East Lindsey
DISTRICT COUNCIL

Schedule of Proposed Main Modifications (2017) Consultation Form

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Please return completed forms no later than 5pm on 16th February 2018, via:

- Email to: LocalPlan.ProgrammeOfficer@e-lindsey.gov.uk; or,
- Post to: Local Plan Programme Officer, Tedder Hall, Manby Park, Manby, Louth, LN11 8UP.

Late representations will not be accepted.

This form has three parts:

- Part A: Personal Details
- Part B: Your representations (questions about the whole Plan)
- Part C: Notification request

We recommend that you read the 'Guidance notes' before filling in the form, as this will explain the process and terms used.

NOTE:

We cannot accept anonymous representations. Therefore please fill in Part A and sign the Data Protection Act section at the end of the form, before returning it to us.

If you are making representations on more than one Main Modification you will need to complete a separate form for each representation. However, you only need to complete Part A: Personal Details and Part C: Notification request once.

Part A: Personal Details

*If an agent is appointed, please complete only the Name and Organisation boxes for the client in 'Your Details', but complete the full contact details of the agent.

	Your Details	Agent's Details* (if applicable)
Name (including title):		Mr Michael Braithwaite MRTPI
Organisation (where relevant):	Mr Robert Gant	Robert Doughty Consultancy Limited
Address:		[redacted]
Post Code:		[redacted]
Telephone number:		[redacted]
Email address:		[redacted]

NOTE:

Representations will only be accepted that refer to a proposed change shown in the *Schedule of Proposed Main Modifications to the Pre-Submission Draft Local Plan* (2017), the map changes or to the Habitats Regulations Assessment Report, incorporating Main Modifications (2017) or Sustainability Appraisal Report, incorporating Main Modifications (2017).

Your responses on the above documents will be sent to the Planning Inspector without prejudice to the Inspectors final report.

You should not repeat or re-submit your previous representations, these have already been considered by the Inspector during the examination process.

PART B: Your representations
Please use a separate form for each representation.

B1. To which proposed Main Modification does your representation relate?

Please state the relevant reference number that you are commenting on from the Schedule of Proposed Main Modifications (e.g. MM01):	Please see the attached table
Description of the proposed Main Modification (e.g. Page 60, Section 8)	Please see the attached table

Please complete a separate form for each representation.

B2. Do you consider this proposed Main Modification is:

Legally compliant? Please select one answer	Yes	✓	No	
Sound? Please select one answer	Yes		No	✓

B3: If you consider the proposed Main Modification to be unsound, please identify which test of soundness your representation relates to?
'Sound' means: is the Main Modification justified, effective, positively prepared and consistent with national policy?

Positively prepared? Please select one answer	Yes	✓	No	
Justified? Please select one answer	Yes		No	✓
Effective? Please select one answer	Yes		No	✓
Consistent with national policy? Please select one answer	Yes		No	✓

Your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify your representation and any suggested changes.

B4. Please give details of why you consider the Local Plan is not legally compliant or is unsound?
If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your representations.

Please see the attached table.

Please be as precise as possible.

B5. Please set out what changes you consider necessary to make the proposed Main Modification to the Local Plan legally compliant or sound. Having regard to the test you have identified at B3 above where this relates tosoundness?

You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see the attached table.

Please be as precise as possible.

B6. Do you have any comments on the updated Addendum to the Sustainability Appraisal or Addendum to the Habitats Regulations Assessment in respect of this particular modification?

Please be as precise as possible.

PART C: Notification request

You can request to be notified at an address or email address of any future stages relating to the Local Plan.

C1. Would you like to be notified of future stages?

Yes ✓ No

C2. How would you like to be notified?

