

CABINET

DATE	16 th September 2026
REPORT OF	Councillor Paul Batson, Portfolio Holder for Housing, Infrastructure and Transport
RESPONSIBLE OFFICER	Carolina Borgstrom, Director of Economy, Environment and Infrastructure
SUBJECT	Pre-Submission Draft Local Plan. Public consultation
STATUS	Open
FORWARD PLAN REF NO.	CB 09/26/05

CONTRIBUTION TO OUR AIMS

The Local Plan, and its ongoing review, is a key mechanism through which the Council delivers on its overarching aims as set out in the Council Plan:

- Supports a stronger economy. The Local Plan sets out a long-term vision for land use, identifying areas for housing, employment, retail and infrastructure which helps attract investment and supports business growth.
- Builds stronger communities. The Local Plan promotes sustainable, inclusive development, ensuring access to housing, education, healthcare, and green spaces.
- Delivers a greener future. Environmental considerations are embedded in the Local Plan, including mitigation, biodiversity, and sustainable transport.
- Enables an engaging and effective council. The Local Plan review process is transparent and participatory, involving residents, businesses, and stakeholders at every stage. It ensures that planning decisions are evidence-based, aligned with national policy, and responsive to local needs.

EXECUTIVE SUMMARY

Approval is sought to publish the Pre-Submission Draft Local Plan (2026) and associated documents to undertake public consultation. This report has therefore been prepared on the basis that Cabinet will consider the proposed submission draft Local Plan and refer approval of the publication of the Plan for Regulation 19 consultation to Full Council in accordance with the statutory planning framework and the Council's constitutional arrangements. The risks around the five-year housing supply have been articulated and the fact the draft plan will begin to gain 'weight' in planning decisions if it is decided to undertake Regulation 19 consultation.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Receives the Pre-Submission Draft Local Plan (2026) set out in Appendix A to this report.

2. Refers the Regulation 19 Pre-Submission Draft Local Plan (2026) and accompanying documents to full council with the request that Full Council makes the following resolution:

It is resolved that Full Council approves and directs publication and consultation on the Regulation 19 Pre-Submission Local Plan, together with supporting documentation, for the purposes of statutory consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, such consultation period to be no less than six weeks in accordance with regulatory expectations.

3. Delegates authority to the Director of Economy, Environment and Infrastructure in consultation with the Portfolio Holder for Housing Infrastructure and Transport to make any typographical, grammatical, formatting, mapping or other minor presentational amendments required to the Draft Local Plan, together with finalising any supporting documents prior to final publication, provided that such amendments do not materially alter the intent or effect of the Plan.
4. Notes that following completion of the Regulation 19 consultation period, a further report will be submitted to Cabinet.

REASONS FOR DECISION

The Council has a statutory duty, as a local planning authority, to prepare and maintain an up to date 'Development Plan'. Undertaking public consultation is an important and integral element of the plan's preparation.

Undertaking consultation now will enable the Council to meet the timetable, as previously agreed by Cabinet and set out in the adopted Local Development Scheme, to prepare a new Local Plan for the Borough. The Local Development Scheme, approved and brought into effect by Cabinet in March 2025, sets out the timeframe for the remaining stages of the Local Plan review under the Government's 'Legacy' arrangements.

1. BACKGROUND AND ISSUES

- 1.1 The Local Plan sets out the framework for future development and growth in a sustainable way. It must consider a wide range of interlinking elements that combine to influence not only the quality of life but also the quality of place, including health, jobs, infrastructure and transport, environment, communities, education, recreation, facilities and services.
- 1.2 The National Planning Policy Framework (NPPF) requires local plans to be reviewed, and where necessary updated, within five years of being adopted. The North East Lincolnshire Local Plan 2013 to 2032 (Local Plan) was adopted in March 2018 and a review commenced within the required five-year period.
- 1.3 Significant and wide-ranging changes to national policy have been proposed, consulted on and brought into effect by Government since the review commenced, notably significant changes to the NPPF published December 2024. Amongst other changes, this introduced elevated mandated annual

housing targets (currently 621 per annum) as part of the Government's ambition to see 1.5m new homes built. Navigating these changes to ensure the emerging plan remains legally compliant and consistent with national policy has extended the time of the review process.

