Local Plan for South Kesteven

Site Allocation and Policies Submission

Session 1 – Procedural and General Points

6th November 2012
Key Issue 1: Procedural Matters

1.0 What is the current situation with regard to the Council’s existing Local Plan? Is it saved?

1.1 A number of Policies in the 1995 South Kesteven Local Plan were saved on the Direction of the Secretary of State in September 2007 (library document reference SK2). A number of these were replaced and ceased to have effect following the adoption of the Core Strategy (Appendix A, SK13). Appendix 1 to the Site Allocation and Policies (SAP) (SAP8) sets out the position regarding the remaining saved 1995 Local Plan policies that are applicable to the area covered, identifying which policies will be replaced, if at all, on adoption of the SAP.

2.0 Has the DPD been prepared in accordance with the statutory procedures under Section 20(5)(a) of the 2004 Act, and the Council’s Local Development Scheme?

2.1 Yes, the details of which are set out in the Self Assessment of Soundness and Legal Compliance (SAP7).

3.0 Has the DPD been prepared in accordance with an approved Statement of Community Involvement? If not, does it meet the minimum requirements in the Regulations?

3.1 The SCI was adopted in April 2006 (SK3) and the community engagement undertaken during the preparation of the SAP has been compliant with it. Details of the consultation undertaken are set out in the Statement of Consultation (SAP4) and the Self Assessment of Soundness and Legal Compliance (SAP7).

4.0 Is the DPD supported by a Sustainability Appraisal? Are the Council aware of any fundamental procedural shortcomings in the process of preparing the DPD?

4.1 The preparation of the SAP has been the subject to a Sustainability Appraisal, incorporating the requirements of Strategic Environmental Assessment, at all stages: Joint SA Scoping Report (SK19); SAP Policies Consultation (SAP3); Submission SAP (SK20) and potential development sites (SAP19). Consideration was given to the need for the Main Modifications (SAP11) and Minor Modifications (SAP13) to be to be subject to a sustainability appraisal. However, having considered the extent and nature of these modifications, which largely involve explanation or clarification of supporting text and policy wording it was concluded that they would not result in different conclusions to those reached in the original SA assessment.
4.2 The exception to this is proposed new Policy SAP11, which has been proposed as a Main Modification (SAPMM043, SAP11) and for which an SA assessment has been undertaken (SAP15). A Statement of Common Ground between the Council, English Heritage and The National Trust in respect of minor wording changes to Policy SAP11 has been submitted. The Council considers that these do not alter the conclusions reached on the SA assessment of Policy SAP11.

4.3 The SAP has also been the subject of a Habitats Regulations Assessment (SK21).

4.4 The Council is not aware of any fundamental procedural shortcomings in the process of preparing the Plan.

5.0 Has the Council undertaken a Self Assessment of Soundness to assure itself that the likely questions which arise have answers? Has a Self-Assessment of Soundness of the DPDs been undertaken using the draft model produced by the Planning Advisory Service? Is this placed in the library and on the Council’s website?

5.1 A self assessment of soundness and legal compliance, using the PAS self assessment template, has been completed (SAP7). The Council has also undertaken a self assessment of compatibility with the National Planning Policy Framework (NPPF) (SAP14), again using the self assessment template produced by PAS. Both of these documents are available in the examination library and on the Council’s website.

6.0 Is the programme for preparing other LDF documents generally as set out in the Council’s latest Local Development Scheme?

6.1 Yes. However, there have been some revisions to the dates for preparation due to slippage in the timing of the documents preparation. The revised timetable for milestone dates is available on the Council’s website.

7.0 Does the DPD take account of the Council’s other plans, including the adopted Local Plan and Community Strategy, and the plans of adjoining authorities?

7.1 Yes, where appropriate to the preparation of this Plan they have been taken into account. Details of these relevant plans and strategies are set out in the Assessment of Soundness and Legal Compliance (SAP7) and referenced throughout the SAP (SAP8) where appropriate.

8.0 Has the Council fulfilled the Duty to Co-operate as set out in the National Planning Policy Framework?

8.1 Yes, the Council is satisfied that it has met this duty. The attached appendix outlines how this duty has been met.
Key Issue 2: Post Submission Modifications

Minor Changes Document
1.0 Are all the detailed changes Minor Modifications?

1.1 The Council considers that those changes to the Plan proposed as Minor Modifications are limited and relate to minor wording changes to address factual changes, typographical errors or points of clarification and are, therefore, appropriately identified as Minor Modifications.

