

Ms T Coggon  
Planning Dept.  
North Lincolnshire Council  
Civic Centre  
Ashby Road  
Scunthorpe  
DN16 1AB



19<sup>th</sup> January 2022

Dear Ms Coggon

**PA/2021/2151 - Outline planning permission for residential development of up to 390 dwellings with associated infrastructure at land to the west of Brigg Road and to the south of Horkstow Road, Barton-upon-Humber**

KVA Planning Consultancy has been commissioned to draft a written representation to the above proposal by Banks Property Ltd. on behalf of the Northern Lincolnshire Local Group of CPRE 'The Countryside Charity', to be submitted to North Lincolnshire Council.

The Northern Lincolnshire local group of CPRE ('CPRENL') object to this outline proposal (all matters reserved apart from two access points), which is not in conformity with local or national planning policies, on the following grounds:

1. The proposed application is sited outside the adopted (and proposed) development limits and within the open countryside;
2. The loss of grade 2 agricultural land;
3. Impact on the Lincolnshire Wolds landscape character; and
4. The detrimental impact of traffic associated with the proposals on the existing local road network.

In accordance with section 38 (6) of the Planning and Compulsory Purchase Act (2004) the application should be determined against the statutory Development Plan unless material considerations suggest otherwise. The National Planning Policy Framework ('NPPF') (July 2021) is a material consideration which should be taken into account when determining the proposal.

The Council are in the process of preparing a new single Local Plan which will replace the existing

Development Plan Documents once adopted. They published their Publication Draft Local Plan for consultation between October and December 2021 to which CPRENL provided comments. In accordance with national policy, as it has not yet been submitted to the Secretary of State for independent examination, little weight can be attributed to it as yet in the determination process, however, it does give a good indication of the direction of proposed policy.

Paragraph 219 of the NPPF sets out that policies within the development plan should be given due weight according to their consistency with the Framework – i.e. they should not be considered out of date simply because they predate the Framework. The purpose of the planning system is to contribute to sustainable development, which for decision making means (para 11c) *‘approving development proposals that accord with an up-to-date development plan without delay.’* Where there are no relevant policies or the policies are out of date, planning should be granted unless (para 11d):

- I. *‘The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.’*

The Development Plan which should be used to determine this proposal consists of:

- Saved Policies of the North Lincolnshire Local Plan (2003)
- Core Strategy DPD (June 2011)
- Housing and Employment land Allocations DPD (2016)

Fundamentally, CPRENL consider the proposal is contrary to the NPPF, the adopted Development Plan and the emerging local plan as set out below.

The Core Strategy’s Settlement Hierarchy identifies Barton upon Humber as the largest settlement outside of Scunthorpe and firmly placing Barton upon Humber in the ‘Market Town’ category. Policy CS1 states at point C that *‘North Lincolnshire’s Market Towns will continue to provide important services for the area’s rural communities and support the higher level services provided by Scunthorpe. Levels of growth and development will be more limited reflecting their position in the settlement hierarchy. All growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected.’*

Policy CS2 provides support to the delivery of the settlement hierarchy setting out that a sequential approach to development will be adopted, with point 2 providing *‘Previously developed land and buildings within the defined development limits of North Lincolnshire’s Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs.’* The policy goes on to state that *‘any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place.’*

Policy CS3 confirms that development proposed outside (future) defined development limits *'will be restricted to those for the essential functioning of the countryside'*. This proposal does not meet this definition. Indeed, the Housing and Employment Land Allocations DPD did not allocate this land for development and drew the development limits tightly around the Market Town, excluding the proposed sites. Therefore, for the purposes of planning the site is located within the open countryside and is considered a greenfield location.

As set out above, Policy CS2 provides some support for small scale greenfield extensions to meet local needs, when all proceeding parts of the sequential test have been exhausted. CPRENL asserts, however, that a proposal for 390 dwellings cannot in any way be considered to be 'small in scale' so as to meet the requirements of this policy.

