



Report of: Councillor Mike King
Cabinet Member for Economy and Development

Report to:	Council
Date:	24th May 2018
Subject:	Local Plan – Proposed Submission (SEG59)

Decision Proposal:	Key Decision
Relevant Cabinet Member:	Councillor Mike King, Cabinet Member for Economy and Development
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Approved for publication	Councillor Mike King, Cabinet Member for Economy and Development Date: 13 th May 2018

SUMMARY

A new Local Plan will shape and guide proposals for growth and investment in South Kesteven up to 2036. It will provide greater certainty to all parties regarding the local development process and sets out proposed planning policies for South Kesteven District.

This report seeks approval includes the wording of the Proposed Submission Local Plan. Council is asked to consider and approve the Proposed Submission Local Plan for the purpose of publication for representations and then submission to the Secretary of State.

RECOMMENDATION

1. Council considers and approves the Proposed Submission Local Plan as set out at Appendix 2 of this Report SEG59 for the purpose of publication for representations in accordance with Regulation 19 of the Local Plan Regulations and then submission to the Secretary of State.
2. To agree that any minor corrections to the document can be approved by the Cabinet Member for Economy and Development, so long as these do not substantially affect the substance of any policies or land use allocations.

1. BACKGROUND TO REPORT

- 1.1** Local Planning Authorities must prepare a Local Plan that sets planning policies for their area. These are very important considerations when deciding planning applications, as all decisions must be made in accordance with the Development Plan established as part of the Local Plan unless there are material planning reasons not to do so. The National Planning Policy Framework (NPPF) requires that every local planning authority in England should have a clear, up to date Local Plan that conforms to the NPPF, meets identified local development needs and reflects local peoples' views about how they wish their community to develop. The plan preparation process has provided the opportunity to involve everyone with an interest in the document or area, and there will be a further, final opportunity to make representations through the next more formal, proposed round of public consultation.
- 1.2** The new Local Plan will set out policies and proposals for the period up to 2036. There is an additional 10 years of development needs to be anticipated and accommodated beyond our current adopted development plans. An updated vision and revised strategic objectives have been prepared to coincide with this extended timeframe.
- 1.3** In June 2017, Cabinet approved a Consultative Draft Local Plan for the purposes of a non-statutory public consultation under Regulation 18 of the Local Plans Regulations. Responses made to that extensive consultation have been taken into account in producing the Proposed Submission Local Plan. The Proposed Submission Local Plan has also been informed by additional evidence and a small number of additional sites identified for potential development as well as Government proposals concerning housing and Local Plans - particularly consultation on "Putting the Right Homes in the Right Places" regarding housing need assessment and a draft revised National Planning Policy Framework (NPPF).

- 1.4** The new Local Plan is necessarily a long and comprehensive document which contains policies for the physical development or protection of all our towns, villages and countryside. For this reason, a summary of the main changes to the policies of the Local Plan as previously set out in the Consultative Draft Local Plan is appended to this report (Appendix 1). This also sets out the next steps for the Local Plan following consideration by Full Council. Council is therefore requested to consider and approve the Proposed Submission Local Plan (Appendix 2) with accompanying Policies Maps (Appendix 3) for the purpose of publication for representations in accordance with Regulation 19 of the Local Plan Regulations and then submission to the Secretary of State.

2. OVERVIEW AND SCUTINY CONSIDERATIONS

- 2.1** The development of the Consultative Draft Local Plan has been the subject of previous reports to the Growth Policy Development Group (PDG) and more recently to the Growth Overview and Scrutiny Committee. In addition, regular monthly informal workshops have been held for all members regarding the preparation of the Local Plan.
- 2.2** A workshop of the Growth Overview and Scrutiny Committee, to which all elected members were invited to attend, was held on 11th April 2018 to discuss the main changes to the Local Plan incorporated into the Proposed Submission version. The outcome of that meeting was broadly to support the proposed changes to the Local Plan. Specific reference was made to informal consultation with those Parish Councils where changes to site allocations are proposed prior to the Local Plan being published.

