



East Lindsey District Council
Local Plan Programme Officer
Tedder Hall
Manby Park
Manby
Louth
LN11 8UP

25060/A3/CA

12th February 2018

Dear Sir/Madam,

REPRESENTATIONS TO THE PROPOSED MAIN MODIFICATIONS TO THE EAST LINDSEY LOCAL PLAN

We act on behalf of KCS Developments Limited, who have land interests in Louth (site reference: LO311) and are therefore a key stakeholder with regards to the emerging Local Plan.

Representations have been made to the various stages of the Local Plan and Barton Willmore attended the Stage 1 and 2 EiP hearing sessions on behalf of our Client.

Prior to the Stage 2 hearing sessions we submitted statements responding to the Inspectors MIQs for matters 2 and 4. At paragraph 1.12 of the matter 2 statement we requested a minor alteration to the wording of the site-specific description of our Clients site in the Allocations DPD. A copy of our hearing statement is appended to these representations.

The Inspector specifically raised this issue in the hearing sessions and a discussion took place between all parties, and it was agreed that there were no objections to the proposed alteration to the wording.

We are therefore very disappointed to note that this has not been picked up as a modification. We pointed this out to East Lindsey District Council and a conversation has subsequently taken place with Anne Shorland, Planning Policy Manager, who confirmed that she had no objections to the proposed alternative wording, but that we would need to make representations to the Proposed Main Modifications, requesting that this change be made to the Plan.

Our frustration with this approach is that the alteration we are requesting is not a main modification as it would not materially alter any policies and is purely a change required for clarity. However, the Council have not published any proposed minor modifications, so it appears there is little alternative but to make representations to the Proposed Main Modifications.

Please ensure that the alteration to the wording we requested in paragraph 1.12 of our Stage 2 Matter 2 hearing statement is picked up in the final version of the Plan, as this was discussed and agreed by all parties at the hearing sessions. We therefore hope that these duly made representations are taken into consideration by the Inspector.



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Yours faithfully



CHRIS ATKINSON
Senior Planner

Enc – Stage 2 Matter 2 Hearing Statement on behalf of KCS Developments Ltd

**EXAMINATION OF THE EAST LINDSEY CORE STRATEGY AND THE EAST LINDSEY
SETTLEMENT PROPOSALS DEVELOPMENT PLAN DOCUMENT****EXAMINATION IN PUBLIC****Response to Inspector's Matters, Issues and Questions****Made on Behalf of KCS Developments Ltd****Matter 2 – Site Selection****Issue: Have the sites proposed to be allocated in the plan, particularly for housing and Gypsy & Traveller accommodation, been chosen on the basis of a robust assessment process?****Introduction**

- 1.1 Barton Willmore is instructed by KCS Developments Ltd ('our Client') to submit responses to the Inspectors Matters, Issues and Questions Stage 2 following the submission of the East Lindsey Local Plan ('Local Plan') for examination. The Local Plan comprises two separate documents; the Core Strategy (CD107/CD108) which sets out the vision and strategic policies for growth and development in the district over the plan period and the Settlement Proposals Plan document (CD109/CD110) which contains site allocations and areas shown on the proposals maps which relate to the Core Strategy.
- 1.2 KCS Developments Ltd is a Leeds based development company who have a successful track record of promoting land through the Local Plan process and obtaining planning consents for residential developments throughout the Country.
- 1.3 Our Client's land interest in the district is land to the rear of Chestnut Drive, Louth (reference: LO311) which the Council identify as having a capacity for 275 dwellings and a potential affordable housing contribution of 30% (82 units). An outline planning application (Ref: N/092/01853/16) for the first phase of development of the site, which comprises 100 units was approved at planning committee on 15th December 2016, subject to the completion of a Section 106 Agreement. The decision notice was subsequently issued on 10th July 2017.

Question 2: Are the sites selected for housing and gypsy and traveller accommodation justified when compared to other reasonable alternatives? The Council should prepare a summary of the site selection process for each type of development: This should include:

- ***What evidence has informed the site selections? Where relevant, how has detailed evidence provided by site promoters been taken into account, such***

as Landscape and Visual Impact Assessments and site specific Flood Risk Assessments?

- ***Where relevant, how has the potential impact of development upon designated and non-designated heritage assets (including sites of archaeological interest) been assessed and taken into account? Will the plan ensure that such assets are conserved in a manner appropriate to their significance as required by paragraph 126 of the NPPF?***
- ***How have the results of Sustainability Appraisal and infrastructure planning been taken into account?***
- ***Where sites are similarly suitable, was the process for selecting one over another robust? This has been questioned in Sibsey, for example.***

- 1.4 Our Client fully supports the selection of their site at Chestnut Drive, Louth (reference: LO311) as a proposed housing allocation through the Settlement Proposals document. They have undertaken significant work to date in order to demonstrate that the site is suitable and deliverable and there are no overriding constraints that would hinder bringing the site forward for housing.
- 1.5 In addition, outline planning permission was granted in July 2017 for the initial phase of the development (reference: N/092/01853/16), which equates to 100 dwellings. Residential development at the site has been considered by East Lindsey District Council, together with the statutory and non-statutory consultees and it has been found suitable. The reserved matters application is likely to be submitted shortly and our Client has brought a development partner on board to ensure that the proposing housing will be delivered in the short term.
- 1.6 In terms of the technical work that has been undertaken to date in respect of the proposed allocation, this is substantial and includes the following – ecological appraisal; bat surveys; heritage statement; archaeological trial trenching; drainage and flood risk statement; phase 1 site investigation and intrusive phase 2 site investigation; transport assessment and travel plan together with the preparation of an indicative masterplan.
- 1.7 In conclusion, our Clients site (reference: LO311) is highly sustainable and represents a logical rounding-off of the existing settlement. In addition, there are no technical constraints that would prevent the development coming forward, which has been demonstrated by the planning permission which has recently been granted for the first phase of the allocation by ELDC.

