

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

**Report of:** Joint Policy Unit Manager

**To:** Joint Committee - 28 February 2014

**(Author:** Gary Alexander, Joint Policy Unit Manager)

**Subject:** Draft Revised Local Development Scheme for South East Lincolnshire

**Purpose:** To seek approval for a revised Local Development Scheme for South East Lincolnshire

**Recommendations:**

- 1) That the contents of this report and the attached Draft Revised Local Development Scheme (Draft LDS) be considered;
- 2) That a single local plan document for South East Lincolnshire be prepared;
- 3) That the Draft LDS be approved, with or without revisions; and
- 4) That it shall be effective from 14 March 2014.

**1.0 BACKGROUND**

1.1 On 25 November, 2013, the Joint Committee held its second and final meeting to consider representations received in response to the public consultation on the Combined Preferred Options and Sustainability Appraisal Report (the Preferred Options) held in May and June 2013. (NB: the first meeting was held on 27 September 2013.) The conclusion to this particular stage in the plan-preparation process has resulted in the identification of a number of areas of 'further work', in addition to other outstanding evidence-gathering exercises, which will need to be undertaken in advance of moving forward to the preparation of a 'Submission Draft' version of the Strategy and Policies Development Plan Document (DPD).

1.2 However, having regard to recent events in respect of plan-making both nationally and, more locally, in and around Lincolnshire, this point in the preparation of the South East Lincolnshire Local Plan (Local Plan) provided an opportune moment for 'taking stock' and reconsidering the way forward. Accordingly, a review of plan preparation was undertaken over the last couple of months which was informed by the following considerations.

**2.0 NATIONAL PLANNING POLICY FRAMEWORK**

2.1 The National Planning Policy Framework was published in March 2012. It sets out Government policy on the role of local plans and their preparation. This policy is supplemented by advice contained in the draft National Planning Practice Guidance (published in August, 2013 and expected to be approved by the Secretary of State in early 2014; described in this report as the 'draft Guidance').

### 3.0 REVIEW OF THE EMERGING LOCAL PLAN

3.1 Members will recall that, following a request from the Joint Policy Unit Manager, the Planning Advisory Service undertook a 'Review of the emerging local plan' in August 2013.

3.2 The need for the Review was prompted by the view that the examination of local plans was evolving in the light of the publication of the National Planning Policy Framework and there was, by then, an increasing body of evidence indicating how Inspectors were dealing with the new issues it has raised. The Review gives an assessment of the evolving plan in the light of this context, with the emphasis on identifying areas of risk for the Joint Committee to consider as part of its own risk assessment. It was informed by consideration of a number of documents and a discussion with officers of the Joint Policy Unit.

3.3 It concluded, firstly, that the work at the time had demonstrated considerable strengths, including the following:

- the creation of a statutory Joint Committee to oversee plan preparation demonstrates a clear commitment to the 'Duty to Cooperate';
- the Preferred Options 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 National Planning Policy Framework;
- the integration of the Preferred Options with the Sustainability Appraisal is very helpful; and
- there has been explicit consideration of alternative spatial strategies and consultation upon them is currently taking place.

3.4 However, the Review noted that the key risks for the Joint Committee were in relation to:

- being able to demonstrate successful cooperation with neighbouring local planning authorities beyond South East 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 'sustainable urban extensions' and the potential role of neighbourhood development plans; and
- dealing with the dependencies between development and infrastructure.

### 4.0 RECENT LOCAL PLAN EXAMINATIONS

#### a) The 'national picture'

4.1 Following the Planning Advisory Service Review and its identification of risks, the planning press and other organisations with a planning interest have noted that the Planning Inspectorate Inspectors examining local authority development plans are appearing to take a tougher line in assessing the soundness of plans at Examination, particularly in respect of evidencing the Duty to Cooperate and up-to-date objectively-assessed housing need.

