East Lindsey
DISTRICT COUNCIL

Schedule of Proposed Main Modifications (2017) Consultation Form

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):	Sheila Pearce – **Parish Clerk & Responsible Financial Officer**	
Organisation (where relevant):	On behalf of **North Somercotes Parish Council**	
Address:	[redacted]	
Post Code:	[redacted]	
Telephone number:	[redacted]	
Email address:	[redacted]	

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):	MM1 EDO56
Description of the proposed Main Modification (e.g. Page 60, Section 8)	Page 5 Key diagram ED054 – CS3 – New addition to plan (page 6)

Please complete a separate form for each representation.

B2. Do you consider this proposed Main Modification is:

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

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?

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

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.

Changes to the Submission Policies Maps relating to the main modifications amended where necessary for **accuracy/clarity** for both the Core Strategy and Settlement Proposals DPD including policies Maps 1 and 2 updated for clarity (ED054)

Add the words, The illustration of 'Coastal East Lindsey – area at risk from flooding' is illustrative only. The definitive boundaries are shown on the policies map. At the bottom of the diagram to emphasise that the flood risk areas are illustrative and shown correctly on the policies map.

ED054 – CS3 – New addition to plan (page 6)

Unfortunately, the Revised Policies Map Two is still unclear:

1. It does not show the coastal East Lindsey area clearly. Where is the demarcation between the coastal east Lindsey and inland East Lindsey? The designated 'coastal' area needs to be properly defined so people can see where it starts and ends and shown precisely on the map. There is reference to it being shown correct on the policies map but there is no area marked out as Coastal and Inland on the maps – just a superimposed title of Coastal East Lindsey. Grainthorpe is shown above Covenham Reservoir instead of over the actual village which could be considered misleading, and similarly the name of North Somercotes is shown in the Marsh near the coast not over the village.

2. If the coastal flood hazard zones denote the Coastal zone, why are some settlements then still listed in the Inland tables and treated different when they are clearly within those stated Flood Risk Zones as identified by the Inspectors?

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 to soundness?

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.

1. If applying a policy of no housing in the coastal flood risk zone then this must be applied consistently – Marshchapel, Grainthorpe, Tetney, Huttoft and Hogsthorpe are all in the coastal flood risk hazard zones.

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?

No

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):	**MM4 ED056**
Description of the proposed Main Modification (e.g. Page 60, Section 8)	**29-SP3 Clause 1 and** **23 – SP3 para 2**

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?

The proposed modification states:

Add a sentence onto the end of bullet point one which would read. The following settlements are in the Coastal Zone; Addlethorpe, Anderby, Chapel St. Leonards, Croft, Ingoldmells, Mablethorpe, New Leake, North Cotes, North Somercotes, Saltfleetby All Saints, Saltfleetby St. Clements, Saltfleetby St. Peter, Skegness, Skidbrooke + Saltfleet Haven, South Somercotes, Sutton On Sea, Theddlethorpe All Saints, Theddlethorpe St. Helen, Trusthorpe

And

Delete the second sentence of the paragraph 38% of East Lindsey, including the important towns of Mablethorpe and Skegness which are in an area of high coastal flood risk. Strategic housing development here would be out of conformity with national planning policy, because housing is classed as vulnerable development and should be avoided by directing it away from the areas of highest risk. and add in three new sentences setting out the where the area of the Coastal Flood Hazard Zone is and what it covers. The two sentences will then read "38% of East Lindsey is in an area of high coastal flood risk. This area is covered by the Environment Agency`s Coastal Flood Hazard Map and is called the Coastal Zone. The map is shown on the policy map on page 6 and on page 90 of the plan and the zone covers the red (danger for all), orange (danger for most), yellow (danger for some) and green (low hazard – caution).

1. Marshchapel, Hogsthorpe, Huttoft, Grainthorpe and Tetney appear to have been excluded from the list when they are clearly in the described areas of Flood Risk on the coast? Is this so that housing could later come forward in these settlements and be permitted, perhaps as 'windfall' without going through the planning process? This is clearly unjustified given the stance towards North Somercotes, which has not even been assessed for housing need which is 155 against extant permissions of 50.

2. Similarly, why are Marshchapel, Hogsthorpe, Huttoft, Tetney and Grainthorpe still showing in the 'Inland' housing numbers tables?

3. The proposed modifications do not appear to accurately reflect the Inspector's comments.

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 to soundness?

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.

1. In order for the plan to be sound the housing and infrastructure needs for North Somercotes would need to be demonstrably assessed and catered for. The Coastal Zone Policy, as applied to North Somercotes, is unsound as it does not allow for the proper procedure of assessing a settlement's needs – social, economic, and environmental - in accordance with the NPPF to be carried out first, prior to then deciding on mitigation or other actions in response to the environmental constraints.

2. At the hearings the ELDC officer publicly stated that this was a: **"...suck it and see approach...."** and **"... we will mitigate if something isn't working, it might impact, we don't know that, we are just going to suck it and see...."** This is neither positive or sound, nor justified.

