



**South East Lincolnshire**  
Joint Strategic Planning Committee

<b>Report To:</b>	South East Lincolnshire Joint Strategic Planning Committee
<b>Date:</b>	1 <sup>st</sup> July 2024
<b>Subject:</b>	South East Lincolnshire Local Plan Review
<b>Purpose:</b>	To invite the Joint Committee to consider and approve the recommendations
<b>Key Decision:</b>	N/A
<b>Portfolio Holder:</b>	N/A
<b>Report Of:</b>	Phil Norman, Assistant Director – Planning and Strategic Infrastructure
<b>Report Author:</b>	Rob Routledge, Planning Consultant
<b>Ward(s) Affected:</b>	All Wards within South East Lincolnshire Local Plan area are affected by the Local Plan and associated works
<b>Exempt Report:</b>	N/A

### **Summary**

This report considers the review undertaken of the South East Lincolnshire Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Joint Committee are asked to support the recommendations.

### **Recommendations**

1. That the Joint Committee agree that the 5-year review of the South East Lincolnshire Local Plan (SELLP) has been completed;
2. That based on the review that has taken place, the Joint Committee conclude that there is no requirement to update the Local Plan at this time;

3. That within 12 months, a further report be placed before the Joint Committee setting out a new Local Development Scheme (LDS) addressing the work areas identified within this report and any other matters that may arise, and seeking to agree the resources that will be required to implement it;
4. The Joint Committee note that the Review of the Retail evidence base has taken place as required and resolve that the requirements of this part of the Plan has been complied with and no further action is necessary; and
5. That the Joint Committee confirm the amended monitoring approach as set out within the monitoring reports produced since adoption of the Local Plan.

### **Reasons for Recommendations**

To comply with existing guidance and regulations, and the undertakings within the SELLP.

### **Other Options Considered**

The alternative option is not to agree the recommendations in this report which would place the Joint Committee, and therefore, Councils at serious risk of not complying with national guidance and regulations.

## **1. Background**

1.1 In February 2023, work was commenced on a review to consider the need to formally Review the Local Plan in accordance with legal requirements. The suggested way forward broke down into three steps:

- A Scoping Report – to plan the work required and agree a way forward, which was:
  - A Stage 1 Report to look at the evidence base and the national situation compared to the last 5 years.
  - A Stage 2 Report to look at the Local Plan policies with the benefit of the 2023 and previous monitoring reports, together with the overall conclusions.

1.2 For those new to the Joint Committee, the South East Lincolnshire Local Plan (SELLP) was produced under the auspices of the South East Lincolnshire Joint Strategic Planning Committee (the Joint Committee, this body). Key initial dates as follows:

- First met on 9th September 2011, to oversee the evolution of a formal planning framework.
- First public engagement in January to April 2012 with a Stakeholder/visioning exercise.
- May and June 2013, Public consultation on Preferred Options alongside a Sustainability Consultation.

- 1.3 It appears that changing circumstances then lead the Joint Committee to a move away from the previously promoted Core Strategy approach, alongside an intended Strategy & Policies Development Plan Document, to a single Local Plan approach to create the SELLP.
- 1.4 The SELLP then developed in the following manner:
- Jan - Feb 2016 – Draft Local Plan Public Consultation
  - July - August 2016 – Preferred Sites Consultation
  - April - May 2017 – Publication SELLP Consultation
  - June 2017 – Submission of SELLP to Secretary of State
  - October 2017 April 2018, independent examination of the SELLP
  - Inspectors report was received in the winter of 2018
  - Adopted by the Joint Committee in March 2019, (7.5 years)
- 1.5 The Plan was created to help shape the growth of Boston and South Holland for future generations. The Local Plan is intended to ensure that the needs for homes, jobs, shops, and infrastructure are met, without harming the things that make South East Lincolnshire special - its wealth of historic buildings, its wildlife, its attractive market towns and villages and large areas of open countryside.
- 1.6 It was the culmination of a significant amount of work and public participation, and was to provide growth potential for the area up until 2036.

