

EAST LINDSEY LOCAL PLAN 2016 – 2031

EXAMINATION IN PUBLIC

Response to Inspector's Matters, Issues and Questions

Made on Behalf of KCS Developments Ltd
June 2017

MATTER 6 – THE APPROACH TO HOUSING DEVELOPMENT, PARTICULARLY IN THE INLAND AREAS (POLICIES SP3 AND SP4)

Preamble

- 1.1 Barton Willmore is instructed by KCS Developments Ltd ('our Client') to submit responses to the Inspectors Matters, Issues and Questions following the submission of the East Lindsey Local Plan ('Local Plan') for examination. The Local Plan comprises two separate documents; the Core Strategy (CD107/CD108) which sets out the vision and strategic policies for growth and development in the district over the plan period and the Settlement Proposals Plan document (CD109/CD110) which contains site allocations and areas shown on the proposals maps which relate to the Core Strategy.
- 1.2 KCS Developments Ltd is a Leeds based development company who have a successful track record of promoting land through the Local Plan process and obtaining planning consents for residential developments throughout the Country.
- 1.3 Our Client's land interest in the district is land to the rear of Chestnut Drive, Louth (reference: LO311) which the Council identify as having a capacity for 275 dwellings and a potential affordable housing contribution of 30% (82 units). An outline planning application (Ref: N/092/01853/16) for the first phase of development of the site, which comprises 100 units was approved at planning committee on 15th December 2016, subject to the completion of a Section 106 Agreement.
- 1.4 The Inspector has identified the main issue for this session to be:

Is the overall approach to housing development in the inland areas justified?

- 1.5 Our response to the relevant questions in relation to Matter 6 are found below. We have had specific regard to the tests of soundness outlined in Paragraph 182 of the National Planning Policy Framework ("NPPF"); namely that for the policies of the Local Plan to be sound, they need to be justified, effective, positively planned and consistent with national policy.

1. Is there a policy which specifically allocates the housing sites set out in the Settlement Proposals DPD?
 - 1.6 Whilst our Client notes that there is not a policy within the Core Strategy part of the Local Plan which references the individual allocations, they are effectively allocated and analysed in some detail within the Settlement Proposals DPD. We believe that this is the correct approach and leaves the Core Strategy element of the Local Plan to address the overall vision, numbers of new homes and general distribution.
 - 1.7 However, if required by the Inspector, such a policy could be included within this part of the Core Strategy, potentially with an accompanying table setting out the individual allocations in the separate settlements. If this were to happen, we suggest the quantum of dwellings expressed for each site is given as an approximate figure to allow flexibility for when detailed proposals are put forward for each allocation.
2. The plan states (para 14, para 23) that the starting point requirement for the settlement is calculated on the number of households as a percentage. Is this starting point figure for each of the inland Towns and Large Villages set out anywhere?
 - 1.8 The methodology behind the distribution of housing is explained within the Local Plan as well as the *Housing Topic Paper* (CD15) which the Council has prepared as part of its evidence base.
 - 1.9 It is our Client's view that whilst the starting figures could be provided, this does not necessarily need to be directly outlined within the Local Plan itself (we believe the explanation currently provided is enough).
3. Taking into account allocations *and* commitments, what is the planned level of housing growth in each of the inland Towns and Large Villages? Do the larger settlements get more housing growth, as stated in CS para 14, page 23?
 - 1.10 It is our Client's view that Tables A and B in the Core Strategy clearly highlight the planned minimum level of housing growth for inland towns and large villages. It is noted that this provides allocations (based on the Council's estimation of the capacity of sites) over and

above the prescribed split in the OAN figure highlighted in the Core Strategy (paragraph 12). We look forward to discussing this further at the examination.

- 1.11 Whilst we do not comment specifically on other towns and large villages, out of all the settlements highlighted in Table B in the Core Strategy, Louth is by far the largest in terms of population and as a result of this is apportioned the largest share of housing growth for inland areas. We believe this is a sound and robust approach and we explain our reasons for this in response to Questions 4 and 6 below.
4. Taking commitments into account, is the overall extent and distribution of the housing allocations to the inland Towns justified (i.e. - Louth 1204, Alford 161, Coningsby/Tattershall 417, Horncastle 0, Spilsby 264)? How were the minimum allocation figures in Table B on page 26 arrived at? In some cases these figures are less than in some of the Large Villages (e.g. Holton le Clay 326, Sibsey 239 and Woodhall Spa 352) – is this justified? How does this relate to the Settlement Pattern in Policy SP1 (see Policy SP3 4 which refers to housing growth being distributed as set out in the Settlement Pattern).
- 1.12 Whilst we look forward to discussing the approach to the distribution of housing allocations at the examination, we note that the Council has outlined its approach within the Core Strategy (notable paragraph 14) and has undertaken a *Strategic Housing Land Availability Assessment ("SHLAA") (November 2016)* (CD17) and *Sustainability Appraisal* (CD102) which have been used to feed into the final distribution of housing allocations.
- 1.13 In particular Table 1 of the main SHLAA report highlights clearly how commitments have influenced the distribution of housing allocations within settlements, so that although Question 4 highlights figures to be allocated in certain settlements, these do not include commitments as outlined in the SHLAA. It is clear from examining this that a number of settlements already benefit from a significant number of commitments which has then appeared to shape how the distribution of housing allocations has been formed.
- 1.14 Irrespective of this our Client would maintain that should the Inspector find the need to revisit the distribution of allocations, the primacy of Louth as the largest and most sustainable settlement in the inland area should remain unmodified and that any revisiting of distribution should be between some of the smaller sized towns and the larger sized villages (where differences in settlement size are less stark).

