

SOUTH HOLLAND DISTRICT COUNCIL LOCAL PLAN INQUIRY
Notes of the Strategic Round Table Session – 5 January 2006

Mr Brian Rogers (BR) - Inspector
Mr Robert Sexton (RS) – Assistant Inspector

Representatives

Representing

Mr David Cowie (DC)	South Holland District Council
Mr Robert Lewis (RL)	on behalf of South Holland District Council
Graham Warren (GW)	Charles Russell
Neil Pike (NP)	English Nature
Annette Hewitson (AH)	Environment Agency
Jane Gardner (JG)	Smith Stuart Reynolds

Abbreviations

RSS8 Regional Spatial Strategy for the East Midlands
RPG Regional Planning Guidance for the East Midlands

Core Strategy - Topics for discussion

- Is it appropriate for the Plan to include reference to the Council's 'longer term' aspirations, as set out in paras 2.41-2.44?
- Is the Plan's strategy for the distribution of development appropriate; in general terms, are the Plan's proposals consistent with the underlying strategy? Are the settlements suitably ranked within the settlement hierarchy? Are the locations of homes and jobs suitably related?
- Is it appropriate to restrict development in the Other Rural Settlements by removal of defined settlement limits?
- Is Policy SG6 consistent with national policy on planning obligations? Is it an adequate basis on which to base negotiations? If not, should this be expanded upon in the Plan or in a Supplementary Planning Document?

General

Mr Brian Rogers advised that, as this round table session related to core strategy, strategic matters should not be repeated at any site specific forums as this would create unnecessary duplication. Mr Rogers also advised that questions could be put across the table.

Topic 1

Is it appropriate for the Plan to include reference to the Council's 'longer term' aspirations, as set out in paras. 2.41-2.44?

BR asked whether any party wished to comment on the principle of the longer term aspirations.

GW considered that this was a worthy and useful objective and was supportive. However JG considered that any longer term aspirations should not prejudice the review of the Regional Plan.

JG was aware of the aspiration to elevate Spalding to a Sub-Regional Centre and would be concerned if the aspirations were seen as a commitment.

DC stated that in the first deposit draft to 2011 it was necessary to include longer term aspirations. The re-deposit to 2021 sought to include some of those longer term aspirations as firm proposals. DC considered that the Local Plan should continue to set out long term aspirations in the strategic chapter; if they did not appear in the Local Plan then it was difficult to know where those aspirations should appear.

BR asked whether this might fetter future plans, but DC did not consider this to be the case. Specific policies and allocations provided a degree of certainty but elements in the 'longer term' section did not affect them, although those aspirations were a clear pointer as to how the Council would respond to the RSS and the Local Transport Plan.

RS asked whether the final sentence of paragraph 2.44 "We will continue to support bus and rail network improvements" and the inclusion of priority 11 "To facilitate the use of public transport, cycling and walking and railfreight and to reduce reliance on the motor car, particularly in the towns" was repetitive.

DC considered that it could be, some general messages were applicable now and not long term although they had been included in the longer term aspirations as a challenge which would take time to address in order to reduce social exclusion.

BR asked whether the longer term aspirations should be more detailed if they were to serve a useful purpose.

DC acknowledged this but stated that although there were comments on transportation a number of matters would be taken up by the Local Development Framework where the Council would be able to go further with community involvement. Through that process the Council would be able to see a vision for the district.

JG referred to the Council's evidence at the Structure Plan Examination in Public where they had sought elevation of Spalding to a Sub-regional Centre. JG considered that this matter must be left to the Regional Spatial Strategy process, and suggested that there was a danger that the longer term aspirations could set the Council on a path to pursue the goal of Sub-regional Centre without regard to changes in circumstances.

DC replied that the longer term aspirations did not require Spalding to be a Sub-regional Centre – that would be a matter for the Regional Spatial Strategy, although there was recognition that Spalding did fit in with the emerging Structure Plan which showed Spalding as a "main town".

JG then suggested that it might be useful to include a reference to the regional planning process. BR suggested that the matter to be decided was the principle of including the aspirations; detail could be dealt with later possibly as a pre-inquiry change. It was not known if there were any other representations on this issue – the Inspector was loath to go into detail but wanted to ensure that the matter would be covered.

