

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

Report of: Joint Policy Unit Manager

To: The Joint Committee – 25 January 2013

(Author: Gary Alexander, Joint Policy Unit Manager)

Subject: South East Lincolnshire Local Plan: Strategy and Policies
Development Plan Document: Preferred Options version

Purpose: To seek approval of the first part of the Preferred Options version
for the purpose of public consultation

It is recommended that members:

- a) consider the contents of this report and the attached Appendix A setting out the first part of the Preferred Options version of the Strategy and Policies Development Plan Document;
- b) agree to approve, in principle, the contents of Appendix A, with or without revisions, for the purpose of public consultation; and
- c) following b) above, delegate authority to officers to make any necessary changes to the content of Appendix A in respect of matters relating to presentation or factual correction or updating.

1.0 INTRODUCTION

1.1 Members will recall that, at its meeting on 13th July 2012, the South East Lincolnshire Joint Strategic Planning Committee (the Joint Committee) resolved to approve its revised local development scheme (LDS) and that this first revision of the LDS come into effect on 31st July 2012. The LDS sets out a rolling programme for the preparation of local development documents (DPDs), including development plan documents, that will make up the Joint Committee's South East Lincolnshire Local Plan (Local Plan).

1.2 The revised LDS indicates that the preparation of 'Preferred Options', as part of the process of producing the Strategy and Policies DPD, would be undertaken in the period up to Christmas 2012. Significant progress was made throughout 2012 by the Local Plan Steering Group and a number of key areas were discussed and content agreed for the consideration of the Joint Committee. However, due to the complexity of some of the issues associated with preparing a DPD for South East Lincolnshire, notably planning for flood risk, the need for additional work affected the timetable for the preparation of the Preferred Options document. Work on it is now expected to be completed in early March to enable public consultation in spring 2013. Subject to the responses received on the Preferred Options document, a degree of weight can start to be attached to the content of the emerging Local Plan.

- 1.3 In the meantime, **Appendix A** to this report represents the latest version of the intended Preferred Options document. This is based on the outcomes from a number of policy areas that have been considered by officers and Members at informal meetings held during 2012. The purpose of this report is to enable the Joint Committee to formally approve, in principle, the contents of Appendix A for the purpose of statutory public consultation. The outstanding proposed contents of the Preferred Options document will be presented for approval in principle at the next meeting of the Joint Committee (date to be finalised).
- 1.4 Given the amount of content in Appendix A, it is clear that the final version of the Preferred Options document will be of substantial size. It is therefore proposed to provide a 'Summary' version of the full Preferred Options document for the purpose of public consultation.

2.0 THE PREPARATION OF THE PREFERRED OPTIONS

- 2.1 The established approach to preparing DPDs as part of a Local Development Framework (LDF) under the provisions of the Planning and Compulsory Purchase Act 2004 and accompanying regulations was to prepare 'Issues and Options' for public consultation, followed by seeking representations on 'Preferred Options' and finally preparing, and seeking representations on, a Submission Draft of the DPD. This approach was designed to 'front-load' community involvement and was also intended to facilitate the appraisal of options (primarily through the sustainability appraisal [SA] process), which remains an important factor in terms of determining the 'soundness' of DPDs at independent examination. **NB:** It should be noted that SA fully incorporates the requirements of the *European Directive on Strategic Environmental Assessment (SEA Directive 2001/21/EC)* (the SEA Directive).
- 2.2 The emergence of the Localism Act, the *National Planning Policy Framework* (the NPPF) and the *Town and Country Planning (Local Planning) (England) Regulations 2012* (the Regulations) have heralded a return to the phrase 'local plan', rather than 'local development framework'. The Regulations also seemingly present a more relaxed route to the adoption of DPDs in terms of community involvement. The Regulations allow for a single round of consultation during the plan preparation process, which on the face of it seems to suggest that the 'Issues and Options' and 'Preferred Options' stages are no longer required. Consequently, it would be possible to draft a pre-2004 style local plan in its entirety and subject it to a single stage of public consultation prior to submission for examination. However, in light of the provisions of both the SEA Directive and the NPPF it is clear that this approach would risk the DPD being found 'unsound' at examination. This is because it is a requirement of both the SEA Directive and the NPPF that 'reasonable alternatives' are considered in the plan-preparation process. The SEA Directive requires that 'the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated'. The NPPF highlights the point that one of the tests of soundness at a local plan examination will be that it is 'justified' i.e. that 'the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence'.