General NPPF Issues
1.0 What is the Council’s position regarding a review of the Core Strategy?

1.1 The Council is mindful of the provisions and implications of paragraphs 213 to 215 of the NPPF (which indicate that after 12 months from the date of the NPPF publication i.e. March 2013 due weight should be given to policies in existing plans according to their consistency with the NPPF) and recognises that a review of the Core Strategy will be required to address issues identified in the Self Assessment of Compatibility with the NPPF (SAP14). The Council has proposed a main modification (SAPMM02, SAP11) to address this issue although it is accepted that the wording of this is perhaps a little misleading in that whilst a scoping of the extent of a review could be completed by March 2013, following the conclusion of the examination process of both the Grantham Area Action Plan (GAAP) and Site Allocation and Policies DPD, any review process itself would not.

1.2 At this stage, the Council does not foresee the need for a review of the GAAP (or Site Allocation and Policies) other than that which may be required as a consequence of annual monitoring of the implementation and effectiveness of the policies. This position would, however, be subject to the outcome of any review of the Core Strategy.

2.0 Does the Plan accurately set out the Localism Act provisions which have come into effect?

2.1 It is accepted that the provisions of the Localism Act 2011 have been brought into effect at different time points and, therefore, the reference in Main Modification SAPMM01 (SAP11) to April 2012 is inaccurate.

2.2 The Council do not consider, however, that it would particularly add anything to the Plan to include a fuller description of the Localism Act’s provisions or when they were brought into effect. As such the Council is content for the reference to the Localism Act in Main Modification SAPMM01 to be deleted..

2.3 It should be noted that a similar reference was made in the GAAP (GAAPMM03, GAAP11) and should, therefore, be treated similarly.

3.0 Terminology Issues

3.1 The Council has proposed a Minor Modification to the Plan (SAPMC033, SAP13) to clarify the change in terminology, as a consequence of the NPPF, from Local
Development Framework to Local Plan and to differentiate between the ‘new’ Local Plan and the old 1995 Local Plan.

4.0 Duty to co-operate

4.1 The Council disagree that it has not discharged its duty to positively and effectively co-operate with Rutland County Council. The Appendix to this statement sets out the Council’s position on how it has discharged the duty and it is understood that Rutland County Council have submitted a statement to the examination explaining the status and progress with their development plan and the consideration of the site by both authorities, particularly in relation to the duty to co-operate.

4.2 The other matters raised in representation SPMM66 regarding flexibility in housing supply and suitability of the Quarry Farm (RUT1) site for development are considered in the Council’s Statements for Sessions 3 and 4.

5.0 Has the Council undertaken an examination of the National Planning Policy Framework to ensure that the DPD covers all relevant issues?

5.1 Yes. The Council has carried out a self assessment of compatibility of the Submission SAP with the NPPF (SAP14). This concluded that, with the modifications proposed by the Council, the SAP would be consistent with the principles and policies of the NPPF. It is recognised that there may be some issues or areas of detail (as set out in the self assessment document) that are not dealt with in the SAP. This is because they are matters that are already covered by the adopted Core Strategy or are, in the Council’s view, issues which may have implications for the overall strategy of the Local Plan as set out in the Core Strategy and, therefore, would be more appropriately considered as part of a review of the Core Strategy.

6.0 Model policy

6.1 The Council’s original position was that whilst accepting that inclusion of the model policy in the Local Plan would assist in setting out an overarching approach to achieving sustainable development in its view the most appropriate place for a generic policy of this kind would be in the Core Strategy, rather than the SAP and GAAP, thereby providing the context for all policies and proposals in the South Kesteven Local Plan.

6.2 However, following discussion at the GAAP hearing session on the 2nd October 2012 on this same issue, the Council accept that, in order for them to be found sound, the model policy should be included in both the SAP and GAAP.

6.3 To reflect this, the Council would propose that main modification (SAPMM02, SAP11) to the Submission Plan be deleted and in Chapter 3 a new section ‘Presumption in Favour of Sustainable Development’ be added to include the model policy wording and some supporting text.

7.0 Sequential testing of retail proposals

7.1 At the GAAP hearing session on the 2nd October 2012, when this same issue was considered, the Council agreed to consider the wording of Policy RT1 in respect of
sequential testing and whether any modification was required as a consequence of the NPPF.

7.2 The wording of the second part of Policy SAP8 in the SAP in respect of developments outside the town centre is the same as that used in Policy RT1. Consequently, the Council will consider the need to modify the wording of Policy SAP8 also.

