

Independent Examination of the Central Lincolnshire Local Plan



Hearing Statement: Matter 3

Hearing Days:

Thursday 3 November 2016 AM & PM

Friday 4 November 2016 AM & PM

Wednesday 9 November 2016 AM

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This paper sets out our comments in response to the questions to be discussed at the Local Plan Examination under Matter 3. Some of the questions appear to be directed at the Local Planning Authorities. In those cases, we have answered 'no comment', although we reserve the right to respond to the Planning Authorities' statements and those of other respondents on the day.

MATTER 3 – Spatial Strategy and Distribution of Growth (LP1, LP2, LP3, LP4, LP54)**Issue 3a – Presumption in Favour of Sustainable Development – Policy LP1****1. QUESTION 1**

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?

1.1. No comment.

Issue 3b – Settlement Hierarchy – Policy LP2

16) Policy LP2 of the submitted Local Plan states that in order to significantly strengthen the role of Lincoln and meet its growth objectives and regeneration needs, the Lincoln urban area and sites allocated on the edge of Lincoln will be the principal focus for development. The 'Lincoln Urban Area' is defined as the built up parts of Lincoln, North Hykeham, South Hykeham Fosseway, Waddington Low Fields, and any developed land adjoining these areas.

17) Below Lincoln, the hierarchy includes 6 tiers as follows:

- a. Main Towns – Sleaford and Gainsborough;
- b. Market Towns – Caistor and Market Rasen;
- c. Large Villages;
- d. Medium Villages;
- e. Small Villages; and
- f. Hamlets and the Countryside.

2. QUESTION 2

How was the hierarchy established, and how was it determined through the evolution of the Plan?

2.1. No comment.

3. QUESTION 3

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?

3.1. As a means for categorising the role of each of the settlements, Policy LP2 has some merits. The introduction to the section states at section 3.2.1, however, that "The Central Lincolnshire spatial strategy seeks to concentrate growth on the main urban areas of Lincoln, Gainsborough

and Sleaford, and in settlements that support their roles, with remaining growth being delivered elsewhere in Central Lincolnshire to support the function of other sustainable settlements and to help meet local needs.” Policy LP2 in no way elaborates on the relationship between settlements. The description of each settlement is driven very much by the size of a settlement. Its location and relationship with other nearby settlements (whether larger or smaller than it) does not appear to have been taken into account. The policy is, consequently, failing in the aspiration of paragraph 3.2.1 because it does not reflect the role and needs of each settlement.

- 3.2. The policy then moves on to set out the scale of individual developments that may be acceptable in each tier of the hierarchy, without justifying why these limits are being applied, or why they are deemed appropriate. The approach of setting limits to the maximum size of individual developments seems to fall outside the remit of the policy and again is contrary to the aims set out in the introductory text at 3.2.1. The size of individual development proposals should be informed by the needs of each settlement to help it fulfil its current and anticipated role and the development opportunities that exist in that location.

4. QUESTION 4

How was the Lincoln Urban Area defined and what is the rationale for it?

- 4.1. No comment.

5. QUESTION 5

Should the plan include a graphical illustration of the Lincoln Urban Area to differentiate between the Lincoln Strategy Area as illustrated on page 15?

- 5.1. Yes, especially as the “Key Diagram of Lincoln” (page 69) identifies the “urban area” and includes a number of communities that lie outside the Lincoln Urban Area.

6. QUESTION 6

Will the delivery of any SUEs change the geography of an area to such an extent that the effectiveness of the Plan would be undermined over the longer term? For example, would any villages become part of an urban area, and if so, should this be reflected in the settlement hierarchy?

- 6.1. No comment.

7. QUESTION 7

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*⁴ identifies that some small villages have no convenience store, primary school or employment and are not 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?

7.1. Beyond our view that the application of a 10% target has not been tested or justified, we have no comment on this specific question.

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

18) Policy LP3 establishes the level and distribution of housing growth across the hierarchy as follows:

- Lincoln Strategy Area – around 64% (23,654 units);
- Gainsborough – around 12% (4,435 units);
- Sleaford – around 12% (4,435 units); and
- Elsewhere – around 12% (4,435 units).

