4 The Skegness NDP has 15 strategic objectives. These specific goals are derived from the broad Vision for the town also set out in the NDP and form the basis for the individual policies set out within the NDP. Table 1 below provides a summary of how each policy in the Skegness NDP conforms specifically to the NPPF.

Table 1. Assessment of Skegness NDP Policies against NPPF

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
Employment, Education and Skills			
E1	Starter Business Floorspace	8(a), 81, 82	Policy E1 will help build a strong, responsive and competitive economy by allowing for inward investment through provision of new employment floorspace for starter / incubator business units.
E2	New Employment Floorspace	8(a), 81, 82, 171, 174	Policy E2 will help build a strong, responsive and competitive economy by allowing for inward investment and enabling development of new employment floorspace within Skegness. This policy also seeks to reduce risk from coastal change by avoiding inappropriate development of employment floorspace in areas vulnerable to flood risk.

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
E3	Redevelopment of Employment Sites for Other Uses	82(d), 123	Policy E3 allows flexibility within the plan to account for changes in economic circumstances subject to appropriate marketing evidence being provided.
E4	New Education Uses	95, 96	Policy E4 provides support for delivery of new education uses within the Plan area which will help to ensure a sufficient choice of school places to meet the needs of existing and new communities.
Tourism and Visitor Economy			
V1	Tourism and Visitor Economy	8(a), 81, 82, 86, 87, 174, 190	Policy V1 will help build a strong, responsive and competitive economy by providing support for tourism-related development subject to certain criteria being met, including appropriate protection of existing heritage assets and environmental designations.
V2	Loss of Visitor Accommodation	82, 123	Policy V2 takes a positive approach to applications for alternative uses of land and provides flexibility within the plan to account for changes in economic circumstances.
V3	Applications for Overnight Visitor Accommodation	8(a), 82, 190	Policy V3 will help build a strong, responsive and competitive economy by providing support for applications for new overnight visitor accommodation subject to certain criteria being met, including appropriate protection of existing heritage assets.
Skegness Town Centre			
TC1	Active Frontages in the Town Centre	8(a), 86	Policy TC1 will support the role of town centres and help build a strong, responsive and competitive economy by encouraging retention of Class E uses within primary and secondary frontages within Skegness Town Centre.
TC2	Town Centre Upper Floor Developments	86(f), 123(a)	Policy TC2 provides support for applications for residential (Use Class C3) uses on upper floors above existing town centre units, thereby recognising that residential development plays an important role in ensuring the vitality of centres.
TC3	Design of Shop Frontages, Foreshore Frontages and Signage	86, 136, 190	Policy TC3 supports the role that town centres play by taking a positive approach to their growth, management and

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
			adaptation, including by ensuring the creation of active and quality frontages and signage that improve the visual character of the area and conserve the existing historic environment.
Transport Infrastructure			
INF1	Sustainable Transport	92(c), 152	Policy INF1 enables and supports healthy lifestyles by encouraging walking and cycling in new developments and minimising the need to travel. In doing so, this policy also contributes towards reduction in greenhouse gas emissions.
INF2	Car Parking Standards for New Residential Development (Use Class C3)	106, 107, 108	Policy INF2 sets local parking standards for new residential development based on locally-derived evidence (as set out in the Parking Standards Background Report, April 2020).
INF3	Car Parking Standards for New Houses in Multiple Occupancy (HMOs) (Use Classes C4 and Sui Generis)	106, 107, 108	Policy INF3 sets local parking standards for new houses in multiple occupation based on locally-derived evidence (as set out in the Parking Standards Background Report, April 2020).
INF4	Parking Standards for New Hotels, Guest Houses and B&Bs (Use Class C1)	106, 107, 108	Policy INF4 sets local parking standards for new hotels, guest houses and B&Bs based on locally-derived evidence (as set out in the Parking Standards Background Report, April 2020).
INF5	Car Parking Standards for Non-Residential Development	106, 107, 108	Policy INF5 sets local parking standards for new non-residential development based on locally-derived evidence (as set out in the Parking Standards Background Report, April 2020).
INF6	Parking on Public Highways (Non-Residential and Serviced Tourist Accommodation Uses)	106, 107, 108	Policy INF6 sets requirements for parking surveys to support development for non-residential and serviced tourist accommodation uses (based on evidence set out in the Parking Standards Background Report, April 2020).
INF7	Parking for Service and Delivery Vehicles	106, 107, 108	Policy INF7 sets requirements for service and delivery vehicle parking based on locally-derived evidence (as set out in the Parking Standards Background Report, April 2020).
INF8	Disabled Parking Standards	106, 107, 108	Policy INF8 sets local disabled parking standards for new developments based on

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
	for New Developments		locally-derived evidence (as set out in the Parking Standards Background Report, April 2020).
INF9	Motorcycle Parking Standards for New Developments	106, 107, 108	Policy INF9 sets local motorcycle parking standards for new developments based on locally-derived evidence (as set out in the Parking Standards Background Report, April 2020).
INF10	Cycle Parking Standards for New Developments	92(c), 106, 107, 108, 152	Policy INF10 sets local cycle parking standards for new developments based on locally-derived evidence (as set out in the Parking Standards Background Report, April 2020). This policy will help contribute towards reductions in greenhouse gas emissions and a low carbon future.
INF11	Ultra Low Emission Vehicles (ULEV) Parking Standards and Future Provision	106, 107, 108, 152	Policy INF11 sets local ULEV parking standards for new developments based on locally-derived evidence (as set out in the Parking Standards Background Report, April 2020). This policy will help contribute towards reductions in greenhouse gas emissions and a low carbon future.
INF12	Public Car Parking Provision	106, 107, 108, 152	Policy INF12 provides support for protection of existing public car parking facilities and requirements for provision of new public car parking facilities, including support for sustainable travel modes.
Housing			
H1	Redevelopment of Existing Buildings for Affordable Residential Use	119, 120(d)	Policy H1 provides support for redevelopment of existing buildings to affordable residential use, thereby promoting effective use of land and making use of previously developed land.
H2	Infill Development	119, 120(d), 171	Policy H2 provides support for residential development on brownfield sites, thereby promoting effective use of land and making use of previously developed land.
H3	Older Persons Accommodation	62, 92, 98	Policy H3 provides support for specialist accommodation for older people which should also provide opportunities for social interaction and communal open space.
Community, Health and Well-Being			
C1	Existing Community Facilities (Non-Health Related) and	93	Policy C1 plans positively for the provision of community facilities by providing support

