

AGENDA



South East Lincolnshire
Joint Strategic Planning Committee

- Committee - **SOUTH EAST LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE**
- Date & Time - Friday, 28 February 2014 at 10.00 am
- Venue - Council Chamber, Council Offices, Priory Road, Spalding

Membership of the South East Lincolnshire Joint Strategic Planning Committee:

South Holland District Council: Councillors B Alcock, R Gambba-Jones and H R Johnson (Chairman)
(Substitutes: Councillors F Biggadike, C J T H Brewis, R M Rudkin)

Boston Borough Council: Councillors P Bedford (Vice-Chairman), C Brotherton and R Leggott
(Substitutes: Councillors F Pickett, O Snell and M Wright)

Lincolnshire County Council: Councillors A Austin, M Brookes and C Davie
(Substitutes: Councillor C N Worth)

Substitutions – Substitute members will have full voting rights for individual meetings only; and Substitute members allowed to attend all meetings of the South East Lincolnshire Joint Strategic Planning Committee to contribute but not vote.

Terms of Reference – The preparation, submission, adoption, monitoring and revision of joint local development documents identified in a joint local development scheme; and the preparation, submission, adoption, monitoring and revision of a joint local development scheme, in respect of those documents.

A voting member who is unable to attend any meeting of the Joint Committee shall inform the Chair of the Joint Committee in writing as soon as practicable and in any event not later than 24 hours before the meeting is due to take place

Member Services
Council Offices, Priory Road
Spalding, Lincs PE11 2XE

Persons attending the meeting are
requested to turn their mobile telephones to
silent mode

Date: 14 February 2014

A G E N D A

1. Apologies for Absence.
2. Minutes - To sign as a correct record the notes of the South East Lincolnshire Joint Strategic Planning Committee meeting held on 25 November 2013. (Copy enclosed.) (Pages 1 - 20)
3. Draft Revised Local Development Scheme for South East Lincolnshire - To seek approval for a revised Local Development Scheme for South East Lincolnshire. (Report of the Joint Policy Unit Manager enclosed.) (Pages 21 - 40)
4. Any other items which the Chairman decides are urgent.

Note: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

5. Future Meeting Dates - To be confirmed.

Minutes of a meeting of the **SOUTH EAST LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE** held in the Boston Borough Council Offices, West Street, Boston, on Monday, 25 November 2013 at 9.30 am.

PRESENT

H R Johnson (Chairman)
P Bedford (Vice-Chairman)

B Alcock
R Gambba-Jones

R Leggott
A Austin

M Brookes
C Davie

Joint Policy Unit Manager (South Holland District Council), Senior Planning Policy Officer (South Holland District Council), Planning Policy Officer (South Holland District Council), Head of Built Environment and Development (Boston Borough Council), Deputy Joint Policy Unit Manager (Boston Borough Council), Forward Planning Officers (Boston Borough Council), Strategic Planning Manager (Lincolnshire County Council), Environment Agency Officers, Planning Solicitor (Legal Services Lincolnshire) and the Senior Democratic Services Officer (Boston Borough Council).

In Attendance: Councillors F Biggadike, C J T H Brewis, F Pickett, R M Rudkin and O Snell.

Apologies for absence were received from or on behalf of Councillors M Wright and N Worth and from the Head of Planning (Breckland and South Holland District Councils) and the Head of Planning Services (Lincolnshire County Council).

10. MINUTES

The minutes of the meeting held on 27 September 2013 were signed by the Chairman as a correct record.

11. PUBLIC CONSULTATION ON THE COMBINED PREFERRED OPTIONS AND SUSTAINABILITY APPRAISAL REPORT: CONSIDERATION OF REPRESENTATIONS

Consideration was given to the report of the South East Lincolnshire Joint Policy Unit Manager, which sought approval of the recommendations on action to be taken in response to representations received as a result of the public consultation on the Combined Preferred Options and Sustainability Appraisal Report (Preferred Options) categorised under the headings of Housing Growth and Flood Risk, Sustainable Development and Spatial Strategy, and Housing (including promotion of housing sites).

Members had approved the contents of the Combined Preferred Options and Sustainability Appraisal Report (Committee Version [April 2013]) for public consultation and a Consultation Strategy on 5 April 2013. The public consultation had run from 3 May to 28 June 2013.

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Members had already considered representations at the meeting on 27 September 2013 dealing with matters in the Preferred Options document categorised under the headings Whole document, Introduction, Spatial Portrait, Vision and Strategic Priorities, Economy, Environment, Community, Health and Well-being, Transport, Delivery, Key Diagram, Glossary of Terms, and Appendices.

There were over 860 individual representations relating to Housing Growth and Flood Risk, Sustainable Development and Spatial Strategy, and Housing (including promotion of housing sites). These were set out in full in Appendix A to the report and included comments in support of the contents of the Preferred Options document and other observations, as well as objections. Representations relating to the promotion of housing sites would be included in the ongoing preparation of the Strategic Housing Land Availability Assessment (SHLAA).

Appendix A was separated into five parts as follows:

- Part 1: 303 representations with a proposed officer recommendation of *Support – no change to the approach is required*.
- Part 2: 107 representations with a proposed officer recommendation of *Representations beyond the remit of the Local Plan or to be addressed in the preparation of the Site Allocations DPD*.
- Part 3: 50 representations with a proposed officer recommendation of *Objection – a minor change to the approach may be required* (e.g. detailed policy wording/SA scoring).
- Part 4: 90 representations with a proposed office recommendation of *Objection – no change to the approach is required*, but excluding those representations relating to objections to the 'cap' on housing development in the Red, Orange and Yellow [ROY] flood-hazard zones (see Part 5).
- Part 5: 318 representations with a proposed officer recommendation of either:
 - (1) *Objection – no change to the approach is required*. Such representations related to the cap on housing development in the ROY flood-hazard zones (relocated from Part 4 above); or
 - (2) *Objection – further work required which could result in a change to the approach*.

(1) and (2) were ordered under the following headings:

- A. Cap on housing development in the ROY flood-hazard zones
- B. Objectively-assessed need for market and affordable housing
- C. Main Service Centres
- D. Service Villages and development in the Countryside
- E. Broad locations for housing growth in Boston

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- F. Broad locations for housing growth in Spalding
- G. Affordable Housing
- H. Infrastructure/Delivery
- I. Additional policy matters
- J. Cross-boundary housing provision
- K. Phasing of housing delivery/5-year housing land supply

Following the Joint Committee's consideration of all the representations covered by the headings above, officers would need to determine the issues arising from:

- those representations generating either a possible minor change to the approach or further work which could result in a change to the approach;
- any new evidence (e.g. the outcomes from current work on the South East Lincolnshire Town Centre and Retail Capacity Study and the update of the Peterborough Partial Strategic Housing Market Assessment);
- key outstanding areas of work (e.g. the South East Lincolnshire Strategic Housing Land Availability Assessment and the South East Lincolnshire Whole Plan Viability); and
- a detailed examination of the emerging plan and policies with regard to the use of consistent terms, assessment that the policy objectives were both consistent and unambiguous and that outcomes were set that could be monitored.

Officers explained this interim stage and its consequences for the further stages of plan preparation.

A joint response had been received from the Head of Built Environment and Development at Boston Borough Council and the Planning Manager for Breckland and South Holland Councils and was set out in full in the report. There were no comments from other consultees.

The Joint Policy Unit Manager then briefly explained how he proposed to manage the process of giving due consideration to the 868 representations set out in Appendix A.

The Joint Committee's consideration of Appendix A was as follows:

**Part 1: 303 representations with a proposed officer recommendation of
'Support – no change to the approach is required'**

DECISION:

That the recommendations of 'Support – no change to the approach is required' with respect to the 303 representations in Part 1 of Appendix A to the report be approved.

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**Part 2: 107 representations with a proposed officer recommendation of
'Representations beyond the remit of the Local Plan or to be addressed in the
preparation of the Site Allocations DPD'**

The Environment Agency officer queried the use of the word 'considered' in the Officer Response set out on page 159.

The Joint Policy Unit Manager explained that, in this context, the word does not mean that further work is required at the moment, but that it is a matter that could be addressed later, if necessary, through the preparation of a supplementary planning document (SPD), following the adoption of the DPD.

