



The Planning Inspectorate

Report to North Lincolnshire Council

by **Sarah Housden BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date **20 April 2016**

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION OF THE LINCOLNSHIRE LAKES AREA ACTION PLAN

Document submitted for Examination on 19 March 2015

Examination hearings held on 13, 14 and 20 October 2015

File Ref: PINS/Y2003/429/7

Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
CS	Core Strategy
DtC	Duty to Co-operate
EA	Environment Agency
ELR	Employment Land Review
FRA	Flood Risk Assessment
GI	Green Infrastructure
HMA	Housing Market Area
HE	Highways England
HELA	Housing and Employment Land Allocations
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
IDS	Infrastructure Delivery Schedule
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LL	Lincolnshire Lakes
LLFA	Lead Local Flood Authority
LP	Local Plan
MM	Main Modification
NIA	Nature Improvement Area
NLC	North Lincolnshire Council
NLLP	North Lincolnshire Local Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEP	Strategic Economic Plan
SHNMA	Strategic Housing Need and Market Assessment
SMUA	Strategic Mixed Use Area
SOCG	Statement of Common Ground
SPA	Special Protection Area
SQM	Square metres
STS	Sustainable Transport Strategy
SuDS	Sustainable Urban Drainage System
The Framework	National Planning Policy Framework

Non-Technical Summary

This report concludes that the Lincolnshire Lakes Area Action Plan (AAP) provides an appropriate basis for the planning of the Lincolnshire Lakes (LL) area until 2028, providing a number of Main Modifications (MM) are made to the AAP. North Lincolnshire Council (NLC) has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

With the exception of MM70, all of the MMs were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues. Where necessary I have amended detailed wording but this does not alter the substance of the MM themselves.

The purposes of the MMs can be summarised under six broad headings as follows:

- Housing provision - alterations to the phasing and amount of development in the villages to reflect revised timescales and ensuring Policy H2 on affordable housing is consistent with Policy CS9 of the North Lincolnshire Core Strategy (2011) (CS); updates to the housing trajectory, strengthening the monitoring framework to ensure that any slippage against the trajectory and shortfall to the five year housing land supply is identified and addressed;
- Green infrastructure and lakes – ensuring water quality is safeguarded and proposals for the lakes support biodiversity;
- Flood risk – ensuring policies are consistent with national policy;
- Transport - updates to the detail, timing of and funding for the strategic highway network proposals, ensuring there are mitigation measures in place in response to increased demand at Scunthorpe and Althorpe railway stations;
- Other infrastructure – updates to the timing and delivery of infrastructure works in the Infrastructure Delivery Schedule (IDS) and ensuring that the AAP takes account of the effect on water supply and sewerage capacity;
- Delivery and monitoring – removing the Infrastructure Delivery Plan (IDP) from the AAP and ensuring sufficient flexibility in the phasing of development in relation to infrastructure delivery.

Introduction

1. This report contains my assessment of the AAP in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers firstly whether its preparation has complied with the duty to co-operate (DtC), in recognition that there is no scope to remedy any failure in this regard. It then considers whether the AAP is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (the Framework) (paragraph 182) makes clear that to be sound, a Local Plan (LP) should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. The basis for the Examination is the AAP Submission Draft 2014 (SUB01) which is the same as the document published for consultation in October 2014.
3. My report deals with the MMs that are needed to make the AAP sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any modifications needed to rectify matters that make the AAP unsound or not legally compliant and thus incapable of being adopted.¹ These MMs are set out in Appendix 1 of my report.
4. The MMs that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed MMs and carried out Sustainability Appraisal (SA) and assessment under the Habitat Regulations (HRA). These were subject to public consultation between 18 December 2015 and 12 February 2016.
5. I have taken account of the consultation responses in coming to my conclusions and I have made some amendments to the detailed wording of the MMs. None of these amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary I have highlighted these amendments in the report.
6. Representations on the AAP have been considered where they are relevant to soundness but are not reported on individually.
7. The AAP Proposals Map is to be re-titled Policies Map as proposed in the Council's additional modifications and is therefore referred to as the Policies Map throughout this report. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend modifications to it. Accordingly I have removed from the schedule the proposed MMs dealing with changes to the Policies Map. Nonetheless, a number of the recommended MMs to the AAP's policies require corresponding changes to be made to the Policies Map. In order to comply with the legislation and give effect to the AAP's policies, it will therefore be necessary for the Council to update the Policies Map to include all the relevant changes.

¹ Letter from North Lincolnshire Council dated 9 October 2015 (Exam 2)

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed by section 33A of the 2004 Act in relation to the AAP's preparation.
9. The Council's DtC Statement (SUB06) has not been challenged and demonstrates that there has been a long history of authorities in the former Yorkshire and Humber region and its various sub-regions collaborating on strategic spatial planning issues. Liaison on cross boundary economic issues has also taken place through the Humber and Greater Lincolnshire Local Enterprise Partnerships (LEPs).
10. Whilst the development it promotes is relatively self-contained, the AAP will contribute to meeting housing need from within North Lincolnshire identified in the Strategic Housing Need and Market Assessment² (SHNMA)(HOU02) and to delivering the housing targets in the adopted North Lincolnshire Core Strategy DPD (2011) (CS) (BAC02). The main cross boundary issues relate to accommodating housing need generated by strategic employment growth, road connections between the LL area and the strategic highway network and flood risk.
11. It is clear that engagement and effective outcomes have been sought with all of the relevant bodies at appropriate stages in the plan making process, as well as with a range of other partner organisations. Joint working arrangements have been established to cover a range of issues including housing and employment growth, highways, flood management, waste, community facilities and green infrastructure (GI). Engagement with adjoining local planning authorities has not identified any significant outstanding concerns regarding cross boundary impacts.
12. Collaboration also extends to joint working and liaison with infrastructure providers and partners to deliver the complex infrastructure needed to support development of the LL area. This is reflected in the production of a number of Statements of Common Ground (SOCG)³ which have greatly assisted in identifying the main issues for the Examination and resolving a number of representations. Continuing collaboration will be essential to support the delivery of the strategic infrastructure for the LL development and ongoing liaison will be secured through a number of delivery groups including the LL Project Board which includes statutory agencies, partner organisations and the Council.
13. I conclude that the duty to co-operate in the preparation of the AAP has been met.

² North Lincolnshire Strategic Housing Need & Market Assessment October 2012

³ SOCGs with Highways England, Network Rail, Environment Agency, Sport England, Anglian Water, Rollinson Planning Consultancy on behalf of Ruth Laister, Lincolnshire Wildlife Trust, Lucent Advisors Ltd and Tony Dale on behalf of William Foster-Thornton.

