Report to North Lincolnshire Council

by Derek Stebbing BA (Hons), Dip E.P., MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Date 19 February 2016

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

REPORT ON THE EXAMINATION INTO THE
NORTH LINCOLNSHIRE HOUSING & EMPLOYMENT ALLOCATIONS
DEVELOPMENT PLAN DOCUMENT

Document submitted for Examination on 31 July 2014
Examination hearings held 13-15, 20-22 January 2015

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**Abbreviations Used in this Report**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AAP</td>
<td>Area Action Plan</td>
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<tr>
<td>CS</td>
<td>Adopted Core Strategy (June 2011)</td>
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<tr>
<td>DtC</td>
<td>Duty to Co-operate</td>
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<td>DPD</td>
<td>Development Plan Document</td>
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<td>HELA</td>
<td>North Lincolnshire Housing &amp; Employment Land Allocations DPD</td>
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<td>HRA</td>
<td>Habitat Regulations Assessment</td>
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<td>LDF</td>
<td>Local Development Framework</td>
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<td>LDS</td>
<td>Local Development Scheme</td>
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<td>LWS</td>
<td>Local Wildlife Site</td>
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<td>MM</td>
<td>Main Modification</td>
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<td>NLC</td>
<td>North Lincolnshire Council</td>
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<td>NPPF</td>
<td>National Planning Policy Framework</td>
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<td>SA</td>
<td>Sustainability Appraisal</td>
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<td>SoCG</td>
<td>Statement of Common Ground</td>
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<td>SCI</td>
<td>Statement of Community Involvement</td>
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<tr>
<td>SINC</td>
<td>Site of Importance to Nature Conservation</td>
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Non-Technical Summary

The report concludes that the North Lincolnshire Housing & Employment Land Allocations DPD (HELA) provides an appropriate basis for the planning of the North Lincolnshire area during the period to 2026 providing a number of modifications are made to the HELA. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the HELA. All of the modifications to address this were proposed by the Council, following discussion at the Examination Hearings, and have been published for public consultation with an accompanying Sustainability Appraisal Supplementary Statement and Habitat Regulations Assessment (HRA). I have recommended the inclusion of all the modifications, after full consideration of the representations from other parties, and the recommended Main Modifications are contained at the Appendix to the report.

The Main Modifications (MM) can be summarised as follows:

- To provide additional site specific criteria for the satisfactory development of housing and employment allocations, in response to representations from key stakeholders, and to correct any inaccuracies regarding site areas, etc.;
- To propose the addition of four new housing allocation sites at Scunthorpe and Kirton in Lindsey in order to provide greater flexibility in the Council’s Housing Delivery Framework, particularly during Phases 1 and 2 of the Plan period;
- To propose the addition of a further employment land allocation to the west of Humberside Airport in order to support the planned expansion of that airport and its associated facilities;
- To strengthen the Plan’s mechanisms for monitoring the implementation and delivery of its housing and employment proposals;
- To incorporate an Infrastructure Delivery Schedule as Appendix 5 to the Plan to identify the type, location and phasing of the infrastructure required for each proposed development in the Plan;
- To generally update the Plan relating to housing commitments across the district;
- To include a revised and updated Housing Delivery Framework at Appendix 2 in the Plan;
- To propose amendments to the development limits of certain settlements to conform with other aspects of the Council’s planning strategy, to reflect the pattern of development at some settlements or to correct certain inaccuracies;
- To propose consequential amendments to the Proposals Map and its accompanying Inset Maps.
Introduction

1. This report contains my assessment of the North Lincolnshire Housing & Employment Land Allocations DPD (HELA) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s 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 HELA is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) at paragraph 182 makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.

2. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my Examination is the Submitted Draft Plan which is the same as the document published for formal pre-submission consultation in April 2014. My report deals with the Main Modifications that are needed to make the Plan 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 make any modifications needed to rectify matters that make the HELA unsound/not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Appendix to this report.

3. The Main Modifications 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 Main Modifications and carried out Sustainability Appraisal, and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses received in coming to my conclusions in this report, and in this light I have made some amendments to the wording of the Main Modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and Sustainability Appraisal that has been undertaken.

Assessment of Duty to Co-operate

4. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan’s preparation.

5. The Council’s Duty to Co-operate Statement (Ref. SUB012) 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. In the case of North Lincolnshire, it is part of the sub-region formerly defined as the Humber Estuary sub-area, along with the East Riding of Yorkshire, the City of Kingston upon Hull and North East Lincolnshire. The sub-regional strategies that are being carried forward through ongoing collaboration contain a focus on supporting the regeneration and renaissance of the area’s main urban areas (Hull, Scunthorpe and Grimsby), and a strong emphasis on realising the economic potential of ports on the Humber Estuary.
6. The spatial strategy for North Lincolnshire which is set out in Chapter 5 of the CS, with accompanying Policies CS1-CS3, sets out the broad framework around which the spatial development strategy for North Lincolnshire will be taken forward. Crucially, it establishes the settlement hierarchy for the district, the key drivers for an urban renaissance in Scunthorpe, the identification of key strategic employment sites at the South Humber Bank, Humberside Airport and Sandtoft Airfield and the protection of internationally and nationally designated sites of nature conservation importance.

7. In my assessment, the Council has taken forward the collaborative work that demonstrably underpins the CS, with a substantial accompanying evidence base, through to the preparation of the HELA. That collaboration clearly extends beyond the statutory requirements of the DtC to now include partnerships with many other bodies and stakeholders, with a strong emphasis on implementing the major strategic elements of the CS. It is vital, in my view, that this ongoing consultative and collaborative work continues through the Plan period for both the CS and HELA, and also the accompanying Lincolnshire Lakes AAP, if the Council’s vision is to be implemented successfully. To that end, I consider under the third main issue (Implementation and Monitoring) how the HELA can be strengthened in order to ensure that there is greater clarity on the roles and responsibilities of the various partners and bodies involved in the delivery of new homes, economic growth and infrastructure across the district.

8. There is clear evidence that the Council has undertaken effective and positive engagement during the preparation of the HELA, and this was confirmed during the Examination Hearing Sessions. I am satisfied that the level of co-operation that has taken place has been substantial and wide-ranging, and is ongoing. This co-operation has demonstrably continued throughout the preparation of the North Lincolnshire LDF, of which the HELA is part, and I also consider that the Council has taken full regard of strategic cross-boundary issues that affect the North Lincolnshire area.

9. Consequently, I conclude that the Duty to Co-operate has been met.

**Assessment of Soundness**

**Preamble**

10. The HELA has been prepared in the context of the North Lincolnshire Core Strategy DPD (CS), which was adopted in June 2011. The CS contains a bold vision for achieving significant growth in employment and housing in the district, with a focus for concentrating growth at Scunthorpe. This is the sub-regional centre, where there is identified infrastructure capacity to support growth, whilst also securing important regeneration and renaissance objectives. A key element of the Council’s strategy is the Lincolnshire Lakes urban extension to the west of Scunthorpe and this is covered by a separate DPD, the Lincolnshire Lakes AAP. NLC have progressed that AAP, which is now subject to Examination. Whilst the AAP does not directly affect the proposed housing and employment allocations contained in the HELA, which deals with the rest of North Lincolnshire district, the relationship between the two plans has been a factor in my assessment of potential housing and employment delivery across the district, but most especially at Scunthorpe which is the
focal point for the Council’s growth strategy. In particular, I have taken account of the proposed housing allocations at Lincolnshire Lakes in assessing the robustness of the Council’s district-wide Housing Delivery Framework. I identify the deliverability of the proposals contained in the HELA as one of the three main issues upon which the plan’s soundness depends, and I consider this issue in greater detail at paragraphs 26-81 below.

