

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 17: The natural environment (Policies SP23-25)

Main issue: Are Policies SP23, SP24 and SP25 justified, effective and consistent with national policy?

Questions

SP23 Landscape

1. Is ADM34 necessary to make the plan sound?

ADM34 was made as a result of comments by one of the Council's Development Management team who felt that the inference in the previous wording of the policy that all development would allow for greater public access was inappropriate as this was neither desirable nor achievable in all cases. It could be argued that the policy would not be sound on the grounds of effectiveness as the policy would not deliver what it promised. However, it was not the intention that all development would have to contribute to these aspirations; therefore, rewording the policy brings more clarity.

SP24 Biodiversity & Geodiversity

2. In addition to ancient woodland and aged or veteran trees, should the policy also afford protection to trees which make a significant contribution of the character and appearance of the area?

Trees do play an important role in the character and appearance of an area and East Lindsey is not home to large areas of trees and woodlands. However, any trees which were felt to be of such importance can be protected through the use of Tree Preservation Orders (TPO), which have the potential to give greater protection to the tree or trees than a local plan would, as the TPO carries legal weight. In determining an application for development, the Council can also identify important trees and condition their retention as part of the development. It is not deemed necessary to expand the policy to cover this issue and set out the criteria for which trees would be considered to make a significant contribution to the character and appearance of the area

3. Do the plans comprehensively identify Sites of Nature Conservation Importance?

There are currently two tiers of locally designated sites for biodiversity operating in the District. The old system of Sites of Nature Conservation (SNCIs), which were previously protected through the 1995/1999 Local Plan, is gradually being replaced by Local Wildlife Sites (LWSs). Given the size of the District and the relative small size of some of these sites, it is difficult to map them on the district wide Settlement Proposals Map in a way that makes them clearly legible; although all are identified. The individual settlement maps in the Settlement Proposals show the designated areas, where they are concurrent with the mapped area. The key for the maps has been changed to make it clearer, as there was some confusion if the sites shown were SNCIs or not.

4. Do proposed amendments ADM35 and 36 require text to be deleted for clarity as suggested by the Greater Lincolnshire Nature Partnership? Are the amendments necessary to make the plan sound?

It is agreed the amended wording for ADM35 is not correct, although it is not considered that the fact that the Council misquoted the name of the publication as an issue of soundness. The original wording should be deleted and replaced with the revised wording

"Biodiversity 2020: A strategy for England's wildlife and ecosystem services".

It is agreed that the change requested by Greater Lincolnshire Nature Partnership in ADM36 was not transposed in the plan accurately. It was intended that the suggested wording was included but this was an error

caused when moving the text and it was not noticed at the time. It is not considered that the change is necessary to meet the four tests of soundness but it does bring the current situation describe by the paragraph up to date and so brings clarity. Amend paragraph 4 of SP24 to read

"There are a number of sites recognised at a local level for their nature conservation or geological value. These sites have been identified for features including their rarity, diversity, fragility or their typicalness in the local biodiversity or geodiversity of the District. The Council will seek to protect these sites when assessing development proposals. The important sites that meet the selection criteria published by the Greater Lincolnshire Nature Partnership are called Local Wildlife Sites (LWS) or Local Geological Sites (LGSs). There remain sites from the previous regime of designation, Sites of Nature Conservation Importance (SNCI) and Regionally Important Geological Sites (RIGS), which have not yet been tested against the criteria published by the GLNP. Until such time as these sites have been resurveyed and an assessment made of their current ability to meet the criteria, these sites remain designated and this policy still applies to them".

5. Are proposed amendments ADM37, 38 and 40 necessary to make the plan sound?

ADM37 was made in response to a representation by the Greater Lincolnshire Nature Partnership (GLNP). The GLNP is currently pursuing the designation of a Nature Improvement area so the Council agreed to refer to this fact. However, it is not considered that the plan would be unsound without it as then NPPF requires that local plans support Nature Improvement Areas where they have been identified and there is currently no such area in the District. ADM38 was made in response to the Woodland Trust's representation. The addition of the words "in exceptional circumstances" adds greater emphasis to the circumstances in relation to ancient woodland or aged or veteran trees. The introduction of the word "clearly" brings the policy into line with the NPPF. It is not considered that the policy was unsound without these changes but they set out more clearly the weight given to judging an application. ADM40 was included for consistence as Local Wildlife Sites (a sister designation) is included in the Glossary. There is no guidance on what matter should be included in the glossary, so it is not felt that this is necessary for soundness but makes the plan more user friendly.

SP25 Green Infrastructure

6. For clarity and effectiveness, should the clauses of the policy be reordered so that Clause 3 follows Clause 1? Both concern spaces identified in the Settlement Proposals DPD.

The Council agree that the policy would be clearer if these clauses were reordered. The Council suggests this modification.

Change the plan so clause 3 of SP25 follows on from clause 1.