



AAA REF: MJD/LARKF/07/0763

**NORTH LINCOLNSHIRE HOUSING AND EMPLOYMENT LAND
ALLOCATIONS DPD EXAMINATION (JANUARY 2015)**

FINAL RESPONSE TO INSPECTOR IN RESPECT OF MATTERS 2 & 3

**Five Year Supply Issues / Revised Housing Trajectory and the Conesby Farm
Omission site.**

FIRECREST LAND LIMITED

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1.0 Procedural approach to the 5 year land supply calculation

1.1 The starting point of this final response is the re-iteration of our representation to Matter 2 in that North Lincolnshire Council has not adopted the most up to date, supported approach to calculating housing land supply as set out in NPPG (para 3-035) which affirms the Sedgfield approach. The wording of this paragraph of the recent guidance does not offer an alternative (Liverpool) approach and states that if the shortfall cannot be addressed in the five year period, authorities need to work with neighbouring authorities under the Duty to Co-operate. The most recent appeal decisions including the Secretary of State issued Decisions at Droitwich in July 2014 appear exclusively to corroborate this approach and the majority of the respondents to Matter 2 highlighted this matter.

1.2 The second point is also a re-iteration of concern that the Council seeks to justify a 5% buffer on the basis of delivering only 76% of its housing requirement over the last 10 years and failing to meet its target in each of the last seven years. Again, none of the respondents at the examination agreed the Councils' position on the NPPF buffer.

1.3 If these procedural differences are accepted by the Inspector, then the Council's starting position on five year supply before examination of the allocated sites is as set out Appendix 1 of my examination submission to Matter 2 -i.e a starting supply of just 3.76 years as opposed to 5.0 years.

1.4 I see no compelling reason why any different approach to the land supply calculation should be taken. The housing delivery strategy is clearly still failing, yet there are alternative sites adjoining the urban area that are available, achievable and deliverable to support development without the level of constraint that is currently delaying the Lincolnshire Lakes scheme and other allocations in the DPD.

2.0 Examination of Supply

2.1 On the day of the Scunthorpe housing sites discussions (14January 2015), attendees were presented with a revised housing trajectory. This trajectory has subsequently been revised again and comments have been invited by the Inspector. The Lincolnshire Lakes development remains

hugely relevant to the five year supply debate even though the principle of its development is not the subject of examination.

- 2.2 The Council's 5 year delivery 2014-2019 delivery assumption for Lincolnshire lakes has now been reduced from 1800 to 1340 dwellings. In my view this reduction does not go nearly far enough. The Council still assume delivery of 310 completed dwellings by 31 March 2016 despite no Reserved Matters and no formal announcement of housebuilders signed up to submit reserved matters applications. In the absence of any compelling delivery evidence from Lucent and the sheer conflict of logic that 310 dwellings will be constructed for occupation by March 2016, these 310 dwellings must be completely discounted. In my original submissions on Matter 2, I offered a qualified yet still aspirational target of 300 dwellings per annum from 2016 to 2019, totalling 900 dwellings overall, and effectively a further reduction of 430 dwellings from the Council's revised trajectory.
- 2.3 The trajectory delivery rates at Lincolnshire Lakes post 2019 were not discussed in depth as the principle focus for Matter 2 was the five year supply delivery. However, the later delivery rates in the trajectory exceed 500 dwellings per annum from 2020 and are programmed to peak at 697 in 2022/23. This time period may be some way off, but the figures are in my view bordering on fantasy and there will be no precedent for this scale of housing delivery across northern England. There is clearly a need for other large sites to come forward, not to dilute the requirement at Lincolnshire Lakes, but to realistically address needs in a timescale which cannot realistically be delivered at Lincolnshire Lakes.
- 2.4 There are other sites within the Site Allocations DPD where the timing of delivery has been questioned. Large sites SCUH 8 and SCUH 10 have significant infrastructure and levels issues to be addressed as well as flood mitigation implications. Merely putting these sites 'back' by one year does not realistically reflect the time needed to resolve the issues and secure planning permission and developer interest and this point was put forward by one of the participants at the session with an involvement in the site. Similarly, the delivery assumption for SCUH 3 has not been set back a further year to reflect the situation described by the agent participating at the Scunthorpe session. Appropriate setting back of these three sites alone would reduce the five year land supply by a further 160 dwellings. The Council were also requested to respond in

respect of securing a response from Sport England in respect of the proposed allocation of public open spaces and playing fields at SCUH –C2 / SCUH- C3/ SCUH-C7/SCUH C-8 and this may also have consequences for five year delivery.

2.5 Within the five year period alone I consider that there is a likely supply deficit of at least **600** dwellings from the trajectory from Scunthorpe alone, reducing the Councils 5 year deliverable supply to about 3800 dwellings (based on the latest trajectory which does not total up the relevant columns!). If the Inspector accepts that the five year requirement should adopt the Sedgefield approach in line with NPPG paragraph 3- 035 and incorporate a 20% buffer then the 5 year requirement would be in the order of 6230 dwellings (See my Appendix 1 (i) to Matter 2 submission) leaving the Council over **2400** dwellings short for the period 2014-2019 in terms of meeting supply requirements.

3.0 CONTINGENCY SITES and OMISSION SITES

3.1 With appropriate guidance from the Inspector, the Council are already including 4 of their 9 contingency sites in Scunthorpe to deliver towards the current five year supply assumption of 4377. The remainder of the contingency sites would clearly not appear to be available to come forward during this period. This requires the allocation of additional sites to make up the substantial shortfall.

3.2 Four ‘Omission’ sites were tabled at the Examination. In addition to my clients’ landholding at Conesby Farm to the north east of the town, sites at Yaddlethorpe (south west), Holme Lane (south east) and Burringham Road (west) were put forward for discussion. Cumulatively these sites could potentially deliver 2400 dwellings, although only a proportion of these homes could be delivered in the next five year period. In my opinion however, the over-reliance upon Lincolnshire Lakes is not only a short term issue until the site eventually gets underway, but throughout the plan period where post 2019 an even greater and even more unrealistic delivery assumption is factored into the Council’s trajectory.

3.3 Notwithstanding the evident vulnerability of their supply position, the Council have maintained an objection to all of the omission sites put forward at the examination. The approach of systematically seeking to dismiss all the alternative options only highlights the Council’s single

strategy of seeking to restrict the main housing development opportunity to Lincolnshire Lakes and a number of 'difficult' site allocations, which includes a high proportion of Council owned sites which could be a further constraint on site availability and release for development.

3.4 If the Inspector finds with the participants that the Council's supply position is untenable in terms of meeting the requirements of the NPPF to boost significantly the supply of housing, we would respectfully request that he goes back to the Council to revisit their position on omission sites and Conesby Farm in particular which generated very little public opposition during public consultations and is principally the subject of 'unsubstantiated' technical objections from the Council in respect of noise generation from nearby industrial and leisure uses. Having due regard to the Council's approach of summarily discrediting the Conesby Farm site when many other allocated sites in the DPD adjoining significant noise sources are deemed acceptable in principle (subject to noise assessment as a policy criterion) , the Inspector is requested to consider 'in-principle' the Firecrest masterplanning strategy with regard to potential noise issues which is derived from actual noise survey , monitoring and modelling undertaken by expert consultants and where a combination of major stand-off distances of open spaces (achievable on a 75ha landholding) , deliverable landscaped bunding adjoining key boundaries (north and west as shown on the Masterplan) and orientation of the outer edge of residential development achieve noise mitigation both internally and externally that conform with relevant BS and WHO standards. If the Inspector considers that the location of Conesby Farm is sustainable (as the Council have acknowledged) then he is in a position to recommend that subject to all the policy caveats applied to other 'allocated' sites adjoining existing industrial areas, major roads and busy railway lines, Conesby Farm merits consideration as a further allocation to meet the clear delivery shortfall within Scunthorpe.

3.5 A full Environmental Assessment is close to completion to support an outline planning application for the site to be submitted by Firecrest Land in association with housebuilder Larkfleet Homes, in line with the principles illustrated on the two stage Masterplan submitted for the examination session and an updated version is attached here. We hold the view that subject to the Inspector confirming that a major site(s) is required to bolster delivery whilst LL comes on stream, the Council may be willing to support a scale of residential led mixed-use development at Conesby Farm, particularly in the light of past discussions at the time of the Core

Strategy. Firecrest have the technical evidence to support an outline application and a potential Section 78 Appeal, yet would wish to work with the Council if it is confirmed to them by this Inspector, that their current delivery strategy is not in conformity with national guidance and other sites must be brought on board.

4.0 CONESBY FARM

Noise

4.1 In response to the specific noise issues set out in the schedule prepared by the Council in rebuttal of Conesby Farm, I attach a brief non-technical summary of response prepared by White Young Green to the Council's comments as set out in their schedule. We consider that our noise mitigation strategy allied to the site Masterplan is robust and consider that progress with negotiations with NLDC on this site could be achieved in circumstances where the Council accept, potentially through the Inspectors comments, that other major sites must come forward in Scunthorpe. Negotiations to date have never materially progressed whilst the Council maintain a position that other sites are not needed.