11. The submission of the HELA follows the adoption of the CS, although initial consultation on earlier versions of the Plan took place between 2007 and 2010. I have considered the submission Plan in the light of the adopted CS, and I am satisfied that it is in consistency with the CS, with the exception that the CS does not contain a specific policy addressing the National Planning Policy Framework’s (NPPF) presumption in favour of sustainable development. Accordingly, the Council have sought to address this by including a policy (Policy PS1) within the HELA. I am satisfied that Policy PS1 complies with the NPPF.

12. The HELA seeks to take forward the Council’s strategy for employment and housing growth across the district, apart from the area covered by the Lincolnshire Lakes proposal referred to above. North Lincolnshire is a large district (328 square miles), which is predominantly rural in character. Approximately half the population reside in the principal urban area of Scunthorpe, which is also the main focus for the district’s employment and retail functions. A further quarter of the population live in the larger towns of Barton-upon-Humber and Brigg, the smaller towns of Epworth, Crowle, Kirton in Lindsey and Winterton and in the larger villages of Broughton and Messingham. The remainder of the population is dispersed across the district in many smaller villages and rural hamlets. The area’s location on the southern bank of the Humber Estuary, with its deep water facilities, makes the district an important area for marine-related businesses, which are a significant element of the national, regional and local economies. Over a quarter of the United Kingdom’s imports and exports pass through the South Humber ports of Killingholme and Immingham.

13. Policy CS8 (Spatial Distribution of Housing Sites) in the CS sets out the spatial distribution of housing across the district, seeking to direct development to the most sustainable locations. It seeks to achieve a target of 82% of net additional dwellings within the Scunthorpe Urban Area, with the remaining requirement being met at Brigg – 7%, Barton-upon-Humber – 6%, Crowle – 1.2%, Kirton in Lindsey – 1.5% and Winterton – 2.3%. The proposed housing allocations reflect this spatial distribution.

14. Policy CS11 (Provision and Distribution of Employment Land) in the CS aims to ensure that the right amount of employment land is available in North Lincolnshire to support the growth of the local economy and help deliver the vision for the area. The accompanying monitoring indicator contains the target of delivering at least 10 hectares of employment land per annum (excluding the South Humber Bank employment site) between 2010 and 2026.

15. Policy CS12 (South Humber Bank Strategic Employment Site) in the CS recognises the economic advantages of developing the South Humber Bank site for employment use. The site is of national significance, and is currently the largest area of undeveloped land in England adjacent to a deep water
estuary. The Council has granted planning permission for the Able Logistics Park, which will cover 607 hectares of the site, and the Secretary of State for Transport has granted a Development Consent Order for the Able Marine Energy Park (AMEP), which will be the largest offshore wind development in Europe and which will create a substantial employment opportunity in the renewable energy and logistics sectors at South Humber Bank. I further address the South Humber Bank site at paragraphs 56 and 58 of this report.

16. The HELA does not include the provision of sites for Gypsies, Travellers and Travelling Showpeople, as originally intended. The Council now intend to address this requirement through a General Policies DPD, which is identified in the LDS (April 2014) to follow the submission of the HELA and the Lincolnshire Lakes AAP. I accept this position on the basis of the Council’s stated intention which was confirmed in response to a preliminary question prior to the Examination Hearing Sessions, and re-stated at the Hearing Sessions.

Main Issues

17. Taking account of all the representations, written evidence and the discussions that took place at the Examination Hearing Sessions I have identified three main issues upon which the soundness of the HELA depends.

Issue 1 – Has the Plan been ‘positively prepared’?

18. Paragraph 182 of the NPPF requires plans to be positively prepared, i.e. ‘based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so’. The Council’s DtC statement clearly sets out the ways in which it has engaged positively, (a) with neighbouring authorities both individually and as part of various sub-regional groupings, (b) with relevant Government agencies, such as English Heritage, and (c) with the communities and community groups across the district. The evidence base documents for the HELA demonstrate that needs and infrastructure requirements have been adequately objectively assessed, often by independent consultants.

19. The Plan is underpinned by a very substantial evidence base, and I am satisfied that NLC has sought to support its housing and employment proposals with a comprehensive understanding of the socio-economic, environmental and infrastructure issues associated with the district’s growth through to 2026. In many cases, the evidence base has been updated as part of this Examination of the plan, notably in response to my requests to the Council to provide the latest position on key aspects of infrastructure delivery which I consider to be central to the delivery of a number of housing and employment allocations. The latest position on matters such as the Housing Trajectory is reflected within a number of Examination Documents.

20. It is evident that NLC has sought to respond positively both to the comments received from the public and stakeholders during the earlier stages of the preparation of the HELA and to the representations received to the Submission HELA. This process has continued throughout the Examination, culminating in the schedule of Main Modifications, such that a good number of representations have been addressed. Such a process of constructive and
ongoing engagement is central to the success of the development plan system, and the collaborative work of the Council and its partners in this regard is to be commended. In particular, I welcome the Statements of Common Ground (SoCGs) that were concluded prior to, and during, the Hearing Sessions, which have greatly assisted the process of identifying proposed Main Modifications.

21. As noted above, the HELA has been prepared within the context of the adopted CS, which contains a positive and ambitious strategy for the development and growth of North Lincolnshire. Together with the Lincolnshire Lakes AAP, the HELA represents a key development plan document for the successful implementation and delivery of the CS vision and strategy, and most importantly the housing and economic development elements, to 2026.

22. My focus throughout the examination has been to test the deliverability of the HELA proposals and site allocations in two ways – firstly, in the broader context of national policy and the CS spatial strategy, and secondly, in the more detailed context of whether the HELA contains sufficiently clear guidance and policy requirements for the successful implementation and delivery of the proposed allocations. My overall conclusion is that the HELA has been positively prepared and is consistent with national policy and the CS in addressing the requirements for housing and employment growth across the district, but that the implementation and delivery of the specific site allocation proposals needs, in many cases, much clearer requirements on matters such as infrastructure, flood mitigation and biodiversity enhancements. I consider that this is necessary to ensure the soundness of the Plan, and I address this through proposed Main Modifications. I deal with this in greater detail at paragraphs 38-53 and 61-73 below.

23. I have taken into account all the representations that were made to the submission Plan, and through evidence at the Hearing Sessions, seeking to challenge elements of the Council’s approach to the preparation of the HELA. Whilst the Plan has clearly taken a number of years to prepare, I am satisfied that the submission version does appropriately address matters of national planning policy as contained in the NPPF, and that it fully conforms with the CS. Furthermore, it is clear to me that the Council is now proactively seeking to implement the major elements of its spatial planning strategy, of which the HELA is an integral part, and I see no justification to delay the progress of this Plan in delivering important elements of the Council’s housing and employment strategies in the Plan period up to 2026.

