

22nd June 2017

Input to Planning Inspector for the independent examination of the ELDC Local Plan

Submitted by: [REDACTED]

I am a committed environmentalist who believes ELDC is ignoring sustainability issues in both granting and refusing planning consents. I commented on the ELDC local plan because the Sustainability Appraisal carried out by ELDC was very poor in both scope and quality. For completeness, I include my comments again with this letter.

At an ELDC public meeting on the 23rd March this year, Ann Shorland reported back on comments that had been received on the local plan. She reported that no material comments had been received, that they had received some “self-serving” comments from some developers, and that all comments from developers and public had been successfully “rebutted”, other than those relating to grammar and spelling. I believe this, and other comments made at the meeting by Ms Shorland and the committee are indicative of an attitude within ELDC that is hostile to public examination of the local plan.

I have not been provided with any response to my comments, and do not therefore believe my comments have been considered or addressed.

I believe that the Sustainability Appraisal process as described by ELDC in the Sustainability Appraisal documents is wholly inadequate. I believe that a reasonable and adequate Sustainability Appraisal must have the following characteristics.

- Be carried out by a suitable qualified person, for example a Sustainability Engineer, or by someone with a recognised qualification in Sustainable Development.
- Be carried out by a party independent of the local plan production process, to ensure objectivity and completeness.
- Be proactive in identifying omissions and missed opportunities to promote Sustainable Development through new policies, as well as simply reviewing the policies contained in the local plan.
- Use the definition of Sustainable Development contained in NPPF as the assessment metrics, to ensure national consistency and quality.
- Be genuinely and creatively looking to support the introductions of policies that will enable development where it can be made to be Sustainable Development.
- Would prioritise development on sites other than productive farmland

Based on discussions with individual East Lindsey planning officers, I believe:

- There is a poor understanding within ELDC of what Sustainable Development is.
- There is a lack of consistency within ELDC in defining Sustainable Development. In meetings, different Planning Officers have given completely different definitions.
- The meaning of Sustainable Development is clearly and concisely defined in NPPF. In meetings and in their own Sustainability Appraisals CD102, ELDC planning officers have shown themselves to be unaware of this, preferring their own definitions, which predate NPPF.
- ELDC officers are unfamiliar with the content of NPPF as it relates to Sustainable Development, particularly as it relates to sustainable transport modes.
- There is a poor appreciation within ELDC of the possibilities of new technologies and their implications in enabling Sustainable Development in new windfall sites.
- ELDC planning officers appear to be most interested in the concept of "Unsustainability" and in how it may be used to reject development
- There is a lack of ambition in ELDCs aspirations for the quality of buildings within the plan area, both in achieving architectural excellence and delivering environmental benefits. This is resulting in numerous large, badly designed new estates built on farmland that would be better reserved for sustainable uses such as agriculture.

It is therefore entirely inappropriate for ELDC planning officers to conduct their own Sustainability Appraisal of the local plan.

EAST LINDSEY DISTRICT COUNCIL LOCAL PLAN

Pre-Submission publication stage

REPRESENTATION FORM

Personal Details:

Title	Ms
First Name	████████
Surname	████████
Job Title (where relevant)	Marketing Director
Organisation (where relevant)	n/a
If you are an Agent, who are you representing (where relevant)	
If this representation is made on behalf of a number of people who share the same view, please give details of numbers and how those views have been authorised (where relevant)	
Address - Line 1 (To which you want correspondence to be sent)	████████
Address - Line 2	████████████████
Address - Line 3	████████████████
Address - Line 4	
Post code	████████
Telephone Number	██████████████
e-mail address (where relevant)	██

Representation Details:

Q1 Do you consider the Local Plan to be.....

	Yes	No
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Legally compliant		NO
Sound		NO

Q2 If you consider the Local Plan to be unsound, which of the following 'tests' of soundness do you think it fails to meet...

Please mark all that you think apply

Positively Prepared	
Justified	
Effective	
Consistent with National Policy	NO

Q3 Please provide comments if you wish to support the legal compliance or soundness of the Local Plan or provide details of why you consider the Local Plan is not legally compliant or unsound. *Please use a separate form for each section and be as precise as possible.*

To which part of the Local Plan does this representation relate?					
Chapter	All	Policy and Paragraphs	All	Key Diagram/ Appendices	All
<p>The Local Plan is unsound because of a lack of a proactive approach to climate change and an improperly prepared Sustainability Appraisal</p> <p>https://www.gov.uk/guidance/climate-change Government guidance on plan making, URL above, states:</p> <p><i>“ Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. To be found sound, <u>Local Plans</u> will need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the <u>National Planning Policy Framework</u>. These include the requirements for local authorities to <u>adopt proactive strategies to mitigate and adapt to climate change</u> in line with the provisions and objectives of the <u>Climate Change Act 2008</u>, and co-operate to deliver strategic priorities which include climate change.”</i></p> <p>Sustainability Appraisal. Additionally, in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework 2012, the Council must carry out a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) of its Local Plan</p>					