## 2. Report

### Need for Review

- 2.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, legally requires reviews of Local Plans at least every five years.
- 2.2 Paragraph 33 of the National Planning Practice Framework (NPPF) requires that:
- “Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.”*
- 2.3 It is important to note at this point, that policies should be reviewed, to assess **if, they need updating**, and doing so, **if necessary**. In many cases it seems to have been assumed that Plans should be updated after 5 years, and that is not the case. In essence the ‘Review’ is about looking at the Plan, to consider whether it is still fit for purpose.
- 2.4 In work carried out in July 2022 for the Joint Authorities, Catriona Riddle and Associates Ltd identified 3 key triggers that may indicate that a Plan may need to be updated (apart from any specific issues). They were:
- Where Plans have been prepared in advance of any significant changes to national policy.
  - Where weaknesses have been highlighted through national delivery tests (e.g. 5 Year land supply and Housing Delivery tests).

- Where performance issues related to the overall strategy or strategic policies in the plan is highlighted through the annual monitoring process

- 2.5 In the case of South East Lincolnshire the review needed to be completed by the 8th March 2024, which it was, but it now requires ratification by this Committee.
- 2.6 It is important to note that National Planning Policy Guidance (NPPG) requires that strategic policies should be prepared to last over a minimum 15 year period, (Para 064) and the local planning authorities should be planning for the full plan period. In this case the plan period is until 2036, currently another 12 years from now.
- 2.7 However, the guidance recognises that policies age at different rates and whilst a review is required, a plan does not become automatically out of date after 5 years.
- 2.8 In order to assist and guide Local authorities in the task of reviewing Local Plans, and to assure a degree of consistency, the Planning Advisory Service (PAS) produced a Tool kit for a Local Plan review, that local planning authorities are encouraged to consider.
- 2.9 The main element of the Toolkit (Part 1) is an assessment Matrix which assists the review of policies within the plan to see whether or not the policies need updating. It is intended to supplement the NPPF and NPPG advice and guidance on the review of policies within the plan.
- 2.10 However, the guidance makes it clear that prior to using the Part 1 of the Toolkit, consideration should be given to Part 2 which sets out the key requirements for the content of local plans which are included in legislation, the up-to-date NPPF, NPPG, Written Ministerial Statements, and the National Model Design Code.
- 2.11 Both Part One and Part Two reviews of the Plan are appended to this report.

### **Part 1 Review**

- 2.12 The Part 1 report looks at the existing SELLP from a 'bigger picture' perspective, and considers if there is a need to update the Plan or not. The main aim of the paper was to consider the wider economic and political landscape over the period since the adoption of the plan, and how the area has developed during that period. This is in order to consider the Plans overall performance during this time, and the potential need to replace the Plan in whole or in part.
- 2.13 This part of the report focused on the Economy, Housing, both build rates and the available supply, alongside the performance of major sites.
- 2.14 It is important to note at this point that there was a significant under-provision of housing pre-adoption of the Plan. However, this assumed under provision was built into the Plan as an additional requirement and is therefore accounted for. As this work is about the performance of the Plan post-adoption, that is what has been focused on. Since adoption, both Councils have been making good headway in reducing these deficits at a faster rate than planned for.

2.15 Since 2019, all these considerations have been heavily influenced by Covid and other issues, such as political changes, and the wider international impacts of the war in Ukraine. This has created a very difficult time in terms of the economy, house sales and employment activity, in which to consider the effectiveness of the Local Plan.

2.16 It is important to realise at this stage that, whilst an important player in terms of development taking place in an area, the Local Plan can only operate within the broader economic climate. Therefore, when reviewing the Plan, it is important to recognise that these wider factors could be impacting on the 'performance' associated with the Local Plan.

