

Central Lincolnshire Local Plan
Main Modifications Consultation



March 2017

CONTENTS

Introduction	2
1.1 Context	2
1.2 Key Concerns	2
2 Proposed Main Modifications	3
2.1 Main Modification 1: Monitoring	3
2.2 Main Modification 2: Policy LP2 – The Spatial Strategy and Settlement Hierarchy	3
2.3 Main Modification 3: Objectively Assessed Need.....	5
2.4 Main Modification 7: Categories 5-6 settlements – 10% or 15% Growth	6
2.5 Main Modification 8: Five year housing land supply	6
2.6 Main Modification 10: Policy LP4	8
2.7 Housing Trajectory	8
2.8 Main Modifications 23 and 26: Ecosystem Services Approach	9
3 Conclusions	10
3.1 Assessment against the tests of soundness	10

INTRODUCTION

1.1 Context

1.1.1 These representations are submitted by Gladman Developments Ltd (from here on referred to as “Gladman”) in response to the current consultation on the Central Lincolnshire Local Plan proposed Main Modifications.

1.1.2 Gladman have been actively involved in the preparation and examination of the Central Lincolnshire Local Plan (CLLP). This response is structured around the proposed modifications, providing comments in relation to the modifications and policies of particular concern to Gladman. This submission reiterates a number of points raised through earlier rounds of consultation and submissions made at the Examination in Public (EiP).

1.2 Key Concerns

1.2.1 Gladman have a number of outstanding objections and concerns with the CLLP, which brings into question the soundness of the plan as a whole. The key areas of concern are as follows:

- Housing Requirement / OAN – Gladman remain of the opinion that the housing requirement contained in the Local Plan does not correspond with the upper end of the OAN range. The selection of a lower figure does not reflect the National Planning Policy Framework’s (the Framework) requirement to set a positive vision for the future or support the need to ‘boost significantly the supply of housing’.
- 5 year housing land supply– Gladman do not consider **the use of the ‘Liverpool’ method** to be an appropriate basis for calculating 5 year housing land supply in Central Lincolnshire. This methodology has only been endorsed by the Committee at the EiP. This is particularly important as the 5 year supply on adoption of the CLLP is marginal at best.
- Over reliance on Sustainable Urban Extensions– the CLLP places a significant reliance on the delivery of Sustainable Urban Extensions (SUEs) to meet housing needs. This directly impacts on the ability to provide choice in the housing market given the strong rural market¹ and housing needs going unmet.
- Housing Trajectory – It currently remains unclear what level of housing will be delivered on each individual site over the plan period and is therefore uncertain whether the housing target will be achieved.
- Stringent tests – Whilst **Gladman support the Committee’s decision to deviate from the use of settlement boundaries** across Central Lincolnshire, we are concerned that the layers of tests required to promote development opportunities will act to unnecessarily prevent sustainable growth opportunities and does not allow for the flexibility advocated by the Framework to respond to changing market conditions over time.

¹ As identified in the Committee’s Matter 3 response to Q24.

2 PROPOSED MAIN MODIFICATIONS

2.1 Main Modification 1: Monitoring

2.1.1 MM1 outlines the intention that the local planning authorities will monitor the effectiveness of LP2 to assess whether the policy provides an effective framework for decision-making. If monitoring reveals that the Local Plan does not provide an effective framework, the Committee will take steps to address the matter through a partial or full review of the Local Plan or through the preparation of a Supplementary Planning Document (SPD).

2.1.2 In general, Gladman raise concerns regarding the lack of clarity within MM1, specifically it is unclear how monitoring will be used to predict and then take action to address housing shortfalls. MM1 does not identify how monitoring will be used to identify whether Policy LP2 provides an effective policy framework for decision taking nor does it provide any information over how effective action will take place to rectify any potential housing shortfall. This is a key issue which must be addressed to ensure the soundness of the plan. **Gladman reiterate the need for a ‘trigger event’ to be included in the Plan such as that identified in the Inspector’s Report to the North Northamptonshire Joint Core Strategy which stated that:**

‘In order to provide an early-warning if supply of housing land is running short relative to NPPF requirements monitoring will be undertaken against the Policy 28 requirement plus an additional 25% buffer. If not available, this would trigger corrective action by the local planning authority in order to boost supply.’

