

Appendix A: South East Lincolnshire Joint Strategic Planning Committee – Review of the emerging local plan

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**POS Enterprises on behalf of the
Planning Advisory Service**

**South East Lincolnshire Joint Strategic Planning
Committee**

Review of the emerging local plan

June 2013

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South East Lincolnshire Joint Strategic Planning Committee**

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South East Lincolnshire

Review of the emerging local plan

Introduction

- 1 The review has consisted of a high level appraisal of evidence documents supplied by the Councils, the Combined Preferred Options and Sustainability Appraisal Report, which will form the basis of the local plan, a workshop with officers from Boston, South Holland and Lincolnshire County councils held at South Holland Council's offices on 10 June 2013, and the preparation of this report.
- 2 In the time available for this study it was not possible to examine other material relevant to the plan and those documents that were examined were not studied in detail as that would have been prohibitively time-consuming.
- 3 The examination of local plans is evolving in the light of the duty to cooperate and the publication of the NPPF and to date there is relatively little experience of how Inspectors are dealing with the new issues they raise.
- 4 This report gives an assessment of the evolving plan in the light of this context, with the emphasis on identifying areas of risk for the Councils to consider as part of their own risk assessment.

Strengths

- 5 This review concentrates on identifying areas of risk or where the emerging plan can be made more robust, so that the Joint Strategic Planning Committee may address them before submission. However, the picture would be incomplete if the considerable strengths of the work to date were not acknowledged. In particular:
 - the creation of a statutory Joint Strategic Planning Committee to oversee the plan demonstrates a clear commitment to the duty to cooperate between Boston Borough Council, South Holland District Council and Lincolnshire County Council
 - there is a substantial evidence base, which is either up-to-date or in the process of being updated and the studies present clear conclusions and recommendations (or the matter is in hand)
 - the local plan will re-use some work previously produced for the constituent authorities – hopefully the local plan itself will be as readable as the Preferred Options document and significantly more concise
 - the Preferred Options document is presented as intended to lead to a positive plan to meet development requirements appropriate to the circumstances of the area, which is consistent with the thrust of the NPPF
 - The integration of the Preferred Options document with the Sustainability Appraisal is very helpful
 - there has been explicit consideration of alternative spatial strategies and consultation upon them is currently taking place
 - the vision is distinctive to South East Lincolnshire
 - there are good connections to the community strategies of the constituent authorities

Strategic context

Revocation of the East Midlands Regional Spatial Strategy

- 6 The plan is being prepared following the revocation of the East Midlands Regional Spatial Strategy (RSS) but the Preferred Options document includes references to the strategy and policies of the RSS. This is sensible as for the time being, Inspectors often look to RSS targets and strategy as an initial pointer to whether the local strategy looks robust.

The duty to cooperate and the NPPF

- 7 The councils have made a clear and significant commitment to cooperative working within the South East Lincolnshire area, through the creation of the Joint Strategic Planning Committee. However, the duty to cooperate does not begin and end at the boundaries of South East Lincolnshire and the councils need to demonstrate how they are addressing the duty in respect of adjoining areas. This is particularly necessary as South East Lincolnshire does not constitute a single, self-contained housing market area and an Inspector will need to be satisfied that the requirements of the duty to cooperate have been observed with neighbouring councils where housing market areas extend beyond South East Lincolnshire. The councils should also consult each of their neighbours, asking them to confirm in writing that there are no cross-boundary issues that they feel need to be resolved.
- 8 The key plan-making changes following publication of the NPPF are the emphasis on the economy and the requirement to meet objectively assessed needs. At present, the Preferred Options document does not explicitly indicate whether and how it relates to an overall economic strategy for South East Lincolnshire or to separate strategies for Boston and South Holland. Nor does there appear to be much in the Preferred Options document on the relationship of the local plan to the role and proposals of the Lincolnshire LEP.
- 9 The Preferred Options document considers five options for housing provision: Option A based on the assessed housing needs set out in the SHMAs for Boston and South Holland; Option B based on the annual housing apportionment in the East Midlands Regional Plan but extended to 2031; Option C based on the “migration-led A” scenario in *Demographic Projections for Coastal Districts in Lincolnshire*; Option D based on the “migration-led B” scenario in *Demographic Projections for Coastal Districts in Lincolnshire*; and Option E based on zero population growth.
- 10 In the consideration of these five options, Option E is correctly dismissed as unreasonable as it would not meet the objectively assessed housing need for the area. Options C and D are also dismissed as unreasonable on the basis that they would be undeliverable, based on historic house building rates. Options A and B are both assessed as reasonable but the lower of them (Option A) is selected as preferred because it is considered to be more deliverable than Option B.
- 11 It is very clear from recent Examination reports, that Inspectors are placing great significance on the requirement to provide for objectively assessed housing needs. It is also clear that in assessing whether councils have objectively assessed the housing needs, Inspectors are looking primarily to demographic data, particularly the most recent household projections. The approach adopted in South East Lincolnshire may therefore be a risky one. Choosing the lower of the two “reasonable” options is likely to be challenged by the Inspector and, given past high levels of in-migration associated with the local agricultural labour market, there must be considerable doubt whether an Inspector would accept that making little or no allowance for continued in-

