

REPORT TO CABINET

REPORT OF: Planning Policy & Partnerships Service Manager

REPORT NO: PLA1037

DATE: 7th April 2014

TITLE:	Site Allocation and Policies Development Plan Document – Inspector’s Report on the Examination and Adoption	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Framework	
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	Council Report PLA909 dated 8 th September 2011 http://moderngov.southkesteven.gov.uk/ielistdocuments.aspx?Clid=261&MId=2714&Ver=4 Submission Site Allocation and Policies DPD incorporating proposed modifications (July 2013) http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=9278&p=0 Report on the Examination into the Site Allocation and Policies DPD dated 27 th February 2014 http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=11029&p=0	

1. RECOMMENDATION

That Cabinet recommends to Council the adoption of:

- a) **the Site Allocation and Policies Development Plan Document as amended in accordance with the Main Modifications recommended by the Inspector in Appendix A to his report dated 27th February**

2014 (Appendix 1) and the minor modifications set out in Appendix 2 to this report

- b) the Policies Map as revised and updated to show the consequential changes that result from the adoption of the Site Allocation and Policies DPD**

2. PURPOSE OF THE REPORT

- 2.1 To enable the Cabinet to consider the Inspector's report on the Site Allocation and Policies Development Plan Document (SAP DPD) which has been found sound following examination and to refer it to full Council for adoption.

3. DETAILS OF REPORT

Background

- 3.1 On the 8th September 2011, the Council approved the publication of the SAP DPD for a period of six weeks to seek representations on it. On the 12th January 2012, the SAP DPD together with the representations received was submitted to the Secretary of State for examination and Roland Punshon was appointed as the independent Planning Inspector to conduct the examination process.
- 3.2 The Inspector has concluded that in preparing the Plan the Council complied with the duty to co-operate and, subject to a number of recommended Main Modifications being made, the SAP DPD is legally compliant and meets the criteria for soundness in the National Planning Policy Framework (NPPF) i.e. it has been positively prepared and is justified, effective and consistent with national policy.
- 3.3 South Kesteven remains the only local authority in Lincolnshire with an adopted Core Strategy and now, if adopted, also a Site Allocations Plan.

Examination Process

- 3.4 The examination hearing sessions took place over eight days between the 6th and 16th October 2012. Further hearing sessions were held between the 9th and 12th December 2013 to consider matters arising from consultation on proposed modifications to the SAP DPD.
- 3.5 During the course of the examination, and on the advice of the Inspector, the Council published two sets of proposed modifications to the Plan which were each subject to six weeks public consultation. The Main Modifications published were agreed with the Grow the Economy Portfolio Holder in accordance with the resolution of Full Council on 8th September 2011 (minute 33). The representations received during the public consultation were taken into account by the Inspector in finalising his report and recommendations.
- 3.6 The first set of Main Modifications, published in June 2012, related to changes to the Plan to respond to issues raised by the Inspector in Exploratory meetings

(concerning village and site selection) and as a consequence of the publication of the NPPF in March 2012.

- 3.7 The second set of Main Modifications published in July 2013, arose from a re-assessment of the Plan's Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA), which had been undertaken in light of case law issues which emerged at the end of the November 2012 hearing sessions. Modifications arising from discussions at these hearing sessions were also proposed.
- 3.8 The Inspector's Report has been published on the website and those who made representations to the SAP DPD notified of this.

Inspector's Report and Recommended Main Modifications

- 3.9 The Inspector's report is not binding but any Main Modifications he has recommended will be necessary in order to make the SAP DPD 'sound' and, therefore, need to be accepted in full in order for the SAP DPD to be adopted. The Council had specifically requested that the Inspector recommend any modifications necessary to find the SAP DPD sound and enable the Council to adopt the Plan. Should the Council choose not to accept the Inspector's recommended Main Modifications it will need to withdraw the SAP DPD. For the reasons set out in Section 4 of this report this is not considered an appropriate course of action
- 3.10 The Inspector's Report and recommended Main Modifications are attached as Appendix 1 to this report. The Inspector's recommendations reflect the Main Modifications published and consulted on during the examination process and can be summarised as:
- Those required to bring the content of the SAP DPD up to date
 - Those made necessary by the reassessment of the Local Service Centre (LSC) and site selection process
 - Those which are necessary to address areas where the SAP DPD provisions need to provide clearer policy direction
 - Those which are necessary to give greater flexibility in the application of the SAP DPD provisions
 - Those which are necessary to enable the SAP DPD to be properly monitored in order to provide a necessary early response to any failure in delivery
- 3.11 A summary of the issues considered by the Inspector in his report including the duty to co-operate is set out below.

Duty to Co-operate

- 3.12 The Inspector has concluded that there has been effective co-operation on strategic cross boundary issues and the Council has worked collaboratively with private sector bodies, utility and infrastructure providers to develop an approach to development location and programming which ensures a co-ordinated strategy.