2.1.3 It is important to note that this this is a joint Local Plan, one authority may consider any potential shortfall to be significant, whilst another may consider it acceptable and then no option to actually review the plan to remedy the shortfall.

2.1.4 Gladman remind the Committee that the requirements for introducing an SPD are explicit. The regulations require that policies intended to guide the determination of planning applications should only be contained in the Local Plan and not inappropriately introduced via an SPD. Further, paragraph 153 of the Framework makes clear that SPDs should only be used where they can help applicants make successful planning applications or aid in infrastructure delivery. MM1 is therefore unsoundly based and reference to an SPD should be deleted.

2.2 Main Modification 2: Policy LP2 – The Spatial Strategy and Settlement Hierarchy

Lincoln Urban Area and Main Towns

2.2.1 The proposed modification suggests that development in these areas are to be located within the developed footprint of the Lincoln urban area and Main Towns. Gladman believe that this is unnecessarily restrictive given the history of large scale sites not coming forward as planned. Should the proposed allocations fail to come forward as anticipated there is little manoeuvrability for the

Council's to identify any further housing sites in the Lincoln Urban Area and Main Towns. In addition, the demands set out to delivering additional housing growth in lower order settlements make it difficult to provide the flexibility required should sites in the higher order settlements fail to come forward.

Scale of development

2.2.2 In several instances Policy LP2 insinuates that development is unlikely to be supported if it is above a certain scale depending on where a settlement lies within the settlement hierarchy. Gladman believe that references to scale results in an unnecessarily restrictive policy and is not justified or effective.

2.2.3 Gladman reiterate the submissions made at the EiP that scale is only one such factor and should not be a determining factor as to whether a scheme is considered acceptable. The broader context of a scheme must be considered against all three strands of sustainability.

Exceptional Circumstances

2.2.4 Gladman do not approve of the exceptional circumstances test contained in Policy LP2. The Framework only seeks to prevent development in areas of high national importance i.e. National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 of the Framework makes clear that major developments in these areas should be refused unless exceptional circumstances are demonstrated. Gladman contend that the exceptional circumstances test is unjustified and should be deleted.

Clear community support

2.2.5 **The modification does not provide any clarity on what constitutes a 'thorough, but proportionate, pre-application consultation exercise' and merely refers an applicant to contact the applicable local planning authority when in doubt.** Whilst community consultation is important, the views of members of the public should be addressed through the decision making process as part of the consideration of all evidence relating to a planning application. Indeed, this appears to be the approach that would need to be taken in decision making across all of the other tiers in the **settlement hierarchy where a 'clear community support' mechanism has not been proposed.** Gladman maintain that this policy test would lead to a number of planning decisions where development is acceptable and sustainable on all matters, but could still be refused on the basis of a lack of **'clear community support' as a result of objections** on matters that may not necessarily be justified in that they could be overcome through the planning process or are not based on planning matters. As a result, the **'clear community support approach'** that is contained in Policy LP2 (as amended by draft MM2) is not in accordance with the Framework and is therefore unsound.

Appropriate Locations

2.2.6 The main modification provides further guidance over what the Committee considers to be **'appropriate locations'**.

2.2.7 Any landscape and built environment character policy must be predicated on a robust and comprehensive evidence base that can be used in the planning balance exercise advocated by the Framework. This should allow the Committee to assess whether the adverse impacts of the loss of such areas significantly and demonstrably outweigh the benefits of delivering full housing need. Each application must be judged on its own merits, once all the positives and negatives are weighed through the planning balance will a decision maker determine whether a proposed development is appropriate.