By post to my address:	
By post to my agent's address:	
By email to my email address:	
By email to my agent's address:	✓

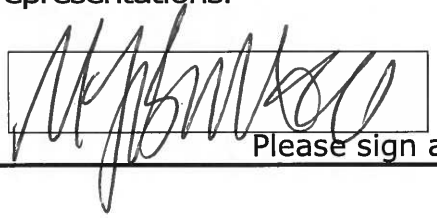
Please select one answer.

C3. Which stages would you like to be notified about:

The publication of the recommendations of Planning Inspector?	✓
The adoption of the Local Plan?	✓

Data Protection Act 1988 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Please see the attached privacy notice. The Town and Country Planning (Local Planning) (England) Regulations 2012, requires copies of all representations to be made publically available, this will be done via the Council`s website. The Council will not publish personal information such as addresses, telephone numbers, or email addresses. By submitting a representation you confirm that you agree to this and accept responsibility for your representations.

Signature:  Date: 16.2.18

Please sign and date your representations.

MAIN MODIFICATION REFERENCE	COMMENT	SUGGESTED CHANGE – IF ANY
MM25 **Page 110 and 11** **Policy SP26** **Paragraph 8 and clause 2**	The proposed Main Modification clarifies the situation regarding existing and future deficiencies in the provision of playing fields. It is right and reasonable to address this issue. The proposed Modification, however, seeks to adopt the "Fields in Trust" standard of areas of different open spaces (Playing pitches, play areas, amenity green space, etc). This standard, developed from the 6-acre standard, sought to deliver an amount of open space for a set number of people, which is appropriate in towns and urban areas, but is perhaps less so when applied to a dispersed population in many smaller settlements, such as Mareham Le Fen. We note the last sentence in proposed paragraph 8i accepts that the application of the standard will have to reflect the settlement in which development is proposed, which is a tacit acknowledgement of our point. We contend that this approach is not strong enough. Many of the settlements will be too small for a direct application of these standards. No evidence has been provided to demonstrate the "Fields in Trust" standard is relevant to the East Lindsey area. As part of the review, the Local Authority should commit to examine this matter further with a view to developing a locally relevant standard and approach. The Modification states the Council will "require the provision of new or improved open space, recreational or outdoor sport facilities on development of 10 and above". Many sites will not be able to accommodate open spaces to the standards discussed and, in some settlements, there will not, in fact, be a shortfall in provision. Formal sports provision is generally made within the context of a club. Provision of isolated pitches, not associated with a club or management body, are unlikely to be used effectively. In the first case the Council may in turn seek financial contributions towards off site provision of open space or the enhancement of existing facilities to help accommodate increased need, but there is no evidence of a strategy or programme of works to spend the money in proximity to the development. In the second case, where provision in a rural settlement meets the standard, there is no justification to demand the payment. As such, the contribution would not be directly related to the development and would not meet the tests set out in Regulation 122 of	Amend para 8i to acknowledge the fact that settlements in East Lindsey are relatively small and dispersed and the simple application of the "Fields in Trust" standard is not appropriate. Introduce a commitment on behalf of East Lindsey to update the sports facility and open space study to develop a locally appropriate standard, as part of an overarching strategy for the delivery and maintenance of sports facilities. Para 8i should be amended to state clearly that the "Fields in Trust" standard is a starting point for any assessment of need, and is not necessarily applicable to the small and dispersed settlements in East Lindsey.