DECISION:

That the recommendations of 'Representations beyond the remit of the Local Plan or to be addressed in the preparation of the Site Allocations DPD' with respect to the 107 representations in Part 2 of Appendix A to the report be approved.

**Part 3: 50 representations with a proposed officer recommendation of
'Objection – a minor change to the approach may be required' (e.g. detailed
policy wording/SA scoring)**

Councillor Leggott noted that officers were suggesting that either 'hazard' or 'probability' could be the critical consideration in determining flood risk, but enquired as to whether there was any indication as to how each of these matters would be addressed?

The Deputy Joint Policy Unit Manager stated that this matter would be considered by the Local Plan Steering Group. Policy wording and the next stage of plan preparation were yet to be determined. This matter would be registered as requiring attention and brought back to members at a later date.

DECISION:

That the recommendations of 'Objection – a minor change to the approach may be required' with respect to the 50 representations in Part 3 of Appendix A to the report be approved.

**Part 4: 90 representations with a proposed officer recommendation of
'Objection – no change to the approach is required', but excluding those
representations relating to objections to the 'cap' on housing development in
the Red, Orange and Yellow [ROY] flood-hazard zones (addressed in Part 5
below)**

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DECISION:

That the recommendations of 'Objection – no change to the approach is required' with respect to the 90 representations in Part 4 of Appendix A to the report be approved.

Part 5: 318 representations, set out under headings A to K below, with a proposed officer recommendation of either: (1) Objection – no change to the approach is required. Such representations relate to the cap on housing development in the ROY flood-hazard zones (relocated from Part 4 above); or (2) Objection – further work required which could result in a change to the approach

Councillor Johnson explained that the representations featured in pages 331-690 of the agenda related to matters which, in the officers' view, merited further work that could result in a change to the approach.

Preamble

As a preamble to the formal discussion on the cap, the Joint Policy Unit Manager reported that the recommendation with respect to representations under this heading was originally 'Objection - no change to the approach is required', because the formulation of the cap approach had been supported by extensive discussions with the Environment Agency and a comprehensive analysis of the issues. These were reflected in the evidence set out in the Preferred Options document and it had been considered that such evidence was sufficient justification for rejecting any objections relating to the cap.

However, on further reflection, it was recognised that, nationally, an increasing number of development plan documents (DPDs) were struggling to get past examination. It appeared that the Planning Inspectorate had been getting far tougher in dealing with DPDs, particularly Core Strategies, and was seeking full compliance with the provisions of the National Planning Policy Framework (NPPF) and other considerations. Officers had become increasingly concerned about the requirements of the NPPF and, in particular, the need to identify objectively-assessed housing need (OAHN). The NPPF suggested that local authorities would struggle to get through examination if the local plan could not demonstrate that OAHN would be met.

It was also explained that the 'Duty to Cooperate' (DtC) provided the opportunity for a local planning authority to have an element of its OAHN met in neighbouring authorities if appropriate and agreement could be reached. However, the potential for either Boston Borough or South Holland District to relocate some of its OAHN to neighbouring areas appeared limited.

A further concern was the need, now, for OAHN to be informed by up-to-date evidence from the 2011 Census. Concern was expressed that, again, some DPDs were failing at examination because they were not demonstrating up-to-date

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assessments. The Joint Policy Unit Manager made clear that this was an issue for South East Lincolnshire, and particularly for South Holland District, where the basis for calculating its OAHN lay in the 2008 household projections and for some time there had been concern about the risk associated with this approach. Officers realised that if a higher OAHN was identified for each of Boston Borough and South Holland District areas, then there would be implications for the cap, as its purpose was to limit the number of additional dwellings in the ROY zones. It was noted that Boston Borough was significantly affected by the cap.

Following the Joint Policy Unit Manager's preamble above, he moved on to focus upon, firstly, representations relating to the subject of OAHN rather than the cap (as indicated in the covering report).

B. Objectively-assessed need for market and affordable housing

It was reported that a number of the representations concerning this subject had prompted the need for further work. Paragraph 11 of the Planning Advisory Service (PAS) review of the emerging local plan was quoted. This opined that choosing the lower figure in the Preferred Options document would probably be challenged by the Inspector. The Joint Policy Unit Manager noted that officers had identified a modest historic housing delivery rate which did not match some of the options that were considered. However, he then quoted several representations which served to support the identification of a more ambitious housing delivery target.

Councillor Johnson initiated Members' discussion on this matter by expressing doubt about being able to objectively predict housing need over a period of 20 years.

Councillor Gambba-Jones noted that it was clear from recent events that the 2011 ONS figures would have to be used to inform the identification of strategic housing need. He stated that whilst the cap was adopted on the basis of flood hazard, consideration also needed to be given to whether probability was the primary consideration in how this matter was to be viewed. The Environment Agency (EA) might have to be informed that the Joint Committee would have to take a different perspective of this matter and whilst the EA was a statutory consultee, it was one of many. He thought there was a need to 'cut to the chase' here, and a need to 'start again'.

Councillor Davie agreed with Councillor Gambba-Jones. There could be no expectation to get through the examination without using the most up-to-date data. He was very clear that the Planning Inspectorate (PINS) was taking a hard line on this matter and did not want to be in a situation where the plan had to be withdrawn or got thrown out.

The Joint Policy Unit Manager responded that officers had been mindful of this issue before they went out to public consultation earlier in the year and certainly thought there could be some criticism of using historic house-building rates. With that concern in mind, an update of the Peterborough Sub-Regional SHMA (which included South

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Holland District) had been commissioned and the draft findings had already indicated that there would be a significant increase on the figure that had been promoted through the Preferred Options document. Consequently, a higher housing target for South Holland District would have to be promoted in revised documents. He also noted that Boston Borough, in conjunction with East Lindsey District, was in a separate Housing Market Area (HMA) from the one covering South Holland District (known as Coastal Lincolnshire); and that an update of the Coastal Lincolnshire SHMA had commenced more recently. He indicated that the expected identification of higher OAHN in both Boston Borough and South Holland District would inevitably lead to an increase in the size of the cap in these areas. This situation was in direct conflict with one of the EA's representations on the Preferred Options document which sought to reduce the cap percentages.

An EA Officer reminded the meeting that the Lincolnshire Coastal Study was a 'partnership'. It had always been stated that if the figures were to change, the partnership would have to look at the matter. The matter, therefore, rested with the partnership and not the EA.

It was explained that the Committee would need to discuss this again, especially if a higher objectively-assessed housing need figure had to be met; consideration would have to be given to how that would be managed.

A. Cap on housing development in the ROY flood-hazard zones

The Deputy Joint Policy Unit Manager referred attendees to pages 331 - 364 of the agenda. He explained that he had set the comments out into the type of issues people had raised and which needed to go back to the Local Plan Steering Group for more detailed consideration. Representations ranged from no development should be permitted in ROY zones; lowering the proportion of development in the ROY zones and putting more into other areas; having a cap could stop the local planning authority (LPA) meeting its housing requirements; sustainable development would be suppressed by the cap meaning development would occur in less sustainable areas; having a cap might lead to a lack of innovation in terms of flood mitigation and design; relative probability of flood risk should be promoted instead of hazard; the development of the Boston Barrier might change risk in the area; and suggestions that too much emphasis had been placed on flood risk, as the 'catastrophic event' that might happen was highly unlikely.

Councillor Gambba-Jones commented that there was a need for a way forward that addressed the somewhat unusual circumstances in which the Joint Committee found itself, in that it did not have a parallel with other authorities. In other words, South East Lincolnshire was willing to acknowledge its OAHN and provide for it but the 'elephant in the room' was the Coastal Study. There was a debate as to whether it was or was not a study. He considered that the Coastal Study had not been made enforceable but it was a body of evidence that could not be ignored. It remained a piece of work done in partnership but it could not be given excessive weight. He stated that he was searching for a point where the issues arising from the Coastal

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Study could be raised with experts. A steer from them was required. He asked officers as to whether any facility existed for providing such advice because at some point the emerging local plan would be submitted for examination and he was concerned how it would fare.

The Joint Policy Unit Manager responded that there was an officer at the Inspectorate (Stephen Carnaby) who was overseeing progress on the South East Lincolnshire Local Plan and that he would make contact with him to see if he could offer any advice on the matter. He continued that there was a need to come to a firm decision as to whether the cap was retained or not. If retained, there was a need for collected resolve to ensure any chance of success at examination because there would be increasing pressure to meet the OAHN. There was a need to undertake further work with EA colleagues on this matter.