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
	Public Spaces		for the retention of existing community facilities unless certain criteria justifying their loss or re-use are met.
C2	New Community Facilities (Non-Health Related) and Public Spaces	93	Policy C2 plans positively for the provision of community facilities by providing support for development of new community facilities (non-health related) and public spaces.
C3	Community Health Facilities	93	Policy C3 plans positively for the provision of community facilities by providing support for development of new community health facilities.
Design and Environment			
D1	Design in New Developments	92, 98, 124(d & e), 126, 127, 130, 190	Policy D1 seeks to ensure that all new developments should be of a high quality design, including providing high quality amenity spaces, ensuring that developments contribute towards local character and conserve the historic environment.
D2	Design of New Car Parking	126, 127, 130	Policy D2 provides support for high quality design in new car parking developments that minimise negative impacts on the character of the surrounding area.
D3	Gateway Sites and Edge of Settlement Development	92, 126, 127, 130	Policy D3 sets out design criteria for the development of gateway sites and edge of settlement developments to ensure that such developments are well-designed and deliver high quality places.
D4	Local Green Spaces	98, 99, 101, 102	Policy D4 allocates seven sites as Local Green Spaces in accordance with the criteria set out in paragraphs 98 to 102 of the NPPF.
NDP1	ELDC Council Offices, North Parade	8(a) or 8(b), 70, 93	Policy NDP1 allocates the former ELDC Council Offices as suitable for leisure, tourism and/or community use, or affordable residential use. The development of this site would therefore contribute towards either achieving the objective of sustainable economic or social development.
NDP2	Skegness Fire Station and 8no. 'Firemen' houses, Churchill Avenue	8(a) or 8(b), 70, 93	Policy NDP2 allocates Skegness Fire Station and 8no. 'Firemen' houses, Churchill Avenue as suitable for employment use or affordable residential use. The development of this site would

Ref.	Policy Title	Relevant NPPF Paragraphs	Commentary
			therefore contribute towards either achieving the objective of sustainable economic or social development.
NDP3	Skegness Household Waste Recycling Centre, Warth Lane	8(a) or 8(b), 70, 93	Policy NDP3 allocates Skegness Household Waste Recycling Centre, Warth Lane as suitable for employment use or affordable residential use. The development of this site would therefore contribute towards either achieving the objective of sustainable economic or social development.

3.0 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

3.1 The NPPF states at paragraph 7 that *“the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”*.

3.2 Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, defined as follows:

“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

3.3 Table 2 below summarises how the policies in the Skegness NDP contribute towards sustainable development, as defined in the NPPF.

Table 2. Assessment of Skegness NDP Policies against NPPF Sustainability Objectives

Economic Objective
<p>Relevant Skegness NDP Policies:</p> <p>E1 – Starter Business Floorspace E2 – New Employment Floorspace V1 – Tourism and Visitor Economy V2 – Loss of Visitor Accommodation V3 – Applications for Overnight Visitor Accommodation TC1 – Active Frontages in the Town Centre NDP1 – ELDC Council Offices, North Parade NDP2 – Skegness Fire Station and 8no. ‘Firemen’ houses, Churchill Avenue NDP3 – Skegness Household Waste Recycling Centre, Warth Lane</p>
<p>Commentary:</p> <p>The Skegness NDP seeks to support sustainable economic growth within the town, including in particular through supporting development of starter business floorspace / incubator units and the diversification of the economic base away from tourism towards sectors that provide year-round employment. The NDP also provides continued support for development within the tourism and visitor economy sector, including visitor accommodation, provided it is undertaken in a sustainable manner and does not negatively impact upon the natural or historic environment or contribute towards increased levels of flood risk. The NDP where possible also seeks to sustain and enhance the vitality of Skegness Town Centre. The site allocations within the NDP (NDP1 to NDP3) provide further opportunity for sustainable economic development.</p>

Social Objective
<p>Relevant Skegness NDP Policies:</p> <p>E3 – Redevelopment of Employment Sites for Other Uses E4 – New Education Uses TC2 – Town Centre Upper Floor Developments INF1 – Sustainable Transport INF8 – Disabled Parking Standards for New Developments H1 – Redevelopment of Existing Buildings for Affordable Residential Use H2 – Infill Development H3 – Older Persons Accommodation C1 – Existing Community Facilities (Non-Health Related) and Public Spaces C2 – New Community Facilities (Non-Health Related) and Public Spaces C3 – Community Health Facilities NDP1 – ELDC Council Offices, North Parade NDP2 – Skegness Fire Station and 8no. ‘Firemen’ houses, Churchill Avenue NDP3 – Skegness Household Waste Recycling Centre, Warth Lane</p>
<p>Commentary:</p> <p>The Skegness NDP contributes towards the social objective as set out in the NPPF by providing support for the development of new affordable residential development in appropriate locations, education uses, community and health facilities, and specialist accommodation for older people. The NDP also seeks to conserve, where possible, existing community facilities, health facilities and public open spaces. The NDP encourages the use of active travel modes such as walking and cycling, as well as promoting inclusive design through appropriate provision of disabled parking in new developments. The site allocations within the NDP (NDP1 to NDP3) provide further opportunity to deliver social benefits through the development of affordable residential accommodation or opportunities for social, recreational and cultural services and facilities.</p>
Environmental Objective
<p>Relevant Skegness NDP Policies:</p> <p>TC1 – Active Frontages in the Town Centre TC3 – Design of Shop Frontages, Foreshore Frontages and Signage INF1 – Sustainable Transport INF2 – Car Parking Standards for New Residential Development (Use Class C3) INF3 – Car Parking Standards for New Houses in Multiple Occupancy (HMOs) (Use Classes C4 and Su i Generis) INF4 – Parking Standards for New Hotels, Guest Houses and B&Bs (Use Class C1) INF5 – Car Parking Standards for Non-Residential Development INF6 – Parking on Public Highways (Non-Residential and Serviced Tourist Accommodation Uses) INF7 – Parking for Service and Delivery Vehicles INF8 – Disabled Parking Standards for New Developments INF9 – Motorcycle Parking Standards for New Developments INF10 – Cycle Parking Standards for New Developments INF11 – Ultra Low Emission Vehicles (ULEV) Parking Standards and Future Provision INF12 – Public Car Parking Provision H2 – Infill Development D1 – Design in New Developments D2 – Design of New Car Parking</p>