24. I have given careful consideration to all the representations seeking to challenge the Council’s overall strategy, particularly with regard to housing targets and the need, as some parties suggest, for the Council to undertake an immediate review of its district-wide housing target. This is not the central purpose of this Examination. The HELA is an Allocations DPD prepared to implement major parts of the Council’s spatial strategy which was approved and adopted in June 2011 in the CS. It is not a plan which seeks to establish a new strategy, nor review elements of the adopted strategy. Essentially, it is a delivery plan. I have concluded above that, in my assessment, the HELA conforms with the CS and with matters of current national planning policy as contained in the NPPF, in so far as they pertain to an allocations plan. I see no case to review the CS as part of this Examination.
25. Nevertheless, it is already apparent to the Council that a full review of its LDF will be necessary in due course, and I was assured that work on a new Local Plan will be brought forward following the adoption of the HELA and the Lincolnshire Lakes AAP. In my view, it is more important at this time to ensure that the full suite of LDF documents is put in place in order that the earlier North Lincolnshire Local Plan (2003), together with its various saved policies and policy notations, can be superseded. My conclusion on this first main issue is that the HELA has been positively prepared and meets the tests of soundness in that regard.

**Issue 2 – Will the Plan be effective and deliverable?**

26. In my assessment, this is the central issue concerning the soundness of the Plan. On housing, the NPPF (paragraph 47) requires authorities to identify a supply of specific, developable sites sufficient to provide five years worth of housing with an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land, and to also identify a supply of sites for years 6-10 and, where possible, years 11-15 of the Plan period. In that context, I have given careful consideration as to whether the Plan is making an effective contribution to the delivery of a five year supply of housing land within the district. On employment, the NPPF (paragraphs 21, 23 and 28) requires authorities to identify a range of suitable sites, including strategic sites, to meet the development needs of businesses, including those within rural areas. Conversely, the NPPF (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

27. Central to my examination of the Plan have been the assessment of the Council’s Housing Trajectory and the trends over the past and projected future take-up of employment land, in order to ensure that the Plan complies with national policy as described above. Furthermore, I have sought to test those factors against the infrastructure requirements identified as being necessary to achieve the successful and timely delivery of new housing and employment proposals. In my view, this is necessary to provide a sound and realistic basis for the Council and the development industry to judge development proposals with the necessary confidence. I also consider this further as part of the third main issue in this report on Implementation and Monitoring.

28. The Plan describes the site selection methodology for Housing Allocations, which in summary were conformity with the CS, scale and density of potential development and site accessibility and constraints. Policy H1 (Phasing of Housing Land) sets out the parameters for the Housing Delivery Framework (at Appendix 2) of the Plan, and the delivery of Housing Allocation sites across three phases in the Plan period (Phase 1 – 2014-2019, Phase 2 – 2019-2024 and Phase 3 – 2024-2026). I am satisfied that the Council’s methodology for the selection of potential Housing Allocation sites in this Plan has been based upon a rigorous assessment of testing each site against the CS strategy, factors such as proximity to services, landscape impact, flood risk and other criteria determining the sustainability of sites. I am also satisfied that the Council’s methodology has taken into consideration reasonable alternative sites submitted through the SHLAA process and within representations made during the preparation of the Plan.
Housing Land Allocations

29. The proposed Housing Allocations are concentrated at Scunthorpe, with 17 separate allocations (Allocation Refs. SCUH-1 – SCUH-17) and 9 contingency site allocations (Allocation Refs. SCUH C1–SCUH C9). Other allocations are proposed at Barton upon Humber (Allocation Refs. BARH-1 – BARH3), Brigg (Allocation Refs. BRIH-1 – BRIH-5), Crowle (Allocation Refs. CROH-1 – CROH-2), Kirton in Lindsey (Allocation Ref. KIRH-1) and Winterton (Allocation Refs. WINH-1 – WINH-4). This proposed distribution of housing allocations broadly conforms to the spatial direction for the distribution and location of development contained in Chapter 5 of the CS. It should be noted in this context that the proposed Lincolnshire Lakes development area, which is addressed within the Lincolnshire Lakes AAP, is intended to accommodate 65% of Scunthorpe’s housing requirement.

30. In my assessment, it is the balance between the need for sufficient flexibility within the Plan’s proposed housing allocations and the capability to deliver the proposals that is the ultimate determinant of whether the Plan will be successful in meeting the Council’s objectives. I have heard and received substantial evidence from those making representations to the Plan that there is insufficient flexibility in the Plan’s housing allocations (including the Lincolnshire Lakes proposal) to maintain housing delivery to the required levels across the Plan period, and that this is demonstrated and reinforced by under-delivery of new housing in the district between 2009 and 2014. In order to test this evidence, I asked the Council to prepare an updated housing trajectory and Housing Delivery Framework (as contained at Appendix 2 of the Plan) for the purposes of this Examination. This revised and updated information has enabled me to reach two broad conclusions regarding the proposed housing allocations.

31. Firstly, I am clear that the detailed description, phasing, constraints and infrastructure requirements for a number of the proposed allocations contained in the submission Plan are either no longer correct or are insufficient to provide the necessary certainty for the satisfactory development of the sites concerned. I have considered whether, in combination, those shortcomings amount to a matter that affects the soundness of the Plan. I conclude, however, that they do not constitute such a matter, but that a series of proposed Main Modifications are necessary to ensure that the proposed allocations can be taken forward through the development management process with much greater clarity for those parties concerned, including the Council. Such modifications are also necessary to address a number of significant concerns expressed by other stakeholders, notably the Lincolnshire Wildlife Trust and the Environment Agency on matters such as biodiversity and flood mitigation, including the requirements to undertake the necessary ecology surveys, heritage assessments and Flood Risk Assessments as part of the planning application process.

32. Secondly, and more importantly, I have focused particular attention on whether the proposed housing allocations in total provide sufficient flexibility for the objectives of the CS to be achieved, and to maintain the necessary five year housing land supply. In its calculations, the Council relies upon the recent under-delivery in housing provision being redistributed over the remainder of the Plan period rather than making good the deficiency as soon
as possible within the five year period.

33. I have considered whether the Council’s approach to addressing the recent shortfall in housing delivery is sound, and whether the additional buffer of 5% is sufficient to ensure that the Council will be able to maintain a rolling five year supply of housing land. I have made a realistic judgement of this situation, taking note of the progress being made with the major Lincolnshire Lakes proposal which, although outside the scope of this Examination, is nevertheless clearly fundamental to planned housing delivery in the district. In many respects the housing allocations contained in the HELA, are intended and required in my view to provide the necessary choice and flexibility for the district’s housing market, whilst achieving sustainable patterns of development within the settlements concerned. Indeed, the Council itself recognises this and in the case of development in Scunthorpe proposes nine contingency sites “in case the identified sites or Lincolnshire Lakes do not deliver in the time period specified” (HELA paragraph 3.163). I believe that the Council’s approach of identifying contingency sites to be sound and justified, and it does provide a level of flexibility to the proposed Housing Delivery Framework. I accept the Council’s justification for allocating contingency sites and the proposed monitoring mechanisms to bring them forward for development, which I am satisfied is consistent with the CS.

34. However, with the passage of time since the preparation of the submission Plan, it is clear that the intended flexibility contained in the Plan by the identification of contingency sites has been considerably reduced. This is due, in many cases, to factors beyond the Council’s control. There have been delays with the Lincolnshire Lakes project. Planned infrastructure works have not been progressed as originally intended and some sites have not come forward during Phase 1 of the Plan period as envisaged at the date of submission. This does place the Council’s strategy for housing delivery at risk from speculative proposals for housing development on unallocated sites.

35. The proposed contingency sites at Scunthorpe are now, I consider, a vital and necessary element of the Housing Delivery Framework, and my detailed assessment of the potential deliverability of all the proposed allocations, and other sites granted planned permission by the Council during recent years, has confirmed that certain contingency sites do need to be brought forward for development at earlier stages within the Housing Delivery Framework than previously envisaged by the Council. These phasing changes, together with other amendments to provide improved clarity to the text and content of the specific proposals are again addressed by a series of Main Modifications set out in the Appendix to this report, which include an updated housing trajectory and Housing Delivery Framework (MM73). Again, I consider that these phasing changes are necessary to ensure the soundness of the Plan, and to give much greater certainty to the maintenance of a five year supply of housing land, when considered against national policy and the strategy of the CS. With these proposed Main Modifications, I conclude that the HELA will make an effective contribution to the need to boost housing supply in the district.

36. The NPPF (at paragraph 154) states that Local Plans should be aspirational but realistic, and that they should set out the opportunities for development and contain clear policies on what will or will not be permitted and where. My
Examination of the housing land allocations within the HELA has focused on this issue, and I have reached the conclusion from my assessment of the Plan itself, the accompanying evidence base documents and the representations that were made to the submission Plan and at the Hearing Sessions, that the balance described above has become distorted during the past few years. There is now insufficient flexibility in the Plan to provide certainty that the Council’s housing targets can be achieved in accordance with its Housing Delivery Framework. This is leading to increasing pressure for additional speculative housing developments across the district, and I have heard and seen powerful arguments that the Plan should contain additional housing land allocations to restore the balance between flexibility and deliverability. I agree with the general view that the Plan should now incorporate added flexibility in terms of its housing land allocations, and most clearly in respect of ensuring that housing delivery can be boosted and sustained during Phases 1 and 2 of the Plan period. I consider that this is necessary in order that the Council can maintain a five year supply of housing land within the district.

37. I expressed this view as a preliminary conclusion towards the close of the Hearing Sessions, and invited the Council to consider how additional housing land allocations can be brought forward into the Plan, ensuring that they would fully comply with the principles of the CS in terms of sustainable patterns of development and relevant evidence base documents, including the SHLAA and SHMA, and which could be included as proposed Main Modifications with an accompanying SA for public consultation. The Council acknowledged this need and two sites at Kirton in Lindsey were identified as potential new housing land allocations. They are each the subject of a proposed Main Modification, and I deal with this matter in greater detail at paragraph 48 below. I am satisfied that the Council has realistically addressed this issue, acknowledging the need to embed greater flexibility into the HELA in terms of housing land availability. Moreover, the identification of land at the former Kirton in Lindsey Barracks will make effective use of previously developed land, and with appropriate master planning provides an opportunity to secure a sustainable residential development of high quality. I am further satisfied that both additional allocations fully comply with the principles of the NPPF and the CS, and this has been demonstrated by the accompanying SA. I consider that these additional housing allocations, together with other modifications intended to bring forward a number of sites to earlier phases within the Plan period, achieves a greater level of flexibility in the Plan’s housing allocations, which hopefully will boost housing delivery in the district in the short-term, ahead of a full review of the LDF. I conclude on this matter that these additional allocations are necessary to ensure that the HELA contains sufficient flexibility to assist in maintaining a five year supply of housing land in the district, in the context of both the CS housing growth targets and the emerging Lincolnshire Lakes AAP.
38. I now consider in more detail the individual housing land allocations, and the
need for certain Main Modifications to address matters described in paragraph
31 above. Such modifications all follow discussion at the Hearing Sessions or
the submission of SoCG’s to the Examination, and are set out in full in the
Appendix to this report.

39. Scunthorpe Allocations

SCUH-1 – Land at Phoenix Parkway Phase 1 – a Main Modification (MM1) is
necessary to indicate that land falling under a 132kv overhead
power line will be retained as open space
SCUH-2 – Land at Phoenix Parkway Phase 2 – no amendments necessary
SCUH-3 – Land at the Glebe – no amendments necessary
SCUH-4 - Land at Capps Coal and Timber Yard – two Main Modifications
(MM2 and MM3) are necessary to address the representations of
the Environment Agency (MM2) and the Lincolnshire Wildlife Trust
(MM3)
SCUH-5 - Land off Burringham Road – a Main Modification (MM4) is
necessary to address the representations of the Lincolnshire Wildlife
Trust
SCUH-6 – Land at Plymouth Road – a Main Modification (MM5) is necessary to
address the representations of the Environment Agency
SCUH-7 – Advance Crosby Scheme Phase 2 – a Main Modification (MM6) is
necessary to address the representations of the Lincolnshire Wildlife
Trust
SCUH-8 – Land north of Doncaster Road – a Main Modification (MM7) is
necessary to address the representations of the Environment
Agency
SCUH-9 - Land at Church Square – a Main Modification (MM8) is necessary to
address the representations of English Heritage and the
Lincolnshire Wildlife Trust
SCUH-10 –Land south of Ferry Road West – a Main Modification (MM9) is
necessary to address the representations of the Lincolnshire Wildlife
Trust and the Environment Agency
SCUH-11 –Land at the Council Depot, Station Road – a Main Modification
(MM10) is necessary to address the representations of English
Heritage and the Lincolnshire Wildlife Trust
SCUH-12 –Land at 1-7 Cliff Gardens - the Council now propose to remove this
allocation from the HELA, and this is addressed by Main Modification
(MM11), which will also require an amendment to the Proposals
Map – see also MM83
SCUH-12 (New) – Land at Former Car Park, Collum Avenue (0.16 ha.) – the
Council propose to introduce this site as a housing land allocation,
as an earlier planning permission for 14 dwellings has lapsed since
the submission of the Plan. This is addressed by Main Modification
MM12, which will also require an amendment to the Proposals
Map – see also MM83
SCUH-13 –Former Darby Glass Offices and Factory – a Main Modification
(MM13) is necessary to address the representations of the
Lincolnshire Wildlife Trust and the Environment Agency
SCUH-14 –Redevelopment of Westcliff Precinct – a Main Modification (MM14)
is necessary to address the representations of the Lincolnshire
Wildlife Trust
SCUH-15 – Former Kingsway House – a Main Modification (MM15) is necessary to reflect the representations of the Lincolnshire Wildlife Trust

SCUH-16 – Land at Ashby Decoy off Burringham Road – a Main Modification (MM16) is necessary to reflect the representations of the Environment Agency and the Lincolnshire Wildlife Trust

SCUH-17 – Land off Queensway and Dudley Road – a Main Modification (MM17) is necessary following a proposal from the Council to increase the site area of this allocation from 1.67 ha. to 2.12 ha., and consequently to increase the potential housing capacity to 78 dwellings and to bring forward the phasing of this allocation from Phase 3 to Phase 2 of the Plan period. This will also require an amendment to the Proposals Map – see also MM83

SCUH-18 (New) – Land at Burdock Road (2.74 ha.) – the Council propose to introduce this site as a housing land allocation with a potential housing capacity of 99 dwellings, as an earlier planning permission for 66 dwellings has lapsed since the submission of the Plan. This is addressed by Main Modification MM18, which will also require an amendment to the Proposals Map – see also MM83

SCUH-C1 – NSD Site, Land East of Scotter Road – a Main Modification (MM20) is necessary to reflect the representations of the Environment Agency

SCUH-C2 – Brumby Resource Centre, East Common Lane – a Main Modification (MM21) is necessary to reflect the representations of the Lincolnshire Wildlife Trust and Sport England

SCUH-C3 – Former Tennis Courts, Rowland Road – a Main Modification (MM22) is necessary to reflect the representations of the Lincolnshire Wildlife Trust, English Heritage and Sport England

SCUH-C4 – Hartwell Ford Car Garage, Station Road – a Main Modification (MM23) is necessary to reflect the representations of the Lincolnshire Wildlife Trust and English Heritage

