

**North Lincolnshire Local Development Framework - Housing & Employment
Land Allocations DPD
Examination – Inspector’s Draft Matters**

MATTER 1 – LEGAL COMPLIANCE

Duty to Co-operate Statement

Does the NLHELA DPD effectively address the issues which have cross boundary impacts, notably on matters concerning Housing strategy and Employment strategy, but also including Transportation and other Infrastructure requirements?

It is considered that the cross boundary issues have been appropriately considered in the NLHELA DPD. The Duty to Co-operate Statement (Document Ref: SUB06) provides a detailed account of how the council has sought to meet the legal requirements established by the Localism Act 2011 and outlines how it has sought to engage constructively, actively and on an on-going basis with neighbouring authorities and ‘prescribed bodies’ to address any strategic cross boundary issues as part of the preparation of the DPD since its inception in 2006/2007.

Appendix 1 of the Duty to Co-operate Statement (SUB06) sets the strategic planning issues, including housing growth, employment growth, transportation and infrastructure requirements that are considered to have cross boundary impacts, and the mitigation and policy basis to overcome them. This formed the basis of discussions with the neighbouring local authorities and the “prescribed bodies”. Appendix 2 of the Duty to Co-operate Statement (SUB06) contains the minutes of bespoke meetings held with neighbouring local authorities to discuss cross-boundary issues.

With regard to housing growth, previous research has identified North Lincolnshire as representing its own housing market. The evidence also suggested North Lincolnshire has strong linkages with the housing markets of surrounding authorities including North East Lincolnshire, West Lindsey and Doncaster. Linkages between North Lincolnshire, on the south side of the Humber, and Kingston-upon-Hull on the north have in the past been reported to be modest, however, with the reduction of the Humber Bridge tolls this may change in the future. In order to address this, the council have worked closely with its neighbours, statutory bodies, agents, developers and housebuilders to examine this through the SHLAA working group and Housing Market Partnership.

In relation to employment strategy, the key cross boundary issue is the delivery of the South Humber Gateway. This strategic location straddles the boundary between North Lincolnshire and North East Lincolnshire, extending to over 1,000ha. Its delivery is essential to the future economic and employment growth of the area, and as such it has required significant engagement with a range of different bodies including the Highways Agency, Natural England and nature conservation organisations (RSPB, Lincolnshire Wildlife Trust).

The delivery of the South Humber Gateway is critical in delivering the wider aspirations for the Humber sub-region and the Local Enterprise Partnership to create a renewable energy super-cluster on the river. The council plays a full part in the activities of the LEP and have assisted in developing the Strategic Economic Plan. Furthermore LEP sub groups have been established on subjects such as housing, transport, flooding and inward investment in order to adopt a single approach to cross boundary issues.

With regard to transportation, the key cross boundary priorities that have been identified are the delivery of the A160, to support the South Humber Gateway, and the possible upgrading of the A15 to improve access between the area and Lincolnshire. The council has worked alongside the Highways Agency and North East Lincolnshire Council to ensure that the A160 upgrade is delivered. In relation to the A15, discussions have occurred with Lincolnshire County Council, West Lindsey District Council and the Central Lincolnshire Joint Planning Unit (CLJPU). Through CLJPU's Duty to Co-operate document it was agreed that the councils would hold further meetings to discuss how the upgrading of the A15 could be incorporated into future plans.

The outcome of active and continuous engagement with neighbouring authorities is that no authority is seeking to accommodate development needs in the North Lincolnshire Council area and vice versa, and no objections have been submitted.

What mechanisms will be put in place to ensure that effective ongoing consultation and co-operation takes place between all the parties with responsibility for delivering the Plan's proposals?

It is recognised that continued consultation and co-operation between the council and all parties with responsibility for delivering the Plan's proposals is essential. Of particular importance will be ensuring that the infrastructure required to support development proposed is appropriately funded and implemented. As part of the wider preparation of the Local Development Framework, the council worked closely with key bodies to produce an Infrastructure Delivery Plan (IDP) and Infrastructure Delivery Schedule (IDS). The IDP formed a key element of the evidence base for the Core Strategy DPD (BAC06), whilst the IDS was included as an appendix.