Councillor Gambba-Jones responded by suggesting that early intervention in this matter be sought. He considered that there had to be a point at which it could be explained to those in control that there was tension between two circumstances in South East Lincolnshire – housing need and flood risk – that did not exist elsewhere and that public money and time would be wasted if members and officers had to wait until the examination to find out which took precedence. He enquired as to whether there was any potential in the PINS model policy whereby they could take on board all justified EA concerns and ask for help before the examination, over and above co-operating with Peterborough in respect of meeting South Holland District's need. Advice also needed to be sought on identifying a sustainable-development location in East Lindsey District to help meet Boston Borough's housing need. He felt that the DtC worked well within large urban areas, but not in rural areas like Lincolnshire.

The Deputy Joint Policy Unit Manager responded by explaining that the two circumstances were not unique. What stood out was the nature of the Lincolnshire Coastal Study which, although it had a lot of beneficial points, did not answer many of the questions that needed to be answered. There were no experts to approach for help regarding the way forward. There were examples of other local authorities with the same circumstances and the way they had dealt with these circumstances could be examined. With respect to the DtC, he had spoken with East Lindsey District Council and officers had suggested that the place in which housing could be accommodated was Spilsby, which had its own infrastructure issues. He stated that as a location outside the Borough, this would not have any impact in terms of what needed to be done for Boston. People would still want to live in Boston as this was where they worked. In terms of flood-risk evidence, he drew attention to the flood mapping which was to be published on the 3rd December. He emphasised the importance of ensuring that all of the necessary local plan evidence was in place and was robust. He considered there was a need to think carefully about the ROY zones but the evidence that supported additional housing had to be recognised. There was a desire for any document submitted for examination to be successful.

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Councillor Brewis considered that South East Lincolnshire was not unique but it was exceptional. The South East Lincolnshire Local Plan was trying to knit two parts together - one in the 'north' and one in the 'south'. He thought the idea of Boston Borough offloading some of its housing to Spilsby was not sensible and would increase the carbon footprint significantly; and that more work needed to be done on the subject of reconciling the provision of additional housing with flood risk concerns.

Councillor Leggott thought there was a need to achieve a balance on this subject. There were various elements in the balance equation. One was the probability of a flood event and the effect of such an event. He considered that it wouldn't be possible to defend the current cap figures given the NPPF's view on probability; and that perhaps there was a need to start at the bottom on what weight is given to such things.

Other comments were made which suggested that the proposed barrier for Boston should be as near to the sea as possible or it would cause flooding; and that the internal drainage boards had dealt ably with flooding events in Boston.

Councillor Johnson enquired as to how much work was required to address the cap and objectively-assessed housing need issues and what timescales were being considered.

The Joint Policy Unit Manager responded that he was looking to arrange a Local Plan Steering Group meeting for early in the New Year to discuss these time-scales, as there had been slippage in the timetable. At the moment, with the different pieces of work that needed to be revisited/examined, it was difficult to give an accurate time-scale.

Councillor Davie suggested that whatever time was needed to get it right should be given since the Inspector would be looking closely at housing numbers and economic growth issues.

Councillor Alcock enquired as to whether the new figures for objectively-assessed housing need were available.

The Joint Policy Unit Manager responded that he thought a draft update of the Peterborough Sub-Regional SHMA would be going out to public consultation in January.

Councillor Johnson concluded discussion on the subjects of the cap and objectively-assessed housing need by stating that there was a need to reassess the housing targets and review the cap.

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C. Main Service Centres

The Joint Policy Unit Manager reported that this area of concern had been raised by a single representation suggesting that, given the nature of the ROY zone distribution in South Holland District, the proposed housing for Sutton Bridge and Long Sutton should be combined and given to Long Sutton instead of Sutton Bridge.

Councillor Brewis remarked that this idea justified further work and that it made sense.

D. Service Villages and development in the Countryside

The Deputy Joint Policy Unit Manager reported that here was a range of representations received under this heading including comments such as: development should be permitted everywhere; development should be confined to a more expansive list in the hierarchy; there should be another tier between countryside and service villages; groups of villages should be identified as suitable for development, for example, Saracens Head, Holbeach Bank and Holbeach Clough; some settlements were not sustainable but had been chosen due to the absence of ROY zones and some sustainable settlements had been excluded because of their location within ROY zones; the 'sustainability' evidence was considered to be insufficiently detailed; some settlements could be promoted up the hierarchy, for example Pinchbeck could be part of the Spalding Sub-Regional centre or act as a Main Service Centre; the promotion of Sutterton/Swineshead to a Main Service Centre and the promotion of some smaller settlements to Service Villages.

He thought that there had to be recognition that an exhaustive assessment of every settlement had not been undertaken but perhaps such an assessment was required. Another comment was that the limit of 25 dwellings for Service Villages in South Holland was too low and should be increased to 50 dwellings, and that there should be no limit in settlements in non-ROY zones. A counter comment was that there was a need to reduce the amount of Service Villages and have more emphasis on delivering affordable housing. There were few comments that were opposed to residential growth.

E. Broad locations for housing growth in Boston

The Deputy Joint Policy Unit Manager reported that comments ranged from: the identification of only one broad location being considered as unsustainable; the development of the 'south-west quadrant' would have an unacceptable impact on wildlife and hedgerows; specific internal drainage board comments on the broad location options; some broad location options could be considered as allocations; Kirton should have a broad location in its own right; and the EA querying the sequential-test approach to the identification of broad locations, specifically in respect of the weight given to probability.

F. Broad locations for housing growth in Spalding

The Senior Planning Policy Officer reported that two broad locations had been identified for Spalding: one at Holland Park accommodating 2,250 homes which had outline permission; and the other at a location to the north of the Vernatt's Drain accommodating 3,750 homes. These had been chosen mainly to deliver the Spalding Western Relief Road (SWRR) but concern had been raised about the small number of locations identified and that there was a need to broaden the options for accommodating such a significant level of residential growth. He cautioned that, at examination, that there was a need to prove that the strategy for accommodating housing growth was deliverable and, in case it was not, there was a need for a 'Plan B'.

Councillor Gambba-Jones thought that officers and members could 'end up chasing our tails' with these broad locations. He feared a repeat of a situation that prevailed when he joined the South Holland District Council (SHDC), retracting local plan development boundaries which included getting rid of them completely in some areas. That wasn't because SHDC wanted to freeze development in the District in any way but for the reason that planning permission already existed for 'thousands' of dwellings across the District in a 'pepper-pot' manner (some of which had been renewed several times); and there was no way of knowing whether they would be delivered. He observed that the Preferred Options document had concentrated development whereas there was encouragement to 'spread your bets' and possibly be pushed into an over-allocation situation; but how could this be avoided if the relevant concerns raised were to be addressed? The challenge was how to ensure sufficient land was identified to cover development needs without significantly exceeding requirements; as he considered that to over-allocate 'just in case' paralysed management and caused problems at the plan refresh.

The Joint Policy Unit Manager responded that, in the particular case of Spalding, a significant amount of development had to be identified to support the delivery of the SWRR. It was identified in LTP4 and was viewed as an essential piece of infrastructure that would be required to support transport movement in and around Spalding, as a result of the current upgrade of the Joint Line and the consequential increase in rail freight through the town. The County Council had made clear that it needed to be developer funded and he thought development should be well related to the SWRR route. He commented that whilst some might enquire about the use of the Community Infrastructure Levy (CIL), there was a lot of uncertainty about the CIL process and there might be a move back to the use of s106 agreements to deliver funding. From a South Holland District point of view, Spalding was the most suitable place to deliver the bulk of the OAHN. He did not have a problem with over-allocating land for development if it was properly thought through. If it were decided that the broad locations that had been chosen were suitable, it was signalling to all interested parties that this was where it was intended to provide long-term housing growth in the District. He recognised that whilst there might be concern about putting all the eggs into one basket, there would also be a need to have smaller sites allocated through the Site Allocations DPD, which would essentially be a 'Plan B'. Such a Plan B would

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include the identification of smaller sites, including brownfield sites within Spalding, which could deliver development in the shorter term, as the broad locations would take a long time to come to fruition. This would address the need to maintain a 5-year supply of deliverable sites and, consequently, help to resist less suitable sites being granted permission at appeal.