2.17 However, against a generally bleak national picture, Boston and South Holland Councils appear to have weathered the storms reasonably well. For example:

- The Council's own data indicates that there has been growth in both employment and retail floorspace since adoption of the plan despite the generally gloomy national situation.
- Except for one year in Boston, both Councils have always exceeded their housing targets, quite considerably in the case of South Holland. This is a Joint Plan and, as it currently stands, the Plan has exceeded the required target since adoption, by 630 units, a little over 80% of a full year's requirements for the Plan. Therefore, in relation to this major issue for the government, despite the circumstances, the Local Plan appears to be performing very well in supporting housing development.
- Data also shows that both Councils have exceeded the 5-year supply requirement in every year of the Plan since adoption. Once again, despite the circumstances and difficulties across the house building market, the situation across the SELLP area is very positive and gives no indication of a need to review the Plan.
- Lastly, the Plan highlights that a number of major sites, such as Sustainable Urban extensions, Prestige employment sites and other major development sites, which are crucial to the delivery of the Plan, are broadly progressing well.
- As raised previously, significant changes in the Planning system post-adoption of the Plan are major triggers for consideration as to whether the Plan should be updated. In this regard it is important to consider the NPPF and other changes that affect planning issues.

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## **NPPF**

2.19 Since the adoption of the Plan in March 2019, the NPPF (originally produced in March 2012 and updated in July 2018), has been updated in July 2021, September 2023 and December 2023.

- 2.20 However, whilst there has been a number of changes to the NPPF, quite a few may be considered cosmetic, rather than fundamental - they affect interpretation rather than the overall direction of national policy. Possibly the most significant change has been the introduction of the standard methodology for assessing housing needs, however, this does not adversely impact on the Plan.
- 2.21 It is important to note that given the standing of the NPPF in Planning law, the Councils can give weight to any of the policies within it, regardless of the Local Plan, as Paragraph 2 of the NPPF states that the NPPF must be taken into account as a material consideration in planning decisions.
- 2.22 This is especially relevant to issues such as Climate change, Biodiversity, and the requirement for 10% of all homes to be Affordable Home Ownership and 25% of all affordable homes to be 'First Homes'. These can be addressed through non-statutory Planning documents linked to NPPF changes and legislation, if these are considered to be needed.

### **Further Planning Changes**

- 2.23 There has been considerable coverage given to the Governments Levelling up agenda and all that could mean for Planning in terms of Transitional arrangements and National Development Management policies. However, given the uncertain nature of the national political situation, it is considered that, whilst an important context, this cannot be relied upon to plan the way forward at the present time.
- 2.24 Secondary legislation and regulations are currently expected in late 2024. Common thinking is that the deadline for any 'old style' Local Plans to be submitted for examination would be Summer 2025. The first date for any new style Local Plans to be submitted would be late 2026. Any 'new' Local Plan system always includes a transitional period. It is clear that, on this timetable, any review of the SELLP would not be complete and submitted. Hence, any review will have to look towards the new legislation. The unknown quantities are whether this national timeframe will be realised and what an incoming different Government may action.
- 2.25 In relation to other legislation, the Environment Act has introduced mandatory 10% biodiversity net gain (BNG). However, this can be considered in decision-making without having to resort to updating the wording of specific policies in the Local Plan.
- 2.26 Changes to the 'Town and Country Planning Use Classes Order' post-adoption allow greater flexibility in the use of commercial premises. Whilst that may impact on the aims of the Plan, as a change to legislation it is not an issue that the plan can address or prevent by way of policy - it is simply a consideration when dealing with planning applications.
- 2.27 In the current circumstances, carrying out alterations to the Local Plan may not only weaken the apparent standing of the existing document, but would be setting out on a plan of action without a clear idea of what will be required in any future Local Plan. Indeed, this was one of the findings of the work by Catriona Riddle, that outlined that any review of the SELLP would likely have to look towards the new forthcoming legislation.

## **The Political Situation**

### **National**

- 2.28 The Government have intimated that there may be far more changes to come, as have other political parties, which is important to note with a General Election announced.
- 2.29 From a national perspective it could be argued that it is a very uncertain time to try to define the future course of planning policy and to devote a huge amount of resources to creating a new plan.

### **Local**

- 2.30 Locally, the existing Plan is a statutory joint venture between Boston and South Holland Councils, along with Lincolnshire County Council.
- 2.31 Within the South & East Lincolnshire Councils Partnership East Lindsey District Council are currently carrying out a partial review/updating of their existing Local Plan. This is ongoing and started with an 8-week consultation that ran from February to April 2021.