The IDS was updated to accompany the HELADPD and is part of the evidence base (INF01). The IDP and IDS (INF01) identify the type of infrastructure required, when it will need to be delivered and who will be responsible for its design and delivery. The IDS (INF01) will be used as the basis for discussions with infrastructure providers, including "prescribed bodies". Furthermore, the council has established a Stakeholders Group for infrastructure/section 106 to assist in delivery.

The council participates fully in the work of the Humber Local Economic Partnership and Greater Lincolnshire Local Economic Partnership. This allows the council to address wider economic development issues in relation to the Humber area and Greater Lincolnshire, and to seek funding in order to deliver the growth identified in the DPD. The council is working with the Humber LEP to produce a Humber Spatial Plan that identifies key spatial priorities across the four councils within the sub-region (East Riding of Yorkshire, City of Kingston upon Hull, North Lincolnshire and North East Lincolnshire). This plan will be used to attract funding and provide a one stop plan for investors seeking to locate or develop in the sub-region.

In addition, the council will continue to play a full role in relation to the South Humber Gateway Delivery Group and the South Humber Bank Ecology Group. These groups are central to the delivery of growth in the South Humber Gateway area. This allows the council to co-operate fully with bodies such as Natural England, the Highways Agency and Environment Agency.

In relation to housing issues, the council convenes a SHLAA Working Group, which includes housebuilders, housing associations, adjoining local authorities, landowners, agents, the Environment Agency and the Highways Agency. This provides a forum to discuss the delivery of sites, ensuring that they remain available.

Regular liaison and engagement with the neighbouring local planning authorities will continue as part of ongoing engagement in relation to the production of their respective local plans.

Public Consultation

How has the DPD addressed the priorities and concerns of stakeholders and local residents as expressed through Public Consultation on the emerging DPD, as described at paragraphs 1.4, 1.5, 1.10 and 1.19 of the Revised Submission Draft DPD?

The Pre-Submission Consultation (Regulation 19) Statement (Document Ref: SUB10) outlines how the council has sought the views of the local community and other key stakeholders at each stage in the preparation of the DPD. There have a number of stages of consultation:

- Call for Sites (September to December 2006)
- Issues & Options (September 2007)
- Additional Issues & Options – Gypsy & Traveller Sites (August 2008)
- Pre-Submission – Second Stage (January to March 2009)
- Submission Draft (November 2010 to January 2011)
- Revised Submission Draft (April to May 2014)

This statement provides an overview of the issues raised during each consultation. It is further supported by a number of consultation summaries produced following each of the 2007, 2009 and 2010 pre-submission consultation stages (BAC05, BAC12 & BAC16). At each stage during the consultation process, issues and concerns raised have been taken on board in subsequent editions of the DPD, where appropriate to do so. For example, this resulted in sites which had previously been considered appropriate for development being removed and replaced. Where appropriate additional development requirements were added into the policies which allocated sites for development including:

- Provision of sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of development;
- Preparation of an appropriate Transport Assessment to identify impacts of development on the highway network and the provision of appropriate and mitigating measures;
- The implementation of suitable measures to address, built heritage, ecology and biodiversity; and
- Phasing policies.

In addition to these more formal consultations ongoing engagement has taken place with a range of different stakeholders during the process of preparing the DPD. For example, targeted engagement was undertaken with town and parish councils to discuss potential development sites as well as settlement development limits. The intention was to work closely with community in order gain their support for the plan, and ensure that it reflects local concerns prior to the revised submission draft version being published.

Ongoing liaison and engagement has also taken place with key stakeholders, many of whom are responsible for delivering the Plan's proposals. These included infrastructure providers and other bodies (including "prescribed bodies" under the auspices of the Duty

to Co-operate). Details of how the council has engaged with “prescribed bodies” is set out in the Duty to Co-operate Statement (SUB06).

Sustainability Appraisal

- **How does the NLHELA DPD seek to address and mitigate the environmental impacts identified during the Sustainability Appraisal process, with particular reference to internationally and nationally important sites of nature conservation?**

DPD paragraph 1.28 confirms that the Stage 1 Significance Test under Regulation 48 of the Habitats Regulations (HR) has been applied to the DPD allocations and that a Stage 2 assessment was required for some allocations as a result of their close proximity to sites that have been designated for their international nature conservation interests.

The key allocations considered for Stage 2 assessment are listed in DPD paragraph 1.27. None of the proposed housing allocations and none of the other proposed employment allocations will have a likely significant effect on any of the International Nature Conservation Sites considered.