## b) 'Local experience'

- 4.2 More recently, and 'closer to home', the Inspector appointed to hold the **Central Lincolnshire Core Strategy Examination** held a 'Pre-Hearing Meeting' on 12 December 2013. Given the similarities in approach to 'local plan preparation' being adopted by the Central Lincolnshire and South East Lincolnshire Joint Strategic Planning Committees (e.g. the preparation of a core-strategy-type development plan document followed by a site allocations development plan document, and the emphasis being placed on sustainable urban extensions in delivering significant housing growth over the period of the Local Plan and beyond), officers from the Joint Policy Unit attended the Pre-Hearing Meeting to see what lessons could be learnt from the Inspector's feedback on the work undertaken by the Central Lincolnshire Joint Planning Unit. The outcomes from this meeting have proved to be quite informative.
- 4.3 The Inspector's 'Briefing Note for the Pre-Hearing Meeting' (Briefing Note), titled **Strategic Policies Delivery Gap**, set the context for the meeting. In its introductory 'Background' section it highlights the importance of local plans having to be consistent with national policy and then proceeds to focus on:
- paragraph 156 of the National Planning Policy Framework, which requires local planning authorities to 'set out the **strategic priorities** for the area in the Local Plan'. This should include policies to deliver strategic priorities such as homes, jobs, retail, leisure, commercial development, infrastructure in general, health, and community and other local facilities; and
  - the element of the draft Guidance which states that a Local Plan '*should make clear **what** is intended to happen in the area over the life of the plan, **where** and **when** this will occur and **how** it will be delivered*'.
- 4.4 The above bullet points serve to provide the basis for a number of concerns covering a wide variety of subjects. At the Pre-Hearing Meeting it appeared that the main concern emanated from the potential 'delivery gap' of some 3 years or more between the adoption of the Core Strategy Development Plan Document (Core Strategy) and the Allocations Development Plan Document. This delivery gap would particularly manifest itself in respect of housing.
- 4.5 In his Briefing Note, the Inspector notes that the Core Strategy would significantly under-deliver on the required annual number of additional dwellings in its early years, and would only begin to make up the deficiency well into the plan period. This under-delivery is made even more crucial by the Inspector's view that whilst Central Lincolnshire's particular housing delivery situation requires the demonstration of a **six-year** supply of deliverable housing sites, current evidence can demonstrate a supply of only **three and a half years**. Given the level of the objectively-assessed housing need, the Core Strategy's aim to exceed that level, and the National Planning Policy Framework's policy to significantly boost housing supply, the Inspector expresses concern that the Local Plan (as a whole) will fail to meet its housing strategic objective for at least the first five years, and possibly for longer.

- 4.6 Following further discussion around these particular issues at the Pre-Hearing Meeting, the Inspector indicated that he could not accept the Central Lincolnshire Joint Planning Unit's request to suspend the Examination for a period of nine months, as practice guidance on Local Plan examinations<sup>1</sup> advises that up to six months' suspension might be acceptable but a period greater than this is unlikely to be generally appropriate. After further discussion, he then accepted the Central Lincolnshire Joint Planning Unit's decision to withdraw the Submitted Core Strategy (subject to formal resolution to that effect by the Central Lincolnshire Joint Strategic Planning Committee).
- 4.7 Further information gleaned from comments made by the Inspector at the Pre-Hearing Meeting included:
- a distinct encouragement for local planning authorities to prepare a single Local Plan document in accordance with para 153 of the National Planning Policy Framework; and
  - in the case of local planning authorities deciding to continue with core-strategy-type development plan documents and where an appropriate five-year or more supply of deliverable sites cannot be demonstrated, there is an expectation that any deficiency should be addressed through the allocation of sites in the same development plan document.
- 4.8 Subsequently, the Inspector sent a letter dated 16 December, 2013 to the Central Lincolnshire Joint Planning Unit setting out his detailed reasoning for concluding that the most appropriate course of action is for the Central Lincolnshire Joint Strategic Planning Committee to withdraw the Core Strategy.
- 5.0 **COMMENTARY ON INSPECTORS' DECISIONS**
- 5.1 Some planning commentators have suggested that there has been a 'transitional period' in the first year following the introduction of the National Planning Policy Framework in which inspectors were finding plans sound subject to an early review, even though they had not met the Duty to Cooperate or objectively-assessed housing requirements. However, within the context of a perceived hardening of Planning Inspectorate's position, some professional planners are of the opinion that Inspectors are still taking quite different views on whether to progress with plans in front of them and are calling for more consistency from the Planning Inspectorate.
- 5.2 Others have suggested that rather than some Inspectors taking a harsher line, it is developers who have 'raised their game'. It has been noted that in the last year or so house builders have started hiring experts in demographics and household formation rather than just general planners. This makes it more difficult for a local planning authority which has out-of-date or poor-quality evidence to defend its position in front of an Inspector.
- 5.3 It has also been suggested that the draft Guidance, which contains advice on the Duty to Cooperate and the preparation of strategic housing market assessments, will assist more successful plan preparation.