SCUH-C5 – Land at Hebden Road – a Main Modification (MM24) is necessary to reflect the representations of the Lincolnshire Wildlife Trust and the Environment Agency

SCUH-C6 – Former Scunthorpe Telegraph Office, Doncaster Road – a Main Modification (MM25) is necessary to reflect the representations of the Lincolnshire Wildlife Trust

SCUH-C7 – Land at former South Leys School, Enderby Road – a Main Modification (MM26) to reflect the representations of Sport England

SCUH-C8 – Land at Dartmouth Road – a Main Modification (MM27) is necessary to reflect the representations of the Environment Agency and Sport England

SCUH-C9 – Land off Queensway and Dudley Road – a Main Modification (MM28) is necessary to reflect the representations of the Lincolnshire Wildlife Trust

40. Existing new dwelling commitments for Scunthorpe identified in the Plan at paragraph 3.159 also need to be updated to reflect the current situation and the latest Housing Trajectory, and this is addressed by the amendments set out at Main Modification MM19.
41. Barton upon Humber Allocations

BARH-1 – Land at Pasture Road South Phase 2 – a Main Modification (MM29) is necessary to address the representations of the Lincolnshire Wildlife Trust and the Environment Agency
BARH-2 – Land at Pasture Road South Phase 1 – a Main Modification (MM30) is necessary to address the representations of the Lincolnshire Wildlife Trust
BARH-3 - St. Mary’s Cycle Works, Marsh Lane – a Main Modification (MM31) is necessary to address the representations of the Lincolnshire Wildlife Trust and the Environment Agency

42. Existing new dwelling commitments for Barton upon Humber identified in the Plan at paragraph 3.250 also need to be updated to reflect the current situation and the latest Housing Trajectory, and this is addressed by the amendments set out at Main Modification MM32.

43. Brigg Allocations

The proposed housing land allocations at Brigg (BRIH-1 – BRIH-5) are all located to the north or east of the town, south of the M180 motorway. In my assessment, the deliverability of these five sites in accordance with the Housing Delivery Framework, will depend upon the construction of a Relief Road between Atherton Way and Wrawby Road, and the Plan needs to contain the necessary certainty that this road will be constructed to serve each of the land allocations, and to ensure that a permeable road network can be developed between the land allocations. The construction of this Relief Road will need to be secured through future planning permissions, which in my judgement should be preceded by the preparation of a master plan by the Council to show how the five sites can be developed satisfactorily and incorporating principles of sustainable development.

44. The Council has recognised the necessity to ensure that the Relief Road is constructed to serve the five proposed housing land allocations, and two significant amendments are proposed to the text of the Plan (at paragraphs 3.251 and 3.252) to strengthen and clarify the requirements for the road. I endorse these proposed amendments and recommend that they be taken forward as two Main Modifications (MM33 and MM34) to the Plan, and that this clarification also be set out in the text of each of the proposed land allocations (BRIH-1 – BRIH-5).
45. BRIH-1 – Land north of Atherton Way – two Main Modifications (MM35 and MM36) are necessary to clarify and confirm the requirements for a Relief Road to serve this site, and to address the representations of the Lincolnshire Wildlife Trust and the Environment Agency.

BRIH-2 – Land at Western Avenue – two Main Modifications (MM37 and MM38) are necessary to clarify and confirm the requirements for a Relief Road to serve this site, and to address the representations of the Lincolnshire Wildlife Trust.

BRIH-3 – Land at Wrawby Road Phase 2 – two Main Modifications (MM39 and MM40) are necessary to clarify and confirm the requirements for a Relief Road to serve this site, and to address the representations of the Lincolnshire Wildlife Trust.

BRIH-4 – Land at Wrawby Road Phase 1 – two Main Modifications (MM41 and MM42) are necessary to clarify and confirm the requirements for a Relief Road to serve this site, and to address the representations of the Lincolnshire Wildlife Trust.

BRIH-5 – Land at Ancholme Park – two Main Modifications (MM43 and MM44) are necessary to set out the arrangements for the proposed replacement and relocation of the allotments that presently form part of this site, to clarify and confirm the requirements for a Relief Road to serve this site, and to address the representations of the Environment Agency and the Lincolnshire Wildlife Trust.

46. Existing new dwelling commitments for Brigg identified in the Plan at paragraph 3.291 also need to be updated to reflect the current situation and the latest Housing Trajectory, and this is addressed by the amendments set out at Main Modification MM45.

47. Crowle Allocations

CROH-1 – Land to the East of Fieldside – a Main Modification (MM46) is necessary to reflect the Council’s proposal to increase the site area of this allocation from 1.83 ha. to 2.34 ha. and the consequent increase in housing capacity from 68 to 86 dwellings, and to address the representations of the Lincolnshire Wildlife Trust and the Environment Agency.

CROH-2 – Land north of Godnow Road – a Main Modification (MM47) is necessary to address the representations of the Environment Agency.

48. Existing new dwelling commitments for Crowle identified in the Plan at paragraph 3.305 need to be deleted as there are currently no committed housing sites at Crowle, and this is addressed by the amendment set out at Main Modification MM48.

49. Kirton in Lindsey Allocations

KIRH-1 – Land west of Station Road – a Main Modification (MM49) is necessary to address the representations of the Lincolnshire Wildlife Trust

KIRH-2 – Land at and adjoining Beechcroft, Station Road (2.49 ha.) – the Council propose to introduce this site as a housing land allocation with a housing capacity of 60 dwellings. The site is currently
available for development, and a recommended Main Modification (MM50) sets out the description of the proposal and the site specific criteria for the satisfactory development of the site, with development expected to take place during Phases 1, 2 and 3 of the Plan period. This modification will also require an amendment to the Proposals Map – see MM80. I have also considered the proposed allocation of this site at paragraph 37 above. In my assessment, this allocation is necessary to provide additional flexibility to the Plan’s Housing Delivery Framework. I am satisfied that the Council have proposed selection of this site is in accordance with the site selection methodology described in paragraph 28 above.

KIRH-3 - Land at former RAF Kirton in Lindsey (14.26 ha.) – the Council propose to introduce this site as a Special Site of Exception in order to support and increase the level of housing delivery in the district, as well as providing additional flexibility in the availability of deliverable sites in Phases 1 and 2 of the Plan period. The site is projected to have a capacity of 300 dwellings. It will ensure the short-term redevelopment of a site which constitutes previously developed land. A recommended Main Modification (MM51) sets out the description of the proposal and the site specific criteria for the satisfactory development of the site, with development expected to take place during Phases 1 and 2 of the Plan period. This modification will also require an amendment to the Proposals Map – see MM80. I have also considered the proposed allocation of this site at paragraph 37 above. In my assessment, this allocation is necessary to provide additional flexibility to the Plan’s Housing Delivery Framework. I am satisfied that the Council have proposed the selection of this site is in accordance with the site selection methodology described in paragraph 28 above.

50. Existing new dwelling commitments for Kirton in Lindsey identified in the Plan at paragraph 3.313 also need to be updated to reflect the current situation and the latest Housing Trajectory, and this is addressed by the amendment set out at Main Modification MM52.

51. Winterton Allocations

WINH-1 – Land at Mill House Lane – a Main Modification (MM54) is necessary to reflect a reduction in the proposed housing capacity of this site from 18 to 11 dwellings, following the submission of a planning application, and paragraph 3.317 requires a similar amendment (MM53). Main Modification MM54 also addresses the representations of the Lincolnshire Wildlife Trust

WINH-2 – Land off Coates Avenue – two Main Modifications (MM55 and MM56) are necessary to remove the reference to access to this site being from Coates Avenue, with the proposed access to be taken from Enterprise Way (MM55), and to meet the representations of the Lincolnshire Wildlife Trust (MM56).