3. OTHER OPTIONS CONSIDERED

- 3.1** This Proposed Submission Local Plan has been informed by a substantial evidence base, including assessments of objectively assessed housing and employment needs. In addition, it has been informed by the consultation exercise on the Consultative Draft Local Plan. The process of preparing a new Local Plan offers the Council an opportunity to proactively engage with local communities, developers, businesses, voluntary groups, public organisations, landowners and our neighbouring councils. Responses to previous consultations have helped to shape this final document. The only other option would be for the Council not to undertake the production of the Local Plan. This would not be in line with Government requirements and expectations, and would also lead to development proposals coming forward in an uncoordinated way with no long term strategic direction to guide growth. This would not be in the best interests of the District, its communities, residents and businesses.

4. RESOURCE IMPLICATIONS

- 4.1** The costs of the production of the Proposed Submission Local Plan and of conducting the accompanying consultation exercise are covered in existing budgets.

5. RISK AND MITIGATION

5.1 The Council has a definitive statutory duty to keep its Local Plan and planning policies under review. Failing to prepare a Local Plan therefore carries significant risks, not only to the Council but also through the impact on communities. Equally, significant delays in the preparation and production of the Local Plan would carry similar risks, including limiting the Council's ability to properly manage development.

5.2 The consequences of not having an up to date Local Plan include that: development is not sustainable; development harms the environment; needs for housing and other development needs fail to be properly met; hostile planning applications are promoted if the Local Plan is found unsound or delayed; and the potential costs of challenge. Approving the recommendations in this report will enable the Council to progress with the Local Plan and mitigate the risks identified. Risk has been considered and there are no specific high risks arising from the decisions as recommended in this report.

6. ISSUES ARISING FROM IMPACT ANALYSIS (EQUALITY, SAFEGUARDING etc.)

6.1 There are considered to be no direct equality issues arising from this report.

7. CRIME AND DISORDER IMPLICATIONS

7.1 There are no direct crime and disorder implications arising from this report. The vision statement for the Proposed Submission Local Plan includes that the District will be a safe place to live with strong communities.

8. COMMENTS OF FINANCIAL SERVICES

8.1 The financial implications of delivering the recommendations set out in this report will be met from existing resources contained in the 2018/19 budget framework.

9. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

9.1 The Local Plan is a policy framework as set out at Article 4 of the Constitution and is required by virtue of the Local Government statute to be adopted by full Council.

9.2 Before the draft Local Plan can be considered for adoption, the process for adoption as set out in the Local Planning (England) Regulations 2012 must be followed. Section 18 of the Regulations sets out the requirements for consultation. There is a requirement to consult with the following groups and bodies:

- Such of the specific consultation bodies as the authority consider may have an interest in the subject of the proposed local plan;
- Such of the general consultation bodies as the authority consider appropriate;

- And such residents or other persons carrying on business in the authority's area from which the authority consider it appropriate to invite representations.

9.3 In addition, the Council must comply with any commitment it has made in its adopted Statement of Community Involvement.

9.4 The Council must also publicise its intended timetable for producing the Local Plan. This information is contained in the proposed Development Plan Scheme which authorities should publish on their web site and must keep up to date.

9.5 The Council has a statutory duty to prepare a SCI. As a planning authority, the Council may, at any time, make a revision to a local development document.

9.6 The involvement of the public in preparing planning documents and the consideration of planning applications must follow the approach set out in the SCI.

9.7 Under the Planning and Compulsory Purchase Act 2004 S 20(5)(a) an Inspector is charged with checking that a Local Plan submitted for adoption has complied with legislation. This includes checking that the plan has been prepared in compliance with the SCI. Without passing this legal test the Council would not be able to demonstrate to an Inspector that the Local Plan is legally compliant and therefore could not be found sound at examination.

10. COMMENTS OF OTHER RELEVANT SERVICES

10.1 None.

11. APPENDICES

Appendix 1 - Summary of main proposed policy and proposal changes since the Consultative Draft Local Plan

Appendix 2 - Proposed Submission Local Plan

Appendix 3 - Policies Maps

Appendix 4 – Renewable energy appendix to Proposed Submission Local Plan

12. BACKGROUND PAPERS

National Planning Policy Framework –

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Current Adopted Core Strategy and Development Plan documents –

<http://www.southkesteven.gov.uk/index.aspx?articleid=8159>

Cabinet report on Local Plan – Consultative Draft Report Number SEG44, June 2017

<http://modern.gov.southkesteven.gov.uk/ieListDocuments.aspx?CId=164&MId=3497>

Current adopted Statement of Community Involvement –

<http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=14102&p=0>

Summary of main proposed policy and proposal changes since the Consultative Draft Local Plan