Assessment of Soundness

Preamble

14. The LL area is located between the River Trent and the villages of Burringham and Gunness and the western edge of Scunthorpe. The concept of a western urban extension originated from the Urban Renaissance Programme in 2004, the aims of which included accommodating further growth and delivering projects to transform the town's image and promote its role as an economic driver for the area.
15. The AAP has been prepared within the context of the CS which sets out a positive and ambitious strategy for the development and growth of North Lincolnshire. Housing and economic development outside the LL area which will also deliver the CS vision is covered by a separate Housing and Employment Land Allocations document (HELA) which was adopted by the Council on 7 March 2016.
16. Whilst the HELA does not directly affect the development at LL, there is an interrelationship between the two plans in terms of delivering housing and employment development for North Lincolnshire as a whole. The HELA identifies contingency sites which will be brought forward to deal with any shortfall in the delivery of housing at LL. I have therefore had regard to its contents and the Inspector's report in so far as they are relevant to my assessment of the AAP.
17. Two saved policies from the North Lincolnshire Local Plan (2003) (NLLP) are relevant to the AAP although they pre-date the CS and in the longer term are likely to be reviewed as part of the work to produce a new LP. Two sections of the woodland belt to the west of Scotter Road between the railway bridge and Burringham Road are shown as Areas of Amenity Importance on the Policies Map and are covered by saved Policy LC11 of the NLLP which seeks to resist development which would adversely affect them. Westcliff Lagoons is identified on the Policies Map as a Site of Local Nature Conservation Importance and is covered by saved Policy LC4 which seeks to resist development which would be likely to have an adverse impact on such sites.

Main Issues

18. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearings, I have identified seven main issues upon which the soundness of the AAP depends.

Issue 1 - Are the AAP policies consistent with and do they positively promote the visions, objectives and spatial policies in the Core Strategy?

19. The AAP builds on various policies in the CS which identify LL for residential and employment development, flood management proposals and alterations to the strategic highway network. The CS states that the long term goal is to provide 10,000 houses at LL, with Policy CS8 indicating that 6000 will be provided within the plan period to 2026.
20. LL is identified as a broad location for development in the CS rather than a strategic allocation. An assessment of alternative locations was undertaken as

part of the evidence base for the CS⁴. The area to the west of Scunthorpe was considered to offer advantages over locations to the north, east and south of the town because of the contribution it would make towards creating a distinctive setting for new development and delivering significant infrastructure improvements and meeting the aims of the Urban Renaissance Programme. There is nothing in the evidence before me to justify a different conclusion on this matter.

21. The extent of the AAP boundary originated from the aspirations of the Urban Renaissance Programme to deliver large scale change to the west of Scunthorpe. The majority of the plan area is agricultural land but also incorporates the villages of Burringham and Gunness, the Port of Scunthorpe, two park homes sites and a supermarket, together with a number of existing residential properties and businesses. The AAP boundary reflects the need to incorporate land necessary for strategic flood defence works and alterations to the strategic highway network and the longer term aspirations for further development at LL beyond the CS plan period. As such, it is justified and appropriate.
22. The bulk of the housing and employment land allocations to meet the requirements identified in the CS are to be delivered through the HELA. The AAP sits alongside this document with policies and proposals to deliver the development at LL identified through the CS. The AAP is a delivery plan seeking to implement the CS and, having regard to the Wokingham judgement⁵, there is no obligation to consider the housing requirement afresh.
23. The Regulations require that the AAP must be consistent with the adopted development plan⁶. The 2015/16 start date for construction in the submitted AAP has been delayed and the housing trajectory and IDS run to 2028 to take account of the revised start date. The CS runs to 2026, and Policy CS8 states that 6000 houses will be delivered at LL up to 2026, whereas the revised AAP trajectory shows that 5138 dwellings would be completed by 2026.
24. Whilst not included in the updated Local Development Scheme (LDS) (BAC3A), at the hearing session the Council indicated that work on a new LP will start in 2016 following the adoption of the AAP and the HELA. The adoption of the AAP is essential to complete the current suite of development plan documents and provide the basis for identifying the future development needs of the District in a new LP.
25. In my view, the Council has taken a pragmatic and realistic approach to dealing with the slippage in the timescale for development at LL. The extended period for development would not compromise any future review of the CS nor is it likely to present practical difficulties with compliance with the adopted CS in the context of the longer term plans for further development at LL.
26. When plans are prepared at different times it is inevitable that information will need to be adjusted to reflect the passage of time. It is right that the AAP

⁴ 'Assessment of Possible Locations for an Urban Extension at Scunthorpe' (Exam 4)

⁵ Gladman Development Limited v Wokingham Borough Council [2014] EWHC 2320 (Admin)

⁶ The Town and Country Planning (Local Planning)(England) Regulations 2012 Part 4 Regulation 8(4).

should set out the latest position but this does not mean that it is inconsistent with the CS. Otherwise plan making generally would be inhibited if nothing could change after the adoption date of an existing plan in order to reflect new circumstances. Furthermore, the AAP seeks to bring the vision of the CS into reality and does not depart from it in a significant way. Bearing this in mind the AAP would not conflict with Regulation 8(4).

27. The general location of LL together with the amount of housing and employment development and infrastructure requirements were broadly established by the CS. Within those parameters, the AAP is clearly based on the testing of feasible options as set out in the Options Report (CON02) and SA Options Report (CON03). Constraints including flood risk, heritage, utilities, habitats, agricultural land quality and ecology formed the basis for the four options which were subject to public consultation. The options varied in terms of the configuration of new housing and commercial development, open space and the length of new and upgraded roads within the AAP boundary. Appropriate account was taken of the impact on nature conservation and loss of open countryside. Accordingly, I conclude that the amount and location of development proposed in the AAP is based on the testing of reasonable alternatives and is justified.
28. The AAP vision and objectives are consistent with and will help to deliver the spatial vision and objectives set out in the CS. AAP Policy SC3 articulates the strategic development requirements to meet the vision and objectives including new homes, employment and community facilities within a network of green infrastructure and lakes and including improvements to the strategic highway network and addressing flood risk to existing and new communities.
29. The Council has identified and sought to resolve the complex infrastructure requirements and technical constraints associated with developing the LL area. Various MMs, discussed elsewhere in this report, have resolved a number of points made by partner organisations about the timing of, responsibility for and funding of infrastructure.
30. Whilst the origins of LL pre-date the Framework, I consider that the AAP is consistent with national policy, in particular with the Framework's aims to boost the supply of housing and support sustainable economic development. Subject to **MM1** which is recommended to update the objective seeking high standards of sustainable design to be consistent with paragraph 95 of the Framework, I conclude that the AAP will deliver the key outputs of the CS. I conclude in relation to the first main issue that the AAP is broadly consistent with the CS and the AAP policies will positively promote its vision, objectives and spatial policies.