The Senior Planning Policy Officer added whilst there was some concern about concentrating a significant amount of future housing development in Spalding in two broad locations, any increase in OAHN could be met by bringing smaller sites forward.

Councillor Austin queried whether the reference to over-allocating sites for housing related to demonstrating a 5-year supply of deliverable sites or sites that may not be delivered in the life-time of the plan.

The Joint Policy Unit Manager responded that there was a need to identify a target for housing provision that would meet the OAHN. What had been said to date was that, as things stood, the Joint Committee was happy to take as much development as was required to meet the OAHN. The Leader of SHDC was particularly keen to facilitate the provision of as much housing as possible, and officers had said that the OAHN represented the minimum number of dwellings for which sites should be identified. The concern was that the required levels of development were not being delivered. For example, the Holland Park urban extension, which was allocated for residential development in the 2006-adopted South Holland Local Plan, had still not seen a commencement of development. There was a need to demonstrate a 5-year supply of deliverable sites and if the maintenance of such a supply were not ensured through over-allocation, there could be pressure to allow appeals relating to less desirable housing sites. There was also a need for development to support the provision of appropriate supporting infrastructure.

Councillor Austin said she therefore concluded that an arbitrary cap on housing development in ROY zones was not desirable.

The Joint policy Unit Manager stated that the cap applied to all those areas covered by ROY zones. This meant that only a certain amount of additional housing could, for example, take place in the town of Boston, which would result in pressure being placed on smaller villages around Boston Borough and locations beyond its boundary to meet the need for housing. Officers were not against increasing housing delivery targets per se.

Cllr Gambba-Jones expressed concern about ensuring the delivery of the SWRR. He considered that it would take years to recoup the cost. It was a high-risk strategy for getting the relief road, for which there was a desperate need. The risk to public safety was unacceptable.

The Joint Policy Unit Manager responded by explaining that Holland Park could not progress unless it delivered Phase 1 of the SWRR.

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He sought to make clear that, in terms of over-allocating, it was not a case of just identifying lots of sites and leaving matters to chance; he would be looking to manage the delivery of sites, and certain sites would only be brought forward to meet shorter-term needs if there were problems in delivering the priority sites (broad locations).

Councillor Gambba-Jones indicated that the option to go for the 'easy' site is what concerned him. If the suggestion was to control over-allocation by having two 'divisions' of sites then evidence was needed that this worked in practical terms. Greenfield sites were always chosen even though brownfield sites needed developing and were in better locations with facilities in place. An 'organic' Local Plan, with no allocations and which would deal with housing need as it arose, would be a luxury. Many developments were used to provide a pension plan and windfall sites would get through at appeal. There was a need to ensure Holland Park was delivered; an alternative site could not be found as there would be an over-allocation of sites.

He continued that here was a need to understand clearly what the Local Plan was trying to achieve, and how it was going to be achieved, particularly in respect of identifying land in appropriate locations and ensuring that measures were in place to maintain a 5-year supply of deliverable sites which protected against the 'windfall effect'. He needed some comfort on how the Local Plan was going to manage and deliver its priorities.

The Joint Policy Unit Manager accepted his concerns and said that he thought this matter was about managing the phased delivery of appropriate housing sites, the process for which would need to be clearly articulated in the Local Plan.

G. Affordable Housing

The Joint Policy Unit Manager commenced the discussion by referring to the PAS report which had queried whether the proposals regarding affordable housing were realistic; they had to be considered with other aspirations and services etc. With regard to the comments received, it was clear that the suggested percentage target for South Holland District was considered to be too high, with the odd comment suggesting that it was too low for Boston Borough. In general, there was a demand for a consistent figure to be applied across South East Lincolnshire. There were also various representations relating to the need to broaden the types of location for rural exception sites, support for an allowance for a percentage of market housing on rural exception sites and a suggestion that the 50% target was too high and should be lowered. Comments also related to the threshold of 3 or more dwellings for triggering provision on market sites being too low and that on-site provision of affordable housing should be the default position. All of the comments received required further work to be undertaken, particularly with regard to the Whole Plan Viability Assessment which would be a key piece of evidence in determining a viable target for 'planning gain' across the two areas.

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Councillor Gambba-Jones commented that he was the main protagonist for seeking one third provision as affordable housing in South Holland District but, unfortunately for him, there was a clear steer from the Government that it did not like social housing. It had a dream that everybody should aspire to purchase a property, no matter how modest his or her income, and on that basis it supported developers in seeking to 'wriggle out' of affordable housing provision. His problem with reducing the South Holland District percentage requirement was that there had always been acceptance that such a target was always up for negotiation and negotiations had taken place. Why was there a need to amend it? The proposed percentage was, like the housing numbers, based on need. He did not have a problem in negotiating below it, but wanted it to remain as a starting point. If developers had a problem with it, there was in place a rigorous approach to assessing the viability of development.

Councillor Brewis agreed with Councillor Gambba-Jones in requiring a robust starting point for negotiations.

Councillor Leggott thought that going for a larger percentage could be off-putting for developers – and thought that the proposed Boston Borough figure was right.

Councillor Alcock also thought that a high requirement could be off-putting to developers; when market prices were considered, the profit margin could be very small. A requirement of 20% was about right and would be sustainable. Some flexibility was required, as developers were in a tough market and also had to face infrastructure costs. There had to be honesty on both sides and the authorities needed to be realistic; developers had to make a certain level of profit. Some developers had been unable to get the necessary funding to develop unless they demonstrated a reasonable profit (i.e. around a 22 - 25%) to the bank.

Councillor Brewis suggested that the same percentage target was not necessarily suitable for both areas and the different proposed requirements were appropriate for each.

Councillor Brookes stated, that with respect to Boston Borough, the proposed requirement of 20% was appropriate as it had never, historically, delivered that amount. Therefore, it was realistic, particularly as developers also had to mitigate against flood risk, and incorporating a distributor road into developments would add another burden. It was appropriate that, in each case, the local members should determine the right figure for their area, though developers would try to benefit from the inconsistency. Each authority would need to stand firm and stick to its target.

Councillor Johnson concluded by saying that consideration of the matter came down to viability.

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H. Infrastructure/Delivery

The Senior Planning Policy Officer stated that this subject related to new infrastructure only. It was recognised that further work on how and when infrastructure will be delivered was required. This will form the basis for the Infrastructure Delivery Plan (IDP).

Councillor Davie said that this was absolutely the right way to go. IDPs were an essential part of the local plan process going forward and it was vitally important that all growth was tied to the provision of supporting infrastructure. There was a large-scale economic growth plan for South East Lincolnshire and he was keen to act as a partner in securing the maximum amount of money to fund the required infrastructure.

Councillor Gambba-Jones asked what was infrastructure. They called infrastructure the basics such as water, drains, education, doctors, and dentists and broadened it out further into leisure, swimming-pools, playing-fields etc., things that were fundamental to the quality of life people live. Sadly, infrastructure, when it came to local government, always seemed to focus on roads as it had no control over the other facilities. He was not sure the public understood what the local planning authority was seeking compared to what it was seeking. He could not force the local health organisation to provide a single nurse, dentist etc. through the Local Plan. There needed to be honesty on what was being delivered and what the Local Plan could do for the community, and what infrastructure means.

Councillor Davie said that, on the basis that all development must be sustainable, a longer-term view of things needed to be taken. Getting everybody on the same page was extremely difficult and challenging but it had to be tried.

Councillor Gambba-Jones referred to Anglian Water's comments on the sewage-treatment-works' capacity which blandly said that Spalding had capacity, but there were people that would suggest it was working well beyond its capacity with the stench it emitted on a regular basis. He added that the County Council had made a commitment to go into battle to help improve this situation before it was exacerbated by further development.

Councillor Alcock enquired as to whether additional work would include other suppliers including electricity boards.

The Senior Planning Policy Officer responded that there would be further engagement with a variety of infrastructure providers.

I. Additional policy matters

The Senior Planning Policy Officer reported that comments under this heading related to policy matters that hadn't been addressed in the Preferred Options document. There was an obligation to consider whether they were necessary and to bring them back to a Steering Group meeting in due course.