1. Purpose

- 1.1 This note summarises the main changes proposed to the Local Plan since the consultation in July and August 2017 on the Consultative Draft Local Plan.
- 1.2 Once approved by Full Council, the revised plan will form the Proposed Submission Local Plan for publication for representations in accordance with Regulation 19 of the Local Plan Regulations and then submission to the Secretary of State. This version is the Council's Proposed Submission version and will hold greater weight as a statement of the Council's planning policy and as a material consideration in planning decisions.
- 1.3 The consultation under Regulation 19 specifically seeks representations as to the legal compliance and tests of soundness of the Local Plan. The Proposed Submission Local Plan together with valid representations will then be submitted by the Council to the Secretary of State for examination, unless the Council chooses to revise the plan. This would necessitate additional consultation, which would then lead to repercussions in terms of the Government's deadline regarding the implementation of the proposed new methodology for housing need assessment.

2. Summary of main changes and considerations since the Consultative Draft Local Plan

- 2.1 This Proposed Submission Local Plan has been informed by a substantial evidence base, including assessments of housing and employment needs. All responses made through the July/August 2017 consultation have been taken into account in producing the Local Plan, alongside the implications of recent Government consultations.

Vision, Strategic Objectives and Spatial Strategy

- 2.2 More positive wording is proposed to *Policy SD 2 - Principles of Sustainable Development in South Kesteven* to the effect that development proposals should proactively minimise impacts on environmental issues and proactively enhance the natural and built environment.
- 2.3 There is no significant change to the spatial strategy. The aim of the Local Plan to seek to achieve the majority of new development in Grantham remains, with appropriate levels of associated development in the three market towns and identified larger villages. No change is proposed to the list of larger villages of which there are 15.

Housing Need Assessments

- 2.4 The Government's new proposed standardised approach to assessing need has been set out in the *2017 Putting the Right Homes in the Right Places*

consultation and within the current consultation on the proposed revised *National Planning Policy Framework (NPPF)*. This proposed methodology would set a minimum housing requirement of 785 dwellings per annum in South Kesteven for the period 2016 to 2026 – a 24% increase, compared to the figure of a minimum of 625 dwellings per annum over the period 2011 to 2036 as set out in the Council's evidence base and used in last summer's Consultative Draft Local Plan. The Government's proposed approach uses an affordability ratio by dividing average house prices by average workplace earnings in the District.

- 2.5 As a result of representations from South Kesteven and other Councils, the Government has indicated that any Local Plans submitted within 6 months of the publication of the revised NPPF will be examined against the current NPPF, and therefore based on the Council's existing evidence and not the new methodology proposed by the Government.
- 2.6 Accordingly, as before, the Local Plan will need to ensure that it provides sufficient land, as a minimum, to deliver **625 dwellings per annum over the period 2011 to 2036**. The Local Plan covers the period 2011 to 2036 to reflect the existing evidence base - as there has been a significant shortfall in housing provision for the period 2011 to 2018, then the average annual requirement for the remaining plan period (2018 to 2036) equates to 686 dwellings per annum.
- 2.7 In addition to this, in order to provide choice and contingency and address affordability issues as well as reflect the Government's future intentions and recent issues of under-performance of the housing market in South Kesteven, the Proposed Submission Local Plan proactively proposes to allocate sufficient land to enable **12.9% housing growth above** the assessed housing need. This approach will help the Council to maintain a 5 year housing supply and prepare for the first review of the Local Plan which will need to take account of the Government's proposed standardised housing need methodology.
- 2.8 A breakdown of housing completions, commitments and proposed allocations by settlement category over the plan period is set out below:

Proposed Allocations for Residential Development, 2011-36

*assumes 650 capacity from the Quarry Farm to be considered within the Rutland

	Total Completions April 2011 to March 2018	Consents (Full Permission)	Commitments (Former allocations or Outline Permission)	Local Plan Allocations	Total
Grantham	1,107	792	5,222	904	8,025
Stamford	569	489	134	2,112*	3,304
Bourne	1,075	527	353	200**	2,155
The Deepings	466	265	113	663	1,507
Larger Villages	475	221	119	1,001	1,816
Smaller Villages	183	90	20	540***	833
Total	3,875	2,384	5,961	5,420	17,640
Calculation of Minimum requirement, 2011-2036	OAN gives 15,625 (625 x 25) plus a 12.9 % over provision across the plan period gives a total of 17,640 dwellings				