Other Matters – Pylons/Local Wildlife Sites/ Local Environment/ Air Quality and Odour

4.2 In the examination session that addressed all the proposed Scunthorpe site allocations and contingency sites, I raised questions of the Council through the Inspector, to seek assurance that they were satisfied that matters relating to proximity to overhead pylons, proximity to adjoining Local Wildlife Sites, Air Quality Management considerations, localised contamination and the general setting of the allocated sites relative to adjoining (retained) employment areas would not preclude these sites coming forward and potentially having adverse impacts. The stock response from Officers was that that in pre-consultation with their Environmental Protection Officers they were content, subject to undertaking satisfactory investigations as referenced in the individual site policies

4.3 I do not criticise this approach as it would potentially be unreasonable to expect site promoters to go to such detail at site promotion stage to demonstrate that a site can be developed notwithstanding some environmental concerns. The potential for appropriate mitigation is in many cases achievable.

4.4. In respect of Conesby Farm the Council has taken took the opposite position of raising a number of environmental concerns as reasons for not considering the site to be developable, albeit in the absence of any evidence that the concerns cannot be mitigated and certainly with no clear ‘red light’ concerns arising from the Sustainability Appraisal (see table below - Site 16).

Table 4.3 - Results of Initial Sifting Exercise for sites that became preferred options

SA Site no.	Site Reference	Previous (Sifting) Site Ref	Settlement Hierarchy	Designated Sites	Floodplain	Locally Designated Sites	Landscape	ALC	Source Protection Zones	Historic Environment	Air quality
1	10-1	266									
2	10-2	298									
3	10-3	420									
4	10-5	474									
5	10-15 (H2-26)	335									
6	10-17 (MX-1-12)	422									
9	13-6	304									
10	13-10	353									
11	27-12	132									
12	36-1	8									
13	36-3	52									
14	36-5	449									
15	36-7	124									
16	36-9	190									
17	36-12	204									
18	44-1	50									
19	44-6	51									
		n/a									
21	56-1	229/130									

4.5 This is clearly inconsistent with the approach to other sites. These ‘other’ environmental issues are readily capable of being addressed particularly within the extensive site area available to Firecrest. For example:-

(i) – There will be a far greater stand-off distance to an adjoining (off site) SNCI at Winterton Road Pits, than will be achieved on SCUH1 , SCUH 2 and potentially SCUH 10.

(ii) – The same 132kv overhead line that crosses Conesby Farm also passes along the northern edge of SCUH1 and SCUH 2. Firecrest are far more likely to achieve greater stand- off distances and design the pylons into the landscape structure as our Masterplan indicates

(iii) – There is potential archaeological interest all around the town as the amber boxes in table 4.3 suggests. Firecrest are currently addressing archaeological issues and it is only in very rare cases, that appropriate mitigation cannot be secured.

(iv) – The extent of contamination at Conesby Farm is very limited (as would) be expected from a site in agricultural use) and this is limited to an area near the northern boundary where

historical steel slag tipping took place. This area is not proposed for 'sensitive' residential development and there is no significant risk to human health. Conversely, the Council's site allocations include a number of former or indeed current industrial sites where some degree of contamination may be expected (SCUH 1 /2/3/10/11 /17, and SCUH-C1 /C2/C4 /C5 and C9).

(v) – ability to create a sustainable mixed and inclusive community due to constraints. The indicative Masterplan is rightly constraints led yet a scheme is deliverable, taking full account of the extensive undeveloped area in excess of 30ha that can create an enhanced local landscape. Scunthorpe is an industrial town, and many of the proposed allocations will adjoin industrial developments (SCUH 9/10/13/17) , incorporate features such as pylons (SCUH 1 / 2) or indeed look towards the imposing steelworks which dominates the eastern side of the town (SCUH 17/ SCUH-C9) , addressing air quality issues at the same time. Conesby Farm is no different in this regard but does have the advantage of the ability to create a self-contained environment, albeit immediately accessible to jobs, public transport and the wide range of services and facilities available in nearby Scunthorpe town centre.

4.6 In summary, I consider that the 'other' environmental impacts are readily capable of mitigation within a 75 ha site and little weight should be accorded to these if a consistent approach is to be taken across the plan. The Council have rightly expressed concerns about noise impacts at Conesby Farm (albeit they are content to allocate sites adjacent a busy railway line and on the margins of existing industrial areas) and this has been taken on fully on board by Firecrest in the extensive survey modelling work that has been undertaken over the last three years. Whilst there has been dialogue and indeed this continues in the lead in to an application, we consider that the Council will continue to protect their failing strategy of reliance upon Lincolnshire Lakes and excluding sustainable sites as Conesby Farm unless specifically directed otherwise by the Inspector.