Furthermore, the emerging plan sets out that at least 7128 new homes (396 dwellings per annum) will be required across the plan period to meet the needs of the existing and future populations. Policy SS2 defines the emerging spatial strategy for the plan area and states that the Scunthorpe and Bottesford Urban Area will be the key focus for growth in North Lincolnshire. It then goes on to define Barton upon Humber as a 'principal town' alongside Brigg setting out within the policy that to maintain and enhance their roles as key service centres for North Lincolnshire, the principal towns *'will be a focus for growth including new housing, employment, retail, cultural facilities, leisure and service provision. Most of this growth will be through site allocations in this plan. Non-allocated sites within the defined development limit will also contribute accordingly where it meets the policies of this plan'* (KVA emphasis). The emerging policy does not provide any support for greenfield sites outside development limits.

The Council has produced new policy maps to sit alongside the emerging Local Plan and has redrawn the development boundary in the same location, excluding this site from the settlement (supported by emerging Policy SS11 development limits which seeks to protect settlement character and areas of open countryside, restricting development outside defined limits to that essential for a functioning countryside). However, the Council have allocated other sites for residential development within the settlement. The Housing Site Selection Topic Paper which is part of the emerging Local Plan's evidence base has allocated sufficient housing land for 583 dwellings across 3 committed and 2 further proposed allocations. CPRENL are aware that the applicant submitted the site to the Council for consideration in the plan making stage (reference: CFS0300139). The Council's Housing Site Selection paper sets out reasons why it was omitted by the Council as set out below for ease of reference:

- The site is located outside the existing development limit. Development of the proposed scale at this location on the periphery of the settlement would not be considered suitable.
- Although potential access could be provided onto Brigg Road, there are concerns over the volume of traffic at this location for such a large development site.
- The site needs a Heritage assessment as the site is within 250m of an Archaeological site.

- Significant landscape mitigation would be required in keeping with the Lincolnshire Wolds Open Rolling High Farmland as well as biodiversity enhancements.
- Grade 2 Agricultural Land.

CPRENL concur with the Council's decision to not allocate this site which would open development to the south of Horkstow Road which acts as a clearly defined settlement boundary. Development of this site would surely provide the Council with indefensible boundaries resulting in further encroachment into the open countryside and putting direct pressure on both the existing services and facilities as well as the landscape character.

The sheer scale of the development and number of dwellings proposed at this site is such that it would provide for almost all of the proposed annual housing requirement for one year for the entire of North Lincolnshire, but also more than 50% of the housing requirement for the settlement in the one location, which does not represent incremental or sustainable growth.

As the Council are now able to demonstrate a 5.64-year housing land supply (August 2021) there is simply no need for this development to be approved in a location out with the adopted Development Limits to provide 'flexibility' in delivering new housing. The Council state that they can provide sufficient housing land within Barton upon Humber, without relying on this site which was discounted at a very early stage in the plan making process. This will also ensure compliance with the proposed spatial strategy set out by the Council's Strategic Development Team. Policy SS5 of the emerging Local Plan goes on to state that to ensure a rolling 5-year housing supply the Council will '*allocate an additional 198 dwellings within the first five years of the plan period. This equates to 7,326 dwellings over the plan period*' and will ensure sufficient flexibility.

The Applicant argues in the Planning Statement that the Council's figures are incorrect and that they can only demonstrate a 5.26- or 5.51-year supply using their equations. However, the applicant believes the Council can only demonstrate a 4.42-year supply and as such the Local Plan should be considered out of date with the titled balance triggered, giving weight to the need for housing over other policies in the plan. Even if that was the case, CPRENL assert that there are a significant number of other policies (in line with paragraph 11) which are not considered out of date that would demonstrably outweigh the perceived need.

The applicant furthers the argument pertaining to the lack of 5-year land supply by referring to two appeal decisions dated September 2021 stating that the Council did not use their August 2021 revised 5-year supply figure as evidence in the appeals. Given the timetable of appeals and the fact that these figures had not been approved or published at the point evidence was required to be submitted, it is hardly surprising that the Council could not rely on this evidence and correctly asserted that at the time of determination of the original applications, the Council could not demonstrate a 5-year land supply.