### **Resources for a New Plan**

- 2.32 South Holland are currently retaining 3 vacant planning policy posts, including the Joint Planning Unit manager post. Boston, have a single officer mainly carrying out monitoring work, with some additional technical support. Whilst East Lindsey currently have a planning team with one manager, two senior officers, and one technical officer, they are focused on producing their Plan Review. Whilst they are part of the Strategic Partnership, they are not part of the Joint Planning Unit as it stands.
- 2.33 In a very practical sense, there are a number of significant problems one needs to consider when looking at the potential to bring forward a partial or full replacement of the existing plan at this time. One must consider:
- The current financial climate for local government.
  - A lack of professional experienced staff across the country.
  - The work programme of staff within the Planning Policy Teams of the three Council's.
- 2.34 In the current circumstances it is doubtful whether the Councils could bring forward a replacement SELLP even if the evidence indicated that such a course of action was warranted, without significant financial and professional support.

### **The Evidence Base**

- 2.35 Government guidance on Plan making, makes it clear that plans and the policies within, need to be justified. This means that there must be evidence to underpin policies. Such evidence can be taken from a wide variety of sources, including the Authority Monitoring Report and planning application and appeal decisions.

- 2.36 The current SELLP web site lists 46 evidence-based documents. Technical reports predominate, covering a huge swathe of issues, from economic to environmental, viability, housing, employment, retail etc, to biodiversity, flooding, green infrastructure, landscape, and historic character, etc.
- 2.37 It is worth noting that replacing the evidence base with new updated reports will have significant cost implications. Whilst these could be spread over several years, that could create additional problems with reports on different issues being out of phase with each other. This may call into question the integrity of the Plan in the future.
- 2.38 Many of the studies that informed the Plan are now quite old and are potentially out of date. The Strategic Landscape Capacity Study for South Holland District Council, was produced as far back as 2003. The 4th Lincolnshire Local Transport Plan, 2013 has been replaced by the 5th Transport Plan and the County are currently embarking on the 6th iteration of the document.
- 2.39 However, this does not of itself mean that the Plan should be reviewed. Many of the studies, such as those on Landscape character and historic assets may have changed marginally, or in terms of terminology, but those changes are unlikely to undermine the Plan.
- 2.40 In terms of other reports and studies, especially those in relation to various forms of economic activity, is that the last 5 years may not provide a good clear basis for predicting the longer-term needs and potential of the area.

### **Retail Study**

- 2.41 At the Local Plan examination, concern was expressed that the evidence base in relation to retail, particularly related to Spalding, was out of date and the policy on retail development within the town needed to be amended.
- 2.42 To overcome these concerns, the Inspector proposed and agreed a Major Modification which required a commitment to review the retail section of the Plan. In adopting the Plan, the Joint Committee authorised this work to take place.
- 2.43 South Holland commissioned a new retail study in 2019, to update the retail data base and consider whether the existing policy in the Local Plan was fit for purpose. The retail study was completed in April 2020 and as a result the first part of the policy's requirement has been complied with since the study was commenced within a year of the local plan being adopted.
- 2.44 The study did not conclude that any changes to the retail policy within the Plan were necessary and therefore this did not justify any amendments to the Plan. The study will now be added to the Council's evidence base.
- 2.45 However, it is worth noting the following points:
- The retail report was written and the telephone survey completed before the Covid 19 lockdown.
  - The report indicated that internet shopping was a significant minority of activity, with the young predominant users. This means without Covid 19, it would have been a gradually growing trend.



- There is a substantial view that people have changed their habits due to Covid, and on-line retailing and home deliveries have grown significantly.
- The growth of home working will have had a significant impact on the service industries and shopping units within town centres, which used to rely on a large number of town centre workers, predominantly office staff spending at lunchtime and after working hours.
- Whilst the survey was completed as required, it is considered that Covid may have brought about a significant change in the demand for town centre floorspace and the viability of units. However, it is currently too early to see what short term changes may become long term trends.

## **Part 1 Conclusions**

2.46 This work looked at the existing SELLP from a 'bigger picture perspective, and considered if there is a need to update the Plan or not, based on the wider economic and political landscape since adoption of the Plan.

