



Annual Council

9 May 2016

**Subject: WLDC Consultation Response and Support for the “Proposed Submission Draft Central Lincolnshire Local Plan”.**

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

This report provides Councillors with an update on the final stage of the local plan consultation and recommends that members support a formal consultation response that endorses the Proposed Submission Draft Local Plan.

#### **RECOMMENDATION(S):**

- 1) That members welcome the publication of the Proposed Submission Draft Central Lincolnshire Local Plan, recognising the framework for strong economic growth it provides, in that it:
  - a. Provides a statutory spatial planning framework for the regeneration, growth and development of Gainsborough in accordance with the corporate aspirations this Council has for the town.**
  - b. It assists with the use of major infrastructure assets present in the District to further jobs growth and economic prosperity within the District**
  - c. It enables the growth and development of our market towns**
  - d. It gives (through the provision of a five year housing land supply) appropriate protection to those areas within the District where further housing growth would damage the identity of communities and put a further strain on existing infrastructure**
  - e. It gives support to communities who desire to see their areas grow by providing a framework within which Neighbourhood Plans can be prepared.**
  - f. It enables some of the smallest settlements in the District to grow at a scale appropriate to their needs.****
- 2) That Council endorse the Proposed Submission Draft Local Plan and that authority be provided to the Chief Operating Officer and Leader of the Council to submit a formal representation to the Central Lincolnshire Joint**

**Strategic Planning Committee and Local Plan team giving full WLDC support to the Proposed Submission Draft Local Plan (and therefore for the plan to proceed to Examination in Public and then adoption).**

## **IMPLICATIONS**

**Legal:** None arising from this report

**Financial :**

**Staffing :** None arising from this report

**Equality and Diversity including Human Rights:** None arising from this report.

**Risk Assessment :** None arising from this report

**Climate Related Risks and Opportunities :** None arising from this report

### **Title and Location of any Background Papers used in the preparation of this report:**

1. Report to the Council - "Central Lincolnshire Local Plan Consultation – Council Response" 10<sup>th</sup> November 2014
2. Preliminary Draft of the Local Plan – October 2014
3. [Further Draft of the Central Lincolnshire Local Plan](#) – published October 2015
4. Letter to members setting out the consultation arrangements from the Chief Operating Officer dated 14 October 2015
5. [Report to the Prosperous Communities Committee – 29 October 2015](#)
6. WLDC Full Council response to the Further Draft Local Plan Consultation 16 November 2015 (currently unavailable online)
7. [Proposed Submission Draft Central Lincolnshire Local Plan](#) – published April 2016

**Call in and Urgency:**

**Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes  No

**Key Decision:**

Yes  No

**1.0 Background**

- 1.1 Since 2009 the council’s statutory local planning function has been delivered by a separate local planning authority (established by parliamentary order) known as the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC), supported by a team of officers. This CLJSPC is made up of members from the four contributing councils, including three members (plus one reserve) from West Lindsey. The committee’s role is to oversee the production of the local plan through to adoption and make decisions on new planning policy requirements. That means the approval and adoption of the local plan lies with the CLJSPC. The role of the WLDC committees in this joint function is one of a consultee, with the authority’s CLJSPC members making delegated decisions on the final content of the plan.
- 1.2 However, it remains a statutory duty for this council to have full and effective local plan coverage for its area. The government is committed to ensuring that there is full local plan coverage across the country and, through the Housing and Planning Bill, is proposing to take powers to enable it to intervene where local planning authorities are not progressing their duties with regard to local planning in their area. The joint arrangements the council has entered into will be sufficient, once the plan is adopted, to ensure that it complies with this duty.
- 1.3 To date, the role of this council has been is to consider the plan at its various earlier stages and confirm that in spatial planning terms it assists the council in delivering its strategic spatial objectives for the District, principally around the delivery of economic growth, housing growth, jobs growth and environmental protection. As members have previously been advised, and explained later in this report, at this final stage there are no further opportunities to make amendments to the plan.
- 1.4 The local plan is a strategic document that will ensure the economic growth, housing growth and jobs growth are delivered in a coordinated and planned way that makes the most of the opportunities available in the District and protects the areas that are environmentally sensitive.
- 1.5 Production of the Proposed Submission Draft Central Lincolnshire Local Plan represents a significant achievement for the partner authorities; following the decision not to pursue the earlier Core Strategy the new Local Plan has been produced both on time and within budget, far quicker than the national average for plan-making. The area covered by the plan is one of the largest covered by any plan nationally, and the growth targets that the plan seeks to deliver are amongst the highest anywhere in the UK. It is important that all partners recognise the need

to support this ambitious level of growth and provide full support for the local plan as it reaches this final stage.