D3 – Gateway Sites and Edge of Settlement Development
D4 – Local Green Spaces

Commentary:

The Skegness NDP contributes towards the environmental objective as set out in the NPPF by enhancing the built environment through the promotion of high quality design in new developments and encouraging the efficient use of land. The NDP also seeks to protect the historic and natural environment, including through the allocation of Local Green Spaces. The parking policies set out within the NDP seek to encourage use of sustainable modes of travel as well as reducing the visual impacts associated with increased levels of on-street parking. The NDP policies contribute towards mitigating the impacts of climate change and the shift towards a low carbon economy by promoting active forms of travel and enhancing provision of secure cycle parking and ULEV parking in new developments.

- 3.4 As demonstrated in Table 2, the policies of the Skegness NDP are considered to comprise a balance between achieving the economic, social and environmental objectives as set out in the NPPF.
- 3.5 The impact of the NDP policies on economic, social and environmental objectives are considered in further detail in the Sustainability Appraisal (including Strategic Environmental Assessment (SEA)) that was undertaken to demonstrate the NDP's compliance with the European SEA Directive (2001/42/EC) (see Section 5 of this report).

4.0 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 4.1 The development plan currently consists of the East Lindsey Core Strategy which was adopted in July 2018. This document sets out the vision and strategic policies for the growth and development of the District up to 2031.
- 4.2 East Lindsey District Council is currently undertaking a review of its development plan. A Regulation 18 Issues and Options and Call for Sites consultation was undertaken in February – April 2021.
- 4.3 As the Local Plan Review is at a relatively early stage, the strategic policies with which the Skegness NDP is required to be in conformity are as set out in the adopted Core Strategy. The policies of relevance to the NDP are set out in Table 3 below, including an assessment of whether the Skegness NDP is in general conformity with these.
- 4.4 Any policy that is not identified in Table 3 is not considered to be relevant to the assessment of general conformity as the Skegness NDP does not have any policies that directly relate to it.

Table 3. Assessment of Skegness NDP Policies against relevant East Lindsey Core Strategy Policies

Relevant ELDC Core Strategy (2018) Policies		Skegness NDP Policies – Assessment of General Conformity
SP3	Housing Growth and the Location of Inland Growth	Policy H2 provides support for windfall development on infill sites in accordance with the exceptions set out in Policy SP18, which is cross-referenced in Policy SP3.
SP5	Specialist Housing for Older People	Policy H3 provides support for the development of specialist housing for older people in accordance with the criteria set out in Policy SP5. Policy C3 provides support for provision of community health infrastructure within applications for specialist accommodation for older people. This aligns with the criteria set out in Policy SP5 which requires development to be designed to meet the health care needs of residents.
SP7	Affordable and Low Cost Housing	Policy H1 is in conformity with Policy SP7 by supporting the development of affordable residential accommodation through the redevelopment of existing buildings.
SP10	Design	Policy TC3 supports the development of quality frontages in Skegness Town Centre that improve the visual character of the area in accordance with the principles set out in Policy SP10. Policy H2 supports infill residential developments that are well design and in keeping with their local surroundings and respect the character of the area, in accordance with the principles set out in Policy SP10. Policies C1 and C1 supports new community facilities or alternative uses for existing community facilities only where certain criteria are met, including meeting

		<p>appropriate standards for safety and accessibility, in accordance with Policy SP10.</p> <p>Policies D1 and D2 set out principles for design in new developments and design of new car parking (respectively) that are in accordance with the criteria set out in Policy SP10.</p>
SP11	Historic Environment	<p>Policy V1 supports applications for tourism-related development where these promote the principles of sustainable tourism including preservation and enhancement of the town's heritage assets, including Skegness Foreshore, Esplanade and Tower Gardens, in accordance with the principles set out in Policy SP11.</p> <p>Policy TC1 supports the creation of active frontages in Skegness Town Centre where these benefit the vitality and viability of the Town Centre and are compatible with nearby residential uses, including ensuring compatibility with nearby heritage assets.</p> <p>Policy TC3 supports developments in the Town Centre and Skegness Foreshore that lead to the creation of active and quality frontages that improve the visual character of the area, including having consideration to existing heritage assets in accordance with the principles of Policy SP11.</p> <p>Policy H2 supports proposals for infill residential development where these are in keeping with their local surroundings and respect the character of the area, including any heritage assets in accordance with the principles of Policy SP11.</p> <p>Policy C2 provides support for new community facilities and public open spaces where these comply with other relevant policies in the plan, including the preservation of existing heritage assets.</p> <p>Policy D1 requires that proposed developments should, where relevant, enhance heritage assets and their settings and better reveal intended views, especially towards the sea, in accordance with the principles of Policy SP11.</p>
SP14	Town/Village Centres and Shopping	<p>Policy TC1 provides support for development in Skegness Town Centre that leads to the creation of active frontages in order to enhance the vitality of the town centre, in accordance with the principles of Policy SP14.</p> <p>Policy TC2 supports applications for residential uses on upper floor levels above existing town centre units provided that the use does not adversely affect the viability of commercial ground floor uses, in accordance with the principles of Policy SP14.</p> <p>Policy TC3 supports the creation of active and quality frontages in the Town Centre that improve the visual character of the area and thereby support the Town Centre's retail, tourism, commercial, leisure and cultural</p>

