



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

## Urgent Non-key Decision

31 July 2020

Councillor Robert Reid

Cabinet Member for Housing and Planning



## South Kesteven Annual Position Statement

This report will consider the submission of the Annual Position Statement to the Planning Inspectorate with the purpose of fixing the district's 5 year housing land supply

### Report Author

Shaza Brannon, Principal Planning Policy Officer



01476 406 282



Shaza.brannon@southkesteven.gov.uk

Approved for  
publication:

Councillor Robert Reid, Cabinet Member for Housing  
and Planning

Cllr Robert Reid  
31 July 2020

### Recommendation (s) to the decision maker (s)

1. Approves the Annual Position Statement and accompanying Engagement Statement for submission, once finalised, to the Planning Inspectorate by the deadline of 31<sup>st</sup> July 2020.

## **1 The Purpose of the Report**

- 1.1 To consider the Annual Position Statement (APS) and accompanying Engagement Statement and decide if the Council is to submit the finalised Annual Position Statement to the Planning Inspectorate to fix the Council's 5 year housing land supply for one year.
- 1.2 National Planning Policy Guidance on Housing Supply and Delivery, produced by the Ministry of Communities Homes and Local Government in 2019, enables Councils with recently adopted Local Plans to formally confirm/fix their 5 year housing land supply for 1 year by submitting an Annual Position Statement (APS) to the Planning Inspectorate. The APS must be submitted to the Planning Inspectorate for review by 31 July 2020.
- 1.3 The South Kesteven Local Plan was adopted on 30<sup>th</sup> January 2020 and as such is deemed recently adopted until 31 October 2021.
- 1.4 The Annual Position Statement and accompanying Engagement Statement has been prepared and published for consultation with landowners, developers and stakeholders.
- 1.5 Two rounds of consultation have been undertaken whilst preparing the APS. The first sought deliverability information from the development industry and achieved a good response rate of 68%. The second round of consultation on the draft APS included the development industry and stakeholders. The APS consultation was also published on a [dedicated APS webpage](#) on the Council's website enabling any interested party to respond, including the public. The Council received 19 responses of which 17 were positive. Two responses were received querying the 5 year housing land supply which the Council will rebut through the final APS.
- 1.6 The Government's Planning Advisory Service has worked closely with the Council; providing advice, support and constructive comments on the APS which the Council has taken into account.
- 1.7 The South Kesteven Annual Position Statement demonstrates a 5 year housing land supply of 5.50 years.
- 1.8 In consultation with the development industry, the potential impacts of Covid-19 have been considered.

## **2 Reasons for Urgency**

- 2.1 The Council was required to notify the Planning Inspectorate of its intention to submit an APS by 1 April 2020; the Council notified the Planning Inspectorate on 24 March 2020.
- 2.2 Time to prepare the APS and accompanying documentation, from informing the government of the Council's intention to submit, to the submission deadline, is a period of 3-months. The Government guidance includes the requirement to undertake rigorous consultation with the development industry and stakeholders. The Council held 2 rounds of consultation, which in total lasted 3 weeks. The last round of consultation closed on 7 July 2020 and the Council has since been chasing outstanding responses to ensure that the APS is robust.
- 2.3 Additional time was given to consultees because of the impact Covid-19 has had on the development industry. A proportion of contacts had been furloughed and were unable to provide a meaningful response during the lockdown and the slow down or halt on building sites. As such, the APS has taken longer to prepare and is currently being finalised ahead of the submission deadline.

- 2.4 If the Council was to wait for the passing of 5-days' notice of the Cabinet Member's intention to make the decision and the 5-day call-in period, the Council would not be able to meet the deadline of 31 July 2020. This means that the 5-year housing land supply would not be fixed and the Council would be at risk of being subject to costly and resource-intensive planning appeals. Failure to meet this deadline would also prevent the Council from submitting an APS in subsequent years.

### **3 Available Options Considered**

- 3.1 Option A: To submit the final APS to the Planning Inspectorate by the government-imposed deadline of 31 July 2020.
- 3.2 Option B: To not submit the APS by the government-imposed deadline but to publish as the Council's 5 Year Housing Land Supply Statement (a regulatory requirement).

### **4 Preferred Option**

- 4.1 A. To submit the final APS to the Planning Inspectorate by the government-imposed deadline of 31 July 2020.

