

SOUTH EAST LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE

Report of: The South East Lincolnshire Joint Policy Unit Manager

To: South East Lincolnshire Joint Strategic Planning Committee –
5 April 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 Preferred Options version for the purpose
of public consultation

Recommendations:

- a) The members consider the contents of this report and the attached Appendix A setting out the Preferred Options version of the Strategy and Policies Development Plan Document;
- b) That members agree to approve, in principle, the contents of Appendix A, with or without revisions, for the purpose of public consultation; and
- c) That, following b) above, authority be delegated 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. Consequently, it was only possible to present approximately half of the contents of the Preferred Options document for consideration by the Joint Committee at its meeting held on 25 January 2013. At that meeting, the contents were approved in principle subject to a very small number of revisions.

- 1.3 The Preferred Options document has now been completed and includes the previous meeting's agreed revisions. The purpose of this report is to enable the Joint Committee to formally approve, in principle, the contents of the completed Preferred Options document (set out in Appendix A) for the purpose of statutory public consultation. 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.
- 1.4 It is clear that the final version of the Preferred Options document is of some considerable size. It is therefore proposed to provide a 'Summary' version of the full document for the purpose of public consultation. This is the subject of a separate report on the Agenda for this meeting.

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 AND SOUTH HOLLAND COUNCILS

- 4.1 The Head of Built Environment and Development at Boston Borough Council has indicated that he will offer his views at the meeting.
- 4.2 The Planning Manager for Breckland and South Holland Councils states: 'Consultation on the Preferred Options version of the Strategy and Policies document for the new South East Lincolnshire Local Plan represents the achievement of a significant milestone. The document presents the reasonable options for comment and discussion whilst at the same time setting out why a number of unreasonable options have been examined but ultimately discounted. All of these options have been considered by the Local Plan Steering Group and partner organisations and the document clearly sets out why particular strategy

and policy choices have been made. The forthcoming consultation will enable a wide range of interested parties and the wider community to have their say on the proposed content of the document and it is important that the Joint Strategic Planning Committee considers the responses received on the document. As the Report sets out, following the consultation on the Preferred Options document a degree of weight can be given to the emerging Local Plan where there is early support or lack of objection to the proposed policy. Any detail comments on the content of the Preferred Options document, to assist Members' deliberations, will be reported verbally at the meeting.'

5.0 VIEWS OF OTHER CONSULTTEES

- 5.1 The Strategic Planning Manager, Lincolnshire County Council, has been consulted and has offered no comments.
- 5.2 The Monitoring Officer representative for Boston Borough Council and Lincolnshire County Council has been consulted and has offered no comments.
- 5.3 The Monitoring Officer for South Holland District Council has been consulted and has offered no comments.
- 5.4 The s151 Officer for Boston Borough Council has been consulted and has offered no comments.
- 5.5 The s151 Officer for Lincolnshire County Council has been consulted and has offered no comments.
- 5.6 The s151 Officer for Breckland and South Holland District Councils has been consulted and has offered no comments.

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 EXPECTED BENEFITS AND TIMELINES

- 8.1 This report deals with a particular stage in the preparation of the Strategy and Policies DPD (under the Planning and Compulsory Purchase Act 2004, as amended) which will form part of the South East Lincolnshire Local Plan. The completion of the Local Plan will enable planning decisions to be made in accordance with up-to-date planning policies and proposals. The timelines for the preparation of the Local Plan are set in the Joint Committee's LDS.

9.0 IMPLICATIONS

9.1 Carbon Footprint & Environmental Issues

9.1.1 The preparation of the Local Plan will help to create sustainable development across South East Lincolnshire

9.2 Constitution & Legal

9.2.1 See para 7.1.

9.3 Contracts

9.3.1 There are no relevant contractual implications of this report.

9.4 Crime and Disorder

9.4.1 There are no crime and disorder implications of this report.

9.5 Equality and Diversity & Human Rights

9.5.1 The Local Plan is being prepared in accordance with the Joint Committee's Statement of Community Involvement. This requires us to seek to cater for, and engage with, all sections of the community in preparing our plans, in particular those groups which have been underrepresented in previous consultation exercises (the so-called 'hard-to-reach' groups). Our documents will be available in a range of formats (upon request) and in a range of locations. The use of jargon will be minimised but where it is appropriate to use it, clear explanations will be provided.

9.5.2 The Preferred Options document contains an 'Equalities Assessment' of the preferred policy approaches.

9.6 Financial

9.6.1 There are no direct financial implications arising from the consideration of this report.

9.7 Risk Management

9.7.1 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.

9.8 Staffing

9.8.1 There are no staffing implications arising from the consideration of this report.

9.9 Stakeholders / Consultation

9.9.1 The Preferred Options document will be the subject of full public consultation exercise.

10.0 WARDS/COMMUNITIES AFFECTED

10.1 The implications of the proposed new Local Plan documents affect all wards/communities. Given the nature of this exercise, the report author did not consider this report to give rise to a key decision.

Background papers:- None

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Key Decision: No

Exempt Decision: No

Appendices attached to this report:

Appendix A - Combined Preferred Options and Sustainability Appraisal Report;
Committee Version (April 2013) (to follow)