DC replied that the Council had tried to update that part of the plan as far as possible but acknowledged that it could be updated further.

GW advised that the Regional Spatial Strategy had been mentioned at paragraph 2.31 and this could possibly be adequate.

Topic 2

Is the Plan's strategy for the distribution of development appropriate; in general terms, are the Plan's proposals consistent with the underlying strategy? Are the settlements suitably ranked within the settlement hierarchy? Are the locations of homes and jobs suitable related?

BR reminded those present that the Lincolnshire County Council had submitted the Examination in Public Panel Report to Committee for consideration. RL then advised that the report had been largely supportive of the Council's proposals. The County Council's Executive had approved the amended wording and had put the document out for a 6 week consultation period. It was anticipated that the new plan would be adopted in April/May 2006 and would be broadly consistent with the Panel's recommendations.

The Council were asked to keep the Inspector up to date on this matter.

Topic 2 was broken down into separate areas:-

- **In general terms, are the Plan's proposals consistent with the underlying strategy (ie Regional Spatial Strategy and the Structure Plan)? Are the settlements suitably ranked within the settlement hierarchy?**

GW said no.

JG referred to RSS8, policy 7, bullet point 4 "in the Eastern Sub-area Development Plans, Local Development Frameworks, Local Transport Plans and economic development strategies should include policies to achieve themaintenance and enhancement of the roles of small and medium sized market towns as locally significant service and employment centres through the protection of existing retail and community facilities, and support for sustainably located new housing and local employment generating development;". JG did not consider that the plan achieved this. RSS8 made it clear that Spalding was a medium size market town and of those examples of small market towns set out at paragraph 3.5.6 none were in South Holland. This was indicative that it was not appropriate for the RSS to get down to that level of detail. The emphasis was on development in the Eastern Sub-area. JG then turned to policy SG2 which referred to distribution of development. In paragraph 1 of that policy it stated that the intention was to concentrate most new development within the urban areas. JG did not consider that the plan achieved this but instead focused development disproportionately on Spalding at the expense of other urban areas. JG considered that there should be a more even distribution to reflect the size and level of services in urban areas, and considered that the policies did not accord with RSS8 for small / medium towns.

DC considered that the plan was in accordance with the Structure Plan in respect of the split in housing allocations (ie 75% urban, 25% rural). The plan concentrated most development in urban areas. It was for the Council to decide the urban area distribution – the allocation to Spalding was the largest, then Holbeach, then the smaller settlements. Urban capacity sites had also been identified for development in urban areas together with some greenfield land. The largest allocations were in Spalding, both in respect of housing and employment. DC considered the provision in urban areas to be appropriate bearing in mind what had already been built out, and that the plan was correct to place emphasis on Spalding, thus reflecting both the emerging Structure Plan and RSS 8.

BR then asked whether the Structure Plan was consistent with RSS 8.

JG considered that it was and pointed to policy S3 of the Structure Plan which stated that new development would be located principally at the major settlements using the hierarchy to allocate appropriate amounts and types of development. JG stated that under policy S3 Spalding was in sub category (c) main towns, and other areas were in sub-category (c) small

towns. Just because Spalding was one step higher up in the hierarchy did not obviate the need for major settlements to be allocated appropriately.

BR stated that the Council's approach had been driven by the Urban Capacity Study, and asked how the Council had reached its conclusions in respect of apportionment.

DC replied that the Council had been driven by policy to bring forward urban capacity sites in urban areas as a key provision in the district. These were set out in the plan and were a significant element of the plan's provisions to meet the strategic requirement. The question was how much of greenfield extensions should be included within the settlements. Both outstanding permissions and urban capacity sites had been taken into account.

BR then asked whether the proportion of development should be in line with the size of the centre.

DC replied that there were suggestions that this approach should be taken but this was not considered to be an appropriate way to allocate, albeit it had a part to play, and if used Spalding would still have a larger share of development, then Holbeach. Instead the Council had looked at the spatial distribution of settlements, infrastructure provision etc and it was hoped that through a planned approach there would be a better balance of delivery of infrastructure.

