



**Extraordinary Council**

**22 October 2014**

**Subject: Central Lincolnshire Local Plan**

Report by:

Chief Executive  
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Purpose / Summary:

West Lindsey as a District forms part of the Central Lincolnshire Strategic Planning area, in preparing the Local Plan for future sustainable growth and associated infrastructure.

This report has been prepared for Council to inform its consultation to the Draft Preliminary Local Plan and shape the Council's response based on public views received at consultation events and this meeting of the Council.

Council will also receive a petition from Saxilby relating to development in Saxilby and options are outlined on how Council may wish to decide on this petition.

**RECOMMENDATIONS:**

**It is recommended that Council considers the following options and decides which option to adopt.**

**Option 1**

Continue to work with the CLSPC and JPU and at the Council meeting on 10<sup>th</sup>

November agree West Lindsey District Council's response to the Preliminary Draft Local Plan and to include consideration of comments made by residents during the public debate at the EPIC Centre.

### **Option 2**

Consider the implications and risks to residents of (a) withdrawing from the Central Lincolnshire Strategic Planning Committee and/or (b) withdrawing from the JPU and if this is legally possible to do so. If Option 2 was to be decided, officers would need to prepare a more detailed report outlining more specifically the financial, economic, social, legal, environmental and reputational risks to Council.

### **Option 3**

Do nothing and work within the present framework and allow individuals/residents to make their own representations to the JPU as accommodated in the framework.

## **IMPLICATIONS**

### **Legal:**

The Council does not have strategic Planning Powers and any desire to do so would need representations to the Secretary of State. The fuller legal risks including implications of a partnership memorandum of understanding need to be assessed further.

### **Financial** : FIN/78/15

The Council makes substantial savings exceeding six figures working in partnership on a Local Plan.

### **Staffing**

Any attempt to develop the Local Plan separately, subject to legally being allowed to, would have implications for additional specialist staff resources.

### **Equality and Diversity including Human Rights :**

**Risk Assessment :**

There are many risks to consider however, the three main risks are; failure to effectively inform as a District Council the consultation on the Preliminary Draft Local Plan, which is a key process in forming the future Local Plan for West Lindsey District. This is mitigated by this Council meeting focussing on additional consultation.

The second risk is that Council does not fully consider the risks and implications in detail before any decisions are made to desire gaining District Strategic Planning Powers, especially harm in terms of unplanned growth in the wrong areas, which is what the petition seeks to prevent.

Thirdly, the Secretary of State may not grant the Council its own Strategic Planning Powers or it may be a long process and not timely in meeting the desired intentions of the Petition presented.

**Climate Related Risks and Opportunities :**

**Title and Location of any Background Papers used in the preparation of this report:**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **1 BACKGROUND**

### **1.1 Economic Prosperity and Growth**

In 2009 the Secretary of State through an Order made by Parliament, transferred West Lindsey District Council's Strategic Planning powers as a Planning Authority to the Central Lincolnshire Strategy Planning Committee. This Committee includes representatives from West Lindsey District Council.

Central Lincolnshire has seen growth over the last ten years both economically and in its population (census results for 2011 compared to 2001).

Development in the Humber region with off shore energy and other investments impact on growth opportunities economically, particularly jobs and housing.

Other developments include the North, West and South of the District (Bassetlaw/Newark A1 corridor, Sheffield City Region and Lincoln).

It is important that these opportunities for economic prosperity are handled sustainably and the growth in housing and infrastructure is sustainable.

### **1.2 The Preliminary Draft Local Plan**

The Preliminary Draft Local Plan is a basis for consultation, to seek evidence and views from communities, towns and parishes on where future growth should be positioned in line with Strategic Plans for Central Lincolnshire. Part of West Lindsey District Council's strategic plans is the future growth of Gainsborough in order to ensure a viable and sustainable future Town.

This consultation period from 1<sup>st</sup> October to 13<sup>th</sup> November and evidence collated will inform the Draft Local Plan.

## **2 PETITION FROM SAXILBY**

2.1 The Council has received a petition from residents in Saxilby about growth in Saxilby. This has been signed by over 550 residents of Saxilby.

### **2.2 Wording of the Petition**

"West Lindsey District Council is 'partner' with Lincoln and North Kesteven creating a Central Lincolnshire Local Plan, this may result in Saxilby becoming an urban overspill for Lincoln.

We, the undersigned, demand West Lindsey District Council breaks away from the Central Lincolnshire Joint Planning Unit and regains independence as a Forward Planning Authority to provide a District Local Plan".

