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1 Introduction

1.1 This Hearing Statement has been prepared by David Bainbridge MRTPI, Partner in the Planning Division of Bidwells on behalf of Larkfleet Limited.

1.2 This Statement has been submitted to the Examination into the South Kesteven Site Allocation and Policies Development Plan Document (DPD). In particular this Statement responds directly to the Issues raised by the Planning Inspector in advance of the opening of the Hearing Sessions on 6 November 2012.

1.3 It is acknowledged that there is no need for participants in the Examination to prepare hearing statements where relevant points are already covered in the original representations.

1.4 Bidwells on behalf of Larkfleet Limited have participated fully in the preparation of the DPD as listed below however the issues raised by the Planning Inspector give rise to the requirement for comment as contained in this Statement.

1.5 Bidwells on behalf of Larkfleet Limited have participated in the following stages of preparation of the DPD.

- Responses submitted in respect of Proposed Main Modifications Consultation, July 2012.
- Responses submitted in respect of Submission Publication Stage, November 2011.
- Responses submitted in respect of Additional Sites Consultation, October 2010.

1.6 This Statement responds to the relevant Issues laid down by the Planning Inspector in respect of Session 1: Procedural and General Points. Where there is no response to an Issue this is because it is not considered relevant for example where the Planning Inspector has posed questions primarily intended for the Council to respond to.

1.7 This Statement does not exceed the 3,000 word limit.
Issue A) Procedural Matters

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

2.1 Response: Appendix 1 of the DPD includes a list of Saved Local Plan Policies intended to be replaced by the DPD. It would be useful to receive confirmation from the Council as to whether any Saved Local Plan Policies are intended to remain in force assuming adoption of the DPD. Appendix 1 includes reference to PPS12 which is no longer in effect and should be omitted as a proposed minor modification.

3 Question: 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?

3.1 Response: Section 20(5)(a) states the purpose of an independent examination is to determine where the DPD satisfies the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 relating to the preparation of DPDs.

3.2 Section 19 deals with preparation of local development documents. It is considered that the DPD satisfies these requirements.

3.3 Section 24(1) deals with the requirement of local development documents to be in general conformity with the Regional Spatial Strategy.

3.4 Section 17(7) states that regulations under this section may prescribe the description, form and content of local development documents and the time at which any step in the preparation of any such document must be taken. It is considered that the DPD satisfies these requirements.

3.5 Section 36 states that the Secretary of State may by regulations make provision in connection with the exercise of any person of functions under this part. It is not considered that the DPD contravenes any aspect of this section.

3.6 The DPD has not been prepared in accordance with the LDS. The revised LDS was brought into effect on 15 February 2010. The Site Specific Allocation and Policies DPD is identified in the revised LDS for submission for examination in May 2011 leading to adoption in January 2012. This timetable has not been adhered to.
Issue B) Post Submission Modifications

4 Question: What is the Council's position regarding a review of the Core Strategy? MM52

4.1 Response: I will be interested to know the Council’s response because currently the DPD is proposed to state under SAPMM002 that it will be necessary to consider whether there is a need to review the Core Strategy before March 2013. This statement, introduced very late into preparation of the DPD, fails to give any certainty. Section 213 of the Framework states:

"Plans may, therefore, need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan."

4.2 The intention of the Council to consider whether a review of the Core Strategy before March 2013 is necessary or not does not comply with the Framework.

5 Question: Does the Plan accurately set out the Localism Act provisions which have come into effect? MM51

5.1 Response: An accurate description of the provisions brought into effect under the Localism Act. Currently the DPD does not provide an accurate description of which parts are brought into effect.

6 Question: Terminology issues MM53

6.1 Response: There remains concerns about terminology proposed within the main modifications for example under SAPMM003 it is stated that the LDF Vision is a means of delivering the Local Plan. The definition of Local Plan under Appendix 2 is the former Local Plan produced under the former planning system and therefore it follows that the Core Strategy and the DPD should not deliver the old Local Plan.
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