migration is reasonable or acceptable. The councils are therefore recommended to reconsider the assessment of housing needs and the provision for additional housing in the plan. It would be wise to seek a pre-submission visit from a senior Inspector to explore these matters before the plan is finalised.

- 12 This review has not sought to check compliance with every detail of the NPPF. Use of the PAS checklist is recommended for this purpose.

The evidence base

Viability

- 13 A study of affordable housing viability within Rutland, South Holland and South Kesteven was published in 2011 and a Coastal Lincolnshire Economic Viability Assessment was published in 2013. The councils do not yet have evidence on plan-wide viability. However, they are aware that the NPPF makes this essential - indeed, the fact that CLG invited the Harman group to prepare "Viability testing local plans" is indicative of its importance. The councils will need to commission a study on viability and will need to be satisfied that this work will provide suitable evidence for both CIL viability and the expectations of the Harman report. In this connection it will be important to ensure that the proposed strategic development locations are individually assessed for viability because they are crucial to the delivery of the strategy.
- 14 When they have the results of the viability study the councils may need to re-consider the cumulative effect of the plan policies and ideas for CIL and in particular whether the affordable housing target is likely to be achievable. There may need to be guidance from elected members about relative political priorities.

Infrastructure

- 15 There does not appear to have been a detailed study of infrastructure requirements. The South East Lincolnshire Baseline Infrastructure Statement is a relatively high level document, which reads like a work in progress. The councils are therefore strongly advised to satisfy themselves that there is an infrastructure delivery plan that provides sufficient detail to support the development of a CIL charging schedule, demonstrates realism and covers all key dependencies between development and infrastructure.

Transport

- 16 There do not appear to have been any recent transport studies or traffic impact studies, which is surprising. It is therefore suggested that the councils should consider whether a transport study is necessary for its evidence base. In doing so, the councils should consult the Highways Agency and neighbouring highway and transport authorities. This will be important both as a practical exemplification of the Duty to Cooperate and because of potential implications for the infrastructure delivery plan.

Other evidence

- 17 the consultant was provided with a list of existing evidence studies and the programme for reviewing and revising the evidence base for the local plan. Provided the programme is followed, it is not considered that there should be any glaring gaps in the body of evidence, but the councils should satisfy themselves that they have evidence on all relevant matters prior to submission.

Community engagement

- 18 The NPPF description of soundness (paragraph 182) does not refer explicitly to the results of public consultation as part of the evidence base. However, the former PPS10 did so, and it seems unlikely that the Government intended to change policy in this matter via the NPPF. Although there has been extensive consultation on the Preferred Options, the consultation period had not concluded at the time of writing this report and the scale and content of responses had not been documented. These matters can however be addressed when the councils prepare the Regulation 22(1)(c) statement prior to submission of the Local Plan.

The plan making process

Local Development Scheme

- 19 A revised Local Development Scheme (LDS) was published in July 2012 and it reflects the councils' intention to prepare a Joint Local Plan for South East Lincolnshire.
- 20 It is not a requirement that neighbourhood development plans (NDPs) should be included in the LDS and at present there are no proposals by parish councils to produce any NDPs. Nevertheless, the delivery of the local plan strategy for the South Lincolnshire's rural areas could perhaps be facilitated by their preparation. It would therefore be helpful to explain within the LDS how any neighbourhood plans will relate to the Local Plan and how the councils plan to support NDP preparation to ensure that their contribution to the delivery of the local plan strategy will be secured.
- 21 It is recommended that the councils consider revising the LDS is revised to address the points made here. It would also be advisable to review it shortly before submission of the local plan and amend it if necessary, to reflect the up-to-date timescale.