### **2.3 Council Constitution**

Constitutionally the Council has to decide how to respond to the petition in one of the following ways:

“They may decide to take the action the petition requests, not take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website”.

### **3 EXTRAORDINARY COUNCIL MEETING**

In order to ensure that the Council makes the most effective decision, a meeting with Group Leaders on 6<sup>th</sup> October 2014, by the Chief Executive decided that the petition be considered, alongside consultation on the Preliminary Draft Local Plan, which will take place from 4.00 pm – 6.30 pm on the same day as Council. Also that Council receives the petition and adjourns to hold a public meeting to further consult upon and listen to views on:

- The Contents of the Preliminary Draft Local Plan
- The Process for its development
- Public views and questions on the Plan and growth matters, including the matters raised in the petition.

### **4 PROPOSALS**

- 4.1 The petition’s wording implies an understanding that the Council is a ‘partner’ in a relationship it can easily exit. This is not the case, in that the Council no longer is the ‘Planning Authority’ for the Local Plan. Those powers were handed to the Central Lincolnshire Strategic Planning Committee in 2009, as a result of an Order placed before Parliament.

It is therefore not legally possible for the Council to ‘withdraw from a partnership’ and develop its own Local Plan.

If the Council wished to explore the route of regaining Local Plan powers again it would need to seek the return of these Powers from the Secretary of State. The success of this could not be ascertained and delays in preparing a Local Plan would defeat the objectives of what the Petition seeks to achieve “that is unsustainable growth that a Local Plan can manage through its policies of where growth is strategically identified”.

Therefore the Council could not lawfully decide to withdraw from the Joint Committee, in line with national legislation which removed the Council’s Powers to act as a Strategic Planning Authority to produce a Local Plan.

There are many other implications such as financial, delayed delivery of growth aspirations however this would require further assessment.

4.2 This section outlines the options available to the Council for decision.

(a) **Option 1**

Continue to work with the CLSPC and JPU and at the Council meeting on 10<sup>th</sup> November agree West Lindsey District Council's response to the Preliminary Draft Local Plan and to include consideration of comments made by residents during the public debate at the EPIC Centre.

(b) **Option 2**

Consider the implications and risks to residents of (a) withdrawing from the Central Lincolnshire Strategic Planning Committee and/or (b) withdrawing from the JPU and if this is legally possible to do so. If Option 2 was to be decided, officers would need to prepare a more detailed report outlining more specifically the financial, economic, social, legal, environmental and reputational risks to Council.

(c) **Option 3**

Do nothing and work within the present framework and allow individuals/residents to make their own representations to the JPU as accommodated in the framework.

## 5 RISKS ANALYSIS

5.1 It was deemed desirable by Members to hold an Extraordinary Council meeting and a special consultation event on the date chosen, in order to inform consultation responses, as the deadline for responses to the Joint Planning Unit (JPU) is 13<sup>th</sup> November 2014. This date allows the Council to hear public views and likewise the public to hear JPU and Council views to inform the Council's and individuals' responses.

5.2 In terms of responses to the Petition, three options have been outlined in the proposals under Section 4 and form the basis of recommendations for decision making.

### **Option 1**

Both the feedback from consultation events and today is taken into account by the District Councillors. This helps to mitigate risks of delays in the Local Plan and work within the legal and financial framework, to inform decisions made by the CLSPC (Central Lincolnshire Strategic Planning Committee). It builds on Option 3 (do nothing) in helping councillors inform the views of its Councillor representatives on the CLSPC who will make the decisions on the Draft Local Plan for Submission.

## **Option 2**

There are clearly legal implications in terms of decisions the Council can or cannot make and associated risks including especially further exacerbating unplanned growth without a Policy Framework (Local Plan). If the Council were able to produce its own Plan this would be delayed by many months compared to the CLSPC timetable and defeat the objective of the petition received.

The Chief Executive and her officers would need to produce a more detailed report, including consultation with Whitehall departments and CLSPC partners to outline the implications to councillors if they wish to investigate this route.

## **Option 3 – Do Nothing**

The risks of not considering in more detail the views expressed by residents and helping the rest of the Council shape the future Local Plan for the district is a Local Plan less informed by local councillors and residents. This Extraordinary Council meeting has already been in response to mitigating this risk.

## **6. CONCLUSION**

- 6.1 It is advised that Members of the Council consider information presented in this report and at the meeting alongside concerns and opportunities expressed by the public to make a decision.

A presentation on the Local Plan process, timetable, Frequently Asked Questions and risks will be made at Council by the Council's officers. Hopefully this will inform all Members of the Council about the process and key considerations in order for them to make their decision for the District.