

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

**To: South East Lincolnshire Joint Strategic Planning Committee – 9 March  
2017**

**Author: Chris Holliday, Deputy Joint Policy Unit Manager**

**Subject: Publication Draft South East Lincolnshire Local Plan**

**Purpose: To consider the contents of the Publication Draft Local Plan, receive information with regard to the statutory public consultation stage, and approve the delegation of the Submission of the Plan to the Secretary of State.**

**Recommendation(s):**

**To approve the Publication Draft South East Lincolnshire Local Plan, with or without revisions, for Statutory Public Consultation.**

**To note the key background documents that support the preparation of the Local Plan listed at Appendix C.**

**To agree that, following statutory public consultation, the Committee delegate powers to the Corporate Director (Boston Borough Council) and Strategic Planning Manager (South Holland District Council) in consultation with the Chair and Deputy Chair of the Joint Committee to submit the Local Plan, subject to any minor modifications for examination provided that no substantive objections have been submitted.**

**To delegate to the Corporate Director (Boston Borough Council) and the Strategic Planning Manager (South Holland District Council) in consultation with the Chairman and Vice Chairman of the Joint Committee the authority to make minor modifications and amendments to the draft Local Plan prior to commencement of the Statutory Public Consultation.**

**To delegate to the Corporate Director (Boston Borough Council) and the Strategic Planning Manager (South Holland District Council) in consultation with the Chairman and Vice Chairman of the Joint Committee the authority to agree amendments to the Local Plan arising during the Examination in Public.**

**1. INTRODUCTION**

- 1.1 The South East Lincolnshire Local Plan has progressed through three stages of public consultation and has a substantial and comprehensive body of evidence and reports to both substantiate the policies and proposals of the Plan and show that the Publication draft is considered to be “sound”.
- 1.2 The preceding report on this Meeting’s Agenda that considered public consultation responses is also part of the evidence for how this Publication Draft Local Plan has evolved. The second section of this report highlights some

of the key issues that have helped shaped the Plan and that are likely to be considered at the Examination in Public.

- 1.3 This report summarises the Policies contained in the Local Plan, explains the tests of “soundness” and “Duty to Cooperate”, identifies the extent and purpose of the supporting documents and sets out the next stages of the Local Plan to Submission to the Secretary of State for Examination in Public.

## **2. Key Issues**

- 2.1 The Key Issues that the Local Plan will need to address are considered to be:

- Meeting the Objectively Assessed Housing Needs
- Meeting the arising Infrastructure needs
- Meeting the challenges of Flood Risk

- 2.2 Meeting the Objectively Assessed Housing Needs will be addressed through allocating housing sites using the Spatial Strategy (Policy 2) and Distribution of New Housing (Policy 11) as the lead policies. However providing evidence of sites that are available and deliverable is only the start of the process. The Planning Inspectorate and development industry in particular will be challenging the Plan on how and when the sites will be brought about. The Plan provides a trajectory for when development could come forward (largely based upon land owners and developers information of when their sites will be available) and a Housing Implementation Strategy is being prepared for the forthcoming consultation stage and to provide further evidence to support the examination.

- 2.3 Meeting the arising infrastructure needs was a particular issue raised in public consultation and it is a requirement that the Local Plan provides a Whole Plan Viability Assessment and an Infrastructure Delivery Plan. These pieces of evidence set out what the challenges are for the Local Plan and forthcoming development to meet. It is not the role of the Local Plan to provide solutions to existing shortfalls but by triggering the need to accommodate improvements through new development additional capacity is likely to be an outcome. The plan also needs to ensure that the combined financial burden of the policies in the plan does not prejudice the delivery of the overall planning strategy for the area. The viability assessment concludes that the policy requirements, including a proportion of affordable housing, are able to be delivered across the Local Plan area as a whole, subject to site-specific circumstances.

- 2.4. Meeting the challenges of flood risk has been a significant challenge for the Local Plan and partnership working with the Environment Agency in the determination of Policy and the selection of sites has been key. Meeting flood mitigation and site development viability has also been considered at a strategic level but, (as with allocating sites to meet the Objectively Assessed Housing Needs) bringing forward development to meet the specific circumstances of each site is a level of detail to be addressed at the implementation stage. The sites in the plan have been allocated to minimise the risk of flooding, and a sequential assessment has been prepared to clearly explain how these have been selected.

## **3. Precis of the Publication Draft Local Plan**

- 3.1 The Local Plan is divided into nine Chapters plus Glossary, Appendices, Tables and Figures. The Plan also includes Proposal and Inset Maps.