Sustainability appraisal and the SEA Directive

- 22 The Preferred Options were produced together with a sustainability appraisal. This is commendable as it clearly demonstrates to the reader how choices between options have taken account of and been informed by sustainability implications.

Conformity with procedural requirements

- 23 This review has not examined whether the councils have complied fully with the local planning regulations and other procedural requirements. The PAS soundness self-assessment toolkit is recommended for this purpose.

The emerging draft plan document

Scope and format

- 24 The plan period will be 2011-2031. Part 1 of the plan (Strategies & Policies) is unlikely to be adopted until 2014 but the 2031 end date means that the plan will still have more than a 15 year time horizon. Part 2 of the plan (Site Allocations) is not expected to be adopted until the end of 2015. This would still give 12 months for potential slippage before Part 2 of the plan would fall short of the necessary 15 year time horizon but it highlights the need for effective project management.
- 25 The councils have followed the established sequence of portrait, vision, strategic priorities (N.B. the NPPF now refers to "ambitions"). The spatial portrait in chapter 2 of the Preferred Option is helpful in giving the reader a sense of the area. The councils' vision for the plan area is distinctive to South East Lincolnshire and provides

a long-term context for the local plan. The strategic priorities that follow the vision are clearly related to its implementation via the local plan spatial strategy.

26 The Preferred Options document does not explicitly distinguish between strategic and detailed policies. It would be helpful to distinguish between the strategic and detailed policies, not least in order to guide any future neighbourhood plans. There is little spatial content in either the draft policies or the supporting text, which generally deal with land use matters. It is suggested that:

- relevant policies and text should be reviewed to include the non-land use measures and actions of partners which will enable or support their delivery, particularly in relation to housing delivery and the economy, and
- wherever a development needs to be accompanied by specific infrastructure, this should be made clear within the policy itself

Delivery and flexibility

27 This is currently an area of weakness and could be a significant area of risk in relation to the “effective” test of soundness. There is little in the Preferred Options document on how the strategy will be delivered, apart from a brief chapter titled Delivery, which is rather unspecific. The allied issues of delivery and flexibility are particularly important because much of the housing supply will come from the two fairly large urban extensions and because the councils may look to others, notably Parish Councils, to bring forward a significant part of the supply in the rural parts of South East Lincolnshire, through NDPs.

28 The plan therefore needs to be clear about how the strategy will be delivered, including the role of partners and other parties, and what will be done if it becomes apparent that elements of the strategy are not coming forward when required.

29 Dealing first with delivery, the plan needs to demonstrate that there is a 5-year housing supply (plus 20% if recent supply has fallen below the East Midlands RSS target rate). The NPPF gives the 5-year supply increased prominence but the Preferred Options document is silent on the matter. Nor is it obvious from the SHLAA how the councils have calculated the 5-year supply. I therefore recommend that the councils should revisit the approach to calculating and identifying a 5-year housing supply, include this in the local plan and demonstrate that the programming of key sites will provide a robust flow of completions.

30 The councils will need to produce a housing trajectory and the mechanisms for ensuring that further land will come forward in a timely way, to progressively top up the 5-year supply and enable a reasonably steady rate of development over the plan period.

31 In terms of flexibility, the councils should ask “what if things go wrong?” and demonstrate how the strategy can correct itself if delay occurs to key developments. It may be advisable to phase some sites (especially larger ones, which will have a longer lead time) to the later part of the plan period. These could then be brought forward sooner should delivery suffer slippage.

Infrastructure

32 Infrastructure is a key aspect of delivery, and the relationship between development and infrastructure needs to be made clear. This can be done by:

- setting out for each policy which deals with a particular development site what infrastructure is required to support it, and any timing or interdependency implications
- including a separate section on infrastructure which identifies those items which are essential to the delivery of the strategy, and any key dependencies

33 It may become apparent that particular infrastructure is essential for important development sites to be brought forward and a delay in the provision of that infrastructure could impact upon the intended timescale for that site. In such a situation the plan will need to be clear on how the situation will be managed. This might be by bringing forward other land programmed for later development, or via an interim infrastructure solution such as taking access temporarily off an existing road while a new road is constructed.

Explaining how decisions were made

34 Commendably, the Preferred Options document gives very clear explanations of why decisions were actually made - the “justified” test of soundness. By combining the Preferred Options document with the Sustainability Appraisal, it is evident how and why the sustainability appraisal helped to shape the plan. At present however, there is (understandably) little to show how the Council has responded to the results of community participation.