- 1.4 As part of these changes the Government has clearly set out transitional arrangements for councils to finish reviews commenced under the old NPPF system ("Legacy arrangements"). This requires local authorities to submit their local plans to the Secretary of State for examination in public by an independent Planning Inspector by 31 December 2026.

Consultation and engagement

- 1.5 The Government sets out the minimum statutory consultation requirements all local planning authorities must follow when preparing and reviewing a local plan.
- 1.6 To date the Local Plan review has included two consultations under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 being:
 - Draft Plan with Options which concluded in March 2024, and
 - Draft preferred housing and employment site options, which concluded on 1st February 2026.
- 1.7 This report seeks approval to carry out the final Regulation 19 round of consultation on the Pre-Submission Draft Local Plan (2026). The consultation will specifically seek views on the soundness of the plan and its legal compliance with the requirements set out in the NPPF. It is not another consultation that considers policy and site allocations as that is the remit of the previous Regulation 18 consultations where responders could comment on all aspects of the plan.
- 1.8 A draft local plan will begin to gain 'weight' in planning decisions (including planning appeals) when a decision is made to progress a Regulation 19 consultation.
- 1.9 At the end of the scheduled consultation, all responses received will be considered, and a report will be presented to Cabinet and Full Council seeking approval to submit the Pre-Submission Draft Local Plan, associated documents, and consultation responses to the Government for independent examination.
- 1.10 To ensure the Local Plan is based on an accurate and comprehensive assessment of local need, a comprehensive evidence base accompanies the Local Plan and brings together the best available information relating to these interlinking elements. Work will continue to update the evidence and when new information becomes available this will, where possible, be considered either prior to submission or during examination.
- 1.11 The Pre-Submission Draft Local Plan and its appendices and associated documents are appended to this report. Given the volume of documents, the draft plan will be provided in paper form whereas the supporting documents will be available electronically as was the case on previous reports.

2. RISKS, OPPORTUNITIES AND EQUALITY ISSUES

Risks

- 2.1. **Opposition.** The Pre-Submission Draft Local Plan makes clear the scale of new mandated development that the must be accommodated by the Borough and recommends the allocation of specific sites that are considered suitable in that regard. Opposition to both overarching growth needs and site allocations is a common and expected part of the planning process. Many of the responses to previous consultations have expressed concern with the volume of growth proposed.
- 2.2. **Speculative development.** It is important to note that given the changes to the NPPF in December 2024 and the requisite mandated requirement to deliver 621 homes per annum, the Council (alongside many areas) is in a position whereby it currently fails the five-year housing supply. The five-year supply is a requirement whereby all planning authorities must demonstrate a credible five-year land supply to enable housing requirements as set out in a Local Plan or, as is now the case, the minimum mandated requirement. The current 2018 Local Plan was not envisaging 621 new homes per annum and a previous minimum methodology set out a requirement of only circa 200 homes per annum.
- 2.3. Not meeting the five-year supply means national planning policy takes precedence over local policy and there is an effective 'presumption in favour of sustainable development' meaning even if local decisions refuse such applications, a Planning Inspector is more likely to overturn such refusals. This does not mean all speculative applications will happen and the Council has been successful in a recent appeal. However, the bar is very much higher, and the borough is seeing an increased amount of speculative planning applications on unallocated sites.
- 2.4. Subject to adoption, an up-to-date Local Plan will enable the Council to demonstrate a credible five-year supply for at least one year and that would make it challenging for speculative planning applications for housing to be successful. Delivery must still be proven and, in this regard, if housing is not delivered at the required levels, the risk of speculative applications would become higher during the plan period. It is important to note that whilst a Local Plan provides a framework for development and decision making, it does not deliver development and there are always a host of micro and macro factors at play. Delivery will require ongoing engagement with government on policy to enable economic growth and locally, working proactively with developers of allocated sites. It is the case that there are a number of developers who wish to progress both allocated sites and also, sites that are proposed to be allocated.
- 2.5. It is therefore important that the local plan identifies sufficient housing to meet national policy requirements (currently 621 houses per annum) otherwise the plan will not be found sound through the independent examination. Similarly, failure to submit a new plan for examination would leave the Council without an up-to-date Local Plan and credible five-year housing supply, leaving the

borough more exposed to speculative unmanaged development as mentioned above. This reduces the Council's ability to secure the best infrastructure outcomes from larger, planned developments. Developers may also argue that the Council is not planning positively enough for housing and that national policy should allow their schemes to proceed.