8. QUESTION 8

How was the distribution of growth between the settlements established, and what evidence supports this? Is it justified?

8.1. No comment.

9. QUESTION 9

Why is there a difference between the distribution of dwellings proposed for each tier in Policy LP3, and the total number in the housing trajectory on page 109 of the Local Plan? Are the differences significant?

9.1. No comment.

10. QUESTION 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?

10.1. The target for the Lincoln Strategy Area includes growth in settlements around Lincoln (Skellingthorpe, Washingborough, Nettleham, etc) and not just the target for the Lincoln Urban Area. The figures for Gainsborough and Sleaford do not appear to include neighbouring communities, such as Morton, Leasingham, Ruskington although the relationship of these settlements to their larger neighbour is comparable

in many ways to the relationship of Lincoln and those settlements in the Lincoln Strategy Area. Any response to this question must first address this inconsistency.

11. QUESTION 11

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?

11.1. There is too little information to quantify the needs and opportunities of each settlement. Many of the large villages have allocations derived from extant planning consents (See allocations for Dunholme and Welton) rather than identifying an appropriate level of growth for each community. No assessment appears to have been undertaken to assess whether the level of allocation in settlements such as Dunholme and Welton is more or less than the needs of the settlement, or its ability to cope with growth.

12. QUESTION 12

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

12.1. The IIA does not appear to assess alternative distributions of development between the various tiers. No other assessment appears to have been undertaken.

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

13. QUESTION 13

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 in 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?

13.1. We are concerned that, although the plan promotes the deletion of settlement boundaries, no effective guidance has been provided to define what is within or adjacent to a settlement or provided guidance

as to what development may be acceptable. Policy 55 does not address this issue in any way, as it implies that it is applicable to development in the open countryside, and does not address development adjacent to settlements. Clearly this inconsistency needs to be resolved in some way.

14. QUESTION 14

Is the level of growth for Sleaford and Gainsborough appropriate? Page 109 of the Plan illustrates that there were only 54 completions in Sleaford between 2012 and 2015. Commitments on small sites at March 2015 were also relatively modest, with only 63 in Sleaford and 91 in Gainsborough. What were the reasons for this? In this context will the 4,435 dwellings be deliverable, and will the plan be effective? Is it appropriate to have 12% growth in these areas?

14.1. High levels of growth in Sleaford have, in the past, been driven by large sites focussed in and around Quarrington, many of which were shown as allocations in the 1996 local plan. The nature of the settlement is such that smaller incremental sites do not exist in large numbers. High levels of future growth will be dependent on a similar approach of large scale allocations, as illustrated in the approach taken in the Sleaford Masterplan. Some of the Masterplan sites, such as the development of 290 dwellings at Holdingham (application no. 12/1022/OUT Local Plan ref CL1013) have recently commenced and will deliver over the coming years. Outline planning permission has been issued for the Sleaford South Urban Extension (application No. 13/0498/OUT) Pre - commencement conditions are being resolved with a view to bringing forward reserved matters applications in the near future. An outline application for the Sleaford West Urban Extension has also been submitted (16/0498/OUT) and as such the framework is in place to support the delivery of large scale growth in Sleaford. Commencement of the 290 home scheme at Holdingham, and the resolution of pre-commencement conditions for Sleaford South provide clear evidence that the allocation of land and the grant of planning permission is being translated into new homes in Sleaford.

15. QUESTION 15

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

15.1. No comment.

Issue 3e – Large Villages – Policies LP2, LP3 and LP4

16. QUESTION 16

Policy LP2 states that in exceptional circumstances additional growth from non-allocated sites in appropriate locations on the edge of large villages might be considered favourably, but are unlikely to be of a scale over 25 dwellings / 1ha in size. What is the justification for this policy stance? How are the 'exceptional circumstances' going to be considered and tested in a consistent and transparent manner across large and medium villages? Is the policy effective?

16.1. We do not know how the policy cap was derived. We are concerned, however, that it will not be possible to apply the policy consistently and in a transparent manner. The policy will not be able to be applied effectively and will not give certainty to the public, developers and the planning authority.