Neighbourhood planning

35 South East Lincolnshire is a largely rural area and contains 44 parish or town councils. It is therefore perhaps surprising that the Preferred Options document makes no mention of the potential role of Neighbourhood Planning in guiding development. Neighbourhood Planning is a key feature of the current planning system, which the South East Lincolnshire councils have a duty to encourage and facilitate. The councils are therefore advised to consider whether further guidance is desirable within the plan, particularly in relation to identifying the strategic aspects of the plan, with which any future NDPs should be consistent.

Monitoring

36 As noted above, the Preferred Options document includes a short chapter on delivery. However, it does not contain any proposed indicators against which the plan can be monitored. It is recommended that this section is developed further in the draft local plan to explain more fully how the delivery of the plan will be monitored. This should include identifying the things that are essential for delivering the strategy and developing robust SMART indicators for them. It is also important to demonstrate how monitoring will relate to the delivery mechanisms discussed in “Delivery and flexibility” above.

Superseded local plan policies

37 A reminder that each DPD needs to list the old-style local plan policies that it replaces.

Specific policies

38 It has not been part of this review to consider the content or wording of each individual policy. Attention has focused on the policies which are most important in taking forward the overall strategy.

Housing

Distribution of housing

- 39 The Preferred Options document relies heavily on two fairly large urban extensions, one at Boston, one at Spalding so the Inspector is likely to ask whether the Councils have a track record of bringing forward large developments successfully, in order to probe the robustness of the plan. The Councils should prepare a convincing response to such questions in advance.

Allocation of strategic sites

- 40 What proportion of the main service centre and service villages figures identified in table 6.87 are intended to be allocations to be defined in the site allocations DPD and how many are anticipated windfalls?

Windfalls

- 41 The NPPF marks a change from the approach to windfalls in PPS3 but it is not yet clear how Inspectors will deal with the change. The revised SHLAA should however include material to demonstrate that the councils have a clear idea where the supply will come from and that the approach is robust with no double counting. This should also be referred to in the local plan itself.

Affordable housing

- 42 Are the affordable housing targets realistic (especially in South Holland), given likely competing demands for transport infrastructure and education provision? See also the earlier comments on viability and priorities.

Rural exceptions sites

- 43 The policy approach on page 53 of the Preferred Options document looks positive – especially the willingness to consider cross-subsidy from market housing

Gypsies, travellers and travelling showpeople

- 44 The policy approach for private sites looks reasonably positive but is it reasonable to require applicants to demonstrate need when there would (presumably) be no comparable requirement for applications for conventional housing on unallocated sites?

Taking the plan forward

- 45 The councils have a clear but challenging timetable to review and update the evidence base and to turn the Preferred Options document into a local plan, including producing a housing delivery programme and robust evidence on development viability. The Council must also continue to pursue cooperative working with neighbouring LPAs, with a view to reaching and documenting agreement on high level strategic principles such as housing and employment land targets.
- 46 While that work is being taken forward, the councils should also take the opportunity to address other matters raised within this report which will help to reinforce the prospects of the plan being found sound and make it more effective in application. This should not require substantial new work, but rather refinement of some policies and development of the text, drawing upon existing evidence and understanding.

- 47 As a consequence of its further work the councils may realise that there is important new material on which communities have not been consulted and conclude that there is a need to carry out a further round of community consultation. There are alternative approaches to how the consultation can relate to the publication of the draft plan under Regulation 19. The councils could carry out a separate consultation and consider the response before formally publishing the draft plan. Alternatively, the consultation process could be combined with Regulation 19 publication. The latter course would enable quicker progress, but there is obvious potential for confusion. Parties might not realise that they should submit formal representations as well as a consultation reply, and lose their right to be heard at examination. If the councils adopted the latter course it would be essential to make sure that all users understood the fact that it was both a consultation and the opportunity to make formal representations and have them considered at the examination.

Checklist of key risks

- 48 Based on the documents considered and the discussions at the workshop, it is concluded that the key risks for the Council are in relation to:
- *being able to demonstrate successful cooperation with neighbouring LPAs beyond South Lincolnshire*
 - *allied to that, setting a housing target which is defensible at examination*
 - *developing adequate evidence on plan wide viability, particularly in relation to the strategic development locations*
 - *incorporating coherent mechanisms for the delivery of the plan strategy and dealing with contingencies, particularly in relation to the two large SUEs and the potential role of NDPs*
 - *dealing with the dependencies between development and infrastructure*

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