- 2.6. The Secretary of State has powers to intervene and require a Local Plan to be submitted for examination. Such action could reduce local control over the timetable and the content of the plan.
- 2.7. Undertaking the Regulation 19 Publication consultation would meet the requirements of legislation and support the process of ensuring the soundness and legal compliance of the Plan.
- 2.8. **Policy misalignment.** Government on 18th August 2026 released a new NPPF. This is being considered and it provides an even stronger emphasis on housing delivery and approving schemes in sustainable locations without delay. Changes to national planning policy are tracked as part of the local plan risk assessment process.
- 2.9. **Resources and Finance.** Delivering an effective consultation and responding to feedback requires a significant investment of staff time, which may temporarily divert resources from other priorities. To mitigate this, the consultation process has been designed for maximum efficiency, with opportunities to streamline administrative tasks identified and implemented.
- 2.10. Failing to submit a local plan for examination by the strict deadline of 31 December 2026 could breach the core eligibility criteria for Legacy System Plan Funding, meaning the Ministry of Housing, Communities and Local Government (MHCLG) would retain the right to claw back or reduce unspent or misallocated grant funding. The Council has received some £264k of grant funding under this system.
- 2.11. **Data protection.** The consultation must comply with the UK General Data Protection Regulations (UK GDPR) by ensuring that personal data is handled lawfully, transparently, and securely. The Spatial Planning Team is experienced in running compliant consultation activities. The Council's DPIA screening questions have been completed to demonstrate that full assessment is not required.
- 2.12. **Environmental issues.** Section 19 of the Planning and Compulsory Purchase Act (2024, as amended) requires a local planning authority to carry out an appraisal of the sustainability of the proposals in its local plan document. Incorporating requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, a Sustainability Appraisal has been prepared and will be published alongside the Pre-Submission Draft Plan.
- 2.13. Under the Conservation of Habitats and Species Regulation 217 (as amended) councils must demonstrate through a Habitats Regulations Assessment that its local plan proposals will not have a significant adverse effect on sites designed under the European Directive (92/43/EEC. The Habitats Directive) for their wildlife importance. These sites are known as "Natura 2000" sites and include Special Areas of Conservation (SCA), Special Protection Areas (SPA), and Ramsar sites (wetland sites). A Habitats Regulations Assessment has been prepared and fed into the preparation of the Pre-Submission Draft Plan this will

be published alongside the Plan.

- 2.14. **Outstanding issues.** The aim is to ensure statutory consultees are satisfied within the content of the Plan. This is confirmed through mutual Statements of Common Ground (SoCG). It is sometimes not possible to resolve all outstanding issues. In these instances, the Council may not be able to come to an agreement, and the matters may then have to be considered as part of the Examination in Public. Key matters relate to flood risk, ecological mitigation and heritage.

Opportunities

- 2.15. **Public engagement and legitimacy.** Undertaking the Regulation 19 Publication consultation allows residents, businesses and stakeholders to shape the Borough's future, which builds transparency and trust in the planning process.
- 2.16. **Alignment with national policy.** Progressing the Local Plan review demonstrates compliance with the Government's requirement for up-to-date local plans, avoiding penalties and intervention. Currently the Council is penalised for not having an up-to-date plan through the application of nationally imposed tests, five-year housing land supply and the housing deliver test. Both are measured against the results of the "standard method" without any adjustment. The potential for returning to a credible five-year supply position and securing greater protection against performance consequences is only provided through adoption of a revised Local Plan.
- 2.17. **Economic development.** The Pre-Submission Draft Plan continues to support a strategy of growth, helping attract investment, jobs, and funding for regeneration and infrastructure.

Equality Issues

- 2.18. An Equalities Impact Assessment has been carried out as part of the Pre-Submission Draft Plan preparation and will be made available as part of the consultation.

3. OTHER OPTIONS CONSIDERED

- 3.1. It is a legal requirement to prepare and keep local plans up to date. Any alternative decision, that would involve not progressing the consultation as recommended would prevent the Council's ability to meet the December 2026 legacy arrangements for submitting the Plan to examination. As a result of this, the Council would need to restart the process under the new Local Planning system, which would introduce significant delays and result in the risks highlighted above.
- 3.2. The Planning and Compulsory Purchase Act 2004 (as amended), Localism Act 2011, National Planning Policy Framework, associated regulations and guidance, require that a local plan undergoes periods of consultation to gain agreement on the approaches it sets out.
- 3.3. How that consultation is undertaken up until the 'Publication' stage is not prescribed by the regulations under the Legacy agreements. However, at the 'Publication' stage (Regulation 19) the regulations are clearly set out, including

who should be consulted, the methods of making the documents available, and the period for which the consultation should be undertaken. There is no other option.

