

**Examination of the East Lindsey Core Strategy and the East Lindsey Settlement Proposals Development Plan Document (DPD)**

**Inspectors' matters, issues and questions (MIQs)**

**Stage 1 – Core Strategy**

26 May 2017

*Note: The MIQs for Stage 2 relating primarily to the Settlement Proposals Development Plan Document and 5 year supply of housing will be made available separately. Some cross-cutting issues relating to both plans will be considered in Stage 1.*

*Abbreviations:*

*ADM – additional minor modification proposed by the Council*

*CS – Core Strategy*

*Framework – National Planning Policy Framework*

*Regulations – The Town and Country Planning (Local Planning) (England) Regulations 2012*

***The Council's answers are in italics with any suggested modifications in red italics***

**Matter 11: The built environment (Policies SP10 and SP11)**

**Main issue: Are Policies SP10 and SP11 justified; effective; and consistent with national policy?**

Questions

*SP10: Design*

1. Is it justified and/or necessary to require developments of *all* dwelling houses to complete the place-making checklist? Would all the criteria be relevant to developments of just one dwelling house or other small-scale developments? Is proposed amendment ADM20 an additional/minor amendment or is it necessary to make the plan sound?

*The Council believes that even one house, poorly designed in relation to its surroundings can impact on the quality of the local environment. The District is the subject of large numbers of applications for individual dwellings, or for small groups of dwellings, especially in the villages, and both individually and cumulatively they can have a significant impact. The change to paragraph 14 does say that the check list will be encouraged rather than enforced.*

*There are aspects of all the criteria which apply to individual dwellings. Character clearly relates to all development, making sure development is*

*designed for its location and is not a generic design. Streetscape is also important for individual dwellings, for example in historic centres where development fronts onto the street or in locations which have large frontages which present a more open character to the street. Architectural quality is important for one house as much as a large development, ensuring care has gone into the way the building is designed to relate to its surrounding. Easy for everyone to get around implies a broader applications, however, there are aspects of this that can still apply to an individual property in that there is safe access to the site and the issues for designing out crime which can be applicable in individual properties, such as avoiding dark corners adjacent to the pavement and providing natural surveillance. Although for "interesting places" an individual dwelling cannot include a variety of uses, it can provide an interesting visual interest in the street through the quality of the design and detailing or through an innovative approach. Although comprehensive landscaping is less possible with one house, there are opportunities to retain existing features or link into existing landscape features such as trees along street frontages or open gardens. All properties can address the built to last for generations criteria. Also, there always the option of including a not applicable where there are reasons why it not possible to achieve something.*

*ADM20 is intended for clarity. The previous statement that development "should be able to" satisfy the check list was ambiguous as to whether or not it had to. To use the expression "will be encouraged" makes it clearer that this is not compulsory.*

2. Is the definition of "Gateway Sites" sufficiently clear that developers can be certain of whether or not a site-specific design brief is required? How could this be strengthened to ensure effectiveness?

*The Council considers that the explanation of "gateway site" is clear – a site which lies at the entrance to a settlement and is therefore the first one that is seen on entering the built up area". It is not considered that a precise location of the site is necessary. Individual circumstances will vary across the District, from an individual plot which stands close to the road and finishes off an existing frontage of development, to one which is set back is viewed across an open and green entrance to a more rural settlement, to a new major housing scheme which may need to create its own sense of place yet set the tone for the settlement beyond. A definition that covered all eventualities but yet which is stronger would risk being very long and unwieldy, whereas this definition has more scope.*

3. The Council states that a traffic light system rather than a narrative approach to completing the checklist will avoid an onerous process. Will this provide enough detail for the process to be useful and effective?

*The purpose of this checklist was to make the design process more accessible to lay people who may be looking at and commenting on planning applications. It was never intended to be an onerous process that took over*

*from the more formal processes that architect and agents have for explaining the design philosophy behind their plans. All the matters in the checklist are those considered when drawing up the plans and so it is considered that using a traffic light system alongside the more formal process would not add to the time needed to prepare the plans. It is considered that it does give enough detail for the target audience, as those seeking greater detail can still look at the formal documents; it was intended to be more of a summary of the proposals.*

4. What is the evidence to demonstrate that East Lindsey is a water scarce area and, in consequence, to justify the adoption of the optional technical standard for water consumption of 110 litres per person per day? Has the effect on viability been assessed?

*The Water Cycle Study Phase II (CD94), prepared on behalf of the Council, highlights the fact that East Lindsey is a water stress area. The Environment Agency has undertaken an assessment of water stress across the UK. This assessment has classified the Anglian Water supply region as an area of "serious" water stress. This defines a water stressed area as where:*

- *The current household demand for water is a high proportion of the current effective rainfall which is available to meet that demand; or*
- *The future household demand for water is likely to be a high proportion of the effective rainfall available to meet that demand.*

*The Water Cycle Study Phase II (CD94) identifies that the additional cost on an average 3 bedroomed semi-detached house to be £250, which is not considered onerous in regard to the overall development costs of a property, and is an attractive selling point as it will bring running costs down for future occupants.*

5. Is the aim of Clause 1, to "safeguard" the best and most versatile agricultural land, more restrictive than paragraph 112 of the NPPF? If so, is this justified and consistent with national policy?