Issue 2 – Whether the scale, mix, density and distribution of housing at LL is appropriate and justified and can be delivered in the plan period and whether additional sites should be allocated.

Whether the scale and mix of housing proposed in Policies SC3, H1 and H2 is appropriate and justified

31. CS Policy CS8 identifies Scunthorpe as the focus for new housing development in the District up to 2026, with 82% of the District's housing requirement to be located in and adjacent to the urban area, equating to 9892 dwellings. Of

these, a total of 6000 dwellings (60%) are to be provided as a greenfield urban extension within LL. AAP Policies SC3, H1 and H2 make provision for 6000 dwellings during the extended plan period to 2028. The trajectory within the AAP has been updated to reflect the different amounts of development in villages 1, 2 and 6 as demonstrated by outline planning applications, but the overall scale of provision at 6304 dwellings is consistent with the CS. **MM5, MM35, MM36** and **MM43** are recommended to reflect changes to the amount of development in villages 1,2 and 6 in Policies H1, SSA2 and SSA6.

32. The housing mix in Policy H2 is based on the SHNMA in addition to market research and consultation carried out for the AAP. The SHNMA assessed four different population change scenarios, one of which aligns population growth through natural increase and migration with job growth associated with the South Humber Gateway (scenario 4). The conclusions align with the scale of growth proposed for LL in the CS. Jobs growth at the South Humber Gateway would see a significant uplift in larger family households. Having regard to the SHNMA and further market research, I conclude that the housing mix in Policy H2 is justified.
33. The requirement set out in Policy H2 for up to 5% of new dwellings to be affordable on sites of 15 or more is based on the Viability Assessment (TECH01 & 01A) which takes account of the high infrastructure costs associated with the delivery of the site. This represents a reduced requirement compared with CS Policy CS9 which requires 20% of housing to be affordable on sites of 15 or more within the Scunthorpe Urban Area. Furthermore, the wording of Policy H2 undermines the potential for providing more than 5% should economic circumstances become more favourable.
34. The Framework expects the full, objectively assessed need for affordable housing to be met, as far as is consistent with its other policies. In the light of this, the lower figure selected is not justified. CS Policy CS9 should remain as the overall target for the provision of affordable housing at LL with viability evidence for specific development proposals assessed on a case by case basis to take account of any significant up-front infrastructure costs. In so doing, the proposed MM would not prejudice the Framework's requirement that development should not be subject to such a scale of obligations and policy burdens that its ability to be developed viably is threatened. **MM4** and **MM6** are therefore recommended to amend Policy H2 and its supporting text.

Whether the density and distribution of housing between villages 1 - 6 is appropriate and justified (Policies SSA2, SSA3, SSA4, SSA5 and SSA6)

35. The CS establishes the principle of providing sustainable, low density housing at LL. The density assumption of 34 dwellings per net hectare used to calculate the different amounts of development in each village reflects CS Policy CS7 which seeks overall densities of 30 – 35 dwellings per hectare within rural settlements and the countryside. Within this broad assumption, densities at LL will vary according to location. For example higher densities in the more accessible locations around the local centres and strategic mixed use area (SMUA) and along primary routes and lower density development on the village fringes. These variations are appropriate in the interests of the efficient use of land and to maximise the potential for access by sustainable modes of travel.

36. Villages 3 and 4 would contain approximately 987 and 769 dwellings respectively together with local centres with approximately 700 sqm of retail floorspace. The revised trajectory indicates that development would start in 2019/20 in the later phases of the LL development which reflects the timing of key infrastructure items necessary to accommodate the development as a whole.
37. Combining villages 3 and 4 to create one larger village was discounted in the Options Report (CON02) due to the potential for adverse effects on existing residential areas to the east of Scotter Road and constraints imposed by the location of gas and electricity infrastructure. Furthermore, it would create a village which would be significantly larger than any of the others at LL. I conclude that the approach to villages 3 and 4 in Policy SSA3 is sound and that there is nothing in the evidence that would justify combining them to develop one larger village.

Housing delivery

38. Deliverability has been a key issue for the Examination based on concerns expressed by a number of representors that 6000 houses will not be delivered at LL by 2028. The key reasons outlined are the complexity and cost of the infrastructure needed to support development at LL, the relative weakness of the housing market in Scunthorpe in relation to the rest of North Lincolnshire and uncertain economic prospects. It is also argued that the scale of development will require multiple developers to be on site at any one time which is unrealistic in the context of studies which demonstrate that urban extensions require long lead in times⁷ and that in 2013, the average completion rate on such sites in the UK was 120 dwellings.⁸
39. LL is expected to deliver 1800 dwellings to the five year land supply from 2014 – 2019⁹. However, there has been slippage in the start dates for development of the LL site. The housing trajectory in the AAP shows the first completions during 2015/16. The revised housing trajectory (**MM52**) puts the start date back to 2016/17. Projected rates of delivery thereafter are undoubtedly ambitious. The rate steps up over the plan period to a maximum of 655 completions in 2026/27 and the average from the start of development on site in 2016/17 to 2028 is 525 per annum. Evidence of past completions in the Scunthorpe Urban Area (Exam 8) shows significant variations, from 108 during the recessionary period in 2009/10 to 355 during more buoyant economic conditions in 2006/07. However, there are a number of factors which could support higher build out rates in the Scunthorpe Urban Area in the future.
40. Firstly, the CS creates a policy framework which steers 82% of new development in North Lincolnshire to the Scunthorpe Urban Area. The effect of this policy approach will not yet be apparent in completion rates in the Annual Monitoring Report, given the delays in the Examination and adoption of the HELA and the AAP which will bring sites forward to deliver the strategic direction of the CS.