Councillor Gambba-Jones enquired about the next stage of plan preparation and as to how new policies could be introduced into the final document. Many detailed development management policies in the current South Holland Local Plan had been deleted (by the previous Government, because of duplication by national or regional policy) but this was the area that would concern the vast majority of elected members and the public. How was development that was currently taking place to be managed? What it came down to was what was happening on the ground. He reported that he had sent the Joint Policy Unit a wish list of policies that he would like to see included in the new Local Plan. When would detailed policies to be used in development management be considered?

The Deputy Joint Policy Unit Manager responded that, in addressing the very specific issues, some of the generic policies, particularly the Development Management policy, could be examined, although some minor adjustments might be required. When the raft of Preferred Options policies was re-examined, he didn't think there would be a policy vacuum on many of the issues raised. It might be a case of going back to people and explaining this was how these particular matters were to be addressed.

With respect to land-use issues, he stated that a proposal's impact on the Local Plan would be considered; for example, a garden centre would be considered in terms of its location and what it was selling. The answer was probably a cover-all statement explaining how different issues would be considered.

Councillor Leggott enquired as to whether such generic policies could vary from authority to authority.

The Deputy Joint Policy Unit Manager responded that the approach to the policy could vary because it would be influenced by political considerations, but having said that, the approach would invariably vary because every proposal would be different and every site would be different. A raft of policies with flexibility of response achieved by balancing criteria was the answer.

J. Cross-boundary housing provision

The Joint Policy Unit Manager reported that a small number of representations had been submitted by one particular consultant and the EA, who were suggesting that more emphasis be given to the northern parishes in South Holland/Boston Borough due to the flood risk concerns elsewhere. To date, there was a proposed settlement hierarchy that promoted northern areas, but the suggestion was that there should be

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a quantum leap in the amount of housing that would be accommodated in these areas. This was regarded as a new option which was worthy of further work. However, he stated, that there were issues here impinging on the DtC. It had been made clear that to meet need, housing should be provided in each respective HMA. Accordingly, East Lindsey District should seek to accommodate any of Boston Borough's need which could not be met within its own boundary and, if there was a problem in South Holland District, it should look to Peterborough City and South Kesteven District for assistance. Therefore, it was not necessarily appropriate to suggest that South Holland District should accommodate some of Boston Borough's needs as the two areas were in separate HMAs.

Councillor Gambba-Jones noted that there was a need to put this matter in the context of the DtC. That duty related to the potential failure to deliver sufficient housing in the respective areas. It was yet to be established that each area would fail to accommodate its identified housing need. The danger for South Holland District, for example, was that Crowland could become a satellite village for Peterborough. He hoped that both parts of South East Lincolnshire could do the best for themselves before they had to export housing elsewhere. He also warned that if an area offered some of its housing to a neighbouring authority, it would lose the council tax and perhaps local spend that such housing would generate. There would be no cross-border benefit other than the 'lost' residents might commute back into the area to work. It was essentially a net loss to the area which had lost the housing.

K. Phasing of housing delivery/5-year housing land supply

The Joint Policy Unit Manager reported that, in the absence of a 5-year supply of 'deliverable' housing sites, the Local Plan would not be deemed sound at examination. In view of this, officers intended to secure a 6-year supply of sites given the recent under-delivery of housing in both areas, and as stated in the officers' responses to Representation Number 652:

'Following consideration of the representations, further work will be required to determine an approach to housing delivery that ensures the maintenance of a 6-year supply of deliverable sites.'

Councillor Gambba-Jones stated that it was worth pointing out a recent Inspector's report. He or she had 'bounced' a plan on a failure to deliver a 5-year supply of deliverable Gypsy and Traveller sites. He had no doubt that officers were examining every Inspector's report that came out. On the issue of an 'LDF approach', he thought that officers needed to be aware that a number of consultation comments appeared to demonstrate confusion amongst the public about what the purpose of the current body of work was. Under the current system, with all due respect, what officers and members had actually got was nothing. When this work went to examination, they would end up with a high-level document with flowery words and ambition but would be no further forward in what was trying to be achieved in development management and delivery terms. The practicalities had yet to be undertaken. He suggested that

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the Joint Committee might want to indicate to officers that what it actually would like to achieve was the adoption of a single Local Plan.

The Deputy Joint Policy Unit Manager appreciated what Councillor Gambba-Jones had said but disagreed with the view that the Strategy and Policies DPD would be a high-level document. It didn't do the whole job but it would provide a set of principles which were considered to represent sustainable development. The pursuance of a full Local Plan would add at least another 12 months to the timetable.

Councillor Gambba-Jones responded by suggesting that there was a need for a Steering Group meeting to explain what had been done to date that actually helped him manage development management in South Holland District. This was why he thought the Preferred Options was a high-level, 'fancy words' document. He was still not clear how this would help him with development management when a planning application came forward. He added that he would need to be convinced that putting one document through the process to examination and adoption and then, within a few months, going to a second examination to get the Site Allocations DPD through would shorten the process.

The Deputy Planning Manager (for Breckland and South Holland Councils) commented that, from his perspective, there were some significant issues arising. There was a lot of work still left to be done in terms of OAHN and broad locations; and it was also quite clear that where things sat at the moment, there was going to have to be another round of consultation. He thought there was a need to consider a timetable for that further work, how such work would fit with the rest of the preparation of the DPD and whether a decision towards a single Local Plan was the right one.

Councillor Brewis thought that Councillor Gambba-Jones had made a convincing point. It seemed to him that, in the end, delay could be less if his suggestion was taken up.

The Joint Policy Unit Manager stated that the current LDS indicated some overlap in the preparation of the Core Strategy and Site Allocations DPDs. There had been some work undertaken on the Site Allocations DPD through the SHLAA, but the SHLAA itself could not be completed without finalising the spatial strategy. Much more time had been spent on processing the representations received on the Preferred Options document than was originally programmed which, in turn, had delayed commencement of the Site Allocations work.

DECISION:

That the recommendations, set out under headings A to K above, of either: (1) Objection – no change to the approach is required; or (2) Objection – further work required which could result in a change to the approach, with respect to the 318 representations in Part 5 of Appendix A to the report be approved.

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12. PROPOSED FUTURE MEETING DATES

The next meeting of the Local Plan Steering Group was scheduled to be held on Friday, 24 January 2014 at 10.00 at the Council Offices, Priory Road, Spalding.

The next meeting of the South East Lincolnshire Joint Strategic Planning Committee was scheduled to be held on Friday, 28 February 2014 at 10.00 at the Council Offices, Priory Road, Spalding.

(The meeting ended at 1.00 pm)

(End of minutes)

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Appendix 1

**SOUTH EAST LINCOLNSHIRE
JOINT STRATEGIC PLANNING COMMITTEE**

**Draft
Revised**

LOCAL DEVELOPMENT SCHEME

February 2014



**South East Lincolnshire
Joint Strategic Planning Committee**

PREFACE

On 5th July 2011 the South East Lincolnshire Joint Strategic Planning Committee Order 2011 came into force (2011 No.1455). This Order establishes a Joint Strategic Planning Committee (Joint Committee) for the areas of the districts of Boston and South Holland (known collectively as South East Lincolnshire). The constituent authorities are Lincolnshire County Council, Boston Borough Council and South Holland District Council.

Article 3 of the Order constitutes the Joint Committee as the local planning authority for South East Lincolnshire for the purposes of Part 2 (local development) of the Planning and Compulsory Purchase Act 2004, as amended, (the 2004 Act). Together with article 4 it provides for the Joint Committee to exercise the functions of a local planning authority in relation to:

- the preparation, submission, adoption, monitoring and revision of joint local development documents identified in a joint local development scheme; and
- the preparation, submission, adoption, monitoring and revision of a joint local development scheme, in respect of those documents.

Article 4(2) modifies section 15 of the 2004 Act so as to require the Joint Committee to submit its 'local development scheme' to the Secretary of State for Communities and Local Government (Secretary of State) no later than 30th September 2011.

The Joint Committee approved its first local development scheme (LDS) for submission to the Secretary of State at its first meeting held on 9th September 2011. That LDS came into effect on 31st October 2011.

That document was superseded by a first revision of the LDS approved by the Joint Committee on 13 July 2012, which came into effect on 31 July 2012.

This document supersedes the first revision of the LDS.