8.0 Financial and functional testing for agricultural workers dwellings

8.1 The Council consider that whilst the tests in Annexe A are no longer mandatory, they nevertheless set out matters that are still appropriate when assessing essential need and indeed the Council have sought to use them in respect of the very small number of planning applications for agricultural workers dwellings that have been received since the publication of the NPPF.

8.2 Policy H1 of the adopted Core Strategy refers to agricultural workers accommodation and Policy SP1 to agricultural development. The Council considers that incorporating some, or all, of the matters that were covered by Annexe A would be best managed through a review of the Core Strategy, particularly as the NPPF refers to ‘rural workers’ not just agricultural/forestry workers, and/or the preparation of a Supplementary Planning Document to support Policies H1 and SP1.

9.0 Contamination of Land

Key Issue 3: Proposals Map

1.1 The Submission Plan was accompanied by a document setting out the changes required to the adopted Proposals Map (now known as the Policies Map) (SAP10) as a consequence of the SAP’s policies and proposals.

1.2 There were no Main or Minor Modifications requiring further changes to the Policies Map.
Statement in Relation to Duty to Co-operate

1.1 The Duty to Co-operate [set out in section 110 of the Localism Act], requires that councils work with neighbouring authorities (and others) where there are land use issues of common concern.

1.2 The Council has engaged with the appropriate bodies as prescribed in the regulations for the purposes of the Duty, where these have relevance to development in South Kesteven. Where issues have been identified they have been addressed: by for example, the preparation of a Water Cycle Study and transport modelling for Stamford.

1.3 The Site Allocation and Policies Development Plan (SAP) has been prepared to meet the requirements set out in the South Kesteven Core Strategy, which in turn was prepared in conformity with the East Midlands Regional Spatial Strategy. It has also been prepared in the context of adopted Core Strategies for the neighbouring authorities of Rutland CC and Peterborough CC. Together with South Holland, these authorities form the Peterborough Partial Housing Market area which is heavily influenced by the city of Peterborough. Whilst the Core Strategies were all adopted prior to the Duty to Co-operate, evidence of this close co-operation formed part of the evidence base for the South Kesteven Core Strategy in the form of joint SHMAs and with South Holland and Rutland, joint SHLAAs and, post Core Strategy adoption, an Outline Water Cycle Study which formed the precursor for individual detailed studies prepared on behalf of each authority.

1.4 The Council has worked with service or infrastructure providers to identify requirements to support the development of specific sites or proposals within the SAP, including education and highways (LCC), health (PCT) and drainage (Anglian Water and Environment Agency). The key issues that have been identified and the details of the work undertaken to date in respect of this and the continuing work is set out in Chapter 5 of the SAP (SAP8).

1.5 This co-operation will continue once the DPD has been adopted. There will be a need to work with public bodies and others to deliver the policies and proposals within the DPD. Details of how this will be achieved and monitored are set out in Monitoring and Implementation tables contained in Chapter 5.

1.6 Where strategic cross boundary matters have been identified the Council has worked co-operatively with relevant neighbouring authorities. The adopted Core Strategy requires the SAP to allocate land for almost 600 homes and 24ha of employment land in Stamford. To accommodate this level of growth an urban extension site has been identified to the west of the town which will provide 400 homes and 14ha of employment land. The site is located on the edge of Stamford, close to its boundary with Rutland. In allocating this site South Kesteven consulted upon and assessed sites to the west, east and north of Stamford for their suitability as urban extensions.

1.7 The site to the north of the town (RUT1) is located within the Rutland administrative area. Early in the plan-making process it was concluded that allocation of this site
should only be considered to meet the housing needs of Stamford (allocation of the site by Rutland CC would be contrary to Policy CS9 of the Rutland Core Strategy). Should the site be considered by South Kesteven as the most suitable to meet Stamford’s development needs, a joint policy approach would be required by both Rutland CC and South Kesteven DC to allow for its development within a jointly prepared plan. This is reflected in Rutland's Core Strategy [paragraph 2.8] which places the onus on South Kesteven DC to determine the suitability of the land north of Stamford as a location for development to satisfy the housing requirement at Stamford. Rutland’s Core Strategy is clear that, should South Kesteven DC determine the site would be the most suitable, then a joint policy document would be prepared.

1.8 Liaison between Rutland CC and South Kesteven DC has continued as each authority has prepared its site allocation plan, ensuring that any cross boundary issues are appropriately considered by both authorities.