- 3.4. It is considered appropriate to undertake the statutory Regulation 19 Publication stage consultation now to gain agreement of the soundness of the Plan prior to its submission to the Secretary of State for examination. This needs to be undertaken now to meet the Government's requirement of submission by 31st December 2026 under the legacy arrangements.
- 3.5. Where new information becomes available, through the consultation or because of updated evidence becoming available, this will be considered.

4. REPUTATION AND COMMUNICATIONS CONSIDERATION

- 4.1 There are potential positive and negative reputational implications for the Council resulting from this decision particularly in relation to meeting the Governments Legacy arrangements.
- 4.2 Collaboration with the Council's communications service will continue with respect to coverage of the publication of the Pre-Submission Draft Plan and associated documents, and the consultation processes that must be followed. In addition, it will identify the communication channels to be used to promote and increase awareness of the Local Plan review, building on feedback from previous consultations.

5. FINANCIAL CONSIDERATIONS

- 5.1 Costs arising from this decision relate to printing and consultation. These will be met by the identified budget. The Local Plan review is critical to the Council's strategic objectives, economic growth, and long-term financial sustainability. Ongoing monitoring and reporting will ensure that any emerging financial risks are identified and addressed promptly.
- 5.2 The risks for financial clawback, if the Council does not meet the time scales for the Governments Legacy arrangements, are noted above.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

- 6.1 The Local Plan includes policies that will affect future development in the Borough. In the longer term this will impact the lives of people living in the area and the opportunities that are available to them.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

- 7.1 The Local Plan includes policies that have climate and environmental implications. It is a requirement of the NPPF that plans must adopt proactive strategies to mitigate and adapt to climate change, in line with the Climate Change Act 2008.
- 7.2 The policies in the adopted Local Plan respond to environmental issues and support nature-based solutions such as natural flood management, which help mitigate climate risks while enhancing biodiversity. These approaches have continued to be embedded in the Pre-Submission Draft Plan and enhanced through its alignment with the Greater Lincolnshire Local Nature Recovery Strategy.
- 7.3 A Habitat Regulations Assessment has also been prepared which feed into the

preparation of the Pre-Submission Draft Plan.

8. PUBLIC HEALTH, HEALTH INEQUALITIES AND MARMOT IMPLICATIONS

- 8.1 The Local Plan includes policies that support these principles, including those that control hot food takeaways and require access to open space and recreation.
- 8.2 A Health Impact Assessment has been carried out as part of the Pre-Submission Draft Plan preparation and will be made available as part of the consultation.

9. CONSULTATION WITH SCRUTINY

- 9.1 A report will be presented to the Transport, Infrastructure and Housing Scrutiny panel and any recommendations from that meeting will be reported at the Cabinet meeting.

10. FINANCIAL IMPLICATIONS

- 10.1 The costs associated with undertaking the Regulation 19 consultation, including publication, consultation materials and officer resources, are met from existing approved budgets. The Council has also received Government grant funding to support preparation of the Local Plan under the legacy arrangements. Failure to submit the Local Plan for examination by the Government's prescribed deadline of 31 December 2026 could result in a risk of grant clawback and/or the loss of any remaining funding.
- 10.2 Maintaining progress towards an up-to-date Local Plan is important in supporting the Council's long-term economic objectives, future investment opportunities and ability to secure infrastructure contributions through planned development. There are no additional capital or revenue budget commitments arising directly from the recommendations within this report beyond those already provided for within existing budgets.

11. LEGAL IMPLICATIONS

- 11.1 The preparation of the Local Plan is governed principally by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 requires the Local Planning Authority to publish the proposed submission version of the Local Plan and invite representations prior to submission for independent examination by a Planning Inspector appointed by the Secretary of State. The purpose of the consultation is to enable interested parties to make representations regarding the legal compliance and soundness of the Plan before it is submitted for examination. The consultation period shall be no less than six weeks in duration, in accordance with regulatory expectations.
- 11.2 Publication of a Regulation 19 Plan does not constitute adoption of the Local Plan and does not fetter the Council's ability to consider consultation responses, modifications recommended through the examination process, or the findings of the appointed Planning Inspector. The statutory process requires further stages, including submission, examination and eventual adoption, before the Local Plan forms part of the Development Plan for the area.