1.8 It is noted that our Clients site (reference: LO311) is one of the highest rated sites within Louth within the Council's Sustainability Appraisal, and it is perfectly logical and justified to allocate the site for housing over and above other sites which have been put forward for consideration. It should be noted that in respect of impacts on the landscapes/historic environment, the site was rated 'uncertain', however a heritage assessment and trial trenching have been undertaken which demonstrate that the site would not have an adverse impact upon heritage assets and as such it is considered that this could now be amended.

Question 3: How have the dwelling numbers proposed on individual sites been determined? Have specific density assumptions been made? In many cases, the capacity of each site shown in the analysis tables has been reduced from a higher figure. Where did the higher figure come from, and what factors have caused the capacity to be reduced in the plan?

1.9 In the Preferred Options version of the Settlement Proposals document the Council were proposing to allocate our Clients site (reference: LO311) for a total capacity of 396 dwellings.

1.10 Our Client undertook masterplanning work in respect of the site, taking into account factors such as public open space provision and SUDS provision and following this process it was considered that the developable area would be reduced to a point whereby 396 dwellings would unlikely to be achieved. It was advised through our representations to the Preferred Options that a more realistic figure was 275 units.

1.11 It was noted that the Council took our advice on board and reduced the site capacity to 275 units in the Publication Version of the Settlement Proposals document, which was guided by the technical work and masterplanning that was undertaken by the applicant, which has resulted in a scale of development that is wholly deliverable.

1.12 We would request that a minor amendment is made to the wording of the site specific description of our Clients site (reference: LO311) in order to provide clarification regarding the vehicular access to the site. At present, it states "the access is going to be off Chestnut Drive with the demolition of two properties and through the adjacent development site, there are footpath links to the centre". We would suggest the following amendment "the **vehicular** access is going to be off Chestnut Drive with the demolition of two properties. **Pedestrian linkages will be provided to the adjacent development site to enable access to the centre of Louth**".

Question 5: In the majority of settlements, including in some sizeable housing allocations such as Louth, the plan indicates that the state of water recycling/treatment facilities is red or amber on a scale of green to red. What

does this mean? What effect will this have upon the delivery of development in relevant settlements?

- 1.13 It is noted that the Council have stated that Louth is served by its own Water Recycling Centre, which is rated as red. It is understood that this reference relates to Appendix A of the East Lindsey Water Cycle Phase II Study (CD94), which rates the existing water recycling centres within the settlements in the District.
- 1.14 Although the settlement of Louth is assessed as red, the aforementioned table does state that there is "some capacity available", with this information having been provided by Anglian Water.
- 1.15 Notwithstanding this, planning permission has been granted (reference: N/092/01853/16) for the initial phase of 100 dwellings at our Clients site (reference: LO311) and as part of the application, Anglian Water were consulted. In this instance, Anglian Water confirmed that there was sufficient capacity to accommodate the development, however, mitigation measures were required to avoid downstream flooding of the foul sewerage network.
- 1.16 It is assumed that if the water recycling plant is at capacity in future, a planning obligation could be sought from residential developments which are affected, which would ensure the issue can be adequately mitigated.

Question 6: Should the document identify "Gateway Sites" as referred to in Policy SP10 of the Core Strategy? If not, how will these be identified?

- 1.17 We have previously made representations to the Publication Version of the Core Strategy regarding Strategic Policy 10 (SP10) and the requirement for certain developments to satisfy a place-making checklist and a site-specific design brief.
- 1.18 Our Client objected to these requirements, as it is not considered that the requirement to provide an arbitrary pro-forma at pre-application stage is either justified or effective and therefore fails to meet the tests of paragraph 182 of the National Planning Policy Framework (NPPF). To the best of our knowledge this is not an approach which is encouraged within the NPPF or the Planning Practice Guidance (PPG) and we have not seen this approach taken by any other planning authority.
- 1.19 Whilst we would not disagree that discussions regarding design should form a part of pre-application discussions, the pro-forma is in our opinion unnecessary and onerous for applicants. In addition, our Client is concerned that part 10 of Policy SP10 states that "*developments will be supported on design grounds if they satisfy both the place-making checklist and a site-specific design brief*". This implies that where a development does not

satisfy the arbitrary pro-forma, the Council will seek to refuse an application. This is completely inappropriate and we continue to suggest that the requirement to provide a place-making checklist is removed from the policy.

- 1.20 With regard to Gateway sites, we have previously made representations stating that the Council's definition of a Gateway site is inadequate and would be subjective and open to interpretation. The supporting text for the policy states that they would be *"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"*. Whilst we do not consider that our Clients site constitutes a "Gateway site", the current definition is far too vague and we would fully support the proposal to identify Gateway sites within the Settlement Proposals document. Alternatively, a much clearer and robust set of criteria should be set out within the Policy to identify "Gateway sites", otherwise we would envisage problems and disagreements between applicants and the Council at pre-application stage.