2.47 In general, as set out above, it appears that the area has developed well over this difficult period, with development levels exceeding Plan expectations despite a difficult wider economic picture.

2.48 In terms of the statutory situation and national guidance etc, it is considered that there is currently no clear direction or guidance that the Plan is clearly not in accordance with. More importantly, it is considered that the future direction and requirements in terms of planning policy are far from clear.

2.49 Consideration has been given to the advice given to the Councils by Catriona Riddle and Associates in 2022. In the current climate one of the most insightful risks highlighted was that of any new Plan becoming quickly out-of-date as a result of forthcoming planning reforms.

2.50 In essence the Part One assessment concludes that:

- There is no evidence in general terms that the Plan is not performing well.
- The resources are not readily available to implement a review if that is considered necessary.
- The amount of national political uncertainty over the future direction of planning at this time would make it extremely difficult to set out on a new Local Plan now, without potentially wasting significant resources.
- Some issues of changing national policy guidance could be addressed through means other than an update of a Local Plan.

2.51 Overall, it is considered that looking at this bigger picture, there are no current grounds to require the SELLP to be amended, in whole or in part. The Plan is being implemented, the Plan is being followed and development is successfully taking place within the Plan area.

2.52 The Councils, within their planning decision-making processes will need to take account of any emerging guidance that is not addressed within the Plan, or may supersede the guidance within it. However, that does not require the Plan to be amended at this stage.

2.53 The next step, was to carry out the Part two report that looks more closely at the performance and nature of the policies within the Plan and consider if the actual Policies and aims of the Plan are still fit for purpose.

### **Part Two Report**

2.54 The aim of the Part 2 report is to review the policies within the plan, utilising the monitoring information provided by the Council's monitoring reports. In order to ensure that a suitably comprehensive review has been undertaken, the PAS Policy Matrix Review was then completed as a checking mechanism, and this is attached as Appendix D, in Report Two.

2.55 Monitoring policies in a Local Plan is far from easy and straight forward. In terms of Policy Monitoring, it is accepted that simply considering what policies are used in terms of decision notices, does not provide a clear picture. For example:

- Is a policy that is used regularly in refusal notices an indication that it is a good policy, or a poor policy as people have applied for permission not realising that it is contrary to policy?
- Is a policy that is never used an indication that the policy is not needed, or an indication that people see the policy and realise that their proposal would be unlikely to be successful, unless complied with?
- How do you monitor policies which may often be relied upon during negotiations to improve the proposal, but due to improvements, are never referred to in decision notices?

2.56 The approach set out in the Local Plan to monitor 36 policies, used 86 different indices, a table showing the proposed Local Plan monitoring measures is attached as Appendix A, in Report Two. The selection of these indices gives rise to numerous concerns:

- Monitoring would become a huge and resource intensive area of work as many of the indices are not easily measured as data is often not accurately collected or easily collectable.
- In some cases, it is unclear of what the results would mean, whether a score of x would indicate a successful, or failing policy.
- In many cases, it is often factors other than the local policy which will dictate the results.

2.57 Overall, the proposed measuring approach is considered unworkable and in some cases, meaningless in terms of determining the quality of a policy or the plan as a whole. Therefore, a different and simpler approach was taken to considering the effectiveness or otherwise of the Local Plan policies in the Councils monitoring reports. The Councils have tried a more streamlined reporting mechanism that provides information on the use of the Local Plan in a more succinct, efficient, easily understandable, and meaningful format.

2.58 This means that the Monitoring part of the Plan will need to be updated at some point, when other substantial parts of the Plan are in need of amendment. It is suggested that at this time a simple agreement to continue with the amended monitoring approach by the Joint Committee should be sufficient.