*The aim to "safeguard" the best and most versatile agricultural land does err towards a tight interpretation of paragraph 112. The NPPF itself refers to "safeguarding" the long term potential of the best and most versatile agricultural land in paragraph 118, but this is specifically in relation to reclamation of minerals sites. Agriculture is an important part of the East Lindsey economy. Although in numerical terms agriculture does not employ a large number of people (4.5% of the District's economically active people work in agriculture) however, agriculture accounts for the largest number of businesses, 1,105 (18.7%) demonstrating that although each business does not employ large numbers of people there is significant economic activity in this sector. The agricultural industry not only contributes to the nation's food production, it also supports a large number of other service and support industries within the District. Approximately 3.6% of the District is grade 1*

*agricultural land, 34% is grade 2 agricultural land, and the remainder is grade 3 with small pockets of urban or non-agricultural land. Given the importance of the agricultural sector in the District it is considered that a high priority should be given to these areas.*

6. Does this policy (including through the Place Making Checklist), and the plan generally, make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of NPPF?

*The Council considers that the policy does accord with the relevant paragraphs of the NPPF. The design policy covers issues such high quality design, sense of place, character of the area, landscaping and greenspace, safe and accessible environments. The Historic Environment policy deals with these aspects of policy in more detail and there are also policies addressing green infrastructure, biodiversity, and the impact on the landscape. Furthermore the transport and accessibility policy also addresses the aspects of the operation of development through movement around the settlement. Beyond that, accessibility to services and facilities is one of the factors underpinning the strategy of the plan in terms of growth. It is considered that, bringing these different policy aspects together will made sufficient provision for design and accessibility.*

*SP11: Historic Environment*

7. Are bullet points 1 & 2 in Clause 2 justified in requiring proposals to “protect and enhance” and “preserve and enhance” the relevant features? The statutory duties in respect of listed buildings and conservation areas refer to preservation; and preservation or enhancement respectively.

*The NPPF is not clear on this issue. In paragraph 7 it refers to the planning systems role in “protecting and enhancing our natural built and historic environment”; chapter 12 is entitled “Conserving and enhancing the historic environment”; paragraph 131 refers to the desirability of “sustaining and enhancing”; and paragraph 137 refers to preserving. However, the Listed Buildings and Conservation Areas Act 1980 uses the term “preserve or enhance” in relation to the designation of Conservation Areas, it also uses the term “preserving” in respect of the designation of listed buildings. Historic England has not objected to the terminology used in the policy and it is not at odds with the way the NPPF refers to the historic environment. However, the legislation does have primacy over the NPPF, and to be sound the plan must be in conformity with relevant legislation.*

*Therefore bullet points 1 and 2 of clause 2 of SP11 will be changed to “preserve or enhance”.*

8. For clarity and effectiveness, should Clause 3 of the policy be combined with the last bullet point of Clause 2 as both concern assets at risk? The Council might wish to consider making typographical amendments to clarify the last

sentence of paragraph 5, page 51; paragraph 6, sentence 3; and paragraph 7, sentence 2.

*The Council agree to merge the clause 3 of SP11 with the last bullet point of clause 2 for clarity. This will now read*

*"Conserve heritage assets identified as being at risk, ensuring the optimum viable use of an asset is secured where it is consistent with the significance of the heritage asset. This may include redevelopment or enabling development, particularly where a use would benefit the wider community".*

*The Council agree to amend the 5<sup>th</sup> sentence of paragraph 5 of SP11 to read*

*"In respect of Archaeological Interest, the Council will seek advice from Lincolnshire County Council's Historic Environment Team. National planning guidance states that Local Planning Authorities may identify non-designated heritage assets and the Council feels that the value of these buildings structure and areas should be recognised."*

*The Council agree to bring together the second and third sentence of paragraph 6 of SP11 to now read*

*"Heritage-led schemes for regenerating buildings, and areas of our towns and villages, can breathe new life into communities, finding appropriate new uses for buildings and enhancing the appearance of the public realm."*

*The Council agree to divide the second sentence of paragraph 7 of SP11 and reword to read*

*"Redevelopment or enabling development which does not harm the asset could assist these endangered assets back into productive use and conserve them for future generations to enjoy. Such development will be supported, particularly where a use would benefit the wider community."*

9. Are proposed amendments ADM21, 22 & 23 necessary to make the plan sound?

*ADM21 is a typographical error in that the original wording was incomplete and required amendment but an alternative wording was considered to be better; this is not an issue of soundness. ADM22 was an issue raised after the consultation by the Council's Conservation Officer. Much as the change made in respect of the Inspector's question 7 above, this is about bringing the wording into better alignment with legislation. This is not to a scale and degree that would affect the soundness or legality of the Plan but it does make the plan more consistent with national policy. ADM23 is not a matter of soundness but is a change that was intended to be made to the policy following the a representation by Historic England at the previous round of*

*consultation, but this was overlooked in the transcribing of changes and has been rectified.*