⁷ An Interim Report into the Delivery of Urban Extensions on behalf of Gladman Developments Ltd November 2013

⁸ Urban Extensions – Assessment of Delivery Rates Report to Barratt Homes by Savills 31.10.14

⁹ Assessment of Five Year Housing Land Supply April 2014

41. Secondly, the commitment of developers to the site is underlined by the submission of outline applications which have been granted approval subject to the completion of s106 agreements. The schemes will secure the delivery of 3000 dwellings in villages 1, 2 and 5, development of a commercial park within the SMUA and significant items in the Infrastructure Delivery Plan (IDP) including the primary school in village 5, the new northern junction on the M181 and de-trunking between this and the A18 Doncaster Road/M181 roundabout. At the hearing, the representatives of one of the developers indicated that reserved matters applications would be likely to be submitted in Spring 2016.
42. There are a further three outstanding planning applications for 2500 dwellings in villages 2 and 6 which will secure contributions towards key infrastructure items including the new southern junction on the M181.
43. Thirdly, the strategic employment sites identified in the CS are being supported through the Strategic Economic Plans (SEPs) of the Humber and Greater Lincolnshire LEPs. The Humber SEP (ECO05) seeks to create jobs and growth in renewable energy, ports and logistics with the focus at the South Humber Gateway. There are wider links arising from the SEP's objectives to improve the A160 which will improve connectivity from LL to new employment opportunities including the South Humber Gateway. It is, however, the case that jobs created there will employ people from other parts of the sub-region.
44. Whilst there are a number of landowners across the AAP area, two development companies have secured options over the majority of the site. Another landowner has submitted a SOCG which indicates a willingness to co-operate with the Council to deliver the vision and objectives for LL. Land assembly and implementation is therefore a realistic prospect. Furthermore, the Council's evidence¹⁰ indicates that development companies are confident about delivery rates for their respective schemes at LL. Indeed at the hearing, the representatives of one of the developers considered that a delivery rate of 160 dwellings per annum was realistic.
45. The above factors create a new context for development at LL that has no historical precedent and the proposals have gained momentum with the submission of the planning applications referred to above. There is therefore a realistic prospect of higher completion rates than have historically been the case in Scunthorpe. Nevertheless in the later phases of development, it would be necessary for four different developers to be active on the site at any one time to achieve the necessary rates of housing completions.
46. In this context it is important to manage any risk that the development of 6000 houses at LL would extend beyond 2028 and, given the delay in the start of development, that LL will not contribute to the five year land supply to the extent envisaged. CS Policy CS7 provides for an additional 1300 dwellings in the Scunthorpe Urban Area to be brought forward from sites identified in the HELA in the event that the net additional housing requirement varies by more than 20% over any three year period. This was recommended by the CS Inspector to address any shortfall in the delivery rates at LL. The HELA also

¹⁰ North Lincolnshire Council Response to Main Matter 7

includes housing allocations and phasing arrangements to achieve greater flexibility to boost housing delivery in the District pending a review of the CS.

47. **MM62** and **MM63** are therefore necessary to incorporate the 'trigger' in Policy CS7 into the AAP and establish a target which is specifically related to the scale of development at LL. A 20% shortfall over a three year period in the contribution of LL to the five year land supply arising from lower than anticipated delivery rates will trigger the release of contingency sites identified in the HELA. This will ensure that the AAP is effective and that there is a joined up approach to contributing to the housing needs of the District as a whole in the CS, HELA and AAP.

Whether additional sites should be allocated for housing

48. Two additional sites to the west of Scotter Road have been proposed for housing¹¹. However, the village allocations in Policies SSA2 – SSA6 are of sufficient size to meet the AAP's housing requirement.
49. Furthermore, is not clear how the addition of more sites to the LL development would address the doubts that have been expressed about the deliverability of the current scale of AAP allocations within the plan period. The development of smaller sites would not relate well to the layout of the villages as proposed in the AAP and would not generate the scale of developer contributions necessary to deliver the AAP's objectives to deliver larger scale improvements to flood defence and transport infrastructure.
50. There is therefore no compelling need for additional sites to be identified for development and no clear justification for pursuing the allocation of the additional sites proposed in preference to any of the sites identified for development in the AAP.

Conclusion on Issue 2

51. I conclude that the scale, density and distribution of housing proposed at LL are appropriate to deliver the strategic housing policies in the CS and will contribute to the Framework's aims to boost the supply of housing. Whilst the prospects for delivery appear promising, the MMs proposed will help to ensure that a supply of housing is maintained in the event that LL does not contribute to the five year land supply as expected. In these circumstances, the identification of additional sites for housing is not justified.

¹¹ Land to west of Scotter Road, north of ASDA (Representation Ref 268846/05/449/1/2/3/4 and Land west of Scotter Road South (Representation Ref 268846/05/149/1/2/3/4)

Issue 3: Whether the policies seeking to deliver sustainable communities including employment and community facilities would be effective in delivering the vision and objectives for LL.

Whether the scale, location and mix of uses for the strategic mixed use area is appropriate and justified (Policies SS3, SC3 and SSA1)

52. CS Policy CS11 states that a total of 71 hectares will be identified for strategic employment sites in Scunthorpe, including a high quality Business Park at LL but with no indication of its size. The North Lincolnshire Employment Land Review (ELR) (ECO02) identified a need for a business park to improve office provision in the District which is currently piecemeal and of varying quality, as well as to provide employment opportunities for residents at LL. The ELR recommends LL as an additional site for a 10 hectare business park with the precise location to be identified in the AAP.
53. Policies SC3 and SSA1 identify a SMUA covering approximately 13 hectares for offices, a hotel, health and sports facilities and other D1 and D2 uses. Retail uses would be located within a district centre to the south west of the SMUA and would comprise a 3300 sqm convenience goods store to serve village 5 and up to 1400 sqm for comparison stores.
54. Planning permission has been granted for a new football stadium on part of the SMUA to accommodate the re-location of the Scunthorpe United football ground, but this would not affect the amount of development or mix of uses envisaged in the AAP. The SMUA is located in proximity to the de-trunked M181 and new northern junction and accessible from the non-motorised users route to be provided along the existing Brumby Common Lane, and would be in a central and accessible location. As such, it would be well located for its purpose.
55. I conclude that the scale of employment and commercial uses within the SMUA is justified and that Policies SS3, SC3 and SSA1 are sound.

