

**South East Lincolnshire Local Plan 2011-2036
Draft for Public Consultation (including site
options for development)
(January 2016)**

**INTERIM DUTY TO COOPERATE
STATEMENT**



South East Lincolnshire
Joint Strategic Planning Committee



1.0 Introduction

- 1.1 Section 33A of the Planning and Compulsory Act 2004, as inserted by section 110 of the Localism Act, means Local Planning Authorities have a 'duty to cooperate' in relation to the planning of sustainable development with other local planning authorities and bodies prescribed in the regulation 4 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012. Local plans must address strategic matters and local planning authorities must demonstrate how this has been managed through the duty to cooperate. The duty to cooperate is not a duty to agree but a requirement to engage constructively, actively and on an ongoing basis throughout a local plan's production.
- 1.2 In addition to the bodies prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012, paragraph 181 sets out that local planning authorities should also work collaboratively with Local Enterprise Partnerships, Local Nature Partnerships, private sector bodies, and utility and infrastructure providers. Although they are not bodies directly covered by the duty, local planning authorities should have regard to them given their roles in supporting the preparation of local plans and their evidence base.
- 1.3 Paragraph 156 of the National Planning Policy Framework (NPPF) sets out the strategic matters relating to plan-making. These are:
 - 'the homes and jobs needed in the area;
 - the provision of retail, leisure and other commercial development;
 - the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - the provision of health, security, community and cultural infrastructure and other local facilities; and
 - climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape'.
- 1.4 Paragraph 178-181 of the NPPF as well as the Government's Planning Practice Guidance sets out how local planning authorities should plan strategically across local boundaries. The joint Local Government Association/Planning Advisory Service publication titled a 'Simple Guide to Strategic Planning and the Duty to Cooperate' summarises this advice and states that the duty:

- ‘relates to sustainable development or use of land that would have a significant impact on at least two local planning authorities or on a planning matter that falls within the remit of a county council
- requires that Councils set out planning policies to address such matters
- requires that Councils and public bodies engage constructively, actively and on an ongoing basis to develop strategic policies
- requires Councils to consider joint approaches to plan making.’

1.4 In some circumstances the duty to cooperate will require engagement with some organisations and bodies beyond and outside the formal statutory consultation requirements for the preparation of a local plan.

1.5 This interim statement sets out the current situation with respect to ongoing engagement that has taken place during the preparation of the South East Lincolnshire Local Plan.

2.0 Overview of approach taken to the duty to cooperate

Strategic Matters

- 2.1 The South East Lincolnshire Local Plan (SELLP) contains policies that deal with the provision of housing and economic development, and social and environmental matters. By its nature the SELLP is dealing with matters of larger than local significance.
- 2.2 In the preparation of the SELLP the following matters have been the basis for discussions under the duty to cooperate:
- housing, including Objectively Assessed Need (OAN);
 - economic matters, including commuting patterns and inter-linkages between the SELLP area and neighbouring areas;
 - flood risk; and
 - Strategic infrastructure; and specifically the road/rail network connecting South East Lincolnshire to neighbouring areas and beyond.
- 2.3 These matters have been informed by the findings in the following evidence base and supporting documents to the SELLP:
- Sustainability Appraisal;
 - Habitats Regulation Assessment; and
 - various evidence-base documents including those covering housing, economic matters, flood risk and infrastructure.

Engagement with prescribed bodies and other organisations

- 2.4 Table 2.1 sets out the approach in engaging with the prescribed bodies listed in Part 2 regulation 4 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 and other relevant public bodies.
- 2.5 The first fundamental step taken with respect to the duty to cooperate was the establishment of the South East Lincolnshire Joint Strategic Planning Committee (JSPC) in 2011, in order to facilitate the production of a joint plan between Boston Borough Council and South Holland District Council, with the active involvement of Lincolnshire County Council.
- 2.6 The original intention of the JSPC was to produce a joint local plan consisting of two documents – a Strategy and Policies Development Plan Document (DPD), providing the key strategic elements; and a Site Allocations DPD that would set

out the various sites for housing, employment and other land uses. A 'Preferred Options' version of the Strategy and Policies DPD was the subject of public consultation in 2013. Subsequent to the consultation, the JSPC¹ approved a revised Local Development Scheme that set out the intention to produce a single local plan document, rather than the previous approach of preparing two DPDs.