WINH-3 – Land at Top Road – a Main Modification (MM57) is necessary to meet the representations of the Lincolnshire Wildlife Trust.

WINH-4 – Land off Northlands Road – a Main Modification (MM58) is necessary to reflect the Council’s proposed increase in the site area from 1.38 ha. to 1.87 ha. in order to take account of the preferred
potential access to the site being obtained direct from Northlands Road, and also to meet the representations of the Lincolnshire Wildlife Trust.

52. Existing new dwelling commitments for Winterton identified in the Plan at paragraph 3.337 also need to be updated to reflect the current situation and the latest Housing Trajectory, and this is addressed by the amendment set out at Main Modification MM59.

53. I consider that these modifications (MM1 – MM59 inclusive) in combination will provide the Plan with added flexibility at a time when it is clearly important to boost housing delivery in the district. I have considered all of the alternative housing sites put before the Examination as proposed additional allocations, but in my assessment none of these comply in full with the site selection criteria established by the strategy and policies in the CS, and that some would be in direct conflict with the strategic policies in the CS.

Employment Land Allocations

54. Policies CS11 and CS12 in the CS support the expansion of North Lincolnshire’s economy and seek to allocate significant employment land in Scunthorpe, the South Humber Bank, Humberside Airport, Sandtoft Business Park, the Market Towns and at other locations across the district. The HELA takes forward this strategy by proposing 12 allocations of land for employment purposes, of which the two most significant are at South Humber Bank (900 ha.) and at North Killingholme Airfield (138.21 ha.). I consider that the approach to the allocation of employment land in the HELA is consistent with Policies CS11 (Provision and Distribution of Employment Land) and CS12 (South Humber Bank Strategic Employment Site). In particular, the proposed allocation at South Humber Bank takes forward the strategic objectives set out in Policy CS12.

55. The Council and its partners have prepared a substantial evidence base to guide the economic development strategy for North Lincolnshire and adjoining areas in the sub-region. There is no doubt that the economy of North Lincolnshire has lagged behind regional and national performance during recent years, and there has been a further contraction of the steel industry at Scunthorpe during recent months. It is therefore vitally important, in my assessment, that a range of employment land allocations are readily available to assist in the expansion and diversification of the local economy.

56. A key component of the Council’s evidence base is the North Lincolnshire Employment Land Review (2014) (Ref. ECO003), which has been used to inform the potential allocation of land in the HELA. In broad terms, it has assessed the suitability of sites for employment development, sought to safeguard the most important sites from other forms of development, identified those sites that are not suitable for employment uses and enabled the Council to identify proposed allocations of land in the HELA which will meet the strategic objectives set out in the CS and other supporting economic development strategies. I am satisfied that this approach is consistent with national policy as set out in the NPPF (paragraphs 21, 23 and 28) and with the approach set out in the CS.
57. Land at the South Humber Bank within North Lincolnshire district and the adjoining district of North East Lincolnshire is of national significance. It is the last undeveloped land adjoining a deep water estuary in the UK, and offers a unique opportunity to establish estuary-dependent industries which will contribute to the regional and national economy. The area has been identified as a key location for the emerging renewable energy and off-shore wind sectors. To this end, a proposal by Able UK for a Marine Energy Park covering some 245 ha. of land has been approved recently under the Nationally Significant Infrastructure Projects regime. I consider this site in greater detail at paragraphs 59-63 below.

58. As with the proposed housing land allocations described above, my primary focus in assessing the proposed employment land allocations has been to test whether the sites can be delivered in accordance with the Council’s objectives, amongst other considerations. In particular, I have sought to assess the extent to which any necessary supporting infrastructure, notably highways improvements, is adequately addressed within the Plan. I have also been mindful of representations received from a number of parties, notably the Environment Agency and the Lincolnshire Wildlife Trust, requesting that additional site specific criteria be included in the Plan to ensure that development can take place satisfactorily with any necessary mitigation measures. In this context, I am clear that a series of recommended Main Modifications are necessary for soundness, in order to ensure that the Plan is effective and consistent with national policy.

59. SHBE-1 – South Humber Bank – this site extends to 900 ha. of land to the north of the port of Immingham. It includes a frontage of approximately 4 miles to the Humber Estuary, adjacent to the deep water channel of the River Humber. The site is described by the Council as North Lincolnshire’s ‘jewel in the crown’ premier employment site in view of its regional and national significance. The site is allocated for Classes B1, B2 and B8 uses and ancillary development that are associated with port activities, including land based development allowing for the development of a port that meets the tests of the Habitats Regulations.

60. The site includes, or is adjacent to, nature conservation sites with international, national and local designations. Extensive consultation has taken place with nature conservation bodies, including Natural England, the Royal Society for the Protection of Birds (RSPB) and the Lincolnshire Wildlife Trust, culminating in the South Humber Bank Mitigation Strategy to address waterbird mitigation. Preferred sites for on-site waterbird mitigation are included as part of the proposal.

61. The main road access to the site is being secured through Highways England’s A160 Port of Immingham Improvement Scheme which will improve links to the A180. This scheme has been approved, and construction is scheduled to be completed by the end of 2016. Network Rail is undertaking signalling and other improvements on the Doncaster to Immingham railway line in order to increase capacity on this line for freight traffic from the Immingham area.

62. During the Examination I have received evidence from the Council and the operators of the Port of Immingham, Associated British Ports (ABP), part of whose operational land falls within the boundaries of the proposed SHBE-1
land allocation. A SoCG was concluded during the Examination between the Council, Natural England, the RSPB and the Lincolnshire Wildlife Trust which has greatly assisted my consideration of nature conservation issues.

63. A proposal of this scale and importance will inevitably include elements that lead to concerns for some parties. My role is to determine whether the proposal is sound in the context of the NPPF and national planning policy, and with the Council’s planning strategies notably the CS. My conclusion is that this proposal is in the national, regional and local interest, and will provide a major stimulus to the local economy in North Lincolnshire and North East Lincolnshire. I am satisfied that the full extent of the proposal is justified and that it has the support of many bodies, including local authorities and the business community. However, two Main Modifications (MM60 and MM61) are necessary to make amendments to the text of the proposal to reflect matters agreed in the SoCG concerning this site (see paragraph 62 above) (MM61) and to the plan on page 122 in order to ensure consistency with other parts of the Plan (MM60). Further amendments are necessary to Inset Map 57 of the Proposals Map, and these are addressed by recommended Main Modification MM92 (see paragraph 81 below). With these recommended Main Modifications, I consider that the proposal is sound, and can be taken forward for implementation as planned.

64. NKAE-1 – North Killingholme Airfield – this site extends to 138.21 ha. and forms part of a former World War II airfield. It contains areas of previously developed land, and is potentially suitable for a range of Class B1 and Class B8 uses. There are no over-riding constraints to its development, and I consider that the content of the proposal as set out in the Plan provides adequate guidance and clarity to prospective developers.

65. SCUE-1 – Normanby Enterprise Park, Scunthorpe – this site comprises 35.1 ha. of previously developed land forming part of the former Normanby Park Steel Works. The proposed allocation would constitute an extension to the existing Normanby Enterprise Park. A Main Modification (MM62) is necessary to strengthen the guidance within the policy for the protection of habitats in adjacent Local Nature Reserves and Local Wildlife Sites.