17. QUESTION 17

What is the justification for setting a threshold of 25 dwellings? Is this appropriate and justified?

17.1. No comment.

Issue 3f – Growth in Villages – Policy LP4**18. QUESTION 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?

18.1. In order to provide certainty for developers, the public and the planning authority the plan should include clear guidance as to what constitutes the edge of a settlement and what would constitute appropriate development.

19. QUESTION 19

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 a 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?

19.1. Policy LP4 is too open ended. It appears to indicate where development would be acceptable within a settlement, but is not supported by evidence to demonstrate whether the opportunities reasonably exist in order to bring forward the appropriate development within the sequential test. Experience would indicate that the sites do not exist in the location or size that would allow for the growth targets to be met in the lifetime of the plan. The requirements of the policy, therefore, are restrictive rather than permissive, and do not indicate what development would be both acceptable and realistically developable and deliverable.

20. QUESTION 20

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?

20.1. The purpose of setting a target is not clear, beyond the principle of setting a cap for growth. Growth targets should be based on an understanding of whether the resulting settlement pattern would be sustainable in relation to both the individual settlement and the wider plan area. The targets themselves are unjustified and arbitrary and do not appear to correlate to any definition of sustainable development. The policy is, therefore, contrary to the aims set out in the NPPF of delivering sustainable development and would, therefore, forever be subject to challenge through the application process. As such the policy is unlikely to achieve its apparent aims.

21. QUESTION 21

What evidence is there to justify higher 15% growth rates in some villages in Policy LP4?

21.1. No comment.

22. QUESTION 22

If Policy LP4 establishes that in principle, tier 5 and 6 villages will be permitted to grow by 10%, why are certain villages listed in the Table with a growth level of 10% alongside those permitted to expand by 15%?

22.1. No comment.

23. QUESTION 23

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?

23.1. No comment.

24. QUESTION 24

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?

24.1. There is no evidence to demonstrate that the deliverable development opportunities in compliance with LP4 exist. As these sites are in some way comparable to windfall sites the NPPF would require the local planning authority to demonstrate both past delivery of appropriate development and evidence to demonstrate that there is a future supply of appropriate sites waiting to come forward. There is a total absence of this evidence, and as such policy LP4 is not, nor could it be made to be, effective in its current form.

25. QUESTION 25

What are the housing figures in Appendix B based on? Do they take into account commitments or the current total number of dwellings? Are they per Parish or per Settlement? Are they correct and up-to-date?

25.1. No comment.

26. QUESTION 26

Is **MM/SC/2** (relating to the monitoring of dwellings) necessary to make the plan sound? Are annual updates sufficient? How will this be carried out in a transparent manner?

26.1. Although the "Five Year Land Supply" reports are prepared on a Central Lincolnshire wide basis, the district councils have recently been preparing their own monitoring reports. Clearly plan wide monitoring is required to assess the impact of the plan and the effectiveness of individual policies. There are a number of decision making bodies and it may be necessary to monitor the implementation of the plan, and its suitability, for each of the four partner authorities.

27. QUESTION 27

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?

27.1. We have seen no evidence to justify this approach. The policy does not give a clear indication of how a decision maker should react to a development proposal. contrary to paragraph 154 of the NPPF.

28. QUESTION 28

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?

28.1. No comment.

29. QUESTION 29

Equally, is it appropriate to preclude otherwise acceptable, small scale infill development in villages without local support if the percentage growth level has been exceeded? How will consistency in decision making be achieved across the different villages?

29.1. Development should not be precluded in otherwise sustainable locations just because an arbitrary cap has been exceeded. If a settlement has the capacity in social, economic and environmental terms, development should be supported if it does not undermine the wider objectives of the development plan.

30. QUESTION 30

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

30.1. In order to gain clear local community support the community needs to make a decision as to whether or not to support a proposal. Paragraph 154 states that a plan should indicate how a decision maker should react to a development proposal. No such indication is currently provided for the local community within the draft policy. The policy, if adopted, would not be able to be implemented effectively and transparently.

31. QUESTION 31

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?