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<sup>1</sup> See: Examining Local Plans Documents: Procedural Practice, The Planning Inspectorate December 2013 (3rd Edition v.1), paragraphs 8.12 to 8.17.

## 6.0 CONCLUSIONS FROM THE REVIEW OF PLAN PREPARATION

6.1 In view of the aforementioned considerations, it is recommended that, in order to maximise the chances of a development plan document being found sound by an independent Inspector, further work on the preparation of the Local Plan proceeds on the basis outlined in paras 7.2 to 7.4 below.

6.2 **A single Local Plan for South East Lincolnshire will be prepared instead of the two separate development plan documents.** For the reasons listed below, the preparation of the Local Plan on the basis of two development plan documents ('Strategy and Policies' and 'Site Allocations') is no longer considered appropriate:

- National Planning Policy Framework para 153 and its interpretation informed by Inspectors' comments (notably in respect of the Central Lincolnshire Local Plan Core Strategy Examination), and the draft Guidance, particularly the sections titled 'What should a Local Plan contain' and 'Should all the Local Plan policies be contained in one document?'; and
- the expected lack of a six-year supply of deliverable housing sites in both Boston Borough and South Holland District having regard to the expected increases in the determination of objectively-assessed housing need as identified in forthcoming updates of the 'Coastal Lincolnshire' and 'Peterborough Sub-Regional' strategic housing market assessments respectively, and, therefore, the need - in the opinion of the Planning Inspectorate - to identify housing allocations to meet these immediate deficiencies in housing-land supply. This will undoubtedly be the case if current or enhanced proposals for broad locations for housing growth in both Boston and Spalding are finally adopted, since there will be a significant period of time involved in preparing them for development. **In this regard, to continue the preparation of the Strategy and Policies Development Plan Document without allocating sites for housing would inevitably lead to it being found *unsound* at Examination. Furthermore, to prepare a Strategy and Policies Development Plan Document containing some housing allocations followed by a separate Site Allocations Development Plan Document is considered to be an inefficient use of time and resources.**

6.3 **The plan period will be extended up to 2036.** This is necessary in order to take account of the timing implications of opting to prepare a single Local Plan and the findings of the updated strategic housing market assessments.

## 7.0 THE JOINT COMMITTEE'S LOCAL DEVELOPMENT SCHEME

7.1 Section 15 of the Planning & Compulsory Purchase Act 2004, as amended, requires that every local planning authority should prepare and maintain a scheme to be known as its 'local development scheme' (LDS). In the case of the Joint Committee, the purpose of the LDS is to provide a public statement of its programme for the production of local development documents that will comprise its South East Lincolnshire Local Plan and its 'statement of community involvement' (SCI).

7.2 The LDS is basically a project plan and is a living document that can be updated and amended as and when appropriate. Therefore, notwithstanding the recommendations in Section 7, above, there is a need to revise the Joint Committee's current LDS in order to bring it up to date.

7.3 Under the provisions of the Localism Act 2011 and The Town and Country Planning (Local Planning) (England) Regulations 2012, there are new arrangements in place to govern the preparation of LDSs: in particular, all new and revised LDSs relating to areas outside London no longer need to be submitted to the Secretary of State for consideration.

7.4 The Joint Committee approved its first LDS on 9 September 2011 which, following due process at the time, came into effect on 31 October 2011. A revised LDS was approved by the Joint Committee on 13 July 2012. This came into effect on 31 July 2012.

## 8.0 **DRAFT REVISED LOCAL DEVELOPMENT SCHEME FEBRUARY 2014**

8.1 The Draft Revised Local Development Scheme February 2014 forms **Appendix 1** to this report. It covers planned work commencing in January of this year and running through to 2016, and sets out details of the documents whose preparation will be given priority during this period.

8.2 It proposes the 'submission' of the draft Local Plan document to the Secretary of State for independent examination by the end of 2015. This is the same time as the current Revised LDS proposes the adoption of the Site Allocations DPD.