## Appeals

- 2.59 It is accepted that the important test for any policy, is how well it is supported or not, through the appeal process. It is only at this time that policies are really challenged and put to an independent test.
- 2.60 Therefore, as a general overview of the effectiveness of the policies, the Council have considered what policies have been set aside at appeal, and consider whether those outcomes give rise to reasons to review policies which appear to be failing their intended effect on development throughout the Plan area.
- 2.61 It is essential to note that a planning application may be received in one year, determined the following year, and any appeal may not be determined until the following year. Also, as most applications are granted, small variations in numbers could make a significant variation in the percentage figures.
- 2.62 However, some general sense of the success of the Plan and the way in which policies are being applied and decisions, may be seen by looking at the overall operation of the system over time.
- 2.63 It is also important to note South Holland and Boston both have separate and independent Development Management teams and Planning Committees determining planning applications within their own areas and dealing with appeals. As that is a significant factor as part of this review of this area, the activities of both Councils will be considered separately.
- 2.64 In terms of South Holland, the general picture is that around 8% of applications were refused, with around 20% of those refused going to Appeal. Roughly 23% of appeals submitted were allowed. Within Boston, again around 8% of applications were refused with a higher level of around 31% going to appeal. Of those, around 34% of the appeals were allowed.
- 2.65 Given the caveats made above, the variations here are not considered to be significant.
- 2.66 Nationally, the data becomes even more difficult to translate to the local experience, due to the way it is broken down into different forms of applications and the use of quarterly monitoring over these time periods.
- 2.67 A paper produced on planning appeals in England for the period 2017/18 showed that local planning authorities made decisions on around 431,000 applications in 2017/18, of which 12% (53,000) were not granted. Provisional statistics for 2017/18 indicated that there were 13,362 appeals received, around 25% of the refused applications. Around one-third of appeals decided in this period were allowed.
- 2.68 Whilst there is a more in-depth study of these results in the report, the performance by both districts, in relation to earlier national averages, are not so dissimilar to suggest that there are any significant issues in relation to the plan policies.

- 2.69 Generally, the policies where appeals were upheld were those that rely significantly on value judgements in terms of the interpretation of the policies against the details of the schemes and the material planning issues. It is considered that in relation to these policies, the considerations and the policies are correct, but too high an expectation may be placed on issues such as complying with the character and appearance of an area, or what an acceptable level of design may be. The policies are generally considered appropriate and not undermined by the decisions.
- 2.70 Overall, there is no indication through appeal decisions that the policies within the SELLP need changing or updating overall. It is interesting to note which policies are most used in terms of upheld appeals, and how few are challenged. It may be advantageous to consider whether additional training in relation to the weight that should be attached to various factors is needed, but this is an internal matter for both authorities.

### **Policy Area Monitoring**

- 2.71 Instead of every specific policy being considered against a number of criteria, this report has used Council provided data to look at the main areas of monitoring in terms of the effectiveness of the Local Plan.

### **The Economy**

- 2.72 As set out above and considered in the Part one review, since adoption of the plan it has been a very difficult period for many people and businesses. Covid, the war in Ukraine, political upheavals etc have all created a very uncertain economic future. One area particularly that has felt the winds of change has been the retailing landscape, where online shopping has boomed, and the employment sector, where working from home has reduced the demand for office space and support service, such as Café's.
- 2.73 However, the report shows that the two Councils have shown a degree of resilience through difficult times. Overall, both Retail and employment floorspace has grown. Whilst there must be some concern over some losses in Boston, both Councils have seen growth.
- 2.74 Whilst figures fail to tell the whole story in looking to the future, it may be prudent to have more in-depth conversations with relevant bodies, in order to define any concerns over the Local Plan approach in relation to these areas. For example, the issues of vacancy rates could benefit from more consideration of how any problems may be addressed.

### **Housing**

- 2.75 Because of the concerns around Housing nationally, this was covered to a degree in Part One. Both Councils have delivered more homes since the Plan was adopted, than would be necessary to maintain the expected level of development, despite the difficult situation that has existed.

- 2.76 The second part to this issue is the future supply, based on a rolling 5-year assessment. Once again, given the caveat around development levels pre- adoption of the Plan, the report shows that in relation to the SELLP, both Councils have maintained a healthy supply since adoption of the plan.
- 2.77 However, under current guidance, Council's will be open to challenge as to the deliverability of all the sites that these figures are based on. It is therefore important to keep this under close review.