3.2 The opening two chapters of the Local Plan provide an “Introduction” (providing an overview of what Local Plan’s should do and take into account) and the “Context” (which provides an overview of how the Local Plan fits with the Duty to Cooperate, Neighbourhood Planning and the broad spatial and strategic issues the Plan has identified as being important). An explanation of Duty to Cooperate will be provided later in this report.

3.3 The third Chapter is “Promoting Sustainable Communities in South East Lincolnshire” and the policies are:

Policy 1: Presumption in favour of Sustainable Development

- This is effectively a “default” Policy recommended by the Planning Inspectorate providing background on how planning applications will be processed if the Local Plan is out of date or does not contain sufficient detail by which to determine the application

Policy 2: Spatial Strategy

- This Policy sets out the broad expectations with regard to where development will take place: Sub Regional Service Centres, Main Service Centres, Minor Service Centres, Other Service Centres and Settlements and Countryside

Policy 3: Development Management

- This Policy provides a comprehensive and generic approach to determining planning applications

Policy 4: Design of New Development

- This Policy provides a range of specific design considerations that might be applied to determine specific applications in order to promote good design, refuse bad design and encourage innovation

Policy 5: Strategic Approach to Flood Risk

- This Policy provides a framework for how flood risk has been considered in shaping the proposals of the Local Plan and what steps will need to be fulfilled in promoting new sites

Policy 6: Meeting Physical Infrastructure and Service Needs

- This Policy provides a commitment to the processes that the Plan will use to meet the arising infrastructure needs a development proposal brings about.

Policy 7: Developer Contributions

- This Policy provides the approach the Local Plan will take in evaluating the arising infrastructure needs and how they will be taken forward in Section 106 legal agreements

3.4 The fourth Chapter is “Promoting Economic Prosperity and Employment Opportunities” and the policies are:

### Policy 8: Improving South East Lincolnshire's Employment Land Portfolio

- This Policy provides a comprehensive list of existing employment sites, proposals for employment sites, policy considerations for new sites and policy considerations where sites and premises may be lost

### Policy 9: Promoting a Stronger Visitor Economy

- This Policy provides an approach to promoting development that encourages more visitor and tourist growth for the area. Proposals for the growth and diversification of the Springfields Shopping and Festival Gardens are included.

## 3.5 The fifth Chapter is "Quality Housing for All" and the Policies are:

### Policy 10: Meeting Objectively Assessed Housing Needs

- This Policy sets out the quantum of housing development for which the plan provides in terms of the whole plan area (for the plan period) and for each Local Authority area. The Policy states that this is "at least" what the Local Plan will provide for.

### Policy 11: Distribution of New Housing

- This Policy sets out where the housing sites will be allocated to meet the Objectively Assessed Housing Needs throughout the Sub- Regional Centres, Main and Minor Service Centres

#### Sub-Regional Centres

Boston (including parts of Fishtoft and Wyberton Parishes)

Spalding

#### Main Service Centres

Crowland

Pinchbeck

Donington

Sutterton

Holbeach

Sutton Bridge

Kirton incl. parts of Frampton Parish

Swineshead

Long Sutton

#### Minor Service Centres

Bicker

Gedney Hill

Surfleet

Butterwick

Gosberton

Sutton St. James

Cowbit

Moulton

Tydd St Mary

Deeping St Nicholas

Moulton Chapel  
Weston  
Fishtoft  
Old Leake  
Whaplode  
Fleet Hargate  
Quadring  
Wigtoft  
Wrangle

#### Policy 12: Vernatts Sustainable Urban Extension

- This Policy sets out the approach to development, including the provision of infrastructure considered necessary to bring the Vernatts Urban Extension forward

#### Policy 13: Holbeach West Sustainable Urban Extension

- This Policy sets out the approach to development, including the provision of infrastructure considered necessary to bring the Holbeach West Sustainable Urban Extension forward

#### Policy 14: Providing a Mix of Housing

- This Policy provides guidance on what property types (i.e. number of bedrooms) will be sought to bring about new developments that provide a mix of property types and help meet the known housing needs of the Plan Area

#### Policy 15 Affordable Housing

- This Policy sets out what the Affordable Housing needs are assessed to be for each Local Authority Area, how they are expected to be delivered and what proportion, type and tenure will be sought on market housing sites

#### Policy 16: Rural Exceptions Sites

- This Policy sets out how exceptions sites may be brought forward that can be shown to meet a specific housing need for a settlement where this cannot be met on allocated sites or through infill development