8.3 Subject to favourable circumstances following submission, over which both the Joint Committee and the Joint Policy Unit have no control, it is hoped to adopt the DPD by the summer of 2016.

## 9.0 **VIEWS OF THE HEAD OF PLANNING AND STRATEGY FOR BOSTON BOROUGH COUNCIL, THE PLANNING MANAGER FOR BRECKLAND COUNCIL AND SOUTH HOLLAND DISTRICT COUNCIL, AND OTHER CONSULTEES**

9.1 The Planning Manager, Breckland and South Holland District Councils has been consulted and any comments will be presented to the meeting.

9.2 The Head of Planning and Strategy for Boston Borough Council has been consulted and any comments will be presented to the meeting.

9.3 The Monitoring Officer for Breckland Council and South Holland District Council has been consulted and no comments received.

9.4 The Monitoring Officer for Boston Borough Council has been consulted and no comments received and no comments received.

9.5 The s151 Officer for Breckland Council and South Holland District Council has been consulted and has indicated that he has no comments to make.

9.6 The s151 Officer for Boston Borough Council has been consulted and no comments received.

9.7 The Lincolnshire County Council Strategic Planning Manager, Monitoring Officer and s151 Officer have been consulted and no comments received.

## 10.0 **OPTIONS**

10.1 Members can choose to retain the current proposal to prepare the Local Plan through the means of two separate DPDs or prepare a single Local Plan document; and

10.2 Members can accept the contents of the Draft LDS or request amendments to it.

## 11.0 REASONS FOR RECOMMENDATIONS

11.1 There is a need to make certain that every opportunity is taken to ensure that the Local Plan will be found sound at examination; and there is a current statutory requirement for the Joint Committee to revise its LDS at such time as it considers appropriate.

## 12.0 EXPECTED BENEFITS

12.1 The expected benefits of the recommendations are an increased probability of the single Local Plan document being found sound by the independent Inspector at examination, and the reduction in plan preparation costs associated with preparing one rather than two separate DPDs.

## 13.0 IMPLICATIONS

### 13.1 Carbon Footprint / Environmental Issues

13.1.1 It is the opinion of the Report Author that there are no implications.

### 13.2 Constitution & Legal

13.2.1 There is a need to make certain that every opportunity is taken to ensure that the Local Plan will be found sound at examination; and there is a current statutory requirement for the Joint Committee to revise its LDS at such time as it considers appropriate.

### 13.3 Contracts

13.3.1 It is the opinion of the Report Author that there are no implications.

### 13.4 Corporate Priorities

13.4.1 It is the opinion of the Report Author that there are no implications.

### 13.5 Crime and Disorder

13.5.1 It is the opinion of the Report Author that there are no implications.

### 13.6 Equality and Diversity / Human Rights

13.6.1 There are no direct equality and diversity implications arising from the recommendations to this report. However, it is a requirement of the LDS, and indeed all Local Plan documents, that equality and diversity issues are fully considered and taken on board. The SCI ensures that all Local Plan documents involve widespread consultation and the full participation of residents and businesses within both Boston Borough and South Holland District. The views, needs and aspirations of each district's diverse population will in this manner be reflected in subsequent plans and policies aimed at meeting the various needs of all societal groupings.

### 13.7 Financial

13.7.1 There are no direct financial implications arising from the recommendations to this report.

### 13.8 Risk Management

13.8.1 There are no direct risks arising from the recommendations to this report.

### 13.9 Staffing

13.9.1 It is the opinion of the Report Author that there are no implications.

### 13.10 Stakeholders / Consultation / Timescales

13.10.1 It is the opinion of the Report Author that there are no implications.

### 14.0 WARDS/COMMUNITIES AFFECTED

14.1 The implications of the proposed new Local Plan documents affect all wards/communities. However, the decisions made as a result of this report are not considered to have any significant impact.

### 15.0 ACRONYMS

15.1 Acronyms and abbreviations used in the report are:

- DPD (Development Plan Document)
- LDS (Local Development Scheme)
- SCI (Statement of Community Involvement)

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Background papers:- None

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#### **Lead Contact Officer**

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**Director / Officer who will be attending the Meeting:** Gary Alexander, South East Lincolnshire Joint Policy Unit Manager

**Key Decision:** No

**Exempt Decision:** No

#### **Appendices attached to this report:**

Appendix 1 – Draft Revised Local Development Scheme February 2014