2.2.8 **To qualify as an ‘appropriate location’, the site, if developed, would need to:**

- Retain the core shape and form of the settlement;
- **Not significantly harm the settlement’s character and appearance; and**
- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

2.2.9 In relation to retaining the core shape and form of the settlement, Gladman question what would happen in circumstances where this is not possible i.e. all logical land parcels have been filled in and the shape must change or there is a nationally protected site (i.e. SSSI) which would alter the form of the settlement through mitigation measures. Further clarity is also needed with regards to the **definition of the ‘surrounding countryside’**. **Does this relate to the site in question or the area of land** beyond the development proposal. If the latter, this would simply act as a blanket restriction policy by the back door contrary to the PPG.

2.2.10 Gladman remind the Committee that paragraph 109 of the Framework sets out that the planning system should contribute to and enhance valued landscapes with advice in paragraphs 113 stating that local planning authorities should set criteria based policies against which proposals for any development on or affecting such sites should be judged. Paragraph 113 further highlights that distinctions should be made between the hierarchy of internal, national and locally designated sites so that their protection is commensurate with their status.

2.2.11 Gladman consider that opinions on landscape are highly subjective and therefore this policy is likely to lead to inconsistencies being made through the decision making process by the respective local planning authorities where there is no robust evidence base supporting landscape designations of particular significance.

2.3 Main Modification 3: Objectively Assessed Need

2.3.1 **Whilst Gladman welcome the Committee’s recognition that the housing target should not be seen** as a ceiling figure, we remain of the opinion that the full Objectively Assessed Need (OAN) for housing will not be delivered through the Plan in its current form.

2.3.2 **The Committee’s OAN evidence identifies a housing need in the range of 1,432 – 1,780 dwellings** per annum. Gladman reiterate the issue raised at the EIP that it is a significant concern that the proposed housing target does not correspond with the upper end of the OAN range set out in the Strategic Housing Market Assessment.

- 2.3.3 The current mechanism for review does not provide any indication of how monitoring will trigger a review of the Plan. It would seem sensible that this issue be dealt with now to avoid the need to undertake a Local Plan review potentially within a short period of time following the adoption of the Plan. The Plan covers a number of local authority areas and it is therefore necessary for it to provide a clear approach for the purposes of consistency.
- 2.3.4 Accordingly, the housing target should be amended to reflect the upper end of the range contained in the evidence base and expressed as a minimum figure. Further housing sites must also be identified as allocations to ensure a responsive and flexible housing land supply can be demonstrated.
- 2.3.5 As raised during the discussions at the Main Matter 2 Hearing Session, whilst it is agreed that the final OAN figure to be contained within the Plan should be used for the purposes of any five-year housing land supply calculation, any reference to this (as now proposed through MM/3) should reflect the fact that this position has the potential to change if more up-to-date evidence points to a need for this during the plan period. This will ensure that the Plan can respond to any rapid change during the plan period as required by paragraph 14 of the Framework.

2.4 Main Modification 7: Categories 5-6 settlements – 10% or 15% Growth

- 2.4.1 Appendix 4 of the proposed modifications provides information to applicants and local communities on how Policy LP4 is expected to work in practice. It is noted that these settlements are expected to grow by 10% or 15%. Remaining growth in these settlements will take account of the following principles:
- A) dwellings completed since 1 April 2012;
 - B) dwellings with planning permission yet to be built; and
 - C) **any sites allocated through a 'made' neighbourhood plan.**
- 2.4.2 Taking account of the fact that the Committee no longer considers the housing target contained in the CLLP to be a ceiling figure, Gladman would question why Policy LP4 continues to prevent further sustainable development opportunities being delivered above the proposed growth targets. If the strategic housing target for Central Lincolnshire is not considered to be a ceiling, then a ceiling figure should not be implemented on lower order settlements that provide opportunities for sustainable development to come forward and assist the local planning authorities in demonstrating a robust and responsive supply of housing land. Whilst the Committee considers **that opportunities may be brought about if a proposal has 'community support'** this mechanism will likely instil the idea on local communities that 10/15% is an absolute limit to development. Such an approach is not effective and therefore unsound.

