South Kesteven District Council

Site Allocations and Policies Development Plan Document Hearing Statement

Session One - Sustainability Appraisal / Strategic Environmental Assessment (SA / SEA) Addendum Report June 2013

Prepared on behalf of The Welby Estate

21 November 2013

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1 Introduction

1.1 Knight Frank LLP is instructed by the Welby Estate to submit a Hearing Statement in relation to South Kesteven’s Site Allocations and Policies Development Plan Document (SAP DPD).

1.2 This statement relates specifically to the Sustainability Appraisal /Strategic Environmental Assessment (SA / SEA) Addendum Report June 2013.

1.3 Knight Frank will appear at Hearing Session One, SA /SEA Addendum Report June 2013 on behalf of the Welby Estate on Monday 9 December, at 9.30am to expand on the issues set out in this statement.

2 Scope of Statement

2.1 This Statement has been prepared in response to the Post Main Modifications Agenda for the Examination as issued by the Programme Officer.

2.2 The issues identified and commented on in the statement are:
   ● Legal Compliance
   ● LSC and Site Selection Processes

2.3 A further written statement has been prepared for Session Two, Main Modifications to Provisions Relating to Harlaxton and Site ADD17, which outlines in more detail our thoughts regarding site specific details.

3 Harlaxton

3.1 Harlaxton is an identified Local Service Centre in the adopted South Kesteven Core Strategy (2010). The settlement is well served with facilities including:
3.2 The village benefits from a regular bus service to both Grantham and Melton Mowbray and is considered a sustainable settlement capable of accommodating an appropriate level of future development.

4 History of Local Plan Representations and Allocations

4.1 South Kesteven District Council issued a Site Allocations and Policies DPD Suggested Sites Consultation Document in 2009, which had eight suggested sites for housing allocations in Harlaxton. Following this consultation response, a further consultation document in Summer 2010, entitled, Site Allocation and Policies DPD Additional Sites Consultation presented an additional site, ADD17, Land West of Swine Hill, which was part of a previously larger site considered as HARL07.

4.2 South Kesteven District Council then undertook a review of these sites. Two suitable sites for residential development within Harlaxton remained under the site analysis demonstrated in the evidence base for the site Allocation and Policies DPD. HARL06 – Adjacent to the doctors surgery, Swine Hill and the land owned by the Welby Estate under reference ADD17 – Land west of Swine Hill.

4.3 The Submitted SAP DPD (October 2011) identified just one housing allocation in Harlaxton; HARL06. At the Examination, it became apparent that site HARL06 was located within the setting of Harlaxton Manor (Grade I Listed Building) and associated Parks and Gardens (Grade II+ Listed) (its Local Plan status is Historic Parks and Gardens).
4.4 Due to the above becoming apparent, and other concerns regarding the SA / SEA, the Examination was adjourned by the Inspector. The Council then issued their Main Modifications SAP DPD (July 2013) which stated that Harlaxton was no longer considered as suitable for growth. This was supported by a new SA /SEA (July 2013) and Supplementary Evidence Document (July 2013). Representations were submitted in relation to these documents.

5 Matters and Issues for Examination

Legal Compliance

5.1 Has the SA/SEA Addendum Report been properly prepared within the provisions of existing legislation and case law?

The SA/SEA was previously found to not be sufficiently transparent and has therefore been updated. We still have some concerns, these relate to:

- Lack of consideration of mitigation for sites not selected – e.g. ADD17;
- The evidence base has not been updated to include a heritage assessment of all LSC; and
- Scoring system of green, red, amber is still too simplistic, we consider some sustainability criterion should be afforded more weight than others.

5.2 Has the SA/SEA Addendum Report led to a ‘re-write’ of the Plan which goes beyond what can be accepted as Main Modifications?

The focus of our Representations and issues has been in relation to Harlaxton (as set out in this Statement). In isolation, we do not consider the Harlaxton matter to constitute a re-write but we do have concerns that if the same approach has been adopted across the Plan then it likely to constitute a re-write.