Whether adequate provision has been made for community facilities including retail, education, open space and health (Policies SC1, SC2, SC3 and G2)

56. The CS does not make provision for retail development at LL, with Scunthorpe town centre being the main focus for new retail development. The AAP evidence (TECH06)¹² indicates that the scale of retail provision at LL should support sustainable communities and be commensurate with the retail expenditure generated by the residents of LL to meet daily shopping needs so that new retail provision does not undermine the town centre. The scale of retailing within the district centre accords with this.
57. The local centres would be located in central and accessible positions within the villages and on public transport corridors to facilitate access by sustainable modes of transport to meet daily needs. The scale of convenience goods retailing proposed in Policy SC2 for the local centres at 200 sqm is commensurate with meeting daily shopping needs. The SA identifies that this level of retail provision would have significant positive effects to the economy and employment by not undermining the role of the town centre and providing

¹² Lincolnshire Lakes Area Action Plan: Advice on Retail Provision, England & Lyle September 2014

retail facilities for residents in villages to the west of Scunthorpe. However, to avoid prescribing a strict upper limit, **MM9** is recommended to give some limited flexibility in the size of store provided at the local centres.

58. Doubts that retail uses will be viable have been expressed in representations due to the proximity of LL to the Trent Valley Retail Park to the east of the A18 Doncaster Road/M181 roundabout. However, the retail uses proposed at LL are intended primarily to meet the daily shopping needs of residents rather than drawing trade from a wider area. As such, they would not be in direct competition with the Retail Park.
59. Due to the lack of capacity in Scunthorpe primary schools close to LL, the AAP makes provision for three new primary schools in villages 3, 5 and 6. These will comprise a three form entry and 2 two form entry schools located in close proximity to the local or district centre to encourage access by sustainable modes of transport and combined trips. On-site provision will be secured through developer contributions from planning applications.
60. The Education Authority indicates that sufficient secondary school places are likely to be available at nearby schools at the start of the development. These are approximately 5 km away. Although this capacity is likely to be filled within 5 years, secondary school rolls in the area fluctuate widely as a result of parental choice. Accordingly, the flexible approach to on or off-site provision in Policy SC1 and reviewing the 'trigger' for contributions towards secondary education is an appropriate approach. **MM8** is nevertheless recommended to clarify this position within Policy SC1. **MM7** is necessary to explain that the community use of primary school facilities will be secured as part of the planning application process so that Policy SC1 promotes healthy communities in line with the NPPF.
61. Policy G2 sets out a requirement for 44.3 hectares of recreational green space to include parks, outdoor sports facilities, provision for children and young people and allotments. The requirement is based on standards set out in CS Policies CS16 and CS23, SPG10 'Provision of Open Space in New Housing Developments' and the Open Space Study for North Lincolnshire (2011) (BAC08). This will be located primarily within villages but may also link villages as shown on the Green Infrastructure Map in the AAP. Developer contributions will be required towards the maintenance of recreation facilities as part of individual planning applications, as set out in Policy G6.
62. Policy SC1 requires the community use of school facilities to be considered as part of individual planning applications. **MM27** is recommended to ensure that this is cross referenced in the recreational open space section of the AAP and to ensure consistency with national policy in the Framework to support health and well-being by providing access to open space and opportunities for sport and recreation.
63. The form and location of health facilities is not yet defined. However, the estimated population increase of approximately 13,740 at LL would require 5.5 GPs in addition to an increase in demand for acute, mental and social care. The location and format of these services are dependent on the needs identified by the Clinical Commissioning Board and the Council will continue to liaise with the various health care providers as the development progresses. In the interim, Policy SC3 indicates that the SMUA is the most accessible

location for a health centre and pending further clarification of health facility requirements, this approach is justified.

Conclusion on Issue 3

64. I conclude that subject to the MMs outlined, the scale and location of the employment and commercial uses proposed in the AAP are appropriate and that adequate provision has been made for community facilities to support the development of sustainable communities at LL.

Issue 4 – Whether the policies seeking to deliver a distinctive place would be effective.

The Lakes (Policies L1 and SSA1 – SSA6)

65. The formation of a waterside setting to create a distinctive residential environment and fulfil leisure and drainage functions is one of the AAP's objectives. The Flood Management and Drainage Strategy (TECH03) sets out the functional requirements which have dictated the location and size of the lakes. Market research has been undertaken as part of the Delivery Strategy (TECH01 & 01A) to establish their commercial potential.
66. Policy L1 sets out the functions and requirements for each lake. The 2.5 metre depth of lakes 1 and 2 will provide for non-motorised recreation such as fishing and rowing. Lakes 3 and 4 are to be provided for surface water attenuation for villages 5 and 6 and the SMUA, together with biodiversity enhancement with limited public access. The technical requirements of the Flood Management and Drainage Strategy for a larger single water body are clear and the place making function of lake 3 will be more effectively delivered in this way rather than through a series of smaller lakes. Lake 5 will be a focus for commercial leisure and motorised sport and is intended to create a gateway feature.
67. The biodiversity value of both lakes 3 and 4 should be enhanced to provide the net gains referred to by the Framework through the formation of additional small ponds. **MM22, MM23** and **MM24** are recommended to achieve this. **MM25** and **MM26** are also necessary to secure biodiversity enhancements in conjunction with the drainage arrangements set out in Policy L2. **MM40, MM41, MM42, MM44** and **MM45** are recommended in the interests of effectiveness so that the modifications to Policy L1 to enhance the function of lakes 3 and 4 for biodiversity are carried through to Policies SSA5 and SSA6.
68. Water safety issues arising from the proximity of the lakes to residential development will be addressed through the layout and specifications for the lakes set out in the Strategic Design Code and the water safety features that will be provided by developers as a condition of planning permission.
69. Subject to the MMs outlined, Policy L1 and Policies SSA1 – SSA6 are sound in so far as they relate to the layout and function of the lakes.

Green Infrastructure (Policies G1 – G6)

70. Paragraph 112 of the Framework indicates that where significant development of agricultural land is necessary, poorer quality land should be used in preference to that of a higher quality. The best and most versatile agricultural

land is defined as Grade 1, 2 and 3a in the Framework. The layout selected involves the loss of Grade 3 land on the western edge of Scunthorpe and Grade 2 land which straddles the M181. However, the proposals avoid the loss of Grade 1 land which lies to the east of the River Trent. Whilst there are areas of poorer quality agricultural land within the LL area, they lie within the network of GI which provides a framework for the location of the villages complementing the historic pattern of development in Scunthorpe. The loss of some higher quality agricultural land is therefore justified as it is necessary to deliver the place making objectives of the AAP.

