

REPORT TO CABINET

REPORT OF: Economic Development Portfolio Holder

REPORT NO: PLA967

DATE: 7th January 2013

TITLE:	Withdrawal of Grantham Area Action Plan	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright Grow the Economy, Economic Development Portfolio Holder	
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INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	n/a	n/a
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Letter from Planning Inspector to SKDC dated 31 st October 2012 http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=7978&p=0	

1. RECOMMENDATION

- 1.1 That the Submission Grantham Area Action Plan (October 2011) is withdrawn.

2. PURPOSE OF THE REPORT

- 2.1 To seek approval for the withdrawal of the Grantham Area Action Plan (GAAP) Development Plan Document (DPD) which the Council submitted to the Secretary of State for examination in December 2011.

3. DETAILS OF REPORT

- 3.1 The Council submitted the GAAP for examination on the 19th December 2011 and an independent planning inspector, Roland Punshon, was appointed to hold the examination.

- 3.2 Prior to the examination hearing sessions commencing (in early October), the Inspector held a series of exploratory meetings to consider initial matters of concern regarding the GAAP (relating to infrastructure delivery and phasing of development) and various legislative changes which would have a bearing on how the examination proceeded.
- 3.3 In response to the Inspector's initial concerns the Council prepared a paper which sought to address these: at the exploratory meeting on the 16th April 2012 the Inspector indicated that he was satisfied that the paper allayed his initial concerns and that the examination could proceed. The Council published and consulted on a number of Main Modifications to the GAAP in June 2012 which dealt with the matters of concern to the Inspector as well as changes to the DPD as a consequence of the publication of the National Planning Policy Framework in March 2012. At this stage the Inspector made clear that the cumulative number of modifications could eventually amount to a re-write of the Plan, in which case a formal request for him to make Main Modifications would be inappropriate.
- 3.4 The GAAP hearing sessions were held between the 2nd and 11th October 2012. During the course of the hearings the Inspector identified a number of concerns which could affect the GAAP and at the close of the hearing sessions undertook to write to the Council setting these out and the course of action he thought appropriate.
- 3.5 The Inspector wrote to the Council on the 31st October 2012. The Inspector's three main concerns relating to: housing flexibility and delivery; delivery of the sustainable urban extensions and other allocated sites; and the site selection process. The Inspector raised concerns that if the delivery of housing were to stall in respect of the two sustainable urban extensions, the GAAP does not provide the mechanisms to provide suitably scaled alternative sites in the short-term to make good any shortfall. Having considered these matters, the Inspector has reached the conclusion that, when the Council is able to put forward Main Modifications to address the issues identified, they would be sufficient enough when coupled with the Main Modifications already proposed, to require the DPD to be re-written.
- 3.6 The Inspector has, therefore, concluded that the most appropriate course of action is for the Council to withdraw the DPD; make the changes necessary to address the issues; republish the Plan for consultation and submit the revised DPD for examination.
- 3.7 Under Section 22(1) of the Planning and Compulsory Purchase Act 2004 the Local Planning Authority may withdraw a DPD at any time prior to adoption. In doing so it is required to:
- Make available a statement to the effect the DPD has been withdrawn (this must be made available for public inspection and put on the website)
 - Send to those notified of the DPD submission notification the Plan has been withdrawn
 - Withdraw the availability of any documents relating to the withdrawn plan (this would include the Submission Plan and supporting documents)

3.8 The withdrawal of the Plan does not prevent the Council from progressing with the councils and partners key priorities for Grantham including the Sustainable Urban Extensions (SUE). The policy framework provided by the specific SUE policy in the Core Strategy together with the emerging Southern Quadrant Masterplan, which will come before Cabinet for adoption as a Supplementary Planning Document in February, provides a sufficient basis to enable planning applications for the east west relief road and the rest of the Southern Quadrant development to be determined. South Kesteven remains the only local authority in Lincolnshire to have an approved and fully adopted Core Strategy.

4. OTHER OPTIONS CONSIDERED

4.1 The options available to the Council to respond to the Inspector’s letter are limited given his expressed concerns about the absence of a mechanism to deal with short-term delays in the delivery of housing. Following the introduction of the new National Planning Policy Framework there are very few authorities to have successfully completed this stage.

5. RESOURCE IMPLICATIONS

5.1 There are no significant costs associated with the immediate decision to withdraw the GAAP other than complying with the requirements set out in paragraph 3.7.

5.2 The withdrawal of the GAAP would mean that the preparation process has to go back to the pre-submission stage and the costs associated with revising and resubmitting the GAAP are primarily the costs associated with the examination process and the Inspector’s fees.

6. RISK AND MITIGATION

6.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Legislative – soundness of revised Plan	This can be limited by closely addressing all the matters highlighted in the Inspector’s letter and seeking to have the Plan peer reviewed prior to resubmission

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 As the GAAP is not an adopted policy document an Impact Analysis of withdrawing the Plan has not been undertaken. However, an Analysis of the revised GAAP will be undertaken.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None arising out of this report.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There will be costs incurred in the preparation and examination process of any re-submitted GAAP. The proposal is for these costs to be met from residual Housing and Planning Delivery Grant (HPDG) monies that are available to the Council

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 which came into force on the 6th April 2012 permit the withdrawal of any development plan document (DPD) at any time before adoption. If withdrawal is approved, the Council must publish up to date information on the progress of preparing DPD's against the Local Development Scheme.