		<p>offer, in accordance with Policy SP14.</p> <p>Policies C1 to C3 provide support for the retention of existing or development of new community or health care facilities and open spaces in accordance with the key principle of Policy SP14 which states that the Council will support the development of community services and facilities that contribute to the vitality and viability of town centres in the District.</p>
SP17	Coastal East Lindsey	<p>Policies E2 and E3 provide support for applications that help to generate employment and develop businesses in the neighbourhood plan area, which aligns with the principle of Policy SP17 which seeks to prioritise development that extends and diversifies all-year round employment opportunities and contributes directly to the local economy.</p> <p>Policies V1 and V3 provide support for applications for sustainable tourism-related development, including overnight tourist accommodation (subject to certain criteria being met), which aligns with the objective of Policy SP17 to extend or diversify the tourism market.</p>
SP18	Coastal Housing	<p>Policy H1 provides support for applications for redevelopment of existing buildings to affordable residential use in accordance with the principles of Policy SP18.</p> <p>Policy H2 provides support for applications for residential development on brownfield infill sites in accordance with the principles of Policy SP18.</p> <p>Policy TC2 provides support for applications for residential development in town centre locations, where appropriate, in accordance with the principles of Policy SP18.</p>
SP19	Holiday Accommodation	<p>Policy V1 states that applications for new caravan sites or extensions to existing caravan sites will be supported where the use is restricted to temporary holiday accommodation and the months of occupation are restricted in accordance with the requirements of Policy SP19.</p> <p>Policy V2 states that applications for changes of use from visitor accommodation to other uses will only be supported where certain criteria are met, in accordance with Policy SP19.</p> <p>Policy V3 supports the development of new overnight tourist accommodation subject to certain criteria being met, in accordance with Policy SP19.</p>
SP20	Visitor Economy	<p>Policy E3 provides support for re-use of existing buildings for employment-generating uses including those within the tourism and visitor economy, in accordance with Policy SP20 which supports proposals that build on the existing coastal tourism offer.</p> <p>Policy V1 supports applications for tourism-related</p>

		development subject to certain criteria being met, in accordance with Policy SP20.
SP21	Coastal Employment	<p>Policies E1, E2 and E3 provide support for applications for new employment floorspace, including starter business floorspace and other employment-generating uses in accordance with Policy SP21 which supports local employment in coastal areas.</p> <p>Policy V1 provides support for applications for tourism-related uses. Such uses will help to deliver local employment in this coastal area, in accordance with the principles of Policy SP21.</p>
SP22	Transport and Accessibility	<p>Policies INF1 to INF12 set out parking standards based on locally-derived evidence which accord with the principles set out in Policy SP22.</p> <p>Policy D3 sets out criteria for the development of sites at key gateway locations and at existing transport hubs / routes. This policy is in conformity with Policy SP22 which supports development which is shown to link with the existing road and public transport systems operating within the District.</p>
SP23	Landscape	Policy D1 sets out principles for ensuring all new developments achieve high quality design including a requirement to contribute towards local character by creating a sense of place appropriate to its location, in accordance with the principles of Policy SP23.
SP25	Green Infrastructure	Policy D4 designates seven sites as Local Green Spaces which supports the objectives of Policy SP25 to protect and safeguard existing greenspaces within the District.
SP26	Open Space, Sport and Recreation	<p>Policies C1 and C2 seek to prevent the loss of existing open spaces and provide support for development of new public open spaces, in accordance with the principles of Policy SP26.</p> <p>Policy D4 designates seven sites as Local Green Spaces which supports the objectives of Policy SP26 to resist development which would prevent the loss of existing open spaces.</p>
SP28	Infrastructure and S106 Obligations	Policy E4 provides support for applications that provide new or enhanced education establishments which conforms with Policy SP28 which supports the delivery of infrastructure where it contributes to sustaining local communities.

5.0 DOES NOT BREACH, AND IS OTHERWISE COMPATIBLE WITH, EU OBLIGATIONS

- 5.1 A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are 4 directives that may be of particular relevance to neighbourhood planning:
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive)
 - Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive)
 - Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (often referred to as the Habitats Directive)
 - Directive 2009/147/EC on the conservation of wild birds (often referred to as the Wild Birds Directive)
- 5.2 In September 2020 a request was submitted to East Lindsey District Council for a Screening Opinion. In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC a Screening Opinion on the need for a Strategic Environmental Assessment (SEA) for the Neighbourhood Plan was subsequently prepared by East Lindsey District Council. Following consultation with Statutory Bodies, including the Environment Agency, Natural England and Historic England, this Screening Opinion (attached at **Appendix 2**) concluded that the Neighbourhood Plan is likely to have significant environmental effects and a full SA is required, incorporating elements of SEA.
- 5.3 Paragraph 5.3 of the Council's Screening Opinion recommended that *"a 'light touch' SA (incorporating SEA) be prepared for the Skegness Neighbourhood Development Plan"*. The report also set out the required scope of the SEA, recommending that special consideration be given to the impacts on flood risk and sites protected internationally for their biodiversity.
- 5.4 Alongside the SEA Screening Opinion, East Lindsey District Council also prepared an Equalities Impact Assessment (EqIA) of the Draft Skegness Neighbourhood Plan and a Stage 1 Habitats Regulations Assessment (HRA). The Stage 1 HRA concluded that Draft Neighbourhood Plan Policy E2 could have significant effects on the Saltfleetby-Theddlethorpe Dunes & Gibraltar Point Special Conservation Area and as such a full 'appropriate assessment'¹ would be required. Policy E2 has since been amended in order to remove the potential for any significant effects on protected habitats and species. The wording of Policy E2 was amended to remove its application to the Foreshore area (so it now applies only to the Town Centre) and included a reference to the need to ensure that new developments avoid adverse impacts on environmental designations.
- 5.5 Subsequent to these amendments to Policy E2, which were undertaken prior to the Regulation 14 consultation, East Lindsey District Council confirmed that an 'appropriate assessment' of the Neighbourhood Plan would no longer be required (see email from ELDC Planning Officers dated 14th April 2021, copy at **Appendix 3**).
- 5.6 A full Sustainability Appraisal (incorporating SEA) has been completed and was published