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Appendices

Appendix 1: South East Lincolnshire Local Plan profile

Appendix 2: Contact details

1.0 Introduction

- 1.1 Under section 15 of the Planning & Compulsory Purchase Act 2004, as amended, (the 2004 Act) every relevant local planning authority must prepare and maintain a scheme to be known as its 'local development scheme' (LDS). The purpose of the LDS is to specify the subject matter, area and the timetable for the preparation and revision of local development documents (LDDs), including the Statement of Community Involvement (SCI).
- 1.2 This LDS has been prepared by the South East Lincolnshire Joint Strategic Planning Committee (the Joint Committee) and sets out a programme for the production of an LDD that will form its South East Lincolnshire Local Plan (the Local Plan).
- 1.3 In essence, it is a project plan with a particular focus on the next three years or so, and will be a living document that can be updated and amended as and when appropriate. It covers work to be undertaken from January 2014 to the end of 2016 and sets out details of the documents whose preparation will be given priority during this period.
- 1.4 It should be noted that this LDS has been prepared having regard to the Localism Act 2011, the Government's National Planning Policy Framework (NPPF), published in March 2012, and the Government's Town and Country Planning (Local Planning) (England) Regulations 2012 (the 'Local Planning Regulations' [which came into force on 6 April 2012]).
- 1.5 Unlike previous related regulations, the Local Planning Regulations do not contain any specific provisions relating to the preparation of the LDS, giving councils the freedom to report the information that they think most relevant to local people, while maintaining the requirement to keep the public informed about the status of planning documents. In particular, local planning authorities are no longer required to submit the LDS to the Secretary of State.

2.0 Content

- 2.1 This LDS illustrates in detail how the Joint Committee intends to progress preparation of its Local Plan up to 2016.

- 2.2 Priority has been given to preparing an LDD which will follow the full statutory process and will form part of the 'development plan'¹ for the area. This is known as a 'local plan' under the Local Planning Regulations and a 'development plan document' (DPD) for the purposes of section 17 (7) (a) of the 2004 Act. The preparation of this document will be subject to the process of independent examination by an Inspector appointed by the Secretary of State (for Communities and Local Government).
- 2.3 Future consideration will be given to the preparation of the other principal type of LDD, known as 'supplementary planning documents' (SPDs). SPDs are documents which add further detail to the policies in the Local Plan. The process for preparing a SPD is similar to the process for preparing a DPD but simplified. In particular, there is no requirement for a SPD to be subject to independent examination.

3.0 The South East Lincolnshire Local Plan

- 3.1 Over time the Local Plan will replace the saved policies in the Boston Borough and South Holland Local Plans. The Local Plan should attempt to give an effective spatial expression to the vision and aspirations of South East Lincolnshire's local communities and to those elements of the relevant strategies and programmes which relate to the development and use of land in the area. This should be coupled with a local interpretation of the requirements of the national planning policies, particularly the new NPPF.
- 3.2 The Local Plan will, in essence, be a single DPD. A **Community Infrastructure Levy (CIL) Charging Schedule** may also form part of the Local Plan (see paras 4.1-2) but this will not have development plan status.
- 3.3 The Local Plan will contain:
- an overall vision for South East Lincolnshire which sets out how the area and places within it should develop;

¹ The National Planning Policy Framework states that the 'development plan' 'includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. (Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.) Section 38(6) of the 2004 Act states:
'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- a set of strategic priorities for the area focussing on the key issues that need to be addressed;
- a set of strategic policies that address the strategic priorities;
- a limited suite of criteria-based policies to be taken into account when considering development;
- a 'delivery' section containing sufficient detail in relation to allocated sites and any broad locations to provide clarity to developers, local communities and other interests about the nature and scale of development; and
- where appropriate, a key diagram including any broad locations for strategic development.

Proposals Map

- 3.4 On adoption it will be supported by an adopted **proposals map (also now described as a policies map)** which will be updated on each occasion a new or revised DPD is adopted.
- 3.5 The adopted proposals map will illustrate the allocations and designations required to assist the delivery of the strategic priorities for South East Lincolnshire.

4.0 Community Infrastructure Levy

- 4.1 The Community Infrastructure Levy (CIL) is a new planning charge that allows local authorities to raise funds from developers. The money can be used to pay for infrastructure that is needed as a result of development. Under current arrangements, the responsible body for approving a CIL is an individual local authority's Full Council (known as a 'charging authority'). Therefore, in the case of South East Lincolnshire, CILs will have to be approved separately by Boston Borough and South Holland District Councils – and not the Joint Committee.
- 4.2 The Government expects charging authorities to implement the CIL on the basis of the infrastructure requirements identified in an up-to-date DPD which should normally be a draft or adopted Local Plan (or 'core strategy' (-type document). The preparation of an individual CIL 'charging schedule' must also involve consultation and independent examination. Consequently, it is envisaged that work on the preparation of CILs relating to South East Lincolnshire will be undertaken in conjunction with DPD preparation and by the same staff resources. A final decision on the preparation of CILs for South East Lincolnshire will be informed by future

work on development viability which forms part of the preparation of the Local Plan.

5.0 Additional local development documents

- 5.1 The need to enhance the Local Plan through the preparation of additional local development documents will be considered in due course.

6.0 Other related documents

- 6.1 Under section 18 of the 2004 Act, the Joint Committee must produce a **Statement of Community Involvement (SCI)**. The SCI sets out the Joint Committee's policy on community involvement in the preparation of the Local Plan and the determination of planning applications.

- 6.2 The Joint Committee adopted its current SCI in April 2012.

- 6.3 The SCI will be monitored and kept up to date via the Joint Committee's '**Monitoring Report**'. Under the Localism Act, a local planning authority no longer has to make an annual monitoring report, on the implementation of its LDS, to the Secretary of State. But the duty to monitor remains, and requires a Monitoring Report to be prepared for local people, in the interests of local transparency and accountability. The new Local Planning Regulations set out the detailed requirements of the Monitoring Report, including monitoring information to be made available 'online' and in council offices as soon as it is available to the local planning authority, rather than waiting to publish it only on an annual basis.

- 6.4 In view of these requirements, it is intended to publish relevant information on the Local Plan website as soon as it becomes available and consolidate it in the form of a South East Lincolnshire Monitoring Report to be published in July of each year from 2013 onwards.

- 6.5 More detailed information on the preparation of the Local Plan is set out in Appendix 1: Local Plan Profile.

Timetable	<p>Sustainability Appraisal scoping report</p> <ul style="list-style-type: none"> • Preparation of Preferred Options and Sustainability Appraisal report • Public participation on Preferred Options and Sustainability Appraisal report • Consideration of representations and discussions with stakeholders <ul style="list-style-type: none"> • Further work in response to the consideration of representations, the findings of additional evidence gathering and identification of options for site allocations • Consultation period on options arising from further work and options for site allocations • Consideration of representations and discussions with stakeholders • Preparation of 'Draft Local Plan' • Consultation period on Draft Local Plan • Submission of Draft Local Plan to the Planning Inspectorate • Public Examination • Receipt of Inspector's report • Consideration of Inspector's report by Joint Committee • Adoption of Local Plan 	<ul style="list-style-type: none"> • May 2012 - April 2013 • May - June 2013 • June - December 2013 • January - September 2014 • October - November 2014 • December 2014 - March 2015 • April 2015 - September 2015 • October - November 2015 • December 2015 • 2016 • 2016 • 2016 • 2016
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Appendix 2: Contact details:

For more information about any of the issues raised in this LDS please contact:

the South East Lincolnshire Joint Policy Unit

**C/o Planning Policy Team
Planning Department
South Holland District Council
Priory Road
Spalding
Lincs
PE11 2XE
Telephone: 01775 761161**

or

**C/o Forward Planning Team
Planning Department
Boston Borough Council
Municipal Buildings
West Street
Boston
Lincs
PE21 8QR
Telephone: 01205 314200**

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SOUTH EAST LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE
(THE JOINT COMMITTEE)

Report of: Joint Policy Unit Manager

To: Joint Committee - 28 February 2014

(Author: Gary Alexander, Joint Policy Unit Manager)

Subject: Draft Revised Local Development Scheme for South East Lincolnshire

Purpose: To seek approval for a revised Local Development Scheme for South East Lincolnshire

Recommendations:

- 1) That the contents of this report and the attached Draft Revised Local Development Scheme (Draft LDS) be considered;
- 2) That a single local plan document for South East Lincolnshire be prepared;
- 3) That the Draft LDS be approved, with or without revisions; and
- 4) That it shall be effective from 14 March 2014.