BR asked whether the Council had used any population figures or mathematical approaches.

DC replied that they had not done so in respect of percentage of settlements; they had looked at adequate provision and how to allocate remaining growth.

BR asked how, if the entire urban allocation could have been met by existing planning permissions in Spalding, the Council would have apportioned to other settlements.

DC The Council would have had to look at the levels of permissions and if there had been a low level of growth then there would have been allocations in other centres, with emphasis on urban capacity sites. The Council would have had to use its judgment as to what each settlement could accommodate.

GW suggested that the RSS8 and Structure Plan reduced the annual growth rates in response to a substantial number of planning permissions being granted in unsustainable locations. If the balance were to be redressed in any substantial way then emphasis must be placed on Spalding to ensure sustainable development.

JG Policy S2 of the Structure Plan sets out the sequential test for location of development and S3 sets out the hierarchy. Preceding text at paragraphs 4.7-4.9 was highly pertinent. It was important to bear in mind that in the strategic planning context it was not part of the Structure Plan to focus a large amount of development in Spalding. The housing provision in the county was reduced by RPG and what was available should be distributed equitably in the urban areas (ie towns and Area Centres). If urban areas were to be able to sustain their facilities there must be additional development so there needs to be a redistribution.

DC referred to table 4.1 in the Structure Plan (hierarchy of major settlements) which showed that South Holland had a large number of "small towns" (ie 4 of the 12 shown), and considered that provisions in the local plan were appropriate to ensure they received some development to serve the community.

GW had two objections (i) that the status of Donington was inappropriate; and (ii) the influence that policy HS5 would have in encouraging development in unsustainable locations. GW considered that the plan was "wanting" in its application of strategy - both in respect of HS5 as

proposed and in respect of the Pre Inquiry Change at criteria (2) of that policy. GW considered that the policy would spawn development if undeveloped land could be used, and also considered that criteria (3) of that policy was very broad. Overall the policy was too slack in considering development in Area Centres. Criteria (5) of policy HS6 allowed residential development in Group Centres where there was not already an adequate supply of land with planning permission for housing. GW considered that this could prejudice development in Spalding where enough development was coming forward in other locations, which would affect the spatial strategy / infrastructure etc. In order to ensure appropriate levels of affordable housing and infrastructure, development should be restricted to Spalding. The policy needed to be reconsidered.

JG considered that it needed to be borne in mind that locations in policy HS5 had been subject to an Urban Capacity Study, but that study had not extended to Group Centres. JG considered that the amount of capacity in the urban areas which could come forward under HS5 was appropriate. JG considered the issue of undeveloped land as a red herring; the first deposit draft had defined settlement limits more widely but they had now been tightly drawn around built up areas so there may be some land in those areas which may come forward for development, being small areas which would otherwise have been in the Urban Capacity Study.

JG also considered that unless allocations were made in other areas those areas would have no affordable housing other than small amounts on exception sites.

DC agreed that the settlement limits were now tight and the Urban Capacity Study had been rigorous. The Study had identified undeveloped land which had been included in urban capacity figures in the plan. The pre-inquiry change properly reflected what was to be provided. If the pre-inquiry change were not accepted and the policy therefore referred solely to brownfield land the Council would have to reassess the number of houses in urban areas which would be inconsistent with the Urban Capacity Study.

GW reiterated that Donington should be down graded from Area Centre to Group Centre. The argument at the Structure Plan Examination in Public to elevate Donington was wrong and the Panel Report had agreed that it should remain a Group Centre. The Council's arguments were not convincing. Donington was a small settlement with a small population - although it had facilities it was not appropriate to derogate from the spatial strategy to concentrate on Main Towns. GW asked why Donington had been made an exception.

DC explained that Donington had a good range of services and facilities for its size, had scored well in the services study, and so provided a service centre function. Donington was located in the north west corner of the district next to Quadring, which was an Other Rural Settlement, and Gosberton, which was a Group Centre. Looking at the Settlement Hierarchy on page 22 of the local plan there was a marked difference between the character, services and facilities of the three settlements. DC considered it highly appropriate to identify Donington in a higher category and to include it as an Area Centre. The Structure Plan Examination in Public had examined the hierarchy but had not detailed the hierarchy at a local level.