#### Policy 17: Accommodation for Gypsies, Travellers and Travelling Showpeople

- This Policy provides a policy framework for the consideration of new sites where an unknown need might arise and allocates sites to meet current known needs

#### Policy 18: Houses in Multiple Occupation and the Sub-Division of Dwellings

- This Policy provides a framework for the consideration of where HMO's and sub-division of dwellings may be appropriate particularly where family sized dwellings would not be lost and the character and neighbourhood would not be adversely affected

#### Policy 19: Replacement Dwellings in the Countryside

- This Policy provides guidance on what will be acceptable when considering whether a dwelling in the countryside can be replaced, in particular, protecting buildings of historic merit and setting a limit for any proposed increased in size compared to the original dwelling

#### Policy 20: The Re-use of Buildings in the Countryside for Residential Use

- This Policy provides guidance on what will be acceptable when considering whether the conversion of a non-residential building in the countryside is appropriate for residential purposes

### 3.6 The sixth Chapter is “Vibrant Town Centres and Accessible Shops and Services and the Policies are:

#### Policy 21: The Retail Hierarchy

- This Policy sets out where new retail growth will be encouraged according to how it relates, in scale, to the centre e.g. Sub-Regional Centres or District Centre or Local Centres

#### Policy 22: Primary Shopping Frontages

- This Policy seeks to retain retail uses as the predominant use within the defined primary Shopping Frontages within Boston and Spalding

#### Policy 23: Additional Retail Provision

- This Policy sets out the identified floor space required for Comparison Goods retailing in Boston and Spalding

### 3.7 The seventh Chapter is “A Distinctive, Greener, Cleaner, Healthier Environment” and the Policies are:

#### Policy 24: The Natural Environment

- The Policy provides a framework for the protection and enhancement of the natural environment taking into account the level of designation e.g. international (e.g. The Wash), national and local designations. In particular the Policy provides proposals in respect of findings from the Habitat Regulation Assessment

#### Policy 25: The Historic Environment

- This Policy provides a framework for the protection and enhancement of the historic environment e.g. Conservation Areas, Listed Buildings and Scheduled Ancient Monuments

#### Policy 26: Pollution

- This Policy sets out how development proposals should take account of existing sources of pollution e.g. contaminated land, and avoid creating pollution e.g. to watercourses, air quality, odours and light pollution or provide mitigation measures

### Policy 27: Climate Change and Renewable and Low Carbon Energy

- This Policy sets out measures to help address the affects of climate change

### Policy 28: Community, Health and Well-being

- This Policy encourages the arising development opportunities to be beneficial in terms of providing infrastructure to improve the health and well-being of the community

3.8 The eighth chapter is “Efficient and Effective Transport” and the Policies are:

### Policy 29: Delivering a More Sustainable Transport Network

- This Policy provides a comprehensive approach to providing for sustainable travel by road, rail, cycling and walking

### Policy 30: Delivering the Spalding Transport Strategy

- This Policy provides a framework for the delivery of the Spalding Transport Strategy and in particular delivery of the Spalding Western Relief Road

### Policy 31: Vehicle and Cycling Parking

- This Policy provides a framework for the application of the vehicle and cycle parking standards set out in the Appendices of the Local Plan

3.9 The ninth chapter is “Monitoring” and this sets out how the Policies of the plan will be monitored and reported. An Annual Monitoring Report has been produced for several years and this will continue. This will also ensure that the expected outcomes of the Sustainability Appraisal are monitored (the Sustainability Appraisal is provided as a separate report in support of the Local Plan preparation and submission). The monitoring of the Plan also links to the Appendix “Local Plan Implementation” which sets out how reviews to policies will be triggered and what will happen should assumptions in respect of housing delivery not be forthcoming in order to maintain a consistent land supply.

## **4. Tests of Soundness and Duty to Cooperate**

4.1 The Plan will be examined by an independent Inspector who will assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound. The Council should only submit a plan for examination that it considers sound – namely it is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

4.2 The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness. A draft Duty to Cooperate statement will accompany the Publication of the Local Plan. The Duty to Cooperate is an ongoing process which may require review following the forthcoming Statutory Public Consultation stage.

4.3 The submitted Local Plan will also be accompanied with a Statement of Consultation to show that it has been prepared in accordance with the Statement of Community Involvement.