	the CIL regulations. The Council also fails to demonstrate a strategy for the delivery and management of open spaces, drawn up collectively with other bodies, such as the Parish Councils and sports clubs, which would be the vehicle through which contributions could be made. Until an appropriate standard can be agreed, and a mechanism put in place to co-ordinate the delivery and management of open spaces put in place (especially the more formal elements, such as playing fields) it would not be appropriate for the council to require the delivery of open spaces. We support the wording of clause 2 in that it indicates developments <u>should</u> provide open space, and not <u>shall</u> provide (our emphasis). In the absence of locally appropriate standards and a delivery strategy there is no basis on which to require the full range of open space set out in paragraph 8i. We note that this in accepted in principle by the proposed replacement wording of Clause 1 of Policy SP26 which highlights the role of a recent assessment of need when considering the loss of existing indoor and outdoor sports and recreational facilities and open spaces. A similar assessment should be provided by the Council to justify its requirements for new open sports facilities and larger scale open spaces.	
MM27 **Page 121** **Policy SP28** **New paragraph after 9**	We welcome the statement that infrastructure requirements will only be sought from developments of 10 or more dwellings. This clarification, however, should be included in the policy itself in clause 4, which currently states, "Where appropriate, developer contributions will be sought towards the delivery of infrastructure where it is shown to necessary for the development to proceed, and where it will not compromise the viability of the Scheme." The paragraph also goes on to list various infrastructure types. The current wording indicates the list itself is a minimum to be applied in all cases and, in fact, that other contributions could be sought. The five listed elements will, however, not be appropriate, or justified, in all cases. The policy does not accept that the range of contributions would potentially make the	Amend clause 4 "Where appropriate, and for developments for 10 or more dwellings, development contributions will be sought ..." The introduction to the list after new paragraph 9 should be amended to read "where justified and appropriate major development of 10 or more dwellings and other major schemes

<table>
<tr>
<td></td>
<td>development unviable. The Whole Plan viability report (CD23) made assumptions regarding the level of S106 contributions from developments as set out below:
Table 13 – Indicative S106 Allowances
<table>
<tr><th>No of dwellings</th><th>Section 106 Contribution per dwelling</th></tr>
<tr><td>Less than 25 dwellings</td><td>£1, 275</td></tr>
<tr><td>26-50 dwellings</td><td>£1,685</td></tr>
<tr><td>51-150 dwellings</td><td>£2,250</td></tr>
<tr><td>151 – 350 dwellings</td><td>£3,000</td></tr>
<tr><td>351 -500 dwellings</td><td>£5,600</td></tr>
<tr><td>Greater than 500 dwellings</td><td>£7,000</td></tr>
</table>
These figures were based on contributions towards education and health and not the wider range of works promoted in the new paragraph 9. If all the infrastructure listed in the new paragraph were subject to contributions, the requirement would far exceed the assumed levels used in the Whole Plan Viability report. The viability assessment should be revisited to test whether development is still viable, considering the scale of payments that could be imposed on developers following on from the amendment.</td>
<td>will be required to contribute towards new infrastructure. Types of infrastructure that might be required include:

- Roads and other transport facilities
- Schools and other educational facilities
- Medical facilities.

Where the request conforms to the tests set out in CIL regulation No.122” Given our comments to MM25, we do not recommend inclusion of open spaces and sports facilities on the indicative list. Flood Defences should only be included where the need for new works has been identified by a Flood Risk Assessment, and only then when the contribution can be demonstrated to meet the tests in the CIL regulations.</td>
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<tr><td></td><td></td><td></td></tr>
<tr>
<td>MM31
Pages 13 and 14
New policy after paragraph 2.12</td>
<td>We support the principle of including a new policy to list all the housing allocations in each settlement across the plan area. This approach provides essential clarification within the Plan of the status of the various allocations shown on the amended policies map. The Policy provides an ideal opportunity to identify factors to be considered when promoting the development of individual allocated sites.</td>
<td>Removal of the requirement for site MLF303 to be accessed through MLF021.</td>
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	The Mareham le Fen site commentary, however, introduces a requirement for site MLF 303 to be accessed through MLF021, with pedestrian access only off Chapel Lane. The only place where we are aware of linking the two sites on access grounds has been raised is in our representations to the publication version of the Plan, in which we stated that site MLF021 would provide a suitable access if the sites were linked. There has at no time been any evidence prepared to suggest Chapel Lane would not provide a suitable access. The new requirement in the policy requiring access though third party land is misleading and unjustified, and would, as a consequence, make the Plan unsound and limit the development potential of both sites.	