66. SCUE-2 – Mortal Ash Hill, Scunthorpe - this site comprises 15.48 ha. of land to the east of Scunthorpe, and contains some previously developed land. The site has good access to the nearby A18, and is suitable for a range of Class B1 uses. A Main Modification (MM63) is necessary to reflect the representations of the Environment Agency with regard to the submission of a Flood Risk Assessment and future maintenance of Bottesford Beck by the Environment Agency.

67. HUME-1 – Humberside Airport – this site comprises 9.4 ha. of land to the west of the existing Humberside Airport complex. The site has good access to the nearby A18, and is suitable for a range of Class B1 and Class B8 uses associated with the development and expansion of the Airport. A Main Modification (MM64) is necessary to clarify that the site is suitable for ancillary uses which are associated with the airport functions.

68. HUME-1a (New) – Land to the west of Humberside Airport – the Council wish to add a further allocation of land at Humberside Airport, as a second phase
(after the implementation of proposal HUME-1) for the development and expansion of the Airport. I consider that this allocation in the Plan is appropriate and necessary for the soundness of the Plan. This will maintain the supply of employment land at the Airport, given current and planned future investment in its development, which has a significant regional role in the aviation sector, and is a major support base for the off-shore oil and gas industry. The site comprises 12 ha. of land to the west of the Airport, and will require various infrastructure improvements, including improvements to the A18 access junction. A recommended Main Modification (MM65) sets out the full text of the proposal, including the necessary site specific criteria for the satisfactory development of the site.

69. HUME-2 – Land north of A18 at Humberside Airport – this site comprises 7.8 ha. to the north of the A18 and adjacent to the main Humberside Airport complex. The site largely comprises a disused quarry, and is now a Local Wildlife Site and Local Geological Site, and I have carefully considered the justification for the proposal and the potential impact of new development on nature conservation and geological interests. I conclude that potential impacts can be suitably mitigated by strengthened criteria within the text of the proposal, and this is addressed by recommended Main Modification MM66.

70. SANE-1 – Sandtoft Business Park – this site comprises 55.3 ha. of land at the former World War II Sandtoft Airfield and is proposed as an extension to the existing Sandtoft Industrial Estate and other business uses on the southern parts of the site. In considering the representations made to the submission Plan and in the evidence presented at the Hearing Sessions, I am clear that in order to justify this proposed allocation of land strengthened guidance is necessary within the text of the proposal to indicate that highway improvements may be necessary in the vicinity of the site, and which should be secured as part of any planning permission. A recommended Main Modification (MM67) addresses this issue, together with a correction to the site area (which is 55.3 ha.) and further text to reflect the requirements of the Environment Agency.

71. BARE-1 – Humber Bridge Industrial Estate, Barton upon Humber – this site comprises of 7.15 ha. of land within the Humber Bridge Industrial Estate at Barton upon Humber. The allocation is carried forward from the North Lincolnshire Local Plan (2003), and the land is suitable for Classes B1,B2 and B8 uses. There are no constraints to its development, and I consider that the content of the proposal as set out in the Plan provides adequate clarity and guidance to prospective developers.

72. BRIE-1 – Former Brigg Sugar, Brigg – this site comprises 20.5 ha of previously developed land, previously occupied by a British Sugar factory. The site is available for immediate development, and I consider that the content of the proposal as set out in the plan provides adequate clarity and guidance to prospective developers, with the exception of the requirement to provide additional guidance concerning the protection of the nearby SINC and LWS sites. This is addressed by recommended Main Modification MM68.

73. NEWE-1 – New Holland Industrial Estate, New Holland – this site comprises 2.0 ha. of land within the New Holland Industrial Estate which is situated to the west of New Holland. It constitutes the first phase of potential future
releases of land within the area, but the Council intends that this allocation is developed prior to any further releases. There are no constraints to the development of this site, and I consider that the content of the proposal as set out in the Plan provides adequate clarity and guidance to prospective developers.

74. **EALE-1 – Spen Lane, Ealand** – this site comprises 3.2 ha. of land at Ealand, close to the A18/A161 junction. It is a serviced site, and is an allocation carried forward from the North Lincolnshire Local Plan (2003). There are no constraints to its development, but I consider that a Main Modification (**MM69**) is necessary to reflect the representations of the Environment Agency and the Lincolnshire Wildlife Trust, and to correct the site area (to 3.2 ha.).

75. **EALE-2 – Land south of Railway, Ealand** – this site comprises 6.0 ha. of land south of the Doncaster to Cleethorpes railway line at Ealand and west of the A18/A161 junction. Part of the site comprises previously developed land. It is an allocation carried forward from the North Lincolnshire Local Plan (2003). There are no constraints to its development, but I consider that a Main Modification (**MM70**) is necessary to strengthen the requirements for any necessary mitigation measures to avoid impacts on the nearby Stainforth and Keادby Canal Corridor LWS, and to reflect the requirements of the Environment Agency.

76. My overall conclusion is that, with the Main Modifications (**MM60-MM70 inclusive**), identified in this report, the proposed employment land allocations are all justified and sound, and I consider that they can be taken forward for implementation and delivery in accordance with the Council’s employment and economic development strategies.

**Future Retail Development**

77. The HELA also addresses future retail development in North Lincolnshire and defines the town centre boundaries of Scunthorpe, Brigg, Barton upon Humber, Crowle, Epworth and the district centres of Ashby High Street and Frodingham Road in Scunthorpe. Policy CS14 of the CS sets out North Lincolnshire’s retail hierarchy. This states that, following the sub-regional town centre of Scunthorpe are the market town centres of Barton upon Humber and Brigg, with further smaller town centres in Brigg and Epworth. District centres and a range of smaller local centres are below Market Towns in the hierarchy. Policy TC1 in the HELA sets out the proposed types of development that will be permitted in Town Centres and District Centres, with an emphasis on retail uses. I consider that the policy is consistent with the CS and with national policy on retail development as expressed in the NPPF.

78. The principal representations concerned the future scale and extent of retail development at Scunthorpe, and the definition of the Scunthorpe Town Centre and primary shopping frontages on the accompanying inset map (Inset 51) of the Proposals Map. It is clear that future retail development will be a major driver of the Council’s regeneration plans for Scunthorpe. However, I accept the Council’s position that the proposed policy notations and boundaries as shown on Inset Map 51 are appropriate in the context of the CS and the regeneration strategy for Scunthorpe, with the exception that the Proposals Map should be amended to remove references to saved North Lincolnshire
Local Plan Policies S1 and S2 and their replacement by references to HELA Policy TC1. This is addressed by Main Modification MM89 (see paragraph 78 below). I conclude that the town centre and district centre boundaries at other settlements in the district are also appropriate, with the exception of a proposed amendment to the Brigg Town Centre Inset Map development limit boundary. This is addressed by Main Modification MM88 (see also paragraph 81 below).

Development Limits

79. The Plan also defines development limits for most of the settlements in North Lincolnshire. This follows a review of those in the previous North Lincolnshire Local Plan (2003) subject to compliance with CS Policy CS3 (Development Limits). In broad terms, the Council has reviewed the limits taking into account the following considerations – existing development patterns, the ability of a settlement to accommodate future growth based on existing and proposed infrastructure, extant planning consents and settlement character. Development limits are therefore proposed in the Plan for the Scunthorpe urban area, the Market Towns and Rural Settlements (as defined in the CS Settlement Hierarchy). The proposed limits are shown on a series of Inset Maps to the Plan’s Proposals Map.