Local Plan, in line with a Memorandum of Co-operation between South Kesteven District Council, Rutland County Council and Lincolnshire County Council

**assumes capacity of 200 to be identified through the Bourne Neighbourhood Plan

***windfall allowance in smaller villages to reflect policy change, based on 30 per annum for 2018-36

Location of new development, 2018 to 2036

Percentage breakdown of new development based on Consents + Commitments + Allocations (sum of 2nd, 3rd and 4th columns above)	
Grantham	50.3%
Stamford	19.9%
Bourne	7.8%
The Deepings	7.6%
Larger Villages	9.7%
Smaller Villages	4.7%

2.9 **Grantham:** The Proposed Submission Local Plan notes that planning permission has now been granted for 480 dwellings on appeal for land at Manthorpe. Further work has now been commissioned by the MoD to undertake a masterplan for the potential development of the **Prince William of Gloucester Barracks** site. On the basis of this work and following discussions

with the highways authority, this site is now proposed to be allocated for development, with an assumption made in the Local Plan that **500 dwellings** would be built within the plan period.

- 2.10 **Stamford:** The Proposed Submission Local Plan notes that planning permission has now been granted for 29 dwellings on appeal for land to the south of Kettering Road. No further amendments are proposed for residential site allocations in Stamford, although a draft document has been produced setting out a Memorandum of Co-operation (MoC) between Lincolnshire County Council (LCC), Rutland County Council (RCC) and South Kesteven District Council (SKDC) regarding the land to the north of Stamford. The draft MoC provides for **650 dwellings on the Quarry Farm site in Rutland** to contribute to the assessed housing need of South Kesteven.
- 2.11 An amendment has been made to the eastern boundary of the Stamford North site to include an area to the east of the former railway line. Although this area is included as part of the allocated site, the text of the policy makes it clear that this land is not suitable for development but is considered suitable for strategic landscaping and drainage works only; this proposed amendment could offer the opportunity to extend the proposed East-West road from Ryhall Road to Uffington Road.
- 2.12 **Bourne:** The Proposed Submission Local Plan notes that there are still some 770 dwellings to be provided on land with full or outline consent at Elsea Park. This development is likely to be completed within the first half of the plan period. As a result of the existing supply of land at Elsea Park, the advancing work on the Neighbourhood Plan, and to take account of public opinion, the Local Plan does not make any specific additional allocations in Bourne. Instead, it is expected that the Neighbourhood Plan body will work in partnership with the Council to identify suitable, sustainable locations for a minimum of 200 new homes over the plan period. A new policy is included to cover this point. If the Neighbourhood Plan is unable to deliver this requirement, then any further need for additional housing in Bourne would then need to be addressed at the first review of the South Kesteven Local Plan.
- 2.13 **The Deepings:** A change is proposed in that land at **Millfield Road (previously identified for 200 dwellings)** is no longer proposed to be allocated for development. This is due to an application being submitted by the local community to the County Council to designate the land as a Village Green. It was felt only right that the site should not be considered to be available for development whilst this application is still proceeding. Given the extent of the known and proposed housing supply, no further strategic allocations for residential development are proposed in this locality. This will need to be re-considered at the first review of the South Kesteven Local Plan, when the outcome of the Village Green application should be known.
- 2.14 **Larger Villages – Barrowby:** The provisional allocation at Low Road in Barrowby has been extended to include an adjoining site following a review of site appraisals and in order to provide additional choice and contingency to deliver the intended level of growth set out in the Proposed Submission Local Plan. The combined capacity of the new site is indicated as **230 dwellings**, compared to **89** in the Consultative Draft Local Plan.