2.7 Beyond the specific consultation bodies identified in Table 2.1, a number of additional organisations also have an interest in strategic issues of the SELLP. For example, the following organisations are not explicitly covered by the duty to cooperate (either as a prescribed body or a body that must be given regard to) but have roles with specific interests in the strategic matters the plan covers:

- Utility providers (e.g. Anglian Water and National Grid)
- Network Rail
- Internal Drainage Boards

Table 2.1: List of bodies and organisations engaged with under the Duty to Cooperate

Name	Type of authority/body	Nature of involvement in Local Plan/engagement under Duty to Cooperate
Local Authorities		
City of Lincoln Council	District Council (part of adjoining Central Lincolnshire Local Plan area)	Meetings and consultation at key stages in plan preparation.
East Lindsey District Council	Adjoining District Council in Lincolnshire	Meetings and consultation at key stages in plan preparation.
North Kesteven District Council	District Council (part of adjoining Central Lincolnshire Local Plan area)	Meetings and consultation at key stages in plan preparation.
South Kesteven District Council	Adjoining District Council in Lincolnshire	Part of the Joint SHMA that includes South Holland District Council. Meetings and consultation at key stages in plan preparation.
West Lindsey District Council	District Council (part of adjoining Central Lincolnshire Local Plan area)	Meetings and consultation at key stages in plan preparation.
Fenland District Council	Adjoining District Council in Cambridgeshire	Consultation at key stages in plan preparation.
Kings Lynn and West Norfolk District Council	Adjoining District Council in Norfolk	Consultation at key stages in plan preparation.

¹ Meeting of the JSPC held on 28 February 2014

Peterborough City Council	Adjoining Unitary Council	Part of the Joint SHMA that includes South Holland District Council. Consultation at key stages in plan preparation.
Rutland County Council	Unitary Council	Part of the Joint SHMA that includes South Holland District Council. Consultation at key stages in plan preparation.
Norfolk County Council	Adjoining County Council	Consultation at key stages in plan preparation.
Other Specific Consultation Bodies (as defined by the Planning Act)		
Environment Agency	Public body prescribed in the Local Plan Regulations 2012	Specific partner in the work on flood risk and other water infrastructure issues. Consultation at key stages in plan preparation.
Historic England	Public body prescribed in the Local Plan Regulations 2012	Consultation at key stages in plan preparation.
Natural England	Public body prescribed in the Local Plan Regulations 2012	Specific partner in the work on Habitats Regulation Assessment Consultation at key stages in plan preparation.
Mayor of London	Public body prescribed in the Local Plan Regulations 2012	Not applicable. Authority outside Greater London area.
Civil Aviation Authority	Public body prescribed in the Local Plan Regulations 2012	Consultation at key stages in plan preparation.
Clinical Commissioning Groups (formerly health bodies and Primary Care Trusts)	Public body prescribed in the Local Plan Regulations 2012	Consultation at key stages in plan preparation.
Homes and Communities Agency	Public body prescribed in the Local Plan Regulations 2012	Consultation at key stages in plan preparation.
Office of Rail Regulation	Public body prescribed in the Local Plan Regulations 2012	Consultation at key stages in plan preparation.
Transport for London	Public body prescribed in the Local Plan Regulations 2012	Not applicable. Authority outside Greater London area.
Integrated Transport Authority	Public body prescribed in the Local Plan Regulations 2012	Not applicable. None in area.
Highways Agency	Public body prescribed in the Local Plan Regulations 2012	Consultation at key stages in plan preparation.
Marine Management Organisation	Public body prescribed in the Local Plan Regulations 2012	Consultation at key stages in plan preparation.
Greater Lincolnshire Nature Partnership	Relevant public bodies	Consultation at key stages in plan preparation.
Greater Lincolnshire Local Enterprise Partnership	Relevant public bodies	Consultation at key stages in plan preparation.