Recommendations and mitigation measures are established in the SA to achieve more sustainable development within the proposed allocations and these have been addressed and included within the policy criteria. A range of site-specific mitigation measures are proposed for implementation in relation to future planning applications and maintaining the integrity of the Humber Estuary designation (this is confirmed in DPD paragraphs 1.28 and 1.29).

The SA specifically identifies SHBE-1 in paragraphs 6.63 to 6.83 and includes reference to the HR Appropriate Assessment (paragraphs 6.76 to 6.83 and the South Humber Gateway Mitigation Strategy (SHGMS) (paragraphs 6.74 and 6.75). The HRA - Appendix 2 explains the SHGMS at the time of revised submission of the DPD. The SHBE-1 section in the DPD explains the full approach to the policy itself and its implementation (paragraphs 4.26 to 4.55) and this covers the description of how Policy SHBE-1 can be made more sustainable, particularly in relation to the Humber Estuary international nature conservation designations. The overall sustainability of SHBE-1 has been addressed in the SHBE-1 Proforma in Matter 4.

A Statement of Common Ground (SoCG) (between the main nature conservation organisations) has been drafted and sent to all parties on 17th December 2014. It addresses all the issues covered in their representations and it will be seen that Policy SHBE-1 has evolved through a detailed iterative collaborative process of appropriately addressing the nature conservation issues since 2008. The Statement of Common Ground states that it is agreed to make minor amendments to Policy SHBE-1 and Appendix 2 of the HRA has been revised accordingly to ensure that SHBE-1 will have no adverse effect on the integrity of the Humber Estuary SPA, SAC or Ramsar site. The proposed changes in the SoCG will positively address the issues raised by the nature conservation organisations and will further strengthen Policy SHBE-1 in terms of environmental sustainability.

The SHBE-1 nature conservation issues have been largely driven by two major planning projects since 2008 in relation to the Able Logistics Park (ALP) and Able Marine Energy Park (both applications include conditions and planning obligations in relation to planning permissions to address the Habitat Regulations (including providing agreed waterbird mitigation sites), although a judicial review process relating to AMEP is currently still possible – explained in Matter 2.

How have the results of the Habitat Regulations Assessment (described at paragraphs 1.24-1.29 of the Revised Submission Draft DPD) been carried forward into the DPD, with appropriate mechanisms and safeguards to ensure that the impacts of proposed development can be mitigated? (NLC/Natural England)

The results of the Appropriate Assessment (AA) have been reflected in the policies of the specific site allocations and no adverse effects on the integrity of any of the six international sites identified have been found as a result of the Plan (with the exception of SHBE-1). The policies for each allocation site have been adjusted to reflect that those allocations which have been taken forward to the Stage 2 AA will still be subject to a HRA by the competent authority at the planning application stage.

The AA concludes that, with the safeguards set in place, policies BARE-1, NEWE-1 and SHBE-1 will have no adverse effect on the integrity of the Humber SPA and Ramsar site in terms of polluting surface water discharges to, and disturbance of, SPA/Ramsar habitat. With safeguards, the policies will not act in combination with any other plans or projects to have such effects.

The safeguards to SHBE-1 in terms of mitigation are explained in the previous answer. The safeguards relate to the delivery of ALP, AMEP, SHGMS and a revision of Appendix 2 of the HRA.

BARE-1 HRA and NEWE-1 safeguards are related to planning application assessment explained in paragraph DPD paragraph 1.29.

The HRA concludes that overall it is possible to ascertain that the Housing and Employment Allocations DPD will not have an adverse effect on the Humber Estuary SAC, SPA and Ramsar Site alone or in combination with other plans or projects.

Post-Submission Minor Changes and Statements of Common Ground

- **Status of Proposed Changes to the Revised Submission Draft DPD (Document SUB02 – Schedule of Changes)**
- **Statements of Common Ground – status and confirmation of Statements of Common Ground concluded since the Submission of the DPD**

The council has sought to conclude a number of Statements of Ground with several of the respondents since the submission of the DPD for independent examination.

- Environment Agency
- Natural England, Lincolnshire Wildlife Trust & RSPB (South Humber Gateway)
- Lincolnshire Wildlife Trust (non-South Humber Gateway representations)
- Lucent Group