31.1. Paragraph 184 of the NPPF concludes that "Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies". This gives a clear indication that neighbourhood plans can plan to deliver higher levels of growth, subject to that growth target not undermining the strategic policies of the local

plan. Arguably this aspect of Policy LP2 is the part that is in conformity with the NPPF, which seeks to boost the delivery of new homes and sustainable development (paragraph 47), rather than the restrictive elements of the policy which represent an unjustified, undefined and arbitrary restriction on sustainable development as defined in the NPPF.

32. QUESTION 32

Does the Committee have a list of Parish Councils currently preparing a Neighbourhood Plan and confirmation of those that have been made? Do any of these include proposals for housing and if so, how do they relate to the policies in the Local Plan?

32.1. We are aware of a number of neighbourhoods preparing neighbourhood plans. Some, such as Nettleham, have taken an active approach in identifying new allocations. Others, however, such as Scothern and Dunholme have been seeking to limit proposals to those in the emerging local plan or with extant planning permissions.

33. QUESTION 33

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

33.1. No comments.

34. QUESTION 34

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.

34.1. The plan fails to provide any indication of what makes a sustainable rural settlement. It includes no analysis of whether settlements are currently sustainable, and what measures may be necessary or appropriate to increase their sustainability. There is no analysis to assess whether the 10% growth would represent too much or too little growth in each settlement. There is no evidence to indicate that the policy is in conformity with paragraph 55 of the NPPF.

35. QUESTION 35

Is the inclusion of site allocation CL3044 in **MM/SC/1** necessary to make the plan sound? Aside from the allocated sites, how will future growth be considered in Hemswell Cliff, Lea and Canwick? Will they still be permitted to grow by 10% in principle in addition to the allocations? To be effective does

the Local Plan need to specifically address how development proposals will be considered in these three 'exception' villages?

35.1. No Comment.

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

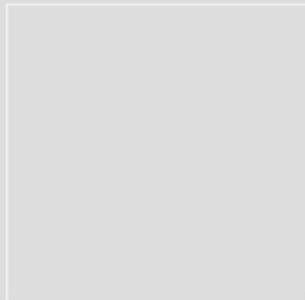
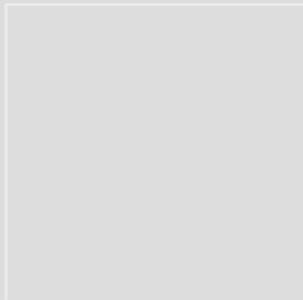
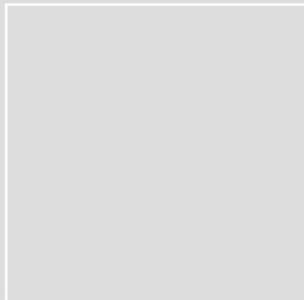
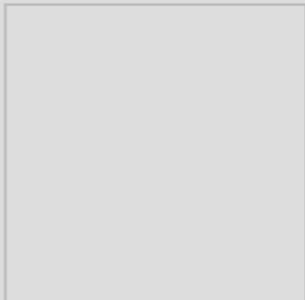
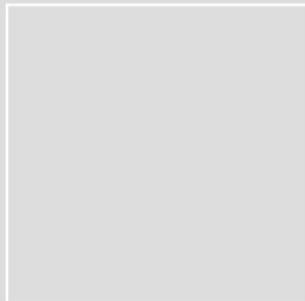
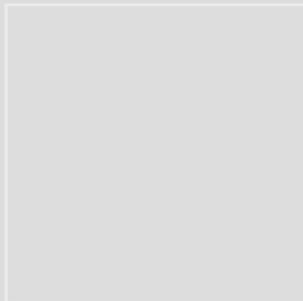
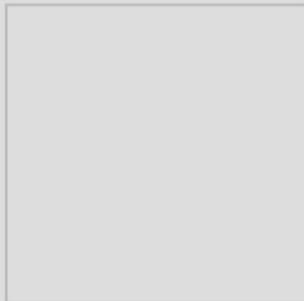
36. QUESTION 36

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?

36.1. There is no evidence available to be able to quantify the role and function of the category 5 and 6 villages in order to indicate whether the level of growth is appropriate and justified. Furthermore, there is no evidence to suggest whether the level of growth could be delivered.

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