Specific Areas of Cooperation

- 2.8 The key strategic matters identified in paragraph 2.2 have led to a number of areas of work that demonstrate how the JSPP has applied the duty to cooperate in formulating the Local Plan's policies and proposals.

Housing including Objectively Assessed Need (OAN)

- 2.9 Boston Borough and South Holland District Councils sit within two separate housing market areas. This has led to a joint Strategic Housing Market Assessment (SHMA)² that features South Holland District Council working in partnership with Peterborough City, Rutland County and South Kesteven District Councils. Boston Borough Council has previously undertaken some joint working with East Lindsey District Council on a SHMA, but recent work³ has concluded that there is a specific housing market area that solely encompasses Boston Borough.

Economic matters including commuting patterns and inter-linkages between the SELLP area and neighbouring areas

- 2.10 Work undertaken for the two SHMAs demonstrates that the strongest links in terms of commuting between different local authority areas are between Boston Borough and South Holland District. There are also notable commuting links between Boston Borough and East Lindsey District; Peterborough City and South Holland District; and Fenland District and South Holland District.

Flood risk

- 2.11 A significant body of work has been undertaken to consider flood risk – the work originated from policy in the now revoked East Midlands Regional Strategy (EMRS). The EMRS identified a need for a coastal strategy to be prepared to provide a long-term strategic vision for the three Lincolnshire coastal districts (Boston Borough, East Lindsey District and South Holland District). The intention was for the strategy to consider the flood risk issues facing the three districts; consider future regeneration and development needs; and determine how best to deliver a robust approach to flood management. The EMSR further identified that housing development in the three districts was to be maintained in accordance with its dwelling targets until such time that a coastal strategy was agreed to inform a future round of strategic planning.
- 2.12 The Lincolnshire Coastal Study Group was formed in 2008 to progress work that would inform the preparation of a coastal strategy for inclusion in the next

² Peterborough Sub-Regional Strategic Housing Market Assessment, Final Report, July 2014; and

² Peterborough Sub-Regional Strategic Housing Market Assessment, 2015 Update Report, October 2015

³ Boston Borough Council Strategic Housing Market Assessment, Final Report, July 2015

review of the EMRS. Consultants were commissioned and the Lincolnshire Coastal Study (LCS) was completed in March 2010. In brief, the LCS identified a number of flood hazard zones that were designated Red, Orange, Yellow, Green and White. The outcome of the work was to propose that:

- major housing development would be largely delivered outside the three most severe forecast flood hazard zones (coloured red, orange and yellow – the ‘ROY’ zones)⁴;
- major housing development could be permitted in the low hazard zone (coloured green) subject to the mitigation of flood risk through flood-resilient design and emergency planning measures;
- other development, including housing to meet local housing needs, employment and business-related development, community infrastructure and buildings for use in emergencies could be permitted in the ROY zones subject to the mitigation of flood risk;
- the key to the delivery of buildings in the flood hazard zones was the implementation of flood-resilient design and emergency planning measures; and
- measures to reduce risk to people in all flood hazard zones through emergency planning and flood resilience and to improve wider socio-economic conditions in the Coastal Study area could be delivered in a variety of ways and should involve national government and government agencies, regional organisations, local authorities and private sector businesses.

2.13 The proposals to revoke the EMRS in 2010 led to joint statement being issued by the local authorities involved in the LCS plus the Environment Agency and Natural England. This confirmed the intention to utilise the LCS as part of the evidence base for the emerging Local Development Frameworks in the three coastal districts. A further statement in 2011 reconfirmed this position.

Strategic infrastructure; and specifically the road/rail network connecting South East Lincolnshire to neighbouring areas and beyond

2.14 An Infrastructure Delivery Plan (IDP) which identifies key elements of infrastructure required to deliver the policies and proposals outlined in the draft Local Plan is in the course of preparation.

⁴ The full Lincolnshire Coastal Study and its Summary Report can be viewed at: <http://www.lincolnshire.gov.uk/residents/environment-and-planning/environment/lincolnshire-coastal-study/>