- 2.15 **Larger Villages – Corby Glen:** The Proposed Submission Local Plan now includes the land west of **Swinstead Road** with a potential capacity of **30 dwellings** – this was previously allocated but was not included in the Consultative Draft due to concerns about deliverability of the site; further evidence has now been provided on the owner’s intentions and deliverability.
- 2.16 **Larger Villages – Great Gonerby:** The capacity of the proposed site allocation at Easthorpe Road has been increased from **30 to 45 dwellings** to reflect the inclusion of an additional area assessed as suitable for development.
- 2.17 **Larger Villages – South Witham:** The capacity of the site allocated at **Thistleton Lane and Mill Lane** has been amended from **59 to 34 dwellings** to reflect site constraints. An additional site allocation is proposed for the land north of High Street, with an indicative capacity of **31 dwellings**.

Other Housing Policies

- 2.18 **Affordable housing:** The requirement for affordable housing on all sites comprising 11 or more dwellings has been reduced from up to 35% to 30% based on the current independently assessed impact of the Local Plan policies on financial viability.
- 2.19 **Self and Custom build:** A wording change is proposed so that where it has been demonstrated that a plot has been marketed for at least 12 months but has not been sold for self/custom build the developer may seek to have the plot returned to market use. The Policy will continue to seek that on sites of 400 or more units up to 2% of the plots will be provided for self and custom build housing.

Economic Prosperity

- 2.20 Employment policies have been re-worded to provide greater clarity and to avoid repetition in order to provide greater certainty to guide development and investment. The text of the Proposed Submission Local Plan has been strengthened to reflect the Council’s aims to support the growth of the Local Economy. This includes for greater flexibility for other employment uses, such as hotel, leisure provision and care homes, on strategic employment sites in order to encourage early development.
- 2.21 **Land south of Gorse Lane to the west of the A1** is now proposed as an employment site to ensure the delivery of essential infrastructure to enable the new A1 junction to be completed; although development will have to reflect the landscape sensitivity of this site (the site was previously un-allocated in the Consultative Draft Local Plan).

Protection and Enhancement of the Environment

- 2.22 *Policy EN2 - Protecting Biodiversity and Geodiversity* has been strengthened by the inclusion that planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats,

including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm.

- 2.23 A new *Policy EN3 - Green Infrastructure* has been included so as to support the maintenance and improvement of the green infrastructure network in South Kesteven.
- 2.24 The policy related to the *Historic Environment* (now numbered *Policy EN6*) has been strengthened by the inclusion that proposals which would conserve or enhance the significance of the heritage asset shall be considered favourably; substantial harm or total loss will be resisted.
- 2.25 Revisions have been made to the *Policy DE1 - Promoting Good Quality Design* to reflect Government and local aspirations. In addition, a joint bid submitted by the Council with Rutland County Council to the Design Quality Planning Delivery Fund has been successful with the award of £185,000 over two years. This funding will be used to support the production of a Design Supplementary Planning Document (SPD) to provide additional guidance to developers, aligned to the respective Local Plan policies.

Infrastructure

- 2.26 Policy ID1 - *Infrastructure for Growth* has been amended in the Proposed Submission Local Plan to reflect that the Council will set priorities for the provision of infrastructure along with affordable housing and other policy requirements. If exceptional financial evidence is provided claiming that the development is unviable with these requirements, this must be justified through clear evidence set out in a viability assessment which the Council will have independently assessed. The applicant will be expected to meet the cost of this assessment.

3. Next Steps

- 3.1 **Council consideration – 24th May.** If approved by Council, then:
- 3.2 **Publish the Plan (Publication) – consultation to take place 11th June to 23rd July 2018:**
The Plan is available for stakeholders and the public to comment on for a minimum of 6 weeks. In accordance with the Local Plan Regulations, this consultation is formal and statutory seeking specifically to establish the Plan's soundness for Examination in Public.
- 3.3 **Submit the Plan to the Secretary of State:**
The Council will assess the comments received during consultation. If it considers that the Local Plan is sound, the Plan can be submitted for Examination in Public (EiP). If the Council proposes to amend the plan further then stages 6 and 7 will need to be repeated but this has repercussions as set out above in paragraph 1.3.
- 3.4 **Public Examination:**

The Plan is examined by an independent Planning Inspector who will conduct an EiP.

3.5 **Adopt:**

If the independent Planning Inspector finds the Local Plan sound, the Plan can be adopted by the Authority. The Inspector usually makes some modifications to the plan. If the Inspector does not find the Local Plan sound, the process goes back to consultation