CPRENL are aware that the Council are currently relying on their August 21, 5-year land supply position in the planning balance when determining applications.

The NPPF seeks to protect the best and most versatile agricultural land at paragraph 174. This is also the intention of Policy RD1 in the emerging Local Plan. The site consists of Grade 2 agricultural land which is described as 'very good' in the Agricultural Land Classification Guide published by Natural England (2010). As the Council have not sought to allocate this large greenfield site or redraw Development Limits to include it within the settlement (allowing for potential windfall opportunities) in any adopted or emerging policy, it is not thought necessary to lose 2.63Ha of good quality Grade 2 agricultural land.

Emerging Policy RD1 also only offers support for proposals sited adjacent to development limits if they are for affordable housing schemes (exception sites) for local needs housing. The site is not being promoted as an exception scheme (100% affordable) therefore is contrary to emerging policy. The applicant has stated that an element of affordable housing provision will be agreed with the Council at Reserved Matters stage, should the council positively determine this outline application.

Core Strategy Policy CS16 aims to protect, enhance and support North Lincolnshire landscapes. As does saved Local Plan Policy LC7 which sets out clearly that development which does not respect the character of the local landscape will not be permitted.

Emerging Local Plan Policy DQR1 deals with the protection of landscape and provides under the heading 'Proposed Extension to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB)' at Point 7 that '*Priority will be given to the protection and enhancement of the landscape character, natural beauty and setting of the proposed extension to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the proposed extension to the Lincolnshire Wolds AONB.*' The proposed site falls outside the current AONB designation but is located within the proposed extension to the AONB – a matter which has been neglected by the applicant in the Planning Statement. As such the significance of the landscape at this location, particularly to the steeply rising land to the south of the site, requires protection as the sheer scale of the proposed development at this site could have a significant detrimental impact on the proposed AONB – which if designated, will be afforded the highest landscape protection in planning policy terms, the same as National Parks. The NPPF places great weight on the protection of the natural environment (para 174) and reinforces that major development in AONBs should be refused other than in exceptional circumstances.

The Council is supporting the bid for the extension and as such obviously places great importance of the landscape in this location, therefore, a proposed site for 390 new dwellings is contrary to their vision of the area and should be refused. The applicant has reserved 'landscape matters' to be dealt with at a later stage should the outline permission be approved, as such, all drawings and proposed layouts



should be considered indicative and liable to change therefore not given any weight in the planning balance exercise.

In a similar way, the applicant has proposed to reserve all matters pertaining to internal site roads but has proposed two accesses to the site to be determined at the outline stage. These are from Brigg Road and Horkstow Road. Members have reported to CPRENL how challenging these roads are to traverse at present, particularly during peak periods and concerns relating to new vehicular movements associated with the proposal have been widely expressed. Indeed, the Council's Strategic Policy Team who progressed the emerging Local Plan have expressed similar concerns over the site, and these were listed as one of the reasons the site was not allocated. As such, CPRENL do not consider that the site can be considered safe or suitable in terms of the NPPF requirements (paragraph 110) and should be refused in line with paragraph 111. This is supported at the local level by Saved Local Plan Policy T2.

In summary, when undertaking the planning balance for this proposal, the Council can demonstrate over and above the required five-year housing land supply and as such additional large sites outside the development limit and within the open countryside should not be approved when contrary to the adopted development plan and unjustified.

Furthermore, CPRENL has set out reasons above as to why the proposals should be refused in relation to other planning matters which demonstrably and significantly outweigh the applicants perceived need for the proposals, particularly the potential impact to the proposed extension to the AONB, loss of Grade 2 agricultural land and highways implications.

For the reasons highlighted above, CPRENL wish to record their strong objection to these proposals. CPRENL would wish to be kept informed of any further amendments or submissions made regarding this application.

Yours sincerely,

Katie Atkinson, MRTPI

**Director**  
**KVA Planning Consultancy**

*On behalf of David Rose, Chairman of CPRE Northern Lincolnshire CPRE*



The countryside charity  
Northern Lincolnshire