71. The landscape in the plan area is characterised by flat arable fields delineated by a system of ditches and drains creating a modern pattern of field boundaries. It is located in the Trent Levels landscape character area¹³ which is described as an 'expansive landscape with little diversity in character'. However, the Jurassic escarpment to the east creates a distinctive backdrop to the site and the CS identifies the potential for LL to create an attractive green western entrance into the town. Historic features are limited to the medieval settlement pattern of the Trentside villages and a number of monuments which are mapped in the Heritage Topic Paper (CON12).
72. The form of development at LL has evolved from a greenfield urban extension envisaged in the CS to six villages which reflects the historic pattern of growth in Scunthorpe from five separate villages. Whilst the town now comprises a large urban area, its green corridors and parks reflect the principles of the Abercrombie Plan to create an 'industrial garden city'. GI provides a framework and rationale for the villages at LL and the existing green corridor to the west of Scotter Road creates a degree of separation between the west side of the town and the LL villages.
73. Policies G1 – G6 provide for the layout of natural and semi-natural greenspace and measures to safeguard and enhance biodiversity. Key pieces of evidence informed the location and amount of green infrastructure and landscaping. These include the Habitats Strategy (TECH02) which outlines the habitats to be safeguarded, enhanced or created, a GI study by Natural England, the Lincolnshire Biodiversity Action Plan (ENV04), Yorkshire and Humber Biodiversity Opportunity Areas Map and the priorities of the Humberhead Levels Nature Improvement Area (NIA). **MM29** is recommended to include reference to the NIA in the supporting text to the GI policies for completeness.
74. **MM36, MM38** and **MM39** are recommended to ensure that biodiversity enhancements are secured as part of the development proposals for the villages and to ensure that Policies SSA2, SSA3 and SSA4 adequately address this issue.
75. There are no statutorily designated nature conservation sites within the AAP boundary. Four non-statutory Local Wildlife Sites within the boundary are protected under Policy G4 together with saved Policy LC4 of the NLLP. The site granted planning permission under Ref PA/2015/0597 should be removed from the Ashby Decoy Local Wildlife Site as part of the changes to the Policies Map.

¹³ North Lincolnshire Council Landscape Character Assessment and Guidance 1999

76. There is no evidence to indicate that the existing business at Silica Lodge Garden Centre to the west of Scotter Road would conflict with its location within the green infrastructure designation on the Policies Map. There is nothing to justify the re-location of the allotments close to the local centre for village 3 further to the west.
77. Subject to the MMs outlined, Policies G1 – G6 are sound.

Sustainable Design and Construction (Policy SS2, SD1 and SSA1 – SSA6)

78. One of the AAP's objectives is to secure high quality and sustainable design. In the light of the Written Ministerial Statement of 25 March 2015¹⁴, **MM30**, **MM31** and **MM32** are recommended to remove the reference in Policy SD1 to the Code for Sustainable Homes and include reference to the new national technical standards and to the need for resource efficiency. These MMs will ensure that Policy SD1 is effective and consistent with national policy. In response to representations, I have made consequential changes to **MM32** to reflect that some elements of the standards are not mandatory.
79. The place making principles for GI, place and movement set out in Policy SS2 and Policies SSA1 – SSA6 for the villages will be secured through the submission of an Area Masterplan Framework and Strategic Design Codes with individual planning applications. These should reflect the principles in the Strategic Design Guide Supplementary Planning Document (Exam 11) which will be produced as a separate document alongside the AAP. **MM58**, **MM59**, **MM60** and **MM61** are recommended to correct the references to the SPD, to ensure that unnecessary prescription and detail is avoided and to be consistent with national policy in paragraph 59 of the Framework.
80. Policy SC4 broadly supports the expansion of the Port of Scunthorpe to meet identified economic needs. The Port is not covered by any policy in the CS and the inclusion of Policy SC4 in the AAP is therefore justified. However, the supporting text should be strengthened to give greater emphasis to the likely need for development proposals to be assessed under the Habitats Regulations. **MM70** is recommended accordingly.

Conclusion on Issue 4

81. I conclude that subject to the MMs outlined, the policies relating to the lakes, GI and sustainable design and construction will be effective in delivering the place making principles in the AAP.

Issue 5 – Is the AAP transport and movement strategy justified and effective having particular regard to the changes to the M181, strategic routes and the provision for sustainable modes of transport?

82. Following submission of the AAP, the evidence base was updated¹⁵ to take account of an increase in the numbers of dwellings to be delivered in villages 5 and 6 beyond the plan period and the proposal to re-locate Scunthorpe United Football Club to the SMUA. This would involve the formation of a secondary access to serve the development, between the northern junction and the A18

¹⁴ Written Statement to Parliament Planning Update March 2015 'Housing Standards: Streamlining the System

¹⁵ LLAAP Sustainable Transport Strategy (STS) Addendum (Exam 4) (STS)

Doncaster Road/M181 roundabout. The Sustainable Transport Strategy (STS) indicates that no significant alterations to Policies T1 – T12 are necessary as a result of these changes. **MM34** is recommended to include reference to the secondary access within Policy SSA1.

Sustainable transport

83. A hierarchy of routes is proposed to achieve walkable neighbourhoods with a choice of routes which will facilitate walking, cycling and public transport. Policy T8 requires that the majority of dwellings, the SMUA, district centre and local centres will be within 400 metres of bus routes along the strategic and primary road network. Consultation with bus operators indicates that existing routes can be extended and diverted and further discussion with operators is appropriate to establish the frequency and connectivity of routes into LL.
84. The re-location of Althorpe railway station to LL is a long term objective which could take place beyond the plan period, but in the interim it is appropriate that a notional site has been identified. The LL development is likely to increase patronage at both Scunthorpe and Althorpe stations. **MM16** and **MM17** are recommended to ensure that Policy T12 and its supporting text require individual development proposals to assess the need for and contribute towards improvements to cycling and parking facilities at both stations and to ensure that the policies fully address sustainable travel objectives in the Framework.

Strategic routes

85. The de-trunking of the M181 will involve changes to the hard shoulder to facilitate cycle/pedestrian use and removal of the central reservation barriers to make it an all-purpose dual carriageway. A section of the M181 will be retained as motorway, from its junction with the M180 to a new terminating roundabout junction at the southern end of LL (the southern junction). A second roundabout to the north (the northern junction) will provide the main strategic access to LL and distribute traffic to the west and north of Scunthorpe.
86. The new southern and northern junctions will improve accessibility into the west side of Scunthorpe which is currently hindered by a lack of connectivity due to the north-south alignment of the M181 and Scotter Road. Access to the industrial estates to the south of the town will also be improved by avoiding the need to travel north to the A18 Doncaster Road/M181 roundabout and return south via Berkeley Circle roundabout and Scotter Road.
87. Policies T1 – T4 propose reductions in the speed limit and other alterations to reduce the physical severance of the de-trunked M181 and promote the integration of new village communities. The speed limit along the dual carriageway between the new southern and northern junctions will be 50mph and between the northern junction and the A18 Doncaster Road/M181 roundabout will be 40mph. However, the road would still form a barrier to the integration of new communities and would be difficult for non-motorised users to cross. Policy T10 seeks to mitigate this effect by providing strategic crossing points on the 50mph section of the de-trunked road which will facilitate use by non-motorised transport and encourage the use of strategic

routes for movement between the villages and commercial and retail uses within LL.