Methodology for identifying appropriate locations and sites for development

- 3.13 The SAP DPD conforms to the housing requirement set out in the Core Strategy in terms of the amount of land allocated for future housing development. A number of respondents argued that the housing requirement in the Core Strategy was outdated and the SAP DPD should be planning for housing delivery over a longer period. The Inspector has agreed with the Council's position that a review of the Core Strategy is the proper planning stage to consider such matters and has recommended no modifications to the Plan on this matter.
- 3.14 The methodology employed by the Council to identify which Local Service Centres (LSCs) would receive a housing allocation and which sites should be allocated was an issue of concern to the Inspector from an early stage in the examination process. In light of emerging case law at the close of the first set of hearing sessions the Council decided it would be prudent to reassess the methodology employed in preparing the SA/SEA and which formed the basis of the selection process. The revised SA/SEA and site selection process did result in some changes to the choice of sites made in earlier documents and these were the subject of public consultation as proposed modifications.
- 3.15 The Inspector has concluded that the revised approach to the assessment of LSCs provides a robust and credible approach and allows proper comparisons between settlements to be drawn.

Phasing of delivery of housing

- 3.16 The SAP DPD allocated housing sites to one of three phases in order to maintain a continuous housing supply over the plan period. Some respondents suggested that in order to boost housing supply the phasing policy in the SAP DPD should be removed. The Inspector concluded, however, that with a number of changes to provide clarification to the text the approach adopted provides a clear, flexible approach to site delivery and which properly reflects the Government's commitment to boost the supply of housing set out in the NPPF.

Choice of LSCs to receive development allocations and choice of allocated sites in and around settlements

- 3.17 Having considered the Council's revised methodology for deciding which of the 16 LSCs should receive housing allocations and site selection was sound, the Inspector considered matters relating to specific settlements or sites, which was the subject of some debate through the examination.
- 3.18 The Inspector concluded that there was no convincing evidence to show that the SAP DPD could only be made sound by the allocation of sites other than those identified and that the Council's choice of sites is justified, effective, consistent with national policy and positively planned and, therefore sound.
- 3.19 The Inspector has recommended a number of modifications to the wording of policies relating to specific sites to provide clarity, improve flexibility and/or give

greater emphasis to certain development requirements. In some cases these were agreed with interested parties but all were consulted on.

Minor Modifications

- 3.20 In addition to the Main Modifications, a number of minor modifications to the Plan are necessary. These mainly relate to grammar, spelling or points of clarification and are set out in Appendix 2 attached to this report. The minor modifications were published for public consultation alongside the Main Modifications in June 2012 and July 2013 and/or were discussed during the course of the examination hearing sessions.
- 3.21 The SAP DPD incorporating the recommended Main Modifications and the minor modifications is attached as Appendix 3 to the report.

Policies Map

- 3.22 There is a legal requirement that the Policies Map (formerly known as the Proposals Map) is updated at the same time as a DPD is adopted. Changes to the Policies Map are necessary, therefore, to reflect the various policies and allocations within the SAP DPD and to remove the 1995 Local Plan policies and allocations that no longer apply: these are primarily housing and employment allocations which have now largely been built out and policies for the provision of open space, which will be superseded and cease to have an effect. The changes necessary to the Policies Map are attached as Appendix 4 to the report.

Next Stages

- 3.23 Upon adoption, the SAP DPD will become part of the statutory Development Plan for the District and together with the Core Strategy will be the starting point for the determination of planning applications.
- 3.24 Subject to the decision of Full Council, the date of adoption of the SAP DPD will be the 17th April 2014. Under section 113 of the Planning and Compulsory Purchase Act 2004, there is a period of six weeks from this date within which any person may make a legal challenge on the grounds that the document is not within the appropriate power or that a procedural requirement has not been complied with.

4. OTHER OPTIONS CONSIDERED

- 4.1 Do not adopt the Site Allocation and Policies DPD. The Council could choose not to adopt the plan; however given the NPPF's presumption in favour of sustainable development, a decision not to adopt would leave the Council with reduced local policy control over development sites and the determination of certain planning applications. The SAP DPD has been prepared over several years and has also been through a number of stages of consultation. There is, therefore, a reasonable expectation by residents, community groups and stakeholders involved in its preparation that the plan will be adopted.

5. RESOURCE IMPLICATIONS

5.1 Costs associated with the publication of the SAP will be met from within existing budget provision.

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
Legal challenge to the adoption of the SAP DPD	The main objections were heard through public examination. All due process was followed during the preparation of the SAP DPD and throughout the examination. Where issues have arisen legal advice has been sought and the issues addressed. Should a challenge be lodged the Council would seek to defend it in the High Court.

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 None. The SAP DPD took account of issues arising from the completion of a service Equality Impact Assessment and the modifications to the SAP DPD recommended by the Inspector has not changed the essential strategic thrust of the document.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None arising out of this report.

9. COMMENTS OF FINANCIAL SERVICES

9.1 The costs associated with the preparation of the Plan have been met from within existing budgets supported by the monies received from the Housing and Planning Delivery Grant. Any specific financial implications arising from the recommendations will be met from existing revenue resources.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 It is a statutory requirement for the Council, if it is to adopt the Site Allocation and Policies Development Plan Document (“the plan”), to do so in accordance with the Inspectors recommended Main Modifications (S23(2) Planning and Compulsory Purchase Act 2004, as amended).

10.2 The decision to adopt the plan is one that must be made by full Council as the plan is a policy framework document.

11. APPENDICES:

- 11.1 Appendix 1: Inspector's Report and recommended Main Modifications
- Appendix 2: Site Allocation and Policies DPD minor modifications
- Appendix 3: Site Allocation and Policies DPD (incorporating Inspector's recommended Main Modifications and minor modifications)
- Appendix 4: Changes to Policies Map