3. It was also stated that housing had been allocated in some coastal areas (those obviously in the coastal flood hazard zone but reclassified as inland) because it was justified: **"... its justified because there is a need in that settlement, we just need to see what would happen..."**

4. So, in some settlements there has been a clear policy of looking at the specific needs of the individual settlement, but this has not taken place for North Somercotes.

5. In the light of the Inspectors' comments regarding housing in flood risk areas, and if the coast is oversupplied, why are the allocations for Grainthorpe and Hogsthorpe still included, as they are still in flood risk areas? If it is justified because there is a need in that particular settlement, as was stated at the hearings by the Planning Strategy Officer than why is it not justified for other settlements such as North Somercotes?

6. Allocating any housing in Grainthorpe (eg GRA209) which has a sustainability score of 47 compared to North Somercotes score of 118 (plus a national Co-Op supermarket by December 2018), when it has the same parameters in a flood risk scenario is unjustified and unsound.

7. CD102a EAST LINDSEY SETTLEMENT PROPOSALS SUSTAINABILITY APPRAISAL NOVEMBER 2017 Settlement Proposals Main Modifications: "The purpose of a Sustainability Appraisal is to promote sustainable development through the integration of social, economic and environmental considerations in the preparation of plans and programmes."

8. The proposed main modifications to the settlement proposals do not represent an integrated approach to sustainable development for North Somercotes.

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?

No

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):	**MM17**

Description of the proposed Main Modification (e.g. Page 60, Section 8)	**Page 78/79 clause 2**

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?

Delete The Council will support housing in areas of inland flood risk providing the following criteria can be demonstrated and replace it with The Council will support housing in areas of inland flood risk, providing all the following criteria are complied with;

To be positively prepared, justified and sound, this same policy wording should apply to the 'coastal' flood risk Areas. All flood risk areas should be treated the same. If Brownfield sites in Inland areas can be mitigated to make them suitable for housing, then the same should apply to all other flood risk areas. This is particularly important as coastal flood zone areas have a 1 in 200 risk while inland fluvial flooding is 1 in 50.

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 to soundness?

Remove the artificiality of the 'Coastal Zone' and instead base decisions on an assessment of a settlement's needs, then assess the constraints. If this unjustified approach contrary to the NPPF is continued, then ensure that all flood risk areas, whether classified as 'Inland' or 'Coastal' receive the same treatment and assessment.

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?

No

Please be as precise as possible.

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):	**MM54 ED056**
Description of the proposed Main Modification (e.g. Page 60, Section 8)	**Page 163**

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?

Box showing the existing coastal housing commitments

1. Why does this table not include the other settlements clearly in the coastal flood zone, eg Marshchapel, Hogsthorpe, Huttoft, Tetney and Grainthorpe?

2. There is nowhere that a member of the public can look at a map in this plan and see for each settlement what housing commitments are already there, and what is in the plan.

3. If settlements like Marshchapel and Huttoft are shown with their 0 allocations, why are not all settlements shown, whether coastal or inland, with their allocation?

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 to soundness?

Provide tables that show every settlement with the extant permissions, and plan allocation preferably with corresponding maps for each settlement.

Remove those settlements which are in the Coastal Flood Risk Zones from the Inland Tables as noted by the Inspectors.

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?

No

Please be as precise as possible.

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):	**MM38 and MM39**
Description of the proposed Main Modification (e.g. Page 60, Section 8)	**Page 51 & 52 MM38 Grainthorpe and Page 54 MM39 Hogsthorpe**

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?

Grainthorpe and Hogsthorpe (and Tetney) are within the coastal flood risk zones. Some small islands of land within those settlements may be in the white zones but the settlements sit within the coastal flood risk zone and evacuation routes (one of the criteria used by ELDC in the selection for 'coastal') are the same as those for North Somercotes. Similarly, North Somercotes has some building land which is in the Danger to some and Danger to most, which should be considered acceptable using the sequential test when considering the importance to the community of meeting its housing need of 155 houses for its population, according to ELDC housing needs assessment methodology.

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 to soundness?

As stated for previous modifications:

1. In order for the plan to be sound the housing and infrastructure needs for North Somercotes would need to be demonstrably assessed and catered for. The Coastal Zone Policy, as applied to North Somercotes, is unsound as it does not allow for the proper procedure of assessing a settlement's needs – social, economic, and environmental - in accordance with the NPPF to be carried out first, prior to then deciding on mitigation or other actions in response to the environmental constraints.

2. The Modifications proposed do not reflect the requirement identified during the hearings for a consistent approach to coastal flood risk areas and do not therefore address this omission satisfactorily, hence the Parish Council is seeking advice on the application of the Judicial Review process to the Local Plan.

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?

no

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:	✔

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 publicly 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:	Sheila Pearce	Date:	18-2-18

Please sign and date your representations.