### **5 Reasons for the Recommendation (s)**

- 5.1 Submission of the APS to PINS (option A) is the recommended approach because;
- The APS demonstrates a 5 year housing land supply of 5.5 years;
  - The APS is based on advice and feedback from the Government's Planning Advisory Service;
  - If approved by PINS, South Kesteven's 5 year housing land supply will be fixed for 1 year;
  - If the APS is simply published on the Council's website (option B) but not submitted to PINS and approved, the Council's 5 year housing land supply will be subject to costly resource heavy planning appeals;
  - If the 2020 APS is approved by PINS, the Council will be eligible to submit an APS in 2021, and fix its 5 year housing land supply for another year. If an APS is not submitted this year, the Council will not be eligible to submit APSs or fix its 5 year housing land supply in subsequent years.

### **6 Financial Implications**

- 6.1 There are no direct financial implications arising from this report. If the APS is submitted and approved by the Planning Inspectorate, the Council's 5 Year Housing Land Supply will be fixed for 1 year. The Council's Housing Land Supply will not therefore be exposed to potential costly Planning Appeals.

**Financial Implications reviewed by: Richard Wyles, Interim Director of Finance**

### **7 Legal and Governance Implications**

- 7.1 The Plan has been prepared in line with the National Planning Policy Framework and the National Planning Policy Guidance on Housing Supply and Delivery, produced by the Ministry of Communities Homes and Local Government in 2019.
- 7.2 If the Council decides to submit the APS to the Planning Inspectorate, the deadline is 31<sup>st</sup> July 2020.

- 7.3 Article 17.7.3 of the Council's Constitution states that where an individual member of the Cabinet receives a report which he or she intends to take into account in making any key or non-key decision, then he or she will not make the decision until at least five clear calendar days after receipt of that report. Notice must be served at the same time to the Chairman of every relevant Overview and Scrutiny Committee Chairman and the Monitoring Officer (as soon as reasonably practicable) and made publicly available at the same time.
- 7.4 Where, due to reasons or urgency, these provisions cannot be met, the special urgency provisions relating to non-key decisions by individual members of the Cabinet will apply. The person preparing the report to be taken into account by the decision-maker will notify the Monitoring Officer of the reasons for urgency. When the report is given to the individual decision-maker, the Monitoring Officer will, at the same time, notify in writing to the Chairman of every relevant Overview and Scrutiny Committee of the reasons for taking a non-key decision as a matter of urgency. If there is no Chairman of a relevant Overview and Scrutiny Committee or if the Chairman is unable to act, then the relevant Vice-Chairman will be notified.
- 7.5 As soon as reasonably practicable after an urgent non-key decision has been taken by an individual member of the Cabinet, he or she will instruct the Monitoring Officer to prepare a record of the decision, a statement of the reasons for it and the nature of its urgency, and any alternative option that was considered and rejected. The record of the decision (subject to the exclusion of any exempt or confidential information) shall be published at the same time and made available to the public at the offices of the Council. The non-key decision will take immediate effect and shall not be subject to call-in.
- 7.6 The Leader shall include reference to the urgent non-key decision in his or her quarterly report to the Council on Cabinet decisions taken in the circumstances set out in special urgency in the preceding 3 months.

**Legal Implications reviewed by: Mandy Braithwaite, Legal Executive**

## **8 Equality and Safeguarding implications**

- 8.1 The Annual Position Statement seeks to demonstrate a 5 Year Housing Land Supply to meet the housing needs of the District up until 2025.
- 8.2 The South Kesteven Local Plan is accompanied by an Equality Assessment

## **9 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?**

- 9.1 The APS demonstrates how the Council is meeting its housing land requirement, as set out in the Local Plan, over the next 5 years. The APS is not required to directly consider climate change; however, the Local Plan was subject to a Sustainability Appraisal which assesses the Local Plan policies (including housing requirement) against environmental objectives, including climate change.
- 9.2 The Local Plan also includes policies such as Policy SB1: Sustainable Building, which requires all development proposals to mitigate against and adapt to climate change, to comply with national and contribute to local targets on reducing carbon emissions and energy use. Future development included in the APS will be required to meet Local Plan policies.

## 10 Appendices

- [Appendix 1: Annual Position Statement](#)
- [Appendix 2: Engagement Statement \(accompanies the APS\)](#)
- [Appendix 2a: Site Deliverability Information \(Appendix 1 of Engagement Statement\)](#)
- [Appendix 2b: Consultation Responses \(Appendix 2 of Engagement Statement\)](#)

<b>Report Timeline:</b>	Date decision due to be made	31 July 2020
	Call-in deadline	Not applicable
	Date decision effective (subject to call-in)	31 July 2020