- 2.3 In order to expedite the preparation of a Local Plan for South East Lincolnshire, but also to be mindful of the legal requirements of the SEA Directive and the NPPF tests of soundness, an innovative approach has been devised. In recent times, emerging DPDs have been accompanied by standalone SAs that have in many cases been very lengthy and inaccessible documents. The alternative approach presented in **Appendix A** embraces the spirit of SA and integrates it into the process of identifying and appraising reasonable options in order to formulate a set of preferred policy approaches which will be the subject of statutory public consultation. This ensures that the processes of SA and the exploration of reasonable alternatives are combined and clearly articulated to consultees in one all-encompassing document.
- 2.4 **Appendix A** outlines in more detail how this method works in practice and explains the layout of this Preferred Options Report.

3.0 THE NEXT STEPS

- 3.1 Subject to Joint Committee approval, the finalised Preferred Options document will be the subject of statutory public consultation, the results of which will inform the preparation of the 'Submission version' of the Strategy and Policies DPD (the DPD). This will also be the subject of statutory public consultation. The Submission version along with the results of the associated public consultation exercise will then be sent to the Secretary of State for the purpose of informing the preparation of the independent examination of the DPD.
- 3.2 In developing the Submission version of the DPD, the Joint Committee will need to be satisfied that the final version of it is deliverable based on a sound understanding of the infrastructure costs and development economics of the area. Additionally, the Localism Act introduces a 'duty to cooperate' with adjoining authorities and this will be examined when the DPD is submitted. In addition to the SA work, the final DPD will also need to be accompanied by an Appropriate Assessment under the Habitat Regulations. Initial work has been undertaken in all these areas in preparing the Preferred Options document and they will continue to form important areas of the work programme in 2013.

4.0 VIEWS OF THE HEAD OF BUILT ENVIRONMENT AND DEVELOPMENT, BOSTON BOROUGH COUNCIL AND THE PLANNING MANAGER, BRECKLAND COUNCIL AND SOUTH HOLLAND DISTRICT COUNCIL

- 4.1 The Head of Built Environment and Development, Boston Borough Council has been consulted and: 'is satisfied with the approach taken so far and supports the recommendations, although would have far preferred the Committee to have been able to be presented with a document which could be considered as one and in entirety. The Committee might wish therefore to consider reserving full consideration and final approval of the document for consultation purposes to the next meeting of the Committee when a complete document will be available. He also considers it imperative for both Committee and for public consultation consideration purposes that a succinct Executive Summary of the document be prepared for release'.

4.2 The Planning Manager, Breckland and South Holland District Councils has been consulted and: 'advises the Committee that the Local Plan Working Group has made significant progress in 2012 as per the work programme set out by this Committee. The Strategy and Policies document provided at Appendix A represents the outputs of regular and intensive meetings of the Working Group throughout the past 6 months, together with numerous technical meetings to ensure that the Plan is deliverable and realistic. The consideration of the latest content of the document by this Committee will enable the Local Plan to be consulted on later in spring 2013, which will be a significant milestone. Detailed comments on the specific chapters in Appendix A will be reported at the meeting of the Joint Committee'.

5.0 VIEWS OF OTHER CONSULTEES

5.1 The Strategic Planning Manager, Lincolnshire County Council, has been consulted and has no comments to make on the covering report.

5.2 The Monitoring Officer representative for Boston Borough Council and Lincolnshire County Council has been consulted and has no comments to make.

5.3 The Monitoring Officer for South Holland District Council has been consulted and a response will be reported at the meeting of the Joint Committee.

5.4 The S151 Officer for Boston Borough Council has been consulted and a response will be reported at the meeting of the Joint Committee.

5.5 The S151 Officer for Lincolnshire County Council has been consulted and a response will be reported at the meeting of the Joint Committee.

5.6 The S151 Officer for Breckland and South Holland District Councils has been consulted and has no comments to make.

6.0 OPTIONS

6.1 Members can accept the contents of **Appendix A** or require amendments to it.

7.0 REASONS FOR RECOMMENDATIONS

7.1 There is a current statutory requirement for the Joint Committee to prepare one or more development plan documents that will form the South East Lincolnshire Local Plan. The Preferred Options stage of the preparation of the Strategy and Policies DPD is identified in the Joint Committee's LDS.

8.0 IMPLICATIONS

8.1 **Risk:** Without up-to-date local planning policies for South East Lincolnshire, future planning decisions would have to rely upon the provisions of the National Planning Policy Framework. This could result in decisions being made that did not properly reflect how the Government's presumption in favour of sustainable development should be applied locally.

8.2 **Financial:** There are no direct financial implications arising from the recommendations to this report.

8.3 **Legal:** See para 7.1.

8.4 **Equality and Diversity:** The final version of the Preferred Options Document will contain an 'Equalities Assessment' of the preferred policy approaches.

9.0 **WARDS/COMMUNITIES AFFECTED**

9.1 The implications of the proposed new Local Plan documents affect all wards/communities.

Background papers - None

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Appendices attached to this report:

Appendix A – Combined Preferred Options and Sustainability Appraisal Report;
Committee Version (January 2013)