5. Why are no allocations proposed in Horncastle? Is the planned level of housing growth in Horncastle appropriate, having regard to existing housing commitments?

1.15 Our Client does not have any specific comments in relation to this question at this time, however they reserve the right to comment on this further should it affect their land interests.

6. A significant proportion of the total from inland allocations is to be provided in Louth (1,204 out of 3,901). Taking commitments into account, is the scale of increase justified?

1.16 Sustainable development lies at the heart of the NPPF (paragraph 14); both for plan-making and the determination of planning applications. This is also highlighted in draft Policy SP2 of the Core Strategy. Key principles involved in applying this to future housing growth are ensuring proposed allocations are put forward in sustainable locations which are accessible, contain supporting infrastructure, key services and facilities and are close to existing and proposed employment opportunities (to allow sustainable patterns of development to be established).

1.17 In this respect Louth is by far the largest settlement within the inland area of East Lindsey with a population of around 16,000 (approximately 10,000 greater than the next largest inland settlement). The settlement is accessible, with key public transport links to nearby settlements, and has key services and facilities to support future growth. The town is also one of the main employment centres within Lincolnshire. The town is therefore capable of accommodating a notable portion of the district's future housing growth such as that proposed through the Core Strategy and can do so in a sustainable manner which is consistent with the principles set out in the NPPF.

1.18 We therefore believe the current distribution proposed for Louth is sound in being justified, effective, positively planned and consistent with national planning policy. The approach proposed strikes the correct balance in maximising growth in the town and that proposed elsewhere in the district.

Questions 7 – 16

- 1.19 Our Client does not have any specific comments in relation to these questions at this time, however they reserve the right to comment on them further should it affect their land interests.
17. Is ADM8 necessary for soundness? (reference to minimum allocations and not targets)
- 1.20 Our Client believes that a distinction needs to be drawn here between allocations and targets. The allocations within the plan already appear to exceed the housing target that is outlined; creating a buffer. Whilst it is understood how the housing target can be regarded as a minimum and that this could be seen generally as sound (as it would be seen as planning positively and being effective in boosting significantly the supply of housing within the district), it is unclear how allocations or their distribution can be seen a minimum.
18. Is ADM11 necessary for soundness? (reference to minimum inland target of 6,460).
- 1.21 Please see our response to question 17 above.

Questions 19 – 22

- 1.22 Our Client does not have any specific comments in relation to these questions at this time, however they reserve the right to comment on them further should it affect their land interests.
23. In Policy SP3 3, is the phasing of development in line with infrastructure requirements for developments of over 30 homes justified? Is it clear what will be required to comply with this criterion? Is the intention that necessary infrastructure should be in place at an appropriate point? Should this be explained in the supporting text? Is ADM9 required for soundness (ie indicating phasing *if required*)?
- 1.23 Our representations made to the Publication Draft of the Core Strategy highlighted our views that Policy SP3 3 (as drafted) is unsound on the basis of not being justified, effective, positively planned or in accordance with national policy. Indeed, we are not able to find any

evidence which would seek to prove that this part of Policy SP3 is necessary and are unaware of this approach being adopted in any other local planning authority. As it stands the policy is rigid, inflexible and does not take into account site specific circumstances. It is also not clear when the policy is precisely expecting infrastructure to be in place and this basis is imprecise.

- 1.24 In addition to this, in the vast majority of cases a housebuilder would not seek to phase a development of this size and would likely build it out as a single phase. The policy therefore has no regard to how housing developments are likely to be delivered in the district.
- 1.25 Whilst we note the suggestion to include ADM9 (indicating phasing 'if required'), we do not believe there is evidence for this approach either and therefore still believe that the policy would not pass the tests of soundness found in paragraph 182 of the NPPF. As such, we would advocate that to make Policy SP3 sound, this criterion should be removed altogether and that infrastructure requirements and phasing should be determined on a site by site basis through the development management process.
24. The supporting text (para 36, page 29) states that the Council will monitor housing development by the imposition of planning conditions on outline approvals to ensure that reserved matters applications are submitted in a reasonable period of time (12 to 18 months according to the proposed additional modification – ADM14). Is this justified, reasonable and realistic, given the Town and Country Planning Act refers to 3 years? Is the ADM necessary for soundness?
- 1.26 Our Client does not have any specific comments in relation to this question at this time, although it would seek to resist any reduction in the lifetime of planning permissions that are outlined in the 1990 Town and Country Planning Act (as amended) and note that such any such approach would be unsound on the basis of being unjustified, not positively planned and inconsistent with national policy.