- 11.3 The Local Plan forms part of the Council's Policy Framework. As such, responsibility for agreeing the Council's policy framework rests with Full Council in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the provisions of the Council's Constitution relating to the Policy Framework and Budget. Whilst Cabinet may formulate proposals and make recommendations, the decision to approve the Regulation 19 Local Plan for publication is reserved to Full Council. Accordingly, Cabinet's role in this matter is to consider the draft Plan and make recommendations for determination by Full Council.
- 11.4 The decision sought through this report is therefore a two-stage decision-making process. Cabinet's consideration forms part of the policy development process, whereas the constitutional authority to approve publication of the Regulation 19 Local Plan rests with Full Council. Subject to Full Council approval, officers will proceed with the statutory consultation requirements and return to members at the appropriate stages of the plan-making process.

12. HUMAN RESOURCES IMPLICATIONS

- 12.1 There are no human resources R implications arising from this report.

13. WARD IMPLICATIONS

- 13.1 All wards are affected.

14. BACKGROUND PAPERS

- 14.1 Cabinet report 24 November 2025
(<https://www.nelincs.gov.uk/meetings/special-cabinet-11/>).
- 14.2 Cabinet report 12 March 2025
(<https://www.nelincs.gov.uk/meetings/cabinet-57/>)
- 14.3 Cabinet report of 20 December 2023
- 14.4 (<https://www.nelincs.gov.uk/meetings/cabinet-44/>)
- 14.5 Cabinet report of 14 June 2023
(<https://www.nelincs.gov.uk/meetings/cabinet-39/>)
- 14.6 Cabinet report of 24 August (postponed, rescheduled 8 September)
- 14.7 (<https://www.nelincs.gov.uk/meetings/cabinet-rescheduled-from-24th-august-2/>)
- 14.8 Cabinet report of 8 September 2022
(<https://democracy.nelincs.gov.uk/meetings/cabinet-rescheduled-from-24th-august/>)
- 14.9 Cabinet report of 6 October 2021
(<https://democracy.nelincs.gov.uk/meetings/cabinet-5/>)
- 14.10 Cabinet report of 10 June 2020
(<https://democracy.nelincs.gov.uk/meetings/cabinet-51/>)
- 14.11 Government response to the proposed plan-making reforms: consultation on implementation (<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/outcome/government-response-to-the-proposed-plan-making-reforms-consultation-on->

[implementation](#))

- 14.12 Local Development Scheme (<https://www.nelincs.gov.uk/planning-and-building-control/planning-policy/local-development-scheme/>)
- 14.13 Statement of Community Involvement (<https://www.nelincs.gov.uk/planning-and-building-control/planning-policy/statement-of-community-involvement/>)
- 14.14 North East Lincolnshire Local Plan 2013 to 2031, adopted March 2018 (<https://www.nelincs.gov.uk/planning-and-building-control/planning-policy/the-local-plan/>)
- 14.15 North East Lincolnshire Local Plan Review Draft Plan with Options (<https://www.nelincs.gov.uk/planning-and-building-control/planning-policy/local-plan-review/>)
- 14.16 North East Lincolnshire Planning Policy Consultation Portal (<https://nelincs-consult.objective.co.uk/kse/>)
- 14.17 Local Plan Evidence Base (<https://www.nelincs.gov.uk/planning-and-building-control/planning-policy/local-plan-background-information/>)

15. CONTACT OFFICER(S)

- 15.1 Carolina Borgstrom, Director of Economy, Environment and Infrastructure, NELC, Tel: 01472 324875.
- 15.2 Damien Jaines-White, Assistant Director Regeneration, NELC, Tel: 01472 324674.
- 15.3 Martin Dixon, Head of Development, NELC, Tel: 01472 324262.
- 15.4 Simon Milson, Spatial Planning Manager, NELC, Tel: 01472 325283

COUNCILLOR PAUL BATSON
PORTFOLIO HOLDER FOR HOUSING, INFRASTRUCTURE AND
TRANSPORT