¹ A plan or project may also require an appropriate assessment, as set out in the Conservation of Habitats and Species Regulations 2017 (as amended), if it is considered likely to have significant effects on a habitats site. A sustainability appraisal should take account of the findings of an appropriate assessment, if one is undertaken. An appropriate assessment, under the Conservation of Habitats and Species Regulations 2017 (as amended), identifies whether a plan or project is likely to have a significant effect on a habitats site, either alone or in combination with other plans or projects. This assessment must determine whether significant effects on that site can be ruled out on the basis of objective information.

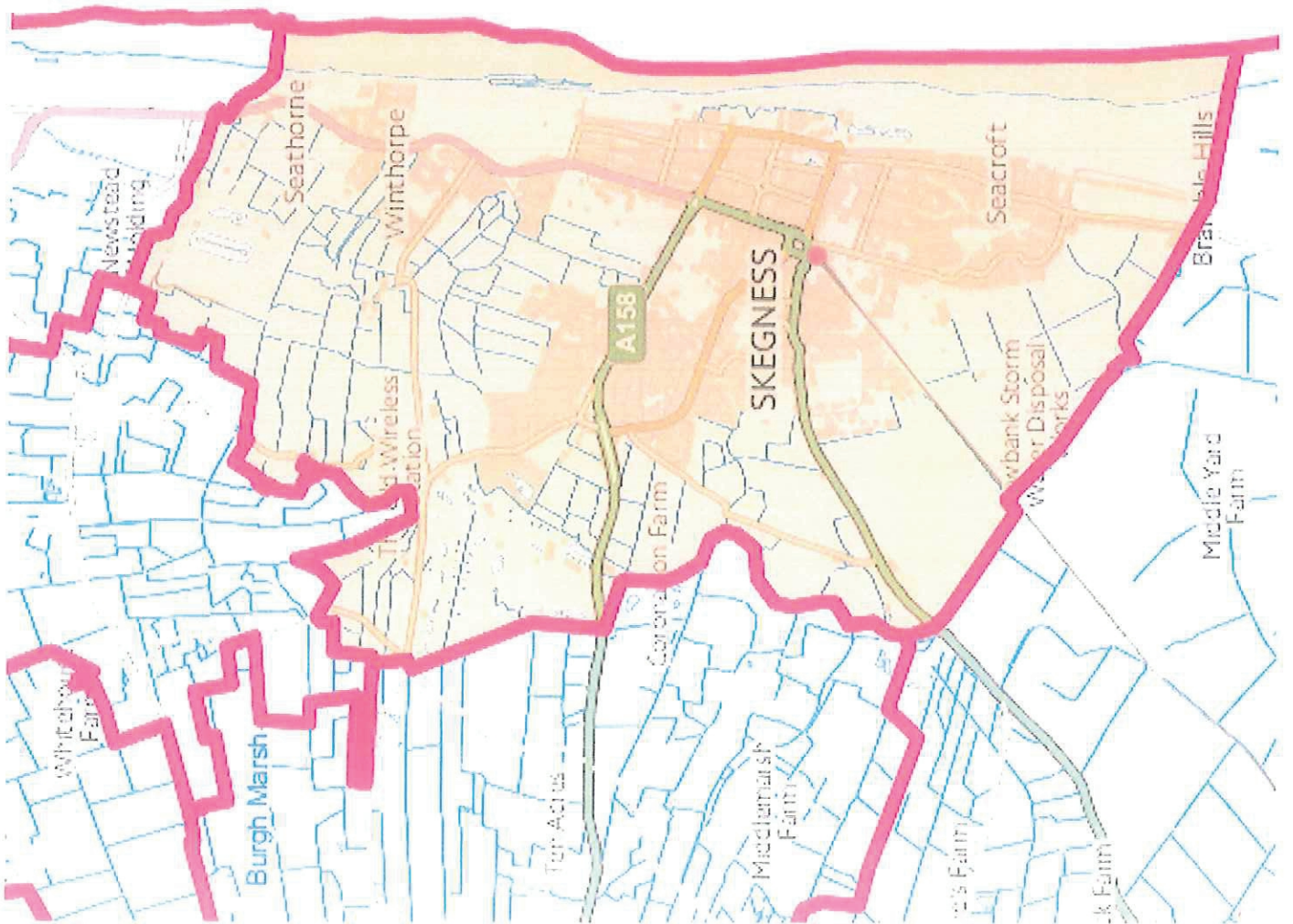
for consultation alongside the Draft Neighbourhood Plan as part of the Regulation 14 consultation.

- 5.7 The Skegness NDP has therefore been prepared in accordance with relevant EU obligations, notably Directives 2001/42/EC and 92/43/EEC.