JG supported comments made by DC and noted that the Structure Plan would have a role once adopted or until the RSS was adopted. The RSS would not identify the hierarchy for urban areas at this level. In Lincolnshire the sub-regional strategies did not cover the whole area and would be restricted to the Lincoln area. Therefore there would be nothing between the RSS and the local plan. It was appropriate for the Council to decide the hierarchy for Donington having regard to strategic advice and paragraph 4.9-4.10 of the Structure Plan which listed the services and facilities which major settlements should have. The population was less than 2,500 however Donington still had facilities including a secondary school. JG commended document CD/SH/11 Services and Facilities Background Paper as this showed that Donington was "punching above its weight".

GW asked why, if the Council considered that Donington should come second to Spalding, 111 dwellings in the town had been de-allocated (which was consistent with the spatial strategy). Also, as the Council were reducing planning permissions in Sutton Bridge, was the Council likely to renew permissions as this would create problems in respect of sustainability.

DC replied that sites in a number of settlements had been de-allocated. With the distribution of Area Centres it was not necessary to have a large level of growth in each. Each area could have a suitable level of development and have a service centre role. The majority of development would be in Spalding, although Donington was appropriate as a service centre.

GW asked why the re-allocation had been made. DC replied that both Sutton Bridge and Donington the Council had looked at existing permissions and the Urban Capacity Study. There was an appropriate level of growth in Donington. There were no major allocations in Donington.

BR noted that the Urban Capacity Study was fundamental to the Council and enquired whether there had been any criticism of its methodology.

DC replied that there had been some criticism in respect of housing, although these had not been in detail. There had also been support, including support of the Planning Inspector when he had reported upon the called in the application at Wygate Park – he had considered the Study to be robust.

JG later distributed to those present adjustments to the table at paragraph 3.6 of the position statement of Smith Stuart Reynolds which had been submitted on behalf of Allison Homes Eastern Limited. The amended table included percentage figures taken from page 5 of the Council's statement; recalculations in respect of "proportionate amount of residential requirement 2004-2021; and the resulting difference. The table at paragraph 3.7 had consequently also been amended, together with allocations at paragraph 3.9.. The amendments did not impact on their overall case, but merely adjusted the amounts which Allison Homes were seeking to be allocated.

DC considered that the matter had been dealt with in the Council's response at paragraph 4.3.

- **Flood risk**

BR then asked whether the Council's approach to Flood Risk Assessment was acceptable and whether it accorded to PPG 25.

AH considered that the Strategic Flood Assessment undertaken by the Council was a broad assessment. The Environment Agency supported the high level approach to inform the process and also supported the Urban Capacity Study which related to housing sites in high risk areas. However there was no evidence of the sequential approach advocated in PPG 25 in respect of residential sites within the breach envelope where significant flood depths could be achieved, and no evidence of a sequential approach to employment development. The Agency considered that some proposals were therefore contrary to the underlying strategy, for example the employment allocation at Sutton Bridge which was located within an area at risk of possible rapid inundation and which was therefore in direct contradiction of policy SG9. There was no evidence of a systematic alternative site search or any indication of whether a site could be protected for climate change. The Agency considered that the distribution for development was inappropriate in flood risk terms.

AH continued by stating that the Agency would like to see a sequential approach to employment allocations. A Flood Risk Assessment should be undertaken to show how flood risk could be managed.

BR asked whether the Council should cut out the worst sites where possible.

DC replied that some allocations fell within the low / medium risk areas in the Strategic Flood Risk Assessment and others fell within the high risk areas. In particular the Strategic Flood Risk Assessment showed the Wingland area at Sutton Bridge to be at high flood risk. The Council had had regard to the Strategic Flood Risk Assessment in deciding to what extent previous allocations would remain, although this was only one of a number of criteria. Other considerations included existing residential and commercial development within the vicinity, for example Wardentree Lane which needed protection from flooding. There would also be a need for a site specific Flood Risk Assessment in respect of individual applications, and these would be made at the application stage rather than the allocation stage.

AH considered that this contravened Environment Agency requirements.