5.3 In all the circumstances has the Council properly consulted on the proposed main Modifications?

The Council appear to have properly consulted on the main modifications; we were informed of the changes and provided with the appropriate timescale to submit representations.
5.4 **PHMM06 Policy SD1 Is the proposed policy in-line with national guidance?**

We have not provided comments on Policy SD1, but confirm that we consider the policy is broadly in line with the National Planning Policy Framework (NPPF) (March 2012).

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**LSC and Site Selection Processes**

5.5 **Description of the methodology employed?**

We have significant concerns regarding the methodology employed:

- The methodology does not seem to have been applied equally to all LSC – e.g. there does not appear to be a heritage assessment of all LSC.
- The methodology allows for some objectives to be graded as ‘unknown effect’; this means that not all LSC and/or sites can be equally compared. We raise particular concern that some LSC’s have been afforded this score in relation to heritage (11 out of the 16), yet the criterion is referred to as a potential show-stopper in relation to Harlaxton. If the LSC can’t be assessed equally in relation to the criteria then it should be omitted from the SA/SEA.
- The six key objectives do not relate to all aspects of sustainable development, for example there is no reference to any economic aspects of sustainable development (such as access to employment opportunities).
- There are several flaws and inaccuracies within the methodology and assessment, for example Harlaxton is only three miles from Grantham and is connected via a pedestrian footpath and buses, yet only scores as ‘minor positive effect’, this should be a ‘significant positive effect’. We set out further comments within our Representations paragraph 4.11.

5.6 **Has the methodology applied resulted in a genuine re-appraisal of the selection processes?**

We do not consider the methodology applied has resulted in a genuine re-appraisal of the selection process. Although there has been a re-appraisal of the selection process it has not been objectively undertaken, for example:

- The methodology has been skewed to favour aspects of sustainability not previously considered as relevant (in both the Core Strategy and previous SAP DPD work), such as heritage. The Council appear to claim at paragraph 3.20 that Harlaxton is significantly affected by a ‘show stopper objective’ – yet heritage was not considered as important when identifying Harlaxton as LSC.
- The re-appraisal has not been applied fairly to each LSC, for example, we question how Long Bennington gained a green rating denoting an ‘excellent range of services’ despite not having a secondary school and this being a key criteria for ‘excellent services’.
5.7 Is the methodology employed by the Council in terms of ‘scoping out’ of some objectives consistent with the methodology employed in the Core Strategy?

We consider the methodology employed in relation to ‘scoping out’ is incorrect. The Core Strategy is an adopted DPD, it has therefore been endorsed by the Planning Inspectorate as passing the test of soundness and being legally compliant. The Core Strategy identified LSC’s based on a robust evidence base; the purpose of the SAP DPD is to direct development growth in accordance with the Core Strategy, by ‘scoping out’ the Council is undermining its own Core Strategy.

Whilst we accept that not all LSC’s can be allocated for new development, the scoping out of the objectives used within the Core Strategy raises significant doubts regarding the new methodology.

5.8 Does the SA/SEA Addendum Report properly reflect the processes which led to site selection?

We consider the SA / SEA has, in relation to Harlaxton been undertaken retrospectively with the objective of directing development away from Harlaxton due to a realisation by the Council that their previously preferred site (HARL 06) was constrained.

At the previous Examination the Council clearly supported Harlaxton as an LSC with capacity for growth (as it should in line with the Core Strategy). Now, the Council identifies Harlaxton as a Tier Three LSC, with no real justification or consideration of alternative sites and potential mitigation within Harlaxton.

5.9 Has the SA/SEA Addendum Report objectively assessed the merits of LSCs and sites?

The SA / SEA has not objectively assessed the merits of the LSCs and sites. We consider that Harlaxton has been incorrectly downgraded, for example we question how Harlaxton can be graded as a ‘significant adverse effect’ despite having excellent access to Grantham and a Business Park within Harlaxton.