80. I am satisfied that the Council has undertaken an objective review of development limits across the district, using relevant review criteria that conform with the intentions of adopted CS Policy CS3. Nevertheless, from the representations and evidence at the Hearing Sessions it was clear that, in a number of settlements, there was not complete consensus within the communities concerned that the proposed development limits fully reflect the views of Parish Councils, community groups, local residents and landowners. I have borne in mind that local communities now have the opportunity to prepare Neighbourhood Plans as part of the statutory development plan and that such plans will need to be consistent with the CS and HELA.

81. Analysis of the representations and other evidence to this Examination, together with my site visits, has confirmed that a series of recommended Main Modifications are necessary to ensure that proposed development limits at a number of settlements are consistent with other aspects of the Council’s planning strategy. This is necessary to more accurately reflect patterns of development within certain settlements or to correct obvious inaccuracies on some Inset Maps. Full details and descriptions of these Main Modifications are contained in the Appendix to this report, and each requires a proposed amendment to the submitted Proposals Map and its accompanying Inset Maps. In summary, these Main Modifications are as follows:

- **MM75** - Inset Map 5 – Barnetby le Wold
- **MM76** - Inset Map 10 – Brigg, Scawby Brook and Castlethorpe
- **MM77** - Inset Map 13 – Crowle
- **MM78** - Inset Map 14 – Ealand
- **MM79** - Inset Map 15 – East Halton
- **MM80** - Inset Map 27 – Kirton in Lindsey (to reflect the content of Main Modifications MM50 and MM51)
- **MM81** - Inset Map 32 – Owston Ferry
- **MM82** - Inset Map 35 – Scawby
The third main issue that I identify as being a matter upon which the soundness of the HELA depends is that of implementation and monitoring. The NPPF (at paragraph 182) states that a plan should be deliverable over its period, and based on effective joint working on cross-boundary strategic priorities. I have given careful consideration to the Plan’s proposed content for monitoring the implementation of its various proposals and allocations. These are largely set out in Section 7 (Implementation) with accompanying Appendices 1 (Monitoring Framework) and 2 (Housing Delivery Framework). The Monitoring Framework establishes the indicators to measure the performance of relevant CS policies, and these are used to inform the Council’s Authority Monitoring Reports. This is clearly essential in the context of the CS but does not, in my assessment, provide sufficiently comprehensive information to monitor the effective implementation of the housing, employment and retail development proposals contained in the HELA, particularly at a time when it will be important to boost housing and economic growth in the district. I consider that this is a matter which affects the soundness of the Plan, particularly as it will be important to maintain effective and timely monitoring of the deliverability of the Plan’s proposals notably with regard to housing delivery. For example, the proposed development of the contingency sites at Scunthorpe, together with any other phasing changes that may prove to be necessary, will depend upon effective monitoring.

Of particular concern was the absence of a clear linkage between the HELA and the Council’s Infrastructure Delivery Plan and associated Infrastructure Delivery Schedule. Many of the housing and employment land allocations will require, and are dependent upon, the timely provision of supporting infrastructure to ensure that proposals can be implemented satisfactorily and in a sustainable way. Some infrastructure will be the responsibility of developers themselves and will be secured through planning obligations, but other strategic infrastructure is the responsibility of other bodies, and if not provided in accordance with agreed programmes and timescales could lead to delays in the implementation of proposals in the HELA.

I considered this matter in some depth at the Examination, and the Council agree that it is necessary to reinforce Section 7 of the Plan by clearer statements on the provision of the infrastructure required to support planned growth in the district. To that end, two Main Modifications are recommended.
**MM71** contains revisions and additional text for Section 7, including statements on the delivery and funding mechanisms for new infrastructure in the district. **MM74** comprises an Infrastructure Delivery Schedule, which will become Appendix 5 in the Plan. This sets out the type, location and phasing of the infrastructure required for each proposed development in the Plan. It also identifies the parties responsible for the delivery of infrastructure, potential funding sources and estimated delivery timescales. In my assessment, this new Appendix will become an important mechanism for monitoring the effective delivery of the Plan’s proposals.

85. A Main Modification (**MM72**) is also necessary to update the Monitoring Framework at Appendix 1 to the Plan, to include the additional land allocations identified in this report and other Main Modifications, and changes to the monitoring targets for the South Humber Bank employment land allocation.

86. Finally, it is also necessary to update the Housing Delivery Framework contained at Appendix 2 to the Plan to reflect the modifications described in this report, including phasing changes during the remainder of the Plan period. A fully revised Housing Delivery Framework to replace the existing Appendix 2 is included as a recommended Main Modification (**MM73**).

87. With the Main Modifications described in this section, I consider that the implementation and monitoring mechanisms for the proposals contained in the HE LA will be more comprehensive than set out in the submission draft, and will assist the Council not only in its annual monitoring requirements but also in assessing the effectiveness of its housing and employment land allocations. It will also assist in informing the future review of the LDF suite of documents. I conclude that the Plan is therefore sound in these respects.

**North Lincolnshire Local Development Framework (LDF) Proposals Map**

88. The recommended Main Modifications will necessitate some amendments to the North Lincolnshire LDF Proposals Map, in accordance with Regulation 22 of the Town and Country Planning Regulations (Local Planning) (England) 2012. These amendments are described within the text of the modifications as set out in the Appendix to this report.

**Assessment of Legal Compliance**

89. My Examination of the compliance of the HE LA with the legal requirements is summarised in the table below. I conclude that the HE LA meets them all.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
<th>The HE LA is identified within the approved North Lincolnshire Revised LDS (April 2014), and the Plan has been prepared in accordance with the listing and description in the LDS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td></td>
</tr>
<tr>
<td><strong>Statement of Community Involvement (SCI) and relevant regulations</strong></td>
<td>The North Lincolnshire SCI was adopted in July 2010 and consultation has been compliant with the requirements therein, including the consultation on the proposed Main Modification changes (MM).</td>
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<tr>
<td><strong>Sustainability Appraisal (SA)</strong></td>
<td>SA has been carried out appropriately at each stage of the Plan’s preparation and is adequate, including a Supplementary SA to accompany the proposed Main Modifications.</td>
</tr>
<tr>
<td><strong>Appropriate Assessment (AA)</strong></td>
<td>The Habitats Regulations Assessment (contained within the Submission SA) sets out the Stage 1 Significance Test and Stage 2 Appropriate Assessment, in accordance with the Conservation of Habitats and Species Regulations, 2010.</td>
</tr>
<tr>
<td><strong>National Policy</strong></td>
<td>The HELA complies with national policy except where indicated and modifications are recommended.</td>
</tr>
<tr>
<td><strong>Public Sector Equality Duty (PSED)</strong></td>
<td>A Diversity Impact Assessment has been prepared, and the HELA complies with the Duty.</td>
</tr>
<tr>
<td><strong>2004 Act (as amended) and 2012 Regulations.</strong></td>
<td>The HELA complies with the Act and the Regulations.</td>
</tr>
</tbody>
</table>
Overall Conclusion and Recommendation

90. The North Lincolnshire Housing & Employment Land Allocations DPD has a number of deficiencies in relation to soundness and/or legal compliance 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 Act. These deficiencies have been explored in the main issues set out above.

91. The Council has requested that I recommend Main Modifications to make the North Lincolnshire Housing & Employment Land Allocations DPD sound and/or legally compliant and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix to this report the North Lincolnshire Housing & Employment Land Allocations DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Derek Stebbing
Inspector

This report is accompanied by the Appendix containing the recommended Main Modifications. (The Main Modifications include one proposed new Appendix 5 to the Plan, and revised Appendices 1 and 2).