1.0 BACKGROUND

1.1 On 25 November, 2013, the Joint Committee held its second and final meeting to consider representations received in response to the public consultation on the Combined Preferred Options and Sustainability Appraisal Report (the Preferred Options) held in May and June 2013. (NB: the first meeting was held on 27 September 2013.) The conclusion to this particular stage in the plan-preparation process has resulted in the identification of a number of areas of 'further work', in addition to other outstanding evidence-gathering exercises, which will need to be undertaken in advance of moving forward to the preparation of a 'Submission Draft' version of the Strategy and Policies Development Plan Document (DPD).

1.2 However, having regard to recent events in respect of plan-making both nationally and, more locally, in and around Lincolnshire, this point in the preparation of the South East Lincolnshire Local Plan (Local Plan) provided an opportune moment for 'taking stock' and reconsidering the way forward. Accordingly, a review of plan preparation was undertaken over the last couple of months which was informed by the following considerations.

2.0 NATIONAL PLANNING POLICY FRAMEWORK

2.1 The National Planning Policy Framework was published in March 2012. It sets out Government policy on the role of local plans and their preparation. This policy is supplemented by advice contained in the draft National Planning Practice Guidance (published in August, 2013 and expected to be approved by the Secretary of State in early 2014; described in this report as the 'draft Guidance').

3.0 REVIEW OF THE EMERGING LOCAL PLAN

3.1 Members will recall that, following a request from the Joint Policy Unit Manager, the Planning Advisory Service undertook a 'Review of the emerging local plan' in August 2013.

3.2 The need for the Review was prompted by the view that the examination of local plans was evolving in the light of the publication of the National Planning Policy Framework and there was, by then, an increasing body of evidence indicating how Inspectors were dealing with the new issues it has raised. The Review gives an assessment of the evolving plan in the light of this context, with the emphasis on identifying areas of risk for the Joint Committee to consider as part of its own risk assessment. It was informed by consideration of a number of documents and a discussion with officers of the Joint Policy Unit.

3.3 It concluded, firstly, that the work at the time had demonstrated considerable strengths, including the following:

- the creation of a statutory Joint Committee to oversee plan preparation demonstrates a clear commitment to the 'Duty to Cooperate';
- the Preferred Options is presented as intended to lead to a positive plan to meet development requirements appropriate to the circumstances of the area, which is consistent with the thrust of the National Planning Policy Framework;
- the integration of the Preferred Options with the Sustainability Appraisal is very helpful; and
- there has been explicit consideration of alternative spatial strategies and consultation upon them is currently taking place.

3.4 However, the Review noted that the key risks for the Joint Committee were in relation to:

- being able to demonstrate successful cooperation with neighbouring local planning authorities beyond South East Lincolnshire;
- allied to that, setting a housing target which is defensible at examination;
- developing adequate evidence on plan-wide viability, particularly in relation to the strategic development locations;
- incorporating coherent mechanisms for the delivery of the plan strategy and dealing with contingencies, particularly in relation to the two large 'sustainable urban extensions' and the potential role of neighbourhood development plans; and
- dealing with the dependencies between development and infrastructure.

4.0 RECENT LOCAL PLAN EXAMINATIONS

a) The 'national picture'

4.1 Following the Planning Advisory Service Review and its identification of risks, the planning press and other organisations with a planning interest have noted that the Planning Inspectorate Inspectors examining local authority development plans are appearing to take a tougher line in assessing the soundness of plans at Examination, particularly in respect of evidencing the Duty to Cooperate and up-to-date objectively-assessed housing need.

b) 'Local experience'

- 4.2 More recently, and 'closer to home', the Inspector appointed to hold the **Central Lincolnshire Core Strategy Examination** held a 'Pre-Hearing Meeting' on 12 December 2013. Given the similarities in approach to 'local plan preparation' being adopted by the Central Lincolnshire and South East Lincolnshire Joint Strategic Planning Committees (e.g. the preparation of a core-strategy-type development plan document followed by a site allocations development plan document, and the emphasis being placed on sustainable urban extensions in delivering significant housing growth over the period of the Local Plan and beyond), officers from the Joint Policy Unit attended the Pre-Hearing Meeting to see what lessons could be learnt from the Inspector's feedback on the work undertaken by the Central Lincolnshire Joint Planning Unit. The outcomes from this meeting have proved to be quite informative.
- 4.3 The Inspector's 'Briefing Note for the Pre-Hearing Meeting' (Briefing Note), titled **Strategic Policies Delivery Gap**, set the context for the meeting. In its introductory 'Background' section it highlights the importance of local plans having to be consistent with national policy and then proceeds to focus on:
- paragraph 156 of the National Planning Policy Framework, which requires local planning authorities to 'set out the **strategic priorities** for the area in the Local Plan'. This should include policies to deliver strategic priorities such as homes, jobs, retail, leisure, commercial development, infrastructure in general, health, and community and other local facilities; and
 - the element of the draft Guidance which states that a Local Plan '*should make clear **what** is intended to happen in the area over the life of the plan, **where** and **when** this will occur and **how** it will be delivered*'.
- 4.4 The above bullet points serve to provide the basis for a number of concerns covering a wide variety of subjects. At the Pre-Hearing Meeting it appeared that the main concern emanated from the potential 'delivery gap' of some 3 years or more between the adoption of the Core Strategy Development Plan Document (Core Strategy) and the Allocations Development Plan Document. This delivery gap would particularly manifest itself in respect of housing.
- 4.5 In his Briefing Note, the Inspector notes that the Core Strategy would significantly under-deliver on the required annual number of additional dwellings in its early years, and would only begin to make up the deficiency well into the plan period. This under-delivery is made even more crucial by the Inspector's view that whilst Central Lincolnshire's particular housing delivery situation requires the demonstration of a **six-year** supply of deliverable housing sites, current evidence can demonstrate a supply of only **three and a half years**. Given the level of the objectively-assessed housing need, the Core Strategy's aim to exceed that level, and the National Planning Policy Framework's policy to significantly boost housing supply, the Inspector expresses concern that the Local Plan (as a whole) will fail to meet its housing strategic objective for at least the first five years, and possibly for longer.

- 4.6 Following further discussion around these particular issues at the Pre-Hearing Meeting, the Inspector indicated that he could not accept the Central Lincolnshire Joint Planning Unit's request to suspend the Examination for a period of nine months, as practice guidance on Local Plan examinations¹ advises that up to six months' suspension might be acceptable but a period greater than this is unlikely to be generally appropriate. After further discussion, he then accepted the Central Lincolnshire Joint Planning Unit's decision to withdraw the Submitted Core Strategy (subject to formal resolution to that effect by the Central Lincolnshire Joint Strategic Planning Committee).
- 4.7 Further information gleaned from comments made by the Inspector at the Pre-Hearing Meeting included:
- a distinct encouragement for local planning authorities to prepare a single Local Plan document in accordance with para 153 of the National Planning Policy Framework; and
 - in the case of local planning authorities deciding to continue with core-strategy-type development plan documents and where an appropriate five-year or more supply of deliverable sites cannot be demonstrated, there is an expectation that any deficiency should be addressed through the allocation of sites in the same development plan document.
- 4.8 Subsequently, the Inspector sent a letter dated 16 December, 2013 to the Central Lincolnshire Joint Planning Unit setting out his detailed reasoning for concluding that the most appropriate course of action is for the Central Lincolnshire Joint Strategic Planning Committee to withdraw the Core Strategy.
- 5.0 **COMMENTARY ON INSPECTORS' DECISIONS**
- 5.1 Some planning commentators have suggested that there has been a 'transitional period' in the first year following the introduction of the National Planning Policy Framework in which inspectors were finding plans sound subject to an early review, even though they had not met the Duty to Cooperate or objectively-assessed housing requirements. However, within the context of a perceived hardening of Planning Inspectorate's position, some professional planners are of the opinion that Inspectors are still taking quite different views on whether to progress with plans in front of them and are calling for more consistency from the Planning Inspectorate.
- 5.2 Others have suggested that rather than some Inspectors taking a harsher line, it is developers who have 'raised their game'. It has been noted that in the last year or so house builders have started hiring experts in demographics and household formation rather than just general planners. This makes it more difficult for a local planning authority which has out-of-date or poor-quality evidence to defend its position in front of an Inspector.
- 5.3 It has also been suggested that the draft Guidance, which contains advice on the Duty to Cooperate and the preparation of strategic housing market assessments, will assist more successful plan preparation.