88. In order to mitigate the severance and improve biodiversity, **MM11** and **MM12** are recommended to ensure that Policies T3 and T4 secure planting at the new northern and southern junctions and along the route of the de-trunked M181 as part of development proposals.
89. The AAP proposes that the southern junction terminating the M181 would be completed ahead of the northern junction and that the de-trunking works to the M181 would take place at the same time as the construction of both new junctions. As indicated at the hearing and in the SOCG with HE, the construction of the northern junction is being progressed ahead of both de-trunking and the construction of the southern junction through the use of a Temporary Traffic Regulation Order which would enable development within the SMUA to commence ahead of the construction of the southern junction. However, the delivery of the southern terminating junction is essential to avoid congestion and overloading of the northern junction and further details of funding have been provided. **MM48** is recommended to reflect these changes and ensure that the AAP is effective.
90. The AAP also addresses the effect of the development on the capacity of existing road junctions near the site. These include Berkeley Circle roundabout which connects Scotter Road with the main west-east approach to Scunthorpe. The STS indicates that the LL development will increase congestion at Berkeley Circle and developer contributions towards works to remodel and increase capacity at the roundabout will be required under Policy T12. The improvements to Berkeley Circle would enable up to 500 dwellings in phases 1 - 4 to be developed before the de-trunking of the M181 and construction of the southern and northern junctions. **MM49** is recommended to reflect changes to the arrangements for monitoring congestion at Berkeley Circle and the point at which developer contributions towards improvements will be sought.
91. The strategic route along Burringham Road will provide the main connection between the southern junction and Scotter Road with improvements to the carriageway and at the Scotter Road/Burringham Road junction. The existing road bridge will be retained as a separate crossing point over the dual carriageway for non-motorised users. **MM13** is recommended to ensure that Policy T5 secures planting along the strategic route to provide a high quality environment and improve biodiversity.

Other routes

92. The primary route will include a new section of road to the north of Brumby Common Lane connecting Scotter Road with the northern junction and the SMUA and district centre. The north-south connections will provide the main movement loop between the villages. Local roads will link the primary route to the main residential areas and to the local centres and the lakes. They will be designed in accordance with the Manual for Streets to minimise speed and encourage walking and cycling to the local centres and the lakes. **MM14** and **MM15** are recommended to ensure that Policies T6 and T7 require planting along the primary route and local roads to create a high quality environment and improve biodiversity.

93. The alterations to the strategic highway network will facilitate the use of the dual carriageway for access to the A18 Doncaster Road and routes to the west of Keadby Bridge. There is nothing in the evidence which would lead me to conclude that development at LL would lead to more traffic passing through the village of Burringham to justify the provision of a by-pass funded by developer contributions. Notwithstanding this, the Council has indicated that part of its capital budget has been reserved for a Burringham relief road and one of the LL development companies has indicated that a corridor of land in their holding has been reserved for such a scheme should it be required in the future.

Conclusion on Issue 5

94. The AAP advances a package of sustainable transport measures including road improvements, which have been identified as directly required to serve the development at LL and subject to the MMs outlined, I find this aspect of the AAP to be sound. However, the delivery, timing and funding arrangements for the transport measures in the IDS are critical to the delivery of the AAP and these aspects are considered further in issue 7.

Issue 6: Will the development be safe from flooding and can it be carried out without increasing the risk of flooding elsewhere?

95. The western boundary of the AAP area is defined by a tidal stretch of the River Trent, the third longest river in the United Kingdom. Based on latest flood modelling data in the Strategic Flood Risk Assessment (SFRA) (ENV01), LL lies within flood zones 2 (medium risk)¹⁶ and 3a (high risk)¹⁷.
96. Flood risk arises from a number of sources but tidal or fluvial flooding from overtopping or breach of the flood defences on the Trent bank pose the greatest risk at LL. The risk of groundwater flooding is reduced by the presence of the Internal Drainage Board's pumped ditch network. Although surface water flows to the River Trent by gravity, during high flows or river levels, the drainage system is pumped. There are also potential risks from sewer and reservoir flooding.
97. The AAP is supported by sequential and exception testing undertaken as part of the preparation of the CS and AAP. Sequential testing of sites as part of the evidence base for the CS concluded that only a limited supply of development land was available in flood zone 1 and that in order to meet housing needs, there would be a requirement for development at LL.
98. The Western Scunthorpe Urban Extension Exception Test Strategy (ENV03) identified two combinations of strategic mitigation solutions, either of which would enable the broad location for development to be developed safely, would not increase flood risk elsewhere and would provide wider sustainability benefits.
99. The preferred flood mitigation measure outlined in the Flood Management and Drainage Strategy (TECH03) is for land raising across the site and piling

¹⁶ Having between 1 in 100 and 1 in 1000 (1% - 0.1%) annual probability of fluvial flooding or between a 1 in 200 and 1 in 1000 (0.5% - 0.1%) annual probability of tidal flooding.

¹⁷ Having a 1 in 100 (1%) or greater annual probability of fluvial flooding or a 1 in 200 (0.5%) or greater annual probability of tidal flooding.

3.8km of the River Trent right bank between Keadby Bridge and the M180 river crossing to the south. This will offer flood protection to existing communities based on modelled flood depths for a 0.5% Annual Exceedence Probability plus climate change event.