### **Affordable Housing**

- 2.78 In common with nearly all Councils, meeting the affordable housing need has been extremely difficult. Whilst the overall level of housing provision has been positive, the level of affordable housing aimed for has not been achieved in South Holland.
- 2.79 However, many of the sites contributing to targets at this time probably negotiated the Affordable Housing requirement, prior to the Local Plan adoption, and those that did not, have difficult economic conditions to reasonably argue for lower requirements. Whilst Boston has shown strong results in this area, South Holland's poorer results show signs of strengthening and this is encouraging.

### **Other Policy Considerations**

- 2.80 The Councils Monitoring Reports go on to look at the main indicators in relation to Environment, Historic and Natural, Sustainability, and Transport. It is not the purpose of this report to go through all of these issues step-by-step but to take an overall perspective on the performance of those policies.
- 2.81 Reviewing those reports, no significant problems or issues are noted in the relevant areas. However, there are two points noted:
- There is an emphasis on greenfield site development compared to brownfield (PDL) land than some may find positive. However, this is to a degree explained by the take up of brownfield sites prior to the plan's adoption. This is not a surprising outcome.
  - The amount of land developed which is of higher levels of flood risk, seems concerning. However, this is understandable given the nature of the areas and the pressures to find developable sites. These are generally sites that were carefully considered as part of the LP process in order to meet development targets.
- 2.82 Appendix C, in Report 2 considers all of the policies, individually and assesses their suitability for moving forward. The policies are graded Red, Amber or Green according to their suitability for continued use. None of the policies are graded at Red, although several do receive an amber grade and raise issues that need to be addressed as set out in the report and below.

### **Part 2 Conclusions**

- 2.83 Whilst generally positive, there are a number of issues that cannot be ignored, that are raised within this review of the Plan and its policies.

2.84 Most notably these are:

- Promised Supplementary Planning Documents (SPD) in terms of Developer contributions and Parking standards, have not been produced.
- Master Plans promised for major sites have not been produced.
- Changes in other documents (e.g. Use Classes Act, Affordable housing definitions and targets and the issues around Bio diversity net gain) affect policies for which additional interpretation would be useful.

2.85 It is not considered that any of these issues fundamentally undermine the policies or the Plan to a degree which would justify its updating in whole or in part. However, they are work areas which have not been addressed due to a lack of staffing since adoption of the plan and need to be properly considered.

2.86 Whilst all policies, once written are ageing, and some policies may already have served their purpose, or been overtaken by events, it is not necessary to re-write the Plan for this reason. If it was considered necessary to address such issues, a simple document could be produced asserting the Councils approach to those policies and giving reasoned justification for it.

2.87 Overall, the policies, whilst not perfect, are fundamentally consistent with current formal government guidance, such that the significant investment that creating a new Plan would take would be difficult to justify.

2.88 Lastly, for the reasons set out in Part 1, there are currently many uncertainties over the future approach that national planning guidance may take. To seek to amend policies at this time that may not sit 'four square' within the emerging system due to the lack of clear information about any future system.

### **Other Considerations**

2.89 Whilst not part of the Plan, a review of the Policy situation also raised the following issues:

- The SELLP is based on a Strategic Vision and 12 Strategic priorities. If that Vision and those priorities are no longer consistent with the views and aims of the Councils, careful consideration needs to be given as to whether they can continue to rely on the SELLP, or not. That decision requires political consideration and it is not within the remit of this report to comment further.
- The last Local Development Scheme (LDS) was produced in 2017-2018. This needs replacing and updating. However, this does not impact on the Plan itself.
- The Statement of Community Involvement (SCI), also needs to be updated. However, this does not impact on the Plan itself.

### **3. Conclusion**

3.1. As set out above, the overall conclusions are positive. In short, the evidence highlights three main issues:

- The review of the SELLP suggests that it is performing well and that there are no critical issues that require the Plan to be updated.