- 1.6 Previously there have been two previous consultation stages, a 'Preliminary Draft' Consultation in October-November 2014, and subsequently consultation on a 'Further Draft' of the plan in October-November 2015. The latter consultation included a full draft of the local plan and specific site allocations.
- 1.7 Since then the local plans team have undertaken considerable further work to carefully consider the thousands of representations received, and to review and update the plan and extensive evidence base as necessary. The representations made during each consultation have been extremely helpful in shaping the plan and whilst it is accepted that not everyone will be satisfied with every wording or allocation in the plan, and that it is not possible for every single requested amendment to be incorporated, it is believed that there is considerable support, overall, for its content.

## **2.0 Current Position**

- 2.1 The local plan is now at the final "Submission Draft" stage (or in legal terms is known as the 'Publication Draft Local Plan'). On 18 January 2016 CLJSPC members considered a review of the Key Issues raised during the previous public consultation and subsequently, on 14 March 2016, CLJSPC approved the Proposed Submission Draft for the final stage of consultation.
- 2.2 In doing so, that committee effectively declared that the local plan was considered to be final and the content legally sound and, subject to minor amendments agreed in that committee meeting and the outcome of the independent examination, it was the committee's intention to adopt the plan as presented.
- 2.3 The consultation period on the "Proposed Submission Draft" will run from 16 April 2016 and will close on 26 May 2016.
- 2.4 The Proposed Submission Draft Local Plan as presented broadly follows the thrust and intent of the previous 'Further Draft' version. To highlight a few important elements of it:
- It is a plan which welcomes growth in jobs (15,071 or 11,894 FTE net new jobs), homes (36,960) and supporting infrastructure.
  - The plan acknowledges that around 10,000 of the near 37,000 homes are already 'committed' (i.e. built or with consent), with the plan facilitating the delivery of the remaining homes.
  - Growth is focused in or adjacent to our major urban areas of Lincoln, Sleaford and Gainsborough, with 64% of the growth identified for the Lincoln Strategy Area, to match the 64% of Central Lincolnshire's population which lives in that area.
  - Limited growth is identified in our villages, with a 'cap' to growth in our smaller villages unless that village expressly wants more growth.
  - Policies to ensure infrastructure is delivered alongside growth, with specific infrastructure requirements listed for the major sustainable urban extensions.

- Policies to protect the special features of Central Lincolnshire, including Green Wedges, Local Green Spaces, Wolds AONB and heritage assets.
- Measures to ensure homes are built and designed for all in our community, including affordable homes and accessible homes (for those with mobility difficulties).
- Support for sustainable transport measures as well as highway improvements. As stated, officers have carefully considered all representations received at the last consultation stage, and aimed to address as many concerns as possible. For example:
  - Four of the proposed Gypsy and Traveller sites have been deleted, these receiving a considerable number of objections.
  - A small number of housing sites have been either added or deleted, mostly reflecting recent permissions or other new evidence.
- Reliance on the large scale 'sustainable urban extensions' (SUEs) has been slightly reduced, not in terms of their location/allocation, but in terms of their delivery in the Local Plan period to 2036.
- A variety of other policy 'tweaks' to ensure all policies are clear, in line with national policy, or reflect accurately local desires and requirements.

### 3.0 Next Steps

- 3.1 First, the Local Plan (and all associated material) will be subject to public consultation for six weeks, between Friday 15<sup>th</sup> April and Thursday 26<sup>th</sup> May 2016 inclusive.

As previously advised to members, the purpose of the final consultation is different and more formal to earlier consultations. As stated above CLJSPC have approved the Proposed Submission Draft as final and sound, as such once consultation is underway there are no further opportunities to make changes to the local plan prior to submission to the Secretary of State.

In simple terms, whilst the consultation is open to everybody (including those who have not made any representations to date), the crucial aspect to understand is that all representations received are **not** subsequently considered by officers or the Committee, but instead are considered later on by an independent Inspector.

It is also important to understand that any objections at this stage must be based on one of the 'tests of soundness' as set down by legislation. This means that it is not a completely open-ended consultation process, but rather an objector must state why the plan is 'unsound' and what needs to be done to address the matter (typically this means that consultation responses can only focus on technical or procedural matters and what must be done to address them). This must be submitted in writing during consultation.

It is also important to emphasise that, as set down by legislation, any objections made at earlier consultation stages are not carried forward to the next stage in the process; and as such, if a representor remains unsatisfied with the Local Plan, that representor must repeat their objection at the next consultation stage, if the representor wants it to be considered.

It is fair to say that many members of the public do not, understandably, always comprehend this process at this stage, and are often surprised to find out that neither officers or Committee have any opportunity to amend the Local Plan as a result of the consultation. A communications plan, overseen by CLJSPC, is in place to ensure that the purpose and nature of the consultation is clearly promoted.

