

Central Lincolnshire Local Plan 2012-2036 Examination

**MATTER 1: Compliance with the Local Development Scheme, Consultation, Habitats Regulations, the Act and Regulations, and National Planning Policy**

Central Lincolnshire Joint Strategic Planning Committee  
Hearing Statement

October 2016



## **MATTER 1: Compliance with the Local Development Scheme, Consultation, Habitats Regulations, the Act and Regulations, and National Planning Policy**

### ***Issue 1a – Duty to Cooperate***

***Q 1. What strategic, cross-border matters have arisen through the preparation of the Local Plan and what cooperation took place to resolve them? Has the cooperation between authorities been constructive and proactive?***

The strategic matters considered in the preparation of the Plan are set out in Table 2 (p9) of the Statement of Compliance with the Duty to Cooperate (**E052**). The last column of Table 2 and Appendices 1 to 3 set out what cooperation took place to resolve the strategic matters and demonstrate that cooperation between authorities has been constructive and proactive.

The Central Lincolnshire Local Plan is the product of many years of joint working, pre the formation of the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC), by the City of Lincoln, North Kesteven, West Lindsey District Councils and Lincolnshire County Council, in recognition of the significant amount of cross-boundary growth that will be needed on the edge of the Lincoln urban area. By coming together as a single planning authority to prepare a single Local Plan is an excellent example of cooperation, and in line with the overall desires and expectations of the Duty.

The Statement of Compliance with the Duty to Cooperate together and addendum report (**E052A**), demonstrate that while some of the prescribed Duty to Cooperate bodies made representations on specific policies in the Submitted Plan, none of these bodies raised any issues or concerns, either during or outside of the formal Proposed Submission consultation, in relation to the Duty to Cooperate.

***Q2. The South East Lincolnshire Joint Planning Unit initially expressed concerns that in particular the level of housing growth proposed for Sleaford was disproportionate and represented a threat to housing growth in Boston. How were concerns regarding the balance of employment and housing in Boston Borough and North Kesteven (Sleaford) reconciled?***

Please see Appendix 3 (p31) of the Statement of Compliance with the Duty to Cooperate (**E052**) which sets out how the matters raised by the South East Lincolnshire Joint Planning Unit were addressed, and addendum report (**E052A**) which confirms that no issues were raised to the Proposed Submission Local Plan with regards to the Duty to Cooperate by the South East Lincolnshire Joint Planning Unit.

***Q3. Has the Duty to Cooperate under sections 22(5) (c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the Framework and the National Planning Practice Guidance (the 'PPG')?***

In short, yes. Please see our Statement of Compliance with the Duty to Cooperate (**E052**) and addendum report (**E052A**), which clearly demonstrate how the Committee has complied with the Duty to Cooperate in preparing the Local Plan.

**Issue 1b – Public Consultation**

***Q4. Has public consultation been carried out in accordance with the Council's Statement of Community Involvement, the framework and the PPG, and the requirements of the 2004 Act and 2012 Regulations?***

Yes.

For further details, see the Committee's response (ED004) to the similar Q3 of the Inspector's Initial Questions (ED002).

***Q5. Were adequate opportunities made available for participants to access and make comments on the Local Plan and other relevant documents across Central Lincolnshire?***

Yes.

For further details, see the Committee's response (ED004) to the similar Q3 of the Inspector's Initial Questions (ED002).

***Q6. Were representations adequately taken into account?***

Yes.

For further details, see the Committee's response (ED004) to the similar Q3 of the Inspector's Initial Questions (ED002).

### ***Issue 1c – Local Development Scheme***

#### ***Q7. Has the Local Plan been prepared in accordance with the published Local Development Scheme?***

In short, yes. The content and timetable of the Local Plan has been prepared in accordance with the approved Local Development Scheme (LDS) as in force during the period of the Local Plan's preparation, and there have been no significant departures.

The Central Lincolnshire LDS (**E002a**) was approved by the Committee on 15 June 2015 and came into immediate effect and sets out the timetable for Central Lincolnshire DPD preparation for the period 2015 to 2017. It replaces the previous LDS dated 12<sup>th</sup> March 2014 (**E002**), which had a slightly earlier timetable. The Central Lincolnshire Local Plan is identified in the LDS and the timetable for its production is clearly set out.

To keep interested parties informed of progress against the timetable, the Committee has, in accordance with provisions set out in the Localism Act, published a live timetable on the Local Plan pages of the Central Lincolnshire website, updated on a monthly basis, showing the state of the Committee's compliance with the LDS.

### ***Issue 1d – Sustainability Appraisal***

#### ***Q8. Have the likely environmental, social and economic effects of the Local Plan been adequately assessed in the Sustainability Appraisal (contained within the Integrated Impact Assessment)?***

The Committee considers that the Sustainability Appraisal (SA) has adequately assessed the environmental, social and economic effects of the Plan.

The Central Lincolnshire Local Plan has been subject to a comprehensive SA as part of an Integrated Impact Assessment (IIA), which integrates the requirements of Sustainability Appraisal/Strategic Environmental Assessment, Health Impact Assessment and Equalities Analysis. The SA has been carried out in accordance with European Directive 2001/42/EC (as transposed directly into English law through The Environmental Assessment of Plans and Programmes Regulations 2004) and Regulation 19(5) of the Planning and Compulsory Purchase Act 2004 (as amended). Compliance with the Regulations has been set out at every Local Plan stage within each accompanying IIA Report. The Proposed Submission IIA Part 1 Report (**E001C**) includes the latest version at Table 3.1 (p12).

In preparing the Local Plan, the Committee has also had regard to the public sector equality duty (Equality Act 2010). This is demonstrated in the Proposed Submission Statement of Consultation (**E053**) and the IIA (**E001**, **E001A**, **E001B** and **E001C**) which assesses the impact of the Local Plan on the 'protected characteristics' set out in the Equality Act 2010.

Work on the SA began at the same time as work on the Local Plan with the publication of the Draft IIA Scoping Report in May 2014 for a 5 week period of consultation. The Scoping Report was refined in light of representations received and a Final Scoping Report was published in July 2014 (**E001**).

The SA has been an iterative process which has evolved alongside the preparation of the Local Plan. The SA has been undertaken consistently, and made available for comment, at each Local Plan stage as follows:

- Integrated Impact Assessment – Preliminary Draft Local Plan, October 2014 (**E001A**);
- Integrated Impact Assessment – Further Draft Local Plan, October 2015 (**E001B**);
- Integrated Impact Assessment – Proposed Submission Local Plan, April 2016 (**E001C**).

At each stage of the preparation of the Local Plan, the IIA considered the likely effects of the Local Plan and reasonable alternatives against the IIA framework, and ways of mitigating adverse effects and maximising beneficial effects. Likely effects were recorded in terms of type of effect, geographical scale, duration and permanence. As well as considering the likely individual impact of the Local Plan policies, the IIA of the Proposed Submission Local Plan also considered the main cumulative or combined effects which may occur as a result of implementing the set of policies. The findings and recommendations for mitigation of each stage of the SA have been used to inform the selection and refinement of policies and site allocations set out within the Local Plan.

***Q9. Does this test the submitted plan against all reasonable alternatives where these exist, such as different options for the distribution of housing?***

Yes. The SA does consider all the reasonable alternatives to both policies and site allocations contained within the Plan in accordance with the SEA Regulations.

At each stage of Plan preparation, from the Preliminary Draft through to the Proposed Submission version of the Plan, reasonable alternatives were identified and tested in the same way and to the same level of detail as the preferred policies and site allocations. Section 4 of the Proposed Submission IIA Part 1 Report (**E001C**) summarises how options were developed, including reasonable alternatives for policies and site allocations. Table 4.7 (p57) sets out by policy the reasonable alternatives considered and the preferred options taken forward at the Further Draft and Proposed Submission Plan stages.

Conclusions on the overall sustainability of the different alternatives, including those selected as the preferred approach, are contained within the detailed IIA matrices for each policy and site allocation in Appendices 3 to 6 of **E001C**. The conclusions of each policy matrix in Appendices 3 to 6 and the Evidence Reports that have been published for each policy in the Local Plan (**PS.EVR 1 to PS.EVR57**) set out the reasons why each reasonable alternative was discounted and why the preferred option in the Proposed Submission Local Plan is still the preferred option above all the reasonable alternatives.

***Issue 1e – Habitats Regulations***

***Q10. Have the requirements of the Habitats and Species Regulations 2010 been compiled with, having regard to relevant national policy and guidance? Is it likely that the Plan would have a significant effect on a European site? If so, has an appropriate assessment been carried out?***

A Habitats Regulation Assessment (HRA) Methodology and Screening Report was prepared to support the Central Lincolnshire Local Plan at the Further Draft stage in 2015 (**E050**) and at the Proposed Submission stage in 2016 (**E050A**). There are no European Sites within the Central Lincolnshire area, however there are 11 European Sites within 30km of the Central Lincolnshire boundary. The Proposed Submission HRA found that the Central Lincolnshire Local Plan mitigated against all of its own potential significant negative effects, which can be taken together with the positive mitigating impacts of other plans and projects which address, avoid or reduce potential negative effects on the identified European Sites.

The Committee consulted Natural England on both the Further Draft and Proposed Submission HRA Reports. On both occasions, (see Appendix D of **E050A** and **E050B**), Natural England agreed with the conclusions of the HRA Reports; namely that the Local Plan would not be likely to have a significant effect on a European Site either alone or in combination with other plans or projects. Further assessment work through an Appropriate Assessment was therefore not required. There has been no objections raised to the HRA work undertaken by the Committee.