¹ See: Examining Local Plans Documents: Procedural Practice, The Planning Inspectorate December 2013 (3rd Edition v.1), paragraphs 8.12 to 8.17.

6.0 CONCLUSIONS FROM THE REVIEW OF PLAN PREPARATION

6.1 In view of the aforementioned considerations, it is recommended that, in order to maximise the chances of a development plan document being found sound by an independent Inspector, further work on the preparation of the Local Plan proceeds on the basis outlined in paras 7.2 to 7.4 below.

6.2 **A single Local Plan for South East Lincolnshire will be prepared instead of the two separate development plan documents.** For the reasons listed below, the preparation of the Local Plan on the basis of two development plan documents ('Strategy and Policies' and 'Site Allocations') is no longer considered appropriate:

- National Planning Policy Framework para 153 and its interpretation informed by Inspectors' comments (notably in respect of the Central Lincolnshire Local Plan Core Strategy Examination), and the draft Guidance, particularly the sections titled 'What should a Local Plan contain' and 'Should all the Local Plan policies be contained in one document?'; and
- the expected lack of a six-year supply of deliverable housing sites in both Boston Borough and South Holland District having regard to the expected increases in the determination of objectively-assessed housing need as identified in forthcoming updates of the 'Coastal Lincolnshire' and 'Peterborough Sub-Regional' strategic housing market assessments respectively, and, therefore, the need - in the opinion of the Planning Inspectorate - to identify housing allocations to meet these immediate deficiencies in housing-land supply. This will undoubtedly be the case if current or enhanced proposals for broad locations for housing growth in both Boston and Spalding are finally adopted, since there will be a significant period of time involved in preparing them for development. **In this regard, to continue the preparation of the Strategy and Policies Development Plan Document without allocating sites for housing would inevitably lead to it being found *unsound* at Examination. Furthermore, to prepare a Strategy and Policies Development Plan Document containing some housing allocations followed by a separate Site Allocations Development Plan Document is considered to be an inefficient use of time and resources.**

6.3 **The plan period will be extended up to 2036.** This is necessary in order to take account of the timing implications of opting to prepare a single Local Plan and the findings of the updated strategic housing market assessments.

7.0 THE JOINT COMMITTEE'S LOCAL DEVELOPMENT SCHEME

7.1 Section 15 of the Planning & Compulsory Purchase Act 2004, as amended, requires that every local planning authority should prepare and maintain a scheme to be known as its 'local development scheme' (LDS). In the case of the Joint Committee, the purpose of the LDS is to provide a public statement of its programme for the production of local development documents that will comprise its South East Lincolnshire Local Plan and its 'statement of community involvement' (SCI).

7.2 The LDS is basically a project plan and is a living document that can be updated and amended as and when appropriate. Therefore, notwithstanding the recommendations in Section 7, above, there is a need to revise the Joint Committee's current LDS in order to bring it up to date.

- 7.3 Under the provisions of the Localism Act 2011 and The Town and Country Planning (Local Planning) (England) Regulations 2012, there are new arrangements in place to govern the preparation of LDSs: in particular, all new and revised LDSs relating to areas outside London no longer need to be submitted to the Secretary of State for consideration.
- 7.4 The Joint Committee approved its first LDS on 9 September 2011 which, following due process at the time, came into effect on 31 October 2011. A revised LDS was approved by the Joint Committee on 13 July 2012. This came into effect on 31 July 2012.
- 8.0 **DRAFT REVISED LOCAL DEVELOPMENT SCHEME FEBRUARY 2014**
- 8.1 The Draft Revised Local Development Scheme February 2014 forms **Appendix 1** to this report. It covers planned work commencing in January of this year and running through to 2016, and sets out details of the documents whose preparation will be given priority during this period.
- 8.2 It proposes the 'submission' of the draft Local Plan document to the Secretary of State for independent examination by the end of 2015. This is the same time as the current Revised LDS proposes the adoption of the Site Allocations DPD.
- 8.3 Subject to favourable circumstances following submission, over which both the Joint Committee and the Joint Policy Unit have no control, it is hoped to adopt the DPD by the summer of 2016.
- 9.0 **VIEWS OF THE HEAD OF PLANNING AND STRATEGY FOR BOSTON BOROUGH COUNCIL, THE PLANNING MANAGER FOR BRECKLAND COUNCIL AND SOUTH HOLLAND DISTRICT COUNCIL, AND OTHER CONSULTEES**
- 9.1 The Planning Manager, Breckland and South Holland District Councils has been consulted and any comments will be presented to the meeting.
- 9.2 The Head of Planning and Strategy for Boston Borough Council has been consulted and any comments will be presented to the meeting.
- 9.3 The Monitoring Officer for Breckland Council and South Holland District Council has been consulted and no comments received.
- 9.4 The Monitoring Officer for Boston Borough Council has been consulted and no comments received and no comments received.
- 9.5 The s151 Officer for Breckland Council and South Holland District Council has been consulted and has indicated that he has no comments to make.
- 9.6 The s151 Officer for Boston Borough Council has been consulted and no comments received.
- 9.7 The Lincolnshire County Council Strategic Planning Manager, Monitoring Officer and s151 Officer have been consulted and no comments received.
- 10.0 **OPTIONS**
- 10.1 Members can choose to retain the current proposal to prepare the Local Plan through the means of two separate DPDs or prepare a single Local Plan document; and

10.2 Members can accept the contents of the Draft LDS or request amendments to it.

11.0 REASONS FOR RECOMMENDATIONS

11.1 There is a need to make certain that every opportunity is taken to ensure that the Local Plan will be found sound at examination; and there is a current statutory requirement for the Joint Committee to revise its LDS at such time as it considers appropriate.

12.0 EXPECTED BENEFITS

12.1 The expected benefits of the recommendations are an increased probability of the single Local Plan document being found sound by the independent Inspector at examination, and the reduction in plan preparation costs associated with preparing one rather than two separate DPDs.

13.0 IMPLICATIONS

13.1 Carbon Footprint / Environmental Issues

13.1.1 It is the opinion of the Report Author that there are no implications.

13.2 Constitution & Legal

13.2.1 There is a need to make certain that every opportunity is taken to ensure that the Local Plan will be found sound at examination; and there is a current statutory requirement for the Joint Committee to revise its LDS at such time as it considers appropriate.

13.3 Contracts

13.3.1 It is the opinion of the Report Author that there are no implications.

13.4 Corporate Priorities

13.4.1 It is the opinion of the Report Author that there are no implications.

13.5 Crime and Disorder

13.5.1 It is the opinion of the Report Author that there are no implications.

13.6 Equality and Diversity / Human Rights

13.6.1 There are no direct equality and diversity implications arising from the recommendations to this report. However, it is a requirement of the LDS, and indeed all Local Plan documents, that equality and diversity issues are fully considered and taken on board. The SCI ensures that all Local Plan documents involve widespread consultation and the full participation of residents and businesses within both Boston Borough and South Holland District. The views, needs and aspirations of each district's diverse population will in this manner be reflected in subsequent plans and policies aimed at meeting the various needs of all societal groupings.

13.7 Financial

13.7.1 There are no direct financial implications arising from the recommendations to this report.

13.8 Risk Management

13.8.1 There are no direct risks arising from the recommendations to this report.

13.9 Staffing

13.9.1 It is the opinion of the Report Author that there are no implications.

13.10 Stakeholders / Consultation / Timescales

13.10.1 It is the opinion of the Report Author that there are no implications.

14.0 WARDS/COMMUNITIES AFFECTED

14.1 The implications of the proposed new Local Plan documents affect all wards/communities. However, the decisions made as a result of this report are not considered to have any significant impact.

15.0 ACRONYMS

15.1 Acronyms and abbreviations used in the report are:

- DPD (Development Plan Document)
- LDS (Local Development Scheme)
- SCI (Statement of Community Involvement)

Background papers:- None

Lead Contact Officer

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Director / Officer who will be attending the Meeting: Gary Alexander, South East Lincolnshire Joint Policy Unit Manager

Key Decision: No

Exempt Decision: No

Appendices attached to this report:

Appendix 1 – Draft Revised Local Development Scheme February 2014