- 3.2 Second, after the close of the consultation on 26<sup>th</sup> May 2016, the Joint Planning team will;
- upload all representations on to the Central Lincolnshire website (the consultation portal),
  - summarise the key issues raised
  - publish all evidence base material and ‘submit’ the Local Plan and associated material to the secretary of state (or, in practice, to the Planning Inspectorate). This is scheduled to all happen by late June 2016.
- 3.3 Third, as soon as the Local Plan is ‘submitted’, the plan is taken out of the hands of the Joint Committee and its officers, and is entirely in the hands of an Inspector appointed to ‘examine’ the Local Plan.
- 3.4 Fourth, that Inspector will consider all representations received, and will hold a ‘Hearing’ session as part of the examination, whereby those who wish to verbally raise their objections with the Inspector will get their chance to do so. Officers will sit at all days of the ‘Hearing’, to defend the contents of the Local Plan.
- 3.5 Fifth, ultimately, the Inspector will prepare an Inspector’s Report, which will contain a list of ‘main modifications’. These are binding on the Joint Committee, if it wants to adopt the Local Plan.

Throughout this ‘examination’ process, there will be times when the Inspector will indicate that he/she is considering recommending a particular modification, and will normally ask officers whether it could offer a set of suggested wordings to meet the concern. As such, CLJSPC has delegated authority to the Local Plan Manager to ‘negotiate’ such possible modifications with the Inspector during the examination process, to enable the smooth running of the examination. These modifications are in effect ‘owned’ by the Joint Committee as the examination proceeds i.e. they are not formally agreed by the Inspector at this stage (though, as stated, a strong indication that the Inspector is minded to support them is given), and are normally subject to a round of light-touch consultation, before the Inspector formally considers them (though all of this is a matter for the Inspector to decide, and is not set down in regulation).

- 3.6 Finally, what happens next is normally that the Inspector uses the set of modifications to complete their Inspector’s Report, though the final set of modifications is entirely in the hands of the Inspector.

#### **4.0 Alignment with the Ambitions of the Council**

- 4.1 The current West Lindsey corporate plan is centred upon a number of themes – a prosperous and enterprising district; accessible and connected district; a green district where people want to live, work and visit.

- 4.2 Strategically and spatially the objectives of the local plan fully support the delivery of the council's corporate plan themes and objectives.
- 4.4 At a more detailed level the council has ambitions to support the growth and regeneration of Gainsborough, the growth and development of its market towns, to exploit the potential of the A15 corridor through the district to drive economic growth and development, support the communities of the district to help them deliver the type and scale of development they need and to ensure that development takes place in the right locations without straining local infrastructure to breaking point.
- 4.5 The Proposed Submission Draft Central Lincolnshire Local Plan will support the council in achieving its strategic and spatial ambitions in all of these areas.

## **5.0 Conclusion**

- 5.1 It is a statutory requirement for councils to have a local plan for their area. The government is increasing its pressure on all councils to have up to date local plan coverage for its area.
- 5.2 The Housing and Planning Bill which is currently going through its parliamentary procedures makes provision for the Secretary of State to intervene where councils are not making sufficient progress towards achieving local plan provision.
- 5.3 The Central Lincolnshire Local Plan is supported by an extensive evidence base and has been subject to two consultations. The Proposed Submission version represents considerable work, over several years, by all partner authorities with all parties committed to meeting an ambitious timetable. The plan is being delivered on time, in line with that agreed timetable.
- 5.4 The local plan process has also been subject to an audit during this period and has received full assurance.
- 5.5 Members are urged to formally recognise that the strategic elements of the plan firmly support the corporate position of the council.

## **6.0 Recommendations:**

- 1) That Members welcome the publication of the Proposed Submission Draft Central Lincolnshire Local Plan, recognising the framework for strong economic growth it provides, in that it:
  - a. Provides a statutory spatial planning framework for the regeneration, growth and development of Gainsborough in accordance with the corporate aspirations this Council has for the town.
  - b. It assists with the use of major infrastructure assets present in the District to further jobs growth and economic prosperity within the District
  - c. It enables the growth and development of our market towns
  - d. It gives (through the provision of a five year housing land supply) appropriate protection to those areas within the District where further

housing growth would damage the identity of communities and put a further strain on existing infrastructure

- e. It gives support to communities who desire to see their areas grow by providing a framework within which Neighbourhood Plans can be prepared.
  - f. It enables some of the smallest settlements in the District to grow at a scale appropriate to their needs.
- 2) That Members endorse the Proposed Submission Draft Local Plan and recommend that authority be provided to the Chief Operating Officer and Leader of the Council to submit a formal representation to the Central Lincolnshire Joint Strategic Planning Committee and Local Plan team giving full WLDC support to the Proposed Submission Draft Local Plan (and therefore for the plan to proceed to Examination in Public and then adoption).