2.5 Main Modification 8: Five year housing land supply

- 2.5.1 **Whilst noting the information contained in the Committee's housing land supply tables for the Central Lincolnshire authorities, Gladman question whether North Kesteven District Council, West**
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- Lindsey District Council and Lincoln City Council are able to demonstrate a robust 5 year housing land supply.
- 2.5.2 Through our submissions to the previous consultation exercises and our examination hearing statements, we have particularly questioned the delivery rates and the ability of the committed and proposed Sustainable Urban Extensions (SUEs) in the Central Lincolnshire area to deliver homes as anticipated due to the delays in delivery already experienced across Central Lincolnshire. Gladman submit that there is now a need to identify further deliverable housing sites, in sustainable locations within Central Lincolnshire to provide the additional housing that is needed now to significantly boost supply in the short to medium term. This approach will ensure that annual housing needs can still be met before the larger strategic allocations deliver on the ground.
- 2.5.3 Gladman do not consider MM8 to be soundly based as it would require all future housing land supply assessments to be calculated using the Liverpool method until 2021. It was confirmed by the Committee at the Matter 6 hearing session that they were not seeking the use of a stepped trajectory – the basis on which the plan was submitted was a trajectory that sought to meet an annual average requirement throughout the plan period. This is likely to be because they appreciate the impact that any alternative approach would have on the ability to deliver much needed housing, taking into account the requirements of the Framework to significantly boost housing supply and the risks to social and economic sustainability from undersupply.
- 2.5.4 **The Committee’s original intention has the potential to be a sound approach and should therefore be the one that is progressed through the final stages of the Plan’s preparation. In order to achieve this, further sites in sustainable locations will need to be identified through positive allocations to ensure that the housing land supply position is not unnecessarily vulnerable in advance of the anticipated timescales for the strategic sites coming fully on stream within the trajectory.**
- 2.5.5 There are sufficient sites available in sustainable locations that are not constrained by government policy contained in the NPPF and can therefore be allocated through the plan-making process to assist in meet OAN in full. This is simply not an effective policy response in the likely event that large scale strategic sites fail to come forward as envisaged. In order to set out the criteria for assessing the 5 year land supply position of the CLLP, Gladman have previously raised concerns regarding the use of the Liverpool methodology. It remains our view that the Committee should be using Sedgefield methodology and applying the buffer of 20% to the annual requirement (including the sum total of under delivery that has already been observed since the start of the plan period) in order to enable the delivery of the levels of housing that are needed now. The allocation of further sites in sustainable locations is required to support this goal.
- 2.5.6 **Gladman note the recent Inspector’s Report to the Scarborough Local Plan which** introduced a main modification to ensure that the Plan is justified and effective, which required the five year supply at 1 April 2016 to be explicitly stated in the reasoned justification to HC1 along with an explanation as to how it has been calculated including reference to the shortfall in delivery in the period 2011 to 2016 being made up in the next five years, and the application of a 20% buffer to the base
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requirement as well as to the shortfall. Of further importance, is that the Inspector in this instance identified that policy HC1 should be modified to include a positive approach to the consideration of housing proposals outside development limits of a scale and in locations well related to the settlement hierarchy if at any time during the plan period the Council is unable to demonstrate a five year supply of deliverable housing sites². A similar approach is required in Central Lincolnshire to ensure that the Plan can be considered sound.

2.5.7 Whilst the CLLP does not advocate the use of settlement boundaries, the tests required to promote development proposals are relevant policies to the supply of housing. As such, Gladman consider that it is necessary to include a mechanism similar to the Scarborough Local Plan to ensure that the CLLP is consistent with the requirements set out in paragraph 182 of the Framework.

2.6 Main Modification 10: Policy LP4

2.6.1 Gladman object to the principle of maximising the re-use of brownfield land in the manner proposed which would preclude development coming forward on sustainable greenfield sites. The Committee should not be seeking to arbitrarily prevent sustainable development by only allowing development on greenfield land where there is insufficient brownfield land available.