We also suggest that only limited consideration of site ADD17 and its potential benefits (e.g. provision of affordable housing, car park for the school, reduction in speed limit, improvements to offsite drainage works), mitigations (e.g. suitable design and screening) and deliverability (in accordance with the NPPF definition) has been undertaken.

5.10 Does the Council’s assessment exercise properly reflect the Government’s ‘localism’ agenda?

N/A
5.11 **Has the issue of ‘deliverability’ been properly factored into the LSC/site selection process?**

The issue of deliverability has not been properly factored into either the LSC or site selection process. There is no reference to either housing market demand or deliverability (which are undoubtedly linked) within the LSC assessment. There is no grading of site deliverability as per its definition within the NPPF:

‘To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable’ (NPPF, Footnote 11).

As we have demonstrated in our earlier representations, we understand though our own market research and knowledge that there is strong housing market demand for Harlaxton and that our client’s site is deliverable within 0-5 years.

The SA/SEA and ultimately the SAP DPD fails to make the link between providing housing where there is strong demand and favouring deliverable sites to come forward.

5.12 **Has the selection process properly taken into account NPPF and Core Strategy emphasis on the development of previously-developed land, access to public transport, access to services and effect on the landscape?**

There does not appear to be any reference to availability of previously developed land within LSCs; this has not been included as an objective within the SA/SEA assessment of LSCs.

Public Transport has not been considered as an independent factor, it is included within Objective 20 (accessibility) which also encompasses accessibility to jobs and services by increasing ability to use public transport, walking and cycling. Again we consider the actual assessment of this factor has been incorrectly undertaken in relation to Harlaxton (we consider it should score higher than amber – minor adverse given its proximity to Grantham via buses).

5.13 **Has the SA/SEA Addendum Report properly assessed all available sites? Example Stamford.**

In relation to Harlaxton, an extensive number of sites have been assessed, We do however question whether the assessment has been undertaken ‘properly’, with no real grading of likely deliverability, mitigation regarding potential constraints or wider benefits.

We also question the methodology employed; that sites within LSC which are not within tier one and two are not assessed to the same extent as those which are.
5.14 **Has up-to date information been employed in the selection of LSCs and sites?**

We propose that more up to date information regarding housing market need (i.e. market and affordable) should have been included within the LCS assessments.

5.15 **Why has the assessment of some sites changed so significantly? Example RUT1 and Stamford sites refer to Harlaxton**

The assessment of site ADD17 appears to have changed due to the fact the Council realised that their preferred site (HAR 006) was located within the grounds of a Registered Park and Garden (at Harlaxton Manor). There has been no other change in circumstances which could have resulted in Harlaxton suddenly being assessed as unsuitable for growth. Harlaxton has consistently, throughout the Core Strategy and SAP DPD process been identified by the Council as suitable for growth.

5.16 **Has the Council’s assessment of LSCs and sites been consistent?**

The Council had consistently identified Harlaxton as having capacity for growth up until it published the Main Modifications SAP DPD in July 2013. The change in assessment has not been justified, is based on inaccurate evidence and an SA /SEA which was undertaken retrospectively.

By changing their assessment of Harlaxton to such a significant extent that no growth is planned, we consider the Council undermines its Core Strategy.

6 **Summary and Conclusions**

6.1 This Statement has been prepared on behalf of the Welby Estate in response to the Agenda issued for Session One, Main Modifications SA / SEA, and supplements our earlier Representations.

6.2 We have submitted representations throughout the SAP DPD preparation process to support Harlaxton as a LSC with capacity for growth.

6.3 We still have concerns regarding the transparency and methodology of the SA / SEA, in particularly that some criteria have been incorrectly applied and others not afforded sufficient weighting.
6.4 In relation to LSC’s, we raise significant concerns in relation to the grading of Harlaxton as a Tier Three LSC. We consider this grading has been undertaken retroactively, is not objective and has resulted in a skewed re-appraisal. Subsequently the site selection process is unsound as it does take into account Harlaxton (as it is a Tier Three LSC), so all reasonable alternatives and mitigation are not considered.