BR asked what would happen if a proposal on an allocated site resulted in an unacceptable Flood Risk Assessment, as it might not be possible to implement the proposal.

DC replied that mitigation could be undertaken. The draft PPS25 included sequential testing and exceptions tests. The Council regarded the exceptions test as relevant to South Holland.

RS enquired whether there had been any sequential testing regarding employment allocation. DC replied that there had as the Structure Plan required the Council to review its employment allocation based on a number of criteria.

BR then enquired whether, following a sequential test, the Council had rejected sites on the basis of flood risk. DC replied that changes had been made at Sutton Bridge, although other allocations had not been changed.

BR asked whether the Environment Agency had been involved. DC replied that the Council had used the Strategic Flood Risk Assessment, and that the involvement of the Environment Agency had been in the production of that document.

RS asked whether the Environment Agency regarded the Strategic Flood Risk Assessment as a first step. AH replied in the affirmative, although it had not been used to inform the process.

BR asked whether the Environment Agency was not happy with some sites, and AH replied that it would depend on the individual Flood Risk Assessment.

BR then asked whether the Environment Agency supported the Council's approach where the case could be proved for site specific allocations.

AH replied in the affirmative, subject to changes brought about by climate change etc.

- **Are the locations of home and jobs suitable related?**

DC explained the Council's approach and advised that the starting point had been the emerging Structure Plan and the previous Structure Plan. Using the hierarchy these identified 5 towns where employment allocation should be made. The Council had included a range of sites within the various plans, ie the adopted plan, the first deposit and re-deposit. Spalding and all main centres had allocations for employment development. The emphasis on housing was in Spalding and the Area Centres. The size of the employment allocations varied – Spalding had a major employment area at West Marsh Road, and the pre-inquiry changes included a business park at Barrier Bank. This matched well with the strategy for housing growth in Spalding. At

Holbeach housing allocations were identified at policy HS3. The first deposit had identified an employment site which was an appropriate level of development.

DC continued that in respect of Long Sutton, a site identified in the adopted local plan had been enlarged for the new draft plan which would be more commercially viable with access off the A17. At Sutton Bridge there was an allocation at Wingland which had been reduced in the pre-inquiry changes. There had been an objection to the reduction and proofs would be heard at the inquiry in this respect. Also at Sutton Bridge, there was provision for expansion of the port development.

DC considered that in broad terms the employment allocation was in the relevant locations, with Crowland and Donington also having small allocations.

BR asked whether the Council had tried to locate jobs close to houses so that the two aligned closely. DC replied in the affirmative so far as the Council could go down the route of locating homes and jobs together, based on the following principles:-

- The need not to restrain existing employment areas by locating houses close by
- The need to retain the option to increase growth in jobs and housing, ie not to box in employment areas
- The need to consider roads, footpaths etc to link employment to housing

DC explained that this was why the 'longer term' section at paragraph 2.41-2.44 concentrated on improvements to accessibility.

JG noted that there was a discernable difference in respect of employment and housing allocations in urban areas. It was notable that the Council had provided an even distribution of employment between urban areas – the nature of allocations in policy EC1 reflected that approach, compared to the emphasis on Spalding and Holbeach in respect of housing allocations. In terms of new development JG did not consider there to be a good relationship between jobs and houses.

GW stated that there was a great demand for jobs and houses. Policy EC1 referred to Major Employment Areas, although it had to be considered whether these were sustainable. It was necessary to have regard to both the expansion of employment and the necessity to replace job losses within agriculture. The plan did do this and was on the right lines where it recognised differences in demands for housing and employment.

DC stated that employment allocations were generous. Allocations in respect of Spalding had attracted representations from a number of parties on the basis that they were inadequate as the land was tied up and would not be available. The pre-inquiry changes included Barrier Bank in response to those representations.

Topic 3

Is it appropriate to restrict development in the Other Rural Settlements by removal of defined settlement limits?

BR advised that this matter should be considered in principle only as there would be objections to specific areas at the inquiry. BR asked whether any representatives objected to the removal of limits.

It was noted that none of those representatives present had raised any initial objection, although DC noted that the representative on behalf of Geoffrey Collings & co had objected but was not in attendance.