6.0 CONCLUSIONS

- 6.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Skegness Neighbourhood Development Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Skegness Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

APPENDIX 1 SKEGNESS NEIGHBOURHOOD AREA DESIGNATION



APPENDIX 2 ELDC SCREENING OPINION



SCREENING OPINION FOR SKEGNESS NEIGHBOURHOOD DEVELOPMENT PLAN

Screening Opinion

Skegness Neighbourhood Development Plan

1. Introduction

1.1 This screening opinion is intended to determine whether or not the content of the Skegness Neighbourhood Development Plan (NDP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.2 The purpose of the Skegness NDP is to establish planning policies for the development and use of land within Skegness. Some NDPs will allocate land for development, others will be primarily policy based. In the case of Skegness, the NDP will be allocating sites for affordable housing and employment development.

1.3 Below is an outline of the legislation behind the need for this screening opinion. This is then followed by the assessment of the likely significant environmental effects of the NDP and the determination of whether there is the need for a full SEA.

2. Legislation

2.1 The legislation pertaining to Strategic Environmental Assessments and Sustainability Appraisal is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, commonly referred to as the SEA Regulations. The Government published 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005), which provides more detailed guidance on how an SEA should be carried out.

2.2 The Planning and Compulsory Purchase Act 2004 also requires that a Sustainability Appraisal (SA) is prepared for all spatial plans. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

2.3 The Government has stated that a Sustainability Appraisal is not needed for NDPs, but has said that it must be demonstrated how the NDP contributes to the achievement of sustainable development in the area.

2.4 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 refers to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an appropriate assessment. Paragraphs 2 – 5 of Schedule 2 amend the Conservation of Habitats and Species Regulations 2010 so that its provisions apply to NDOs and NDPs. The

regulations do state that the making of an NDP is not likely to have a significant effect on a site designated at European level for its biodiversity, however, this needs to be ascertained and this can be done at the time the screening opinion is being sought.

2.5 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

3. Criteria for Assessing the Effects of a Neighbourhood Development Plan (NDP)

3.1 Schedule 1 of The Environmental Assessment of Plans and Programmes Regulations 2004 sets out the criteria to be used for determining the likely significance of effects on the environment. These are:

1. The characteristics of plans and programmes, having regard, in particular, to—
 - (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
 - (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
 - (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
 - (d) environmental problems relevant to the plan or programme; and
 - (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—
 - (a) the probability, duration, frequency and reversibility of the effects;
 - (b) the cumulative nature of the effects;
 - (c) the transboundary nature of the effects;
 - (d) the risks to human health or the environment (for example, due to accidents);

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);

(f) the value and vulnerability of the area likely to be affected due to—

(i) special natural characteristics or cultural heritage;

(ii) exceeded environmental quality standards or limit values; or

(iii) intensive land-use; and

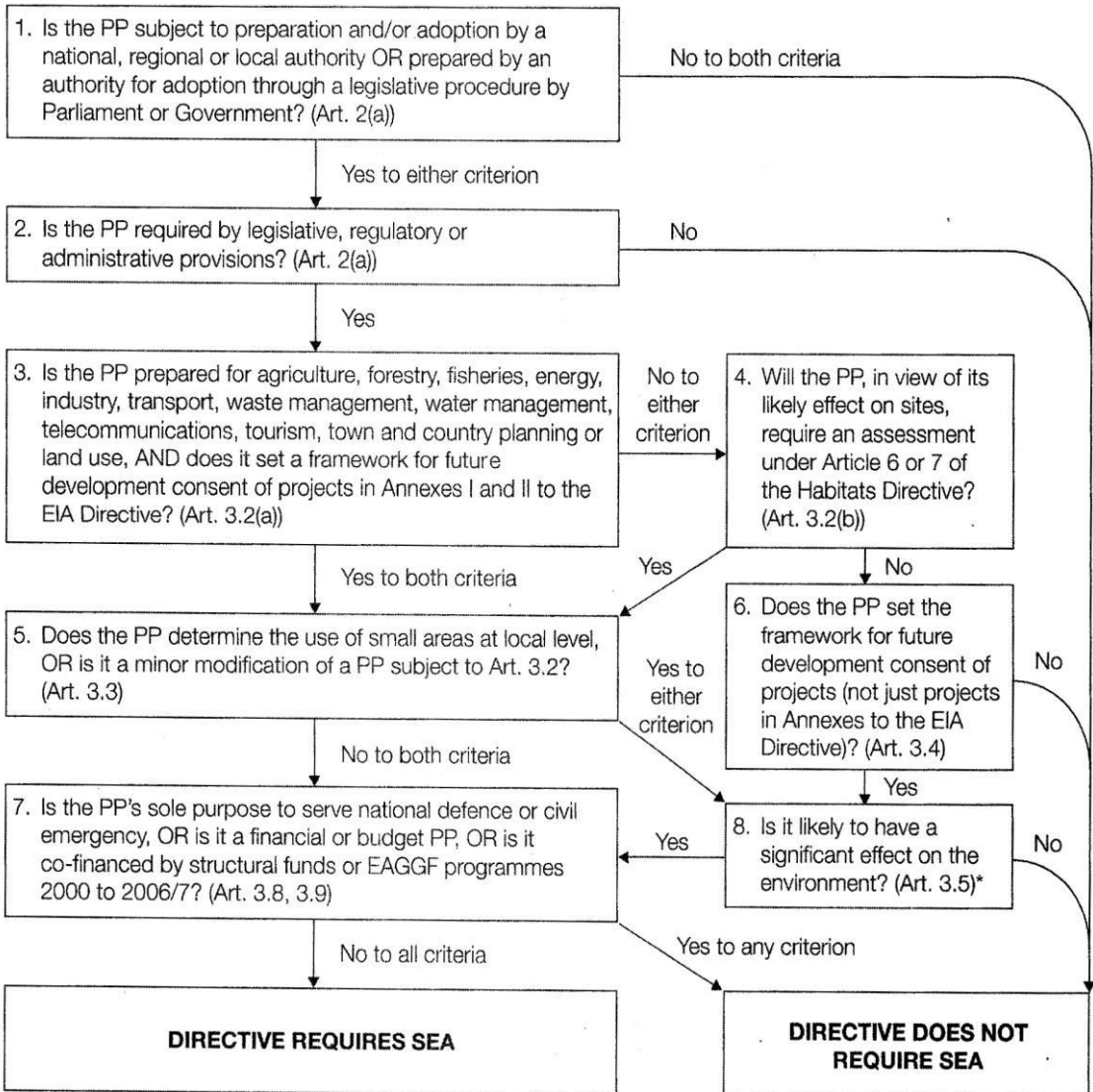
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

4. Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

source: A Practical Guide to the Strategic Environmental Assessment Directive Scottish Executive Welsh Assembly Government and DOE September 2005

4.2 The table below contains the assessment of whether the Skegness NPD will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Stage	Y/ N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The preparation of the Skegness NDP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Skegness NDP will be "made" (adopted) by East Lindsey District Council once it had passed through the formal stages of its preparation under the Neighbourhood Planning (General) Regulations 2012. Go to Stage 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The preparation of an NDP is not a requirement of legislation, but is an option for communities under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. If the NDP passes all the stages required under the Neighbourhood Planning (General) Regulations 2012, it will be "made" by the District Council and will become part of the development plan for the District. It therefore has to conform to the appropriate legislative, regulatory and administrative procedures. Go to Stage 3
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	The Skegness NDP is being prepared for town and country planning purposes. It allocates land for development, including affordable housing and employment uses. As such, the NDP contains a framework for further development consent for urban development projects (listed as 10(b) in Annex II of the EIA Directive). Go to Stage 5
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	Y	A HRA Screening has been carried out and found the potential for significant effects.

5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The NDP determines the use of small sites at a local level. Go to Stage 8
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	N/A
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	The NDP's purpose is not covered by the terms of this criterion.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	See Assessment below: Likely significant effects on the environment. Go to Stage 7

Stage 8 Assessment (N.B. Community in this context refers to the European Community)

SEA Directive criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Likely significant effect	East Lindsey District Council assessment
The characteristics of the Skegness Neighbourhood Development Plan, having regard, in particular to:		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	Y	The Skegness NDP will, if "made" by East Lindsey District Council, form part of the statutory Development Plan. As such, it will contribute to the framework for the development consent for projects. The NDP will determine the location, nature and size of development sites (affordable housing, employment and Park and Ride facility) in the community.

<p>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</p>	<p>N</p>	<p>The Skegness NDP will sit within the Development Plan. It is required to be in conformity with national legislation, some European legislation and with the planning policy documents prepared by East Lindsey District Council. The NDP should not in itself influence other plans and programmes, although it will influence development proposals.</p>
<p>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>Y</p>	<p>As the Skegness NDP is must comply with relevant legislation, it should be seeking to integrate environmental considerations. To this end, an appraisal has been prepared, although not formally required by legislation, to demonstrate how the plan has integrated these issues. It is therefore considered that environmental considerations will be integrated in the Skegness NDP.</p>
<p>(d) environmental problems relevant to the plan or programme</p>	<p>Y</p>	<p>The preparation of Skegness NDP will need to consider the impact of proposals on sites designated for biodiversity, heritage assets and flood risk. Skegness lies adjacent to Saltfleetby-Theddlethorpe Dunes & Gibraltar Point Special Area of Conservation (SAC); Greater Wash Special Protection Area (SPA), Gibraltar Point (SPA, Ramsar Site and Site of Special Scientific Interest. Also close by are The Wash and North Norfolk Coast SAC; and The Wash SPA and Ramsar sites. A Habitat Regulation Screening Opinion will also be required.</p>
<p>(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and</p>	<p>Y</p>	<p>The Skegness NDP does not directly relate to the implementation of European legislation in respect of waste management or water protection. However, it will need to take into account the impact of the</p>

programmes linked to waste management or water protection).		Water Framework Directive. Indirectly, there are a number of ways the plan helps to implement European environmental legislation through policies, including those on climate change, sustainable development, biodiversity etc and many of these indirect links will be brought out through the SA of the NDP.
SEA Directive criteria and Schedule 2 of Environmental Assessment of Plans and Programmes Regulations 2004	Likely significant effect	East Lindsey District Council assessment
Characteristics of the effects and of the Neighbourhood Development Plan Area likely to be affected, having regard, in particular, to		
(a) the probability, duration, frequency and reversibility of the effects	Y	There will be short term effects during the construction of development on allocated and other sites. There are likely to be minor and localised longer term effects resulting from the development of areas in and around the town and although the environment may adapt to these change in circumstances, the effect is likely to be permanent.
(b) the cumulative nature of the effects	Y	Skegness NDP will be allocating a number of sites for development (affordable housing, employment and a Park and Ride Facility). The sites are mostly small and the opportunity for cumulative effects is limited. Development coming forward as a result of the policies cannot be predicted.
(c) the transboundary nature of the effects	Y	There are unlikely to be transboundary effects of the NDP.
(d) the risks to human health or the	N	There are unlikely to be any significant risks to human health or

environment (for example, due to accidents)		the environment due to accidents as a result of the NDP. Skegness is located within Flood Zone three and is also in the highest Hazard level in the Environment Agency's Hazard mapping, but this is addressed through the policies of the Plan.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The NDP covers the parish of Skegness, which has a population of 19,579 (2011).
(f) the value and vulnerability of the area likely to be affected due to : (i) special natural characteristics or cultural heritage	Y	Until the location and scale of development coming forward as a result of the policies is determined, it is not possible to properly assess the effects on natural character or cultural heritage. However, the Plan includes policies, or reference within policies, referring to design, local character, and green space.
(f) the value and vulnerability of the area likely to be affected due to : (ii) exceeded environmental quality standards or limit values	N	The Skegness NDP is not expected to exceed environmental limits.
(f) the value and vulnerability of the area likely to be affected due to : (iii) intensive land-use	N	The Skegness NDP contains policies that require development to reflect local density and pattern of development.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status	N	Skegness lies 8.5km from the eastern edge of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) so is unlikely to impact on this protected landscape. Sites protected at an international level for biodiversity are outlined above.