## **5. Supporting documents**

5.1 There are a large number of reports, assessments and papers that are required by legislation (e.g. Habitat Regulation Assessment and Sustainability Appraisal) or that are fundamental to providing evidence for a “sound” Local Plan. A list of the supporting evidence is set out at Appendix C of this report but Members will have seen references to reports on:

- Objectively Assessed Housing Needs
- Strategic Housing Land Availability Assessment
- Strategic Flood Risk Assessment
- Whole Plan Viability Assessment
- Infrastructure Delivery Plan

## **6. Next stages**

6.1 Following approval of the Joint Committee the Publication Draft Local Plan will undergo a statutory six week period of public consultation. This is a specific legal stage to consult only on the “Tests of Soundness” and legal compliance. As such, the press notices, communications and information web-sites will be specific to these requirements. Due to the focussed nature of this stage in the process, it is not considered appropriate to hold public exhibitions in settlements (as with previous consultations) because of the nature of the “Tests of Soundness”. It is expected, however, that comments will be forthcoming that will be too detailed to be considered as “Tests of Soundness” and these will be considered initially, to see whether they can be addressed prior to Submission.

6.2 When the consultation responses have been considered, subject to no substantive soundness or procedural concerns, it is intended that the Local Plan is Submitted to the Secretary of State under the delegated powers sought at the beginning of this report. Where a substantive objection is made challenging the Soundness of the plan or legal compliance is it likely that

legal advice on their veracity would be sought, and if necessary, the Joint Committee may need to be convened prior to Submission.

## **7. Options**

7.1 There are essentially two options available to Members as follows:

Option 1 – approve, with or without revisions, the Publication Draft Local Plan for statutory consultation; to approve the supporting evidence base listed at Appendix C; and to delegate approval to submit the Plan to the Corporate Director Boston Borough Council and Strategic Planning Manager South Holland in conjunction with Chair and Vice Chair of Joint committee.

Option 2 - Not to approve the Publication Draft Local Plan and evidence base for statutory consultation, do not delegate approval to submit to the Corporate Director Boston Borough Council and Strategic Planning Manager South Holland in conjunction with Chair and Vice Chair of SELLP committee.

## **8. Reasons for recommendations**

8.1 It is recommended that Members endorse the recommendations at Option 1 in order to progress the Local Plan to the Submission stage. Approving option 1 including delegation to Officers in consultation with the Chair and Vice Chair of the Joint Committee to submit the plan, subject to any significant representations to the contrary, will enable a timely progression of the plan to examination.

8.2 The recommendation would still enable a further meeting of the Joint Committee but this would only be required if representations raise issues that do not fall within the delegation and a decision of the Joint Committee is required. This approach provides appropriate safeguards to ensure that if significant issues are raised during the consultation that these will be brought to Members attention.

## **9. IMPLICATIONS**

### **Risk**

The Local Plan has been prepared with significant regard to risks of challenge, and this has been sought to be mitigated at each stage wherever possible.

Delays to plan preparation process increases the likelihood of planning applications challenging the strategy the Local Plan seeks to deliver.

### **Financial**

However, the timely production of Local Plans is of significant importance to There are no direct financial implications as a result of the contents of this report. Local Authority finances due to the potential for New Homes Bonus not to be forthcoming if plans are not in place by 2018.

The Local Plan has an accompanying budget which is currently sufficient to cover its preparation. Examination costs are payable by the authorities to the Planning Inspectorate on completion of the Inspectors Report.

## Legal

Whilst this report does not itself have direct legal implications, the preparation of Local Plans is subject to a number of legislative requirements which are set out, *inter alia*, the Planning and Compulsory Purchase Act (2004), as amended, the Town and County Planning Act (1990) as amended, the Conservation of Habitats and Species Regulations (2010) as amended. The plan has been prepared in accordance with the relevant Act's of Parliament and regulations.

Agreeing the plan to proceed will result in an Examination in Public which will consider the Local Plan's Legal and procedural compliance.

## Equality and Diversity

The Local Plan deals with matters including the provision of housing, including affordable housing, as well as access to services and infrastructure. Accordingly, the Publication Draft has been subject to an Equality and Diversity Impact Assessment (EqIA) which forms an appendix to this report. The Draft for Public Consultation (January 2016) was also the subject of an EqIA.

### 10. Statement of Consultation

10.1 A Statement of Consultation is available at Appendix E.

### 11. Wards/Communities Affected

All wards and communities in the South Holland District and Boston Borough Council administrative areas are affected.

Background papers:-

All background papers are available on [www.southeastlincslocalplan.org](http://www.southeastlincslocalplan.org)

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Appendix A – Publication Draft South East Lincolnshire Local Plan

Appendix B - South East Lincolnshire Local Plan Sustainability Appraisal

Appendix C – List of evidence base supporting the Local Plan

Appendix D – Equalities Impact Assessment

Appendix E – Statement of Consultation