

SOUTH HOLLAND LOCAL PLAN INQUIRY

OPENING STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

Introduction

1. