



## **Gladman Developments Ltd**

### **Central Lincolnshire Local Plan EiP**

#### **Matter 3 – Spatial Strategy and Distribution of Growth (LP1, LP2, LP3, LP4, LP54)**

Issue 3a – Presumption in Favour of Sustainable Development – Policy LP1

Q1. What is the rationale for the inclusion of Policy LP1? Is it necessary and justified given that it broadly repeats paragraph 14 of the Framework?

1. Including a model policy reflecting the presumption in favour of sustainable development is widely accepted at Local Plan Examination. Gladman support the inclusion of Policy LP1 as this ensures that the planning balancing exercise will be undertaken through the decision making process consistent with the requirements of national policy.

Issue 3b – Settlement Hierarchy – Policy LP2

Q2. How was the hierarchy established, and how was it determined through the evolution of the Plan and Q3. Does it take into account sufficient and appropriate factors? Is this approach justified and is it consistent with national planning policy? Have settlements been appropriately allocated to the hierarchy?

2. The Preliminary Central Lincolnshire Settlement Hierarchy Study (September 2014) details the number of services and facilities available in each settlement. This study describes the services available and in its assessment includes the following: post offices, convenience stores, other retail outlets, banks, takeaways/restaurants, pubs/social clubs, pharmacy, doctors and **dentist's** surgeries, libraries, places of worship, schools and transport. An Assessment such as this should be used as the starting point in determining where settlements will be placed within a settlement hierarchy.
3. The subsequent study however is purely focused on the current level of housing located in each settlement used to establish the proposed spatial hierarchy. The methodology applied under this study only assesses settlements on the basis of convenience store, primary school, employment present, its proximity to Lincoln, Sleaford and Gainsborough (5km), 2km from a Strategic Employment Area, flood risk and AONB. This fails to take into account the multitude of alternative services that are likely to be available across the vast number of settlements across the district. Indeed, this study is overly crude and primarily ranks settlements according to the number of

dwellings located in each settlement rather than undertaking a comprehensive study of the services, facilities on offer in each of the settlements and constraints affecting these areas across the HMA. The April 2016 study does little to reconsider the sustainability of a range of services and facilities of settlements across the HMA.

4. Gladman reiterate our previous concerns that the settlement hierarchy fails to go into sufficient detail about the services available in each settlement. For instance, Bassingham is listed as a Tier 5 settlement under the October 2015 study despite being classified as a Limited Growth Village under the previous assessment. Bassingham is a sustainable settlement with access to numerous facilities, **including a primary school, grocery store, doctor's surgery, a SPAR store and access to public transport.**
5. As detailed in Appendix 1 and 2 of our previous response to the submission version of the Plan, the Central Lincolnshire authorities approach to its settlement hierarchy is inconsistent and illogical. By way of example, Bassingham scores remarkably superior to settlements located in not only Tier 5 settlements but also higher order settlements. **This was also noted in the Officer's Report to the land at Whites Lane, Bassingham planning application<sup>1</sup> which stated 'From the assessment methodology used in the 'Central Lincolnshire Settlement Hierarchy Study', it is apparent that Bassingham continues to have a range of the key services and facilities reflective of a second tier service village (i.e. in policy terms comparable to villages such as Bracebridge Heath, Waddington, Metheringham and Skellingthorpe), but with the exception of equivalent levels of public transport provision (see 'highways and transport' below). It appears that the limited bus service frequency serving Bassingham is a key factor in Bassingham's indicative settlement status in the preliminary draft Local Plan. However, in every other regard, the services and facilities present within the village would be well placed to serve and support development of the scope proposed (as required by the NPPF, paragraph 37)...'** The Officer's Report to Gladman's land interests at land north of Thurlby Road<sup>2</sup> also confirms this position. Further, it should be noted that there is slight population difference of approximately 40 people between Middle Rasen and Bassingham and transport does not play a factor in either the 2015 and 2016 settlement hierarchy studies.
6. The approach taken by government to rural areas is clear; we must plan positively for their future, to capture the potential they have for economic growth and to provide housing to meet local needs. The current approach contained in the Plan does not represent positive planning in this regard and neglects a substantial number of such settlements across the rural area, such as Bassingham, to accommodate growth to meet housing needs.

Q7. How have the 'Small Villages' been distinguished from 'Hamlets and Countryside'? What is the rationale behind this? For example, the Central Lincolnshire Settlement Hierarchy and Growth Distribution study identifies that some small villages have no convenience store, primary school or employment and are not

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<sup>1</sup> Planning application reference: 14/1580/FUL

<sup>2</sup> Planning application reference: 14/1481/OUT

within 2km of a strategic employment area or 5km of a key service centre, yet 10% growth is proposed compared to none in hamlets? Is this justified?

7. The 10% growth applied to small settlements that lack the necessary facilities to support sustainable growth or are affected by physical or environmental constraints provides no certainty that a housing development can be delivered in these locations to meet identified housing needs. The Councils must now recognise that there is clear scope for providing a higher level of development in sustainable settlements, such as Bassingham, through undertaking additional evidence base work and amending the settlement hierarchy as necessary.
8. Notwithstanding the above, there is no rationale for why 10% is considered to be an appropriate figure, should it not be more if the settlement is considered a sustainable opportunity to deliver growth to meet housing need.

#### Issue 3c – Level and Distribution of Growth – Policy LP3

Q8. How was the distribution of growth between the settlements established, and what evidence supports this? Is it justified? Q.10 is it appropriate to aim around 88% of the growth in the Lincoln Strategy Area, Gainsborough and Sleaford when a significant part of the area covered by the plan is rural? And Q11. Is the **12% growth for the 'elsewhere' settlements sufficient to help support sustainable communities in small, medium and large villages? Will the overall housing distribution be effective in meeting the Vision of the Plan?**

9. The Local Plan seeks to direct growth towards the Lincoln Strategy Area, Gainsborough and Sleaford accounting for 32,524 dwellings across the plan period, 87% of the total growth envisaged with around 4,435 being delivered elsewhere in the district in accordance with Policy LP4. To deliver this need the Councils expect 14,700 dwellings to be delivered through Sustainable Urban Extensions which account for 44% of the total growth across the plan period.
10. Central Lincolnshire is a particularly extensive authority with more than 400 settlements across the HMA. The various areas will each have their own local need for housing and this has not been fully reflected in the spatial distribution for housing in the Local Plan. Whilst it is accepted that higher order settlements will have a role to play in delivering housing to meet identified need, this should not be at the expense of lower order settlements assisting the Councils to boost significantly the supply of housing.
11. Housing sites in lower order settlements/rural areas offer a strong measure of certainty (around delivery) that is very rarely associated with previously developed land, larger allocations or urban extensions. The benefits associated with housing development in rural areas are widespread. Indeed, this issue is particularly supported by paragraph 55 of the Framework which seeks to promote sustainable development in rural areas to maintain and enhance rural vitality and viability. It is essential, therefore, that the needs of sustainable rural settlements across Central Lincolnshire are assessed and meaningful growth apportioned to them to ensure their ongoing vitality and viability.

12. Further, it is unlikely that many of the settlements in Central Lincolnshire were allocated any growth in previous plans, and in this plan, even though they can demonstrably support some growth it will unlikely be to the extent needed to meet housing needs.

Q12. Were alternative distributions of development between various tiers of the hierarchy considered? If so, why were they discounted?

13. See response to Matter 1.

Issue 3d – Lincoln Urban Area, Main Towns and Market Towns – Policies LP2 and LP3

Q13. Policy LP2 states that additional growth will be considered favourably on non-allocated sites in appropriate locations in the Lincoln Urban Area, Main Towns and on the edge of Market Towns. In contrast, Policy LP55 restricts new dwellings the countryside. How will it be decided if a site represents an appropriate location or countryside and, therefore, which plan policy should apply if the plan does not define a boundary between settlement and countryside? In this context, will the policy be effective and will it provide a clear indication of how a decision maker should react to development proposals? Should the plan include a clear definition of 'countryside', 'appropriate locations' and 'locations on the edge of market towns'? Is development in 'appropriate locations' necessary to ensure the housing requirement is met? What is the justification for this policy stance?

14. See response to Q18.

Q15. What is the justification for Policy LP2 being unlikely to support proposals over 50 dwellings/2ha on the edge of Market Towns?

15. The Plan provides no reasonable justification in seeking to implement a development cap on development proposals on the edge of Market Towns. An approach such as the one taken is contrary to the requirements of the Framework, specifically the presumption in favour of sustainable development. A policy tool which seeks to implement a cap on development cannot be considered effective or in accordance with paragraphs 14, 47 and 49 of the Framework.
16. The assessment of whether a proposal is deemed to be sustainable should be based on the consideration of a wide range of factors across all three strands of sustainability (economic, social and environmental) with a planning balance exercise being undertaken which weighs the harm against the benefits of the proposal. It is only where the harm significantly and demonstrably outweighs the benefits, should the scheme be prevented from coming forward. Scale is only one such factor and should not be the determining factor as to whether a scheme is considered acceptable.
17. The Policy, as it is currently written, would prevent any non-allocated scheme from coming forward outside existing settlement boundaries purely because it was above an arbitrary size threshold, even if the development was deemed to be sustainable. It would be more in line with the Framework if the **policy referred to 'a scale that is appropriate to the settlement' and removed any reference to specific dwelling numbers.**

18. Alternatively, the part of the Policy which refers to dwelling numbers could be amended as follows so that it could be found sound:

**“Residential proposals outside the settlement boundaries must be brought forward as allocations through Local Plans or Neighbourhood Development Plans or through planning applications where it can be demonstrated that the proposals constitute sustainable development”**

19. This change would also need to be reflected in the Reasoned Justification accompanying the policy.

20. This response is also applicable to Q16 and Q17.

#### Issue 3f – Growth in Villages – Policy LP4

Q.18 Policies LP2 and LP4 accept the possibility of development on the edge of settlements in small, medium and large villages. In contrast, Policy LP55 restricts new dwellings in the countryside. How will it be decided if a site represents a development at the ‘edge’ of a village or in ‘the countryside’, and therefore, which policy should apply? In this context, will Policies LP2 and LP4 be effective and will they provide a clear indication of how a decision maker should react to development proposals? Should the plan include a clear indication of how this will be resolved when making development management decisions? As per Q13 above, should the plan include a clear definition of ‘the edge of a village’ for category 5 and 6 villages?

21. It is evident that the Plan envisages that additional development can be delivered on the edge of existing villages. However, Policies LP2 and LP4 conflict and therefore will result in inconsistencies being made through the development management process. Accordingly policies LP2, LP4 and LP55 are not sound as they are not effective and are contrary to national planning policy.
22. Gladman submit that the use of Policy LP55 to preclude the delivery of sustainable development proposals in the countryside would be inconsistent with the positive approach required by the Framework which seeks to significantly boost the supply of housing. As such, a distinction needs to be made between developments proposals adjoining existing built up areas/committed sites should be permitted where the adverse impacts of development do not significantly and demonstrably outweigh the benefits of development. Policy LP55 should instead relate only to development proposals outside and not adjoining existing built up areas to provide clarity on development not adjoining existing settlements where countryside policies in respect of development in the countryside would apply.
23. This response is also applicable to Q13.

Q19. In determining a development proposal Policy LP4 requires an assessment of the number of dwellings in the village, houses built since 2012, extant planning permissions and allocated sites to determine if capacity remains. A sequential test will also be involved and consideration of whether or not a site falls within the developed footprint or edge of settlement (without a settlement boundary), and whether it is infill or not. In this context does Policy LP4 provide sufficient certainty to developers and local communities alike about where development will go and when? Does the policy comply with paragraph 154 of the Framework which

requires that policies should provide a clear indication of how a decision maker should react to a development proposal?

24. Policy LP4 is contrary to the paragraph 154 of the Framework. It is unclear how the criteria referenced above will be applied through the decision making process as the evidence supporting this position is notably absent and places the onus on developers to undertake the necessary evidence base work to justify their proposal. Instead the Council should have prepared the necessary documents and distributed growth to the most sustainable settlements.

Q20. What is the justification for the maximum 10-15% growth levels identified for tier 5-6 settlements in Policy LP4? For example, is the aim of the policy to help ensure that development is focused in locations which are sustainable and/or to protect the character of villages and the surrounding countryside? Should the aim of the policy be clearly set out in the Local Plan? Will the policy be effective in achieving its aims?

25. No evidence has been submitted to support the proposed 10-15% maximum growth levels identified for tier 5 and 6 settlements identified in Policy LP4. As such, this policy is not considered to be **effective in order to meet the Plan's** wider aims and objectives.

26. Should the proposed growth levels be reached in individual settlements, Policy LP4 would effectively act to arbitrarily preclude the delivery of sustainable development proposals from going ahead. This would be contrary to the explicit requirements of the Framework which makes clear that development which is sustainable should go ahead without delay in accordance with the presumption in favour of sustainable development. Gladman maintain that the housing figure proposed must be considered as a minima rather than a ceiling for development and should be applicable to all settlement tiers.

Q23. If some villages are heavily constrained by factors such as flood risk, or because they fall within an AONB, what is the justification for allowing the same amount of growth as an 'unconstrained' village? Is the 10% growth deliverable in such villages?

27. See response to Q7 and Q36.

Q24. What certainty is there that the expected rates of growth from windfall development in tier 5 and 6 villages will occur? Is Policy LP4, and subsequently the Local Plan, effective in this regard?

28. Gladman do not object to the principle of windfall development in contributing to the five year housing land supply or delivering the full housing requirement. However, the identification of a windfall allowance must be fully evidenced to ensure compliance with paragraph 48 of the Framework and the PPG<sup>3</sup>.

29. From the evidence submitted by the Councils, Gladman are not convinced that the allowance made is robustly justified or effective. A windfall allowance is made on the basis of the proposed growth levels set out in Policy LP4 rather than assessing the historic rates of windfall delivery in Central

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<sup>3</sup> PPG Paragraph 24 Reference ID: 3-24-20140306

Lincolnshire. Further, such a large windfall allowance seems unreasonable in the context of a supply which contains a number of small sites and may result in double counting.

Q27. Where the growth level in a tier 5-6 village has been achieved, Policy LP4 states that proposals for additional housing will only be supported if there is demonstrable evidence of local community support or support from the Parish or Town Council. What is the justification for this? Is this based on land-use planning issues?

30. Paragraph 17 of the Framework sets out a set of core land-use planning principles that should underpin both plan-making and decision taking. There is no justification to support this policy. Local community support or support from a Parish or Town Council is not a land use issue, as such, it should form no basis in decision making process.

31. This is an unusual policy test and whilst the Written Ministerial Statement dated 18 June 2015 introduced such a test in relation to wind farm application, there is no government policy or guidance that such a test is appropriate elsewhere in planning decision making and it is not considered appropriate.

32. Further details on this issue can be found in response to Q30 and Q31.

Q28. What happens if existing commitments do not come forward, or are unlikely to come forward due to constraints/infrastructure/viability issues? Would this prevent other forms of sustainable development from being achieved?

33. Should existing commitments fail to come forward as envisaged, Policy LP4 will act to prevent the delivery of housing development throughout the district due to the prescriptive requirements attached to this policy.

Q30. Is the requirement for 'clear local community support' precise enough, and is the policy effective?

34. In short, this policy is not effective. Of particular concern is the method of measuring the level of support. A Town/Parish Council is not representative of everyone in a particular community and not all members of the local community would have input into the parish council consultation responses to planning applications. Similarly, participation through a neighbourhood planning exercise will vary and it would likely be those who are opposed to developments to participate in such exercises rather than those who are in support.

35. Further, the policy does not provide any information how this policy will be consistently applied through the decision making process. No criteria is provided on what level of community support is required to demonstrate community support. This requirement is not considered consistent with the presumption in favour of sustainable development. A development proposal could be considered acceptable and sustainable on all matters, but could still be refused on the basis of lack of community support that may not have been based on planning matters.

36. Gladman submit this requirement is not effective, justified or consistent with national policy.

Q31. Policy LP2 states that medium villages will accommodate a 'limited amount of development' and small villages 'small scale development' unless "...otherwise promoted via a neighbourhood plan..." Is this consistent with paragraph 184 of the Framework which requires neighbourhood plans to be in general conformity with, and reflect the strategic policies of the Local Plan.

37. Paragraph 184 of the Framework makes clear that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Policy LP2 does not provide any certainty over what level of development local communities across the district should seek to accommodate as it lacks the strategic direction needed in order to provide guidance to those bodies seeking to prepare neighbourhood plans.

38. The preparation of a neighbourhood plans is quite often reliant on voluntary work of qualifying bodies without the financial support needed to prepare the key evidence base documents required to identify what level of development is required to meet local need or the level of financial **contributions needed to be secured through enabling development to achieve a plan's wider aspirations** i.e. the delivery of affordable housing, improvements to the public realm and the provision of key infrastructure etc.

39. The Framework makes clear that neighbourhood plans should not promote less development than set out in the Local Plan. If this element of the policy is progressed, it provides no certainty that any additional development will be delivered to maintain a flexible and responsive supply of housing land as no requirement is placed on local communities to assist in the delivery of meeting the districts' **full OAN. This is especially concerning due to the Plan's reliance on the delivery of SUEs.**

40. Policy LP2 is therefore not consistent with national policy or effective.

Q33. Is the inclusion of a 'sequential test' appropriate, justified and consistent with the Framework? Is the sequential approach in the Policy justified?

41. No, the inclusion of a sequential test which seeks to prioritise the delivery of previously developed land (PDL) has no planning basis. Further details can be found in response to Matter 5 (§17-§19).

Q34. Is the approach to development in small and medium villages consistent with paragraph 55 of the Framework? Will there be enough growth in small, medium and large villages to help support sustainable rural communities?? Is the Local Plan consistent with paragraph 55 of the Framework which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

42. The strategy pursued in apportioning growth within the various settlement tiers fails to sufficiently consider the vitality and vibrancy of rural settlements as outlined in paragraphs 28 and 55 of the Framework or the Rural Housing Chapter of the PPG.

43. Whilst major settlements will play a key role in accommodating future development within the district, this should not be at the expense of ensuring that the housing and employment needs of other settlements across the districts are met. This is particularly important due to the number of rural communities across Central Lincolnshire. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas to maintain and enhance rural vitality and viability. It is therefore essential, that the needs of all sustainable settlements across the district are assessed and meaningful growth apportioned to them to ensure their ongoing vitality and viability. This has not been achieved.
44. The Plan does not provide any meaningful growth to the 400 settlements across the district. Whilst some settlements are small in scale, there are many settlements that are able to accommodate further growth to further enhance the viability and vitality of these communities. The overly restrictive nature of the Plan with regards to the various caps on development proposals adjacent to existing built form of settlements in relation to where they sit within the hierarchy, PDL sequential test etc. prevents the ability of any meaningful growth being delivered in these areas to enhance and maintain the vitality of rural communities across the district.
45. It is of fundamental importance that the settlement hierarchy and spatial distribution is revisited to provide a degree of contingency to help ensure the necessary scale of housing across Central Lincolnshire is delivered across the plan period.

Issue 3g – Category 5 and 6 Villages – Policy LP4

Q36. Is the proposed level of growth for each of the category 5 and 6 villages appropriate and justified having regard to their size, role, function and accessibility to employment, services and facilities?

46. The proposed levels of growth for each of the category 5 and 6 villages are not considered to be appropriate and justified having regard to their size, role, function and accessibility to employment, services and facilities. As highlighted earlier in this response, it cannot be considered that those settlements subject to environmental constraints provide any certainty that they are capable of accommodating any future growth over the plan period.
47. Whilst Gladman support the Council in proposing 15% growth to Bassingham on the basis of key facilities, we maintain that this figure should be increased and the Councils should reconsider Bassinghams position as a tier 4 settlement.