2.6.2 As amended, the Policy states;

"In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement
2. Brownfield sites at the edge of a settlement, in appropriate locations**
3. Greenfield sites at the edge of a settlement, in appropriate locations**(our emphasis)

2.6.3 Whilst the principle of brownfield development is supported, the sequential test approach advocated in the CLLP is not in accordance with paragraph 111 of the Framework, Local Plans **should 'encourage' the effective use of land by re-using** land that has been previously developed. The Framework does not state that development on brownfield land should be prioritised as is the case here. Accordingly, Policy LP4 as amended is not justified nor is it consistent with national planning policy. Gladman recommend that the sequential test approach referred to in Policy LP4 is deleted.

2.7 Housing Trajectory

2.7.1 Whilst Gladman welcome the inclusion of a trajectory, we disagree with the accuracy and reliability of the updated version that has been proposed through the main modifications. The trajectory should be altered to reflect the comments above and the need to include further allocations within the plan to achieve the former. It would be more beneficial if a table is provided in appendix 3

² [Inspector's Report to the Scarborough Local Plan paragraph 138 - 140.](#)

detailing the expected delivery of each individual site commitment. This information would assist the Committee in undertaking its monitoring duties to identify whether sites have undelivered and what action is needed to address any slippage. It is also an approach that would ensure that local plan monitoring formulated from a clear baseline and will be suitably transparent for land owners and developers with interests in the area.

2.8 Main Modifications 23 and 26: Ecosystem Services Approach

2.8.1 The above modifications state that major development should adopt an ecosystem services approach. The 'Reason for Change' column indicates that this approach has been added to appendix d.

2.8.2 It is noted that the definition has not been included in the main modifications. It is important that this is added to the glossary of the Local Plan to ensure that these policies provide a clear indication of how a decision maker should react to a development proposal in accordance with paragraph 154 of the Framework.

3 CONCLUSIONS

3.1 Assessment against the tests of soundness

- 3.1.1 Having considered the CLLP, Gladman are concerned about a range of matters including housing needs, housing supply, spatial strategy and whether the proposed modifications provide a practical framework in which decisions on planning applications can be made with a high degree of consistency.
- 3.1.2 The CLLP must be positively prepared, effective, justified and consistent with national policy to be found sound at examination. In the first instance, the Council must start with clearly defining a Framework and PPG compliant OAN which properly follows the guidelines set out at the national level. The Council should then develop a robust housing requirement using this OAN as a starting point.
- 3.1.3 **The Council's current evidence on OAN is insufficient, unjustified and not robust. It is a flawed approach that focuses on the lower end of the OAN range, rather than taking a positive approach to meet economic aspirations.**
- 3.1.4 Gladman also raise concern with the updated housing trajectory. This shows a significant increase in the number of dwellings which the Committee project will be completed and suggests delivery of up to 3,000 dwellings in the early years of the plan period, levels of housing completions which the Committee have never reached in previous monitoring years. Accordingly, there is a need to allocate a range of suitable alternatives to provide flexibility going forward in the likely event that the SUEs fail to commence as anticipated. It is unclear from the information that has been provided as part of this consultation as to the components of supply that make up the anticipated delivery rates within the proposed trajectory.
- 3.1.5 Gladman raise concern to the modification which introduces a monitoring and review mechanism for dealing with shortfalls in the housing land supply position. Firstly, there is no definition of how monitoring will identify an issue of under delivery and what action will be taken by the Committee to address the shortfall other than through the implementation of a partial/full Local Plan review. This is a wholly inadequate trigger clause for a Local Plan review mechanism as at worse, the Local Plan may not be triggered until after 5 years. The review mechanism should therefore be fundamentally amended. Further, in the event that the Councils do not deliver the annual requirement, then the Liverpool approach, where shortfall is made up over the full length of the plan period, will do little to rectify under delivery in an expedited manner.
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