Assessment under Stage 8	<p>The Skegness NDP is likely to have a significant effect on the environment.</p> <p>Go to 7</p>
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5. Screening Outcome

5.1 As a result of the assessment above, there is potential that there will be significant environmental effects arising from the Skegness Neighbourhood Development Plan. As such, the Skegness Neighbourhood Development Plan requires a full SEA to be undertaken. This screening opinion is based on the information that is available at the time of assessment.

5.2 The East Lindsey Core Strategy has been subject to a Sustainability Appraisal (incorporating SEA), but the Skegness NDP goes further in that it looks to allocate additional sites for development and contains policies bringing forward development not included in the East Lindsey Local Plan. It is therefore important that the Skegness NDP be subject to SEA.

5.3 East Lindsey District Council had advised all its communities preparing Neighbourhood Development plans, whether allocating sites or not, that they should prepare a sustainability assessment in order to comply with the Government's requirement that the NDP demonstrate how it contributes to the achievement of sustainable development in their area. The Council has suggested a lighter touch approach than that used by the District Council's Sustainability Appraisal, which it feels is proportionate to the approach taken by Neighbourhood Planning. The Council consulted English Heritage, Natural England and the Environment Agency on the approach to be used, and all agreed that it was an appropriate approach for Neighbourhood Plan Groups to take. The approach is framed to enable SEA to be incorporated, as good practice now recommends. It is therefore recommended that a 'light touch' SA (incorporating SEA) be prepared for the Skegness Neighbourhood Development Plan, as advocated by the Council, giving special consideration to the aspects outlined in the assessment table above: namely the impacts on sites protected internationally for their biodiversity and flood risk.

APPENDIX 3 EMAIL FROM ELDC OFFICERS REGARDING HRA (14TH APRIL 2021)

Kirsten Ward

From: Milson, Simon <Simon.Milson@e-lindsey.gov.uk>
Sent: 14 April 2021 14:33
To: Kirsten Ward
Cc: Turton, Kay; Alex Roberts
Subject: RE: Skegness Neighbourhood Plan

Categories: Checked for filing

Hi Kirsten.

I have had a quick word with Kay and we feel that this should address the concerns in the screening. Obviously it will still go out to consultation and we will have to see what comments we get back, in particular from Natural England.

What stage are you at with the final drafting now? Have you a finished consultation draft version that we can have a look at that incorporates suggestions we made and is ready for consultation?

Regards

Simon

Simon Milson
Planning Policy and Research Service Manager

Planning Policy, Research & Monitoring

From: Kirsten Ward <Kirsten.Ward@dlpconsultants.co.uk>
Sent: 13 April 2021 13:35
To: Milson, Simon <Simon.Milson@e-lindsey.gov.uk>
Cc: Turton, Kay <kay.turton@e-lindsey.gov.uk>; Alex Roberts <alex.roberts@dlpconsultants.co.uk>
Subject: RE: Skegness Neighbourhood Plan

This message originated from outside your organization

Hi Simon,

I hope you are well.

We are currently in the process of finalising the SEA and updating the Skegness Neighbourhood Plan in line with comments received from ELDC and other statutory consultees.

Having reviewed the Stage 1 Habitats Regulations Assessment we are keen to ensure that the NDP has a neutral (or positive) impact on the SCA and other nearby designated sites. As such, we have amended the wording of Policy E2 in the NDP to remove its application to the Foreshore area (so it now applies only to the Town Centre) and included reference to the need to ensure that new developments avoid adverse impacts on environmental designations. We have also updated this policy so it refers to Class E rather than B1. As such, draft Policy E2 now states the following:

Policy E2: New Employment Floorspace

Applications which help to generate employment and develop business through the extension, conversion and replacement of existing buildings or provision of new buildings within existing employment sites or at locations in accordance with the other policies of the plan will be supported, provided that they avoid significant adverse effects in terms of:

- Impact on existing environmental designations or existing flood defences:
- Impact on neighbouring properties, or the locality in general in terms of noise, fumes, odour or other nuisances;
- Impact on the character and appearance of the area in terms of scale, visual impact and nature of operations; and
- Traffic generation, congestion and other traffic related nuisance.

Within the designated area of the Skegness Town Centre ~~and Foreshore~~ (as defined in ELDC Local Plan Core Strategy Policies SP14 ~~and SP20 respectively~~) opportunities to provide new employment floorspace, including as part of mixed-use development and provision for co-working and flexible working, will be supported providing that it would not affect the viability of the existing town centre including as a result of the loss of existing retail (A1) floorspace or visitor facilities.

Development will need to demonstrate that it satisfies the Sequential and Exception Test as set out in the accompanying Annex 2 of the ELDC Core Strategy Local Plan or its successor policy following the future Local Plan Review.

This policy relates to all applications for business uses including Classes ~~B1, E(c), E(g), B2, and B8~~ of the Town and Country Planning (Use Classes) Order 1987 and any subsequent amendments. ~~It does not refer to main town centre uses as defined in the NPPF.~~

Related ELDC Policies

Policy SP17 – Coastal East Lindsey

Policy SP21 – Coastal Employment

We believe that this amendment should remove the requirement for a full ‘appropriate assessment’ of the neighbourhood plan. Policy E2 was the only policy identified in the Council’s HRA Screening Assessment as warranting further assessment (see concluding paragraph 55) and following these amendments to the policy wording we believe this rules out significant effects on designated sites. I’d be grateful if you are able to confirm whether you agree with this position.

Kind regards

Kirsten

Kirsten Ward BSc (Hons) MA PhD MRTPI

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