BR asked whether small settlements could be sustained if this approach were adopted. In small settlements there had to be a clearly defined local need such as agriculture or rural exceptions. BR asked if there were no allocation, how were rural exceptions to be dealt with, perhaps on an ad hoc basis. Would this approach undermine the policies on sustainability.

DC advised that policy HS9 contained criteria for determining rural exceptions. The final sentence of that policy read “the sustainability of proposals will be critically assessed with reference to our settlement services and facilities survey and spatial strategy”. This sentence was important – in paragraph 4.56 of the supporting text to the pre-inquiry change of policy HS9 the Council had given guidance about the size of exception sites stating that it was envisaged that exception sites would provide no more than 10 dwellings. DC stated that exception sites would therefore not be large scale, in fact they might be smaller than envisaged in the policy. DC considered that the Housing Needs Survey would not lead developers to particular sites, but the Supplementary Planning Guidance on affordable housing had looked at where to prioritise, and the Council would therefore prioritise in those areas.

DC stated that it would be useful to look at the distribution hierarchy, where the Group Centres were distributed – there were opportunities in the Group Centres to meet local need rather than Other Rural Settlements.

Topic 4

Is Policy SG6 consistent with national policy on planning obligations? Is it an adequate basis on which to base negotiations? If not, should this be expanded upon in the Plan or in a Supplementary Planning Document?

BR advised that the Council had suggested that additional wording be put forward as an inquiry change. The Council had also produced pre-inquiry change PIC19. BR asked if anybody wished to comment on policy SG6 as amended.

DC considered that the pre-inquiry change addressed the objection to a certain extent, although there would be some onus on developers to consider the consequences, highlighting the importance of pre-application discussion. Any application received by the Council with no thought on the part of the developer would be difficult to handle. BR added that it would be unreasonable.

NP stated that he supported the Council's approach to push for pre-submission paperwork. There was room for negotiation in terms of identifying issues which impacted on the natural environment, both on the part of English Nature and on the part of the developer.

GW stated that Broadgate Homes Limited objected to the list set out at paragraph 3.39 as this could have a major impact, for instance flood and sea defences. The principle should not be to require the developer to mop up existing problems but instead to ensure that any requirements relating to the particular development were dealt with. GW queried whether the list was relevant to the plan – it did not refer to specific sites. GW had no objection to the pre-inquiry change.

BR asked GW if he was concerned that the Council would cherry pick.

GW replied that he simply wondered at the relevance of the list.

DC responded by explaining that the list was useful as it raised awareness of matters which might be the subject of 106 agreements under this policy. DC considered that the list would be helpful in providing some degree of certainty.

RS then asked how the list provided certainty as it did not assist policy.

DC replied that by including the matters listed they were seen as potentially subject to 106 agreements, depending upon particular needs.

RS read out at paragraph 3.40 “We intend to build up a list of infrastructure needs to prepare a Supplementary Planning Document on this subject”, and asked for clarification on this matter.

DC replied that there were two documents referred to in the Local Development Scheme

- An infrastructure needs assessment which set out the broad needs for communities – it was acknowledged that shortfalls would not all be met but the document showed where shortfalls arose and where they could be addressed
- A Supplementary Planning Document on development contributions which would set out the mechanisms. A Supplementary Planning Guidance on affordable housing had already been produced.

BR noted that the Council would only be able to proceed on published guidance.

JG noted that although Allison Homes Eastern Limited were fully aware of their responsibilities, they did have an issue where any requirements were district wide or urban area requirements rather than site specific requirements. The detail was lost in paragraph 3.40. Although the pre-inquiry change to policy SG6 no longer referred to developers providing Impact Assessments, the title of policy SG6 still referred to assessment as did paragraph 3.40.

BR asked whether the third sentence in paragraph 3.40 was consistent with the amended policy. DC believed that it was, and BR reiterated that the requirement for an Impact Assessment had been deleted from the policy but detail of Impact Assessments remained in paragraph 3.40.

DC believed that the requirement for assessment of impact was implicit in the policy and would be dealt with during negotiations and pre-submission discussions etc. The Supplementary Planning Document could provide further guidance on Impact Assessments and how those would tie in with negotiations and discussion on applications.