1. From the references above, ***Sustainability Appraisal needs to be carried out against the definition of sustainable development provided in NPPF. This has not been done in the current Sustainability Appraisal.*** For reference, the definition of Sustainable Development is given in Para 6 of NPPF.
2. Instead, the sustainability appraisal has been ***carried out against a set of 13 metrics that the LPA have themselves developed***, and which are largely unchanged from those produced by the LPA prior to the publication of NPPF. These metrics do not appear in NPPF, and are therefore wholly unsuitable to be used as a basis for assessment. The metrics have not been agreed by government, and have not been subject to rigorous suitably qualified third party assessment. This means that requirements of sustainable development were effectively unexamined. In addition aspects of sustainable development that were not intended to be covered by NPPF potentially were covered in the sustainability appraisal. These two factors are in themselves enough to disqualify the Sustainability Appraisal, and hence make the plan unsound.
3. Thirdly, the sustainability assessment has been carried out by LPA officers who are unnamed. These officers took over from a suitably qualified external assessor at some point around the time of the publication of NPPF. ***No information is provided on their relevant qualifications or any other suitable expertise to assess sustainability.*** In the absence of such information it is impossible to judge the value of their assessment.
4. Finally, ***the sustainability appraisal has been carried out by the officers who wrote the policies in the local plan.***
To repeat, the officers have both written the policies and also assessed the sustainability of those policies against metrics which they have also produced. In other words the obvious requirement for an independent and open minded assessment of the policies cannot be satisfied. The officers have effectively marked their own exams, having previously written their own exam questions by producing their own

assessment metrics. The absence of an independent assessor guarantees that the process of examination will fail to identify additional opportunities to support sustainable development, and also guarantees that errors and failures in policies will be missed, hence failing the proactivity requirement with respect to climate change.

5. Together these failings ensure the plan has simply not been subjected to an adequate sustainability appraisal. Any one of the above issues individually would be enough to make the local plan unsound.

In addition I have some less significant specific comments.

SPF15 (2), relating to location for new tourism facilities, specifically contradicts the immediate discussion, particularly para 7. Para 7 says that locations outside of existing boundaries are acceptable if they are centred around large villages and towns. SPF15 (2) appears to say they are not. SPF15(2) should clarify that locations without footpath access to towns and large villages should be supported where there is either public transport, or a pedestrian route segregated from traffic, where those villages/towns offer suitable facilities.

The policies on flood risk are complacent. In the plan, inland flood risk is proposed to be managed with reference to Environment Agency models which take no account of rises in sea levels. Sea level rises are assessed as an issue only for coastal areas. Given the uncertainty of funding for inland flood defences, and the lack of good understanding of what sea level rises we are likely to experience, a more cautious and proactive approach would be to consider one of models which shows the potential impact of sea level changes on inland flooding, and to prioritise those areas for development which are most resistant to sea level rises at the very far end of current predictions.

SP16 Explicitly supports residential and commercial development on sites identified as at risk of flooding, subject to limited conditions. This policy has not be subject to suitable Sustainability Assessment and is particularly questionable. Any development on sites at risk of flooding should be permitted only after a strict sequential test, regardless of whether the site is brownfield or otherwise suitable.

Continue on a separate sheet if necessary. Mark any additional pages with your name/organisation.

Q4 Please set out below what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified in Q2 where your comment relates to soundness. *You will need to say why this change 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.*

The LPA should initiate a suitable Sustainability Appraisal using the definition of sustainable development contained in NPPF, carried out by independent suitably qualified professionals, and amend the Local Plan in response to issues identified by that appraisal.

Continue on a separate sheet if necessary. Mark any additional pages with your name/ organisation.

Q5 If your representation is seeking a change, do you consider it necessary to participate in the oral part of the Examination in Public?

No - I do not wish to participate in the oral part of the Examination In Public	
Yes - I wish to participate in the oral part of the Examination In Public	YES

Q6 If you wish to participate in the oral part of the Examination in Public, please outline why you consider this to be necessary. *Please note that the Inspector will determine the most*

appropriate procedure to hear those who have indicated that they wish to participate in the examination.

I do not consider it necessary to take part in the oral examination but will attend if you think it would be helpful

Q7 Do you wish to be notified of any of the following? *Please mark all that apply. We will contact you using the details you have given above unless you specify an alternative address.*

When the Local Plan has been submitted for independent examination	yes
When the Inspectors report is published	yes
When the Council adopts the Local Plan	yes
Do you wish to be removed from our mailing list?	no

Signature	Date	22/01/2017
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