100. The approach to managing surface water across the site is to capture and attenuate surface water as close to the development as possible, consistent with a Sustainable Urban Drainage Systems (SuDS) approach. Surface water will flow into the lakes from land drains serving the villages but discharge from the lakes to the IDB network will be controlled. In addition to land raising, floor levels will be set at 200mm above prevailing ground levels. The Council as Lead Local Flood Authority (LLFA) and the local Water Management Board will be responsible for adopting and managing the flood risk and drainage infrastructure for LL.
101. The strategic flood defence works provide the basis for the submission of a Flood Risk Assessment (FRA) with development proposals. **MM19** and **MM21** are recommended to clarify that a FRA will be required for individual planning applications and to confirm that any further flood risk management proposals will need to be agreed by the EA and North Lincolnshire Council as the LLFA. These will ensure that the AAP is consistent with national policy on flood risk as set out in the Framework.
102. Land raising and surface water drainage infrastructure will be the responsibility of individual developers. Land raising has geotechnical implications arising from ground settlement and surcharging which affect the phasing of development, although the installation of wick drains speeds up the process of settlement. The cost of land raising associated with the import of material has been factored into the viability assessment (TECH01 & 01A).
103. **MM18** and **MM20** are recommended to clarify that an integrated Flood Evacuation Plan will be required for the LL villages, Burringham and Gunness and to ensure that Policy F1 is consistent with national policy as set out in paragraph 103 of the Framework.

Conclusion on Issue 6

104. Notwithstanding suggestions that land at lower risk of flooding is available for development in the LL area, the AAP policies are based on an extensive evidence base which demonstrates that the LL area is sequentially preferable and, where necessary, exception testing has been carried out. As such, I conclude that subject to the MMs outlined, the AAP policies on flood risk are justified, and that the development will be safe from flooding and can be carried out without increasing flood risk elsewhere, consistent with national policy as set out in the Framework.

Issue 7 – Whether there is a reasonable prospect that the AAP infrastructure and development requirements can be delivered over the plan period having regard to funding and development viability and whether the implementation and monitoring aspects are sound.

105. The Framework advises that plans should pay careful attention to viability so that they are deliverable and should take account of market signals. According to the Practice Guidance, a Local Plan should make clear, at least for

the first five years, what infrastructure is required, who is going to fund and provide it, and how it relates to the anticipated rate and phasing of development.

106. Key infrastructure providers are signed up to the implementation of the AAP, as evidenced by the submissions of the Council and the support indicated in the SOCGs with infrastructure bodies. Key items in the IDP in the AAP have attracted substantial public funding from the Local Growth Fund with the support of the respective LEPs. Developer contributions together with on-site delivery of key items of infrastructure have been secured as part of the legal agreements with the outline consents for development and will be secured within the first five years of the development starting on site.
107. The de-trunking of the M181 and new northern and southern junctions are key items upon which other road alterations and improvements critical to the development of LL depend. Funding from the Housing and Growth Fund has been confirmed for the southern junction of the M181 with the balance to be funded by developer contributions, and Highways England confirmed at the hearing session that designs are being prepared with construction expected to commence in January 2017. In the light of further information supplied by the Council about the funding bid the supporting text should be updated for effectiveness and I therefore recommend **MM57**.
108. LL is identified as a major project within the Humber SEP (ECO05) that will contribute to meeting housing, economic and infrastructure objectives. Flood mitigation and drainage works have received £13.3 million from the Single Local Growth Fund which will cover the cost of piling 3.8km of the Trent right bank, land raising and surface water storage. The Greater Lincolnshire SEP (ECO06) reflects some of the key requirements at LL including green infrastructure and the lakes and associated highway works, with £2 million from the Local Growth Fund approved to deliver lake 1 and £2.9 million for works to Berkeley Circle.
109. Policy D2 sets out a comprehensive approach to securing the necessary developer contributions to infrastructure provision, for strategic requirements and specific on-site provision. Some projects have attracted significant public funding which will be match funded by developer contributions. They therefore have a realistic prospect of being delivered. I am satisfied that the resources and partnership arrangements are in place to implement the key schemes identified in the IDP and that this will provide an effective mechanism for keeping the cost and funding sources under review.
110. In preparing the IDP, the Council has assessed how developer contributions will be managed to ensure that no more than five contributions are pooled towards any one item of infrastructure, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
111. The IDP provides details of the cost, timing and responsibility for the infrastructure needed to deliver LL. However due to its complexity and detail, the IDP will become quickly out of date as proposals for the site develop. As discussed at the hearings, **MM65** is recommended to remove the detailed IDP from Appendix 1 of the AAP so that it can be produced as a separate document alongside the AAP and can be regularly updated, ensuring that the

AAP is effective. **MM66** to **MM69** (inclusive) are necessary to reflect the most up to date information on the timing and delivery of infrastructure in the IDP.

112. A summary of the infrastructure requirements in relation to the housing trajectory will remain in the IDS in Figure 6.1, as required by the Practice Guidance. **MM46, MM47, MM51** and **MM52** are recommended to update the phasing and delivery information in the IDS. **MM50** and **MM53** are recommended to ensure that the AAP makes reference to the need for sewerage and water supply. **MM54** is recommended to ensure that there is a degree of flexibility in the phasing of development subject to the delivery of the necessary infrastructure. These MMs will ensure that the AAP is effective.
113. In order to ensure that Policy D1 is effective, **MM55** and **MM56** are recommended to include reference to IDS updates and remove the details of the numbers of dwellings to be provided in each phase since these are provided elsewhere in the AAP.
114. The other indicators in the monitoring and delivery framework will provide an effective mechanism to assess whether the AAP is meeting its objectives and will be reported through the Annual Monitoring Report. **MM64** is recommended to ensure that there are robust indicators in the monitoring framework to measure the effect of the development on biodiversity and ensure that the AAP is effective.

Conclusion on Issue 7

115. I conclude that subject to the MMs outlined, there is a realistic prospect that the infrastructure and development requirements of the AAP can be funded and delivered over the plan period and that there are satisfactory mechanisms for monitoring their delivery.

Other Matters

116. The provision for a green infrastructure corridor will provide an adequate buffer between village 2 and homes on the Parklands site. It would also be possible for the layout of development to ensure adequate levels of privacy and separation distance between dwellings. There is nothing to indicate that the road layout would enable vehicles to pass through Parklands to access the LL development. Lake 1 is proposed for non-motorised leisure activity and there would be adequate separation between it and Parklands to avoid harm from noise and disturbance.
117. Representations relating to the design and function of the lakes are matters of detail that will be dealt with as part of planning applications for the development.

Assessment of Legal Compliance

My examination of the compliance of the AAP with the legal requirements is summarised in the table below. I conclude that the AAP meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The AAP is identified within the approved LDS (July 2015) which sets out an expected adoption date of April 2016. The Area Action Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2010 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'Main Modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Assessment Report (October 2014) details the screening and confirms that an Appropriate Assessment is not required.
National Policy	The Area Action Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Area Action Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

118. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

119. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended MMs set out in Appendix 1 to this report, the Lincolnshire Lakes Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Sarah Housden

INSPECTOR