- There are a number of work areas that have been set aside and need to be addressed.
  - There are currently not the resources in terms of staff or finance to fully address the outstanding work required.
- 3.2. In terms of point 1, the review has not identified any pressing need to require or justify the updating of the Local Plan, at this time.
- 3.3. It is important to put points 2 and 3 into context. Following the adoption of the SELLP, the team responsible for the work dissipated with the people involved largely moving on. Whilst some interim appointments were made to cover these changes, they were also short-term solutions. There have also been significant management changes across the authorities over the last few years, including the creation of the South & East Lincolnshire Councils Partnership.
- 3.4. At the start of the Covid period, the main two members of staff at South Holland were both consultants, who were released as focus had to move to dealing with other issues.
- 3.5. The review has highlighted that whilst the Plan is still considered fit for purpose, there are a number of work areas that have not been completed, Due to recent senior management changes, now is considered to be a good time to start to address these issues.
- 3.6. As reported elsewhere, the most important of these issues are:
- Servicing the monitoring requirement of the Joint Planning Unit, and the requirement to hold meetings.
  - To update the Statement of Community Involvement (SCI).
  - To update the Local Development Scheme (LDS), and as part of that work consider the need for and relevance of:
    - The Local Plan SPD requirements in relation to Developer Contributions and Parking.
    - Developing Masterplans in terms of the strategic sites where Masterplans had been proposed.
    - Setting out a position statement in relation to Retail, following the evidence review.
    - Addressing the issue of Bio-diversity Net Gain, either as part of the Developer contributions strategy, or as a separate position statement
    - Identifying documents to address issues raised where further guidance/explanation may be needed.
- 3.7. Whilst it is considered that these issues do need to be considered, in the best interests of the SELLP and the proper planning of the area, they do not generate a need to amend the Plan, in whole or in part.

## **Implications**

### **South and East Lincolnshire Councils Partnership**

None

## **Corporate Priorities**

None

## **Staffing**

None at this time, although the recommendations include a further report within 12 months that will include 'resources'

## **Workforce Capacity Implications**

None

## **Constitutional and Legal Implications**

As referred to in the report parts of this work is required by legislation and others form part of guidance.

## **Data Protection**

None

## **Financial**

The need to properly resource the Planning Policy function needs to be considered and addressed. Commencing work on the LDS, a work programme, first would enable consideration to be given to the financial and staffing resources needed.

## **Risk Management**

There are severe reputational risks of not addressing the above issues. Also, not carrying out the work could adversely affect the Joint Committee and Council's abilities to properly Plan for the development of the area and maximise the benefits of new development.

## **Stakeholder / Consultation / Timescales**

It is a legal requirement to review the Local Plan and update the SCI and LDS. Carrying out the other pieces of work recommended would strengthen the Council's position in relation to any conflicts over those issues.

## **Reputation**

There are severe reputational risks of not addressing the above issues. Also, not carrying out the work could adversely affect the Joint Committee and Council's abilities to properly Plan for the development of the area and maximise the benefits of new development.

## **Contracts**

None



## **Crime and Disorder**

None

## **Equality and Diversity / Human Rights / Safeguarding**

A new SCI, in particular, would seek to treat all sections of the Community equally and seeks to improve engagement with all groups within the plan area.

## **Health and Wellbeing**

None

## **Climate Change and Environmental Implications**

None

## **Links to 12 Missions in the levelling Up White Paper**

None

## **Acronyms**

BNG – Biodiversity Net Gain.

LDS – Local Development Scheme.

NPPF – National Planning Policy Framework.

NPPG – National Planning Policy Guidance.

PAS – Planning Advisory Service.

PDL – Previously Developed Land.

SCI – Statement of Community Involvement.

SELLP – South East Lincolnshire Local Plan.

SPD – Supplementary Planning Documents

## **Appendices**

Appendices are listed below and attached to the back of the report:

Appendix 1	Part 1 Local Plan Review
Appendix 2	Part 2 Local Plan Review, which contains four appendices: Appendix A – Monitoring Assessment of Policies Appendix B – Appeals Review Appendix C – SELLP Policy Review Appendix D – PAS Policy Matrix Review

## **Background Papers**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

## **Chronological History of this Report**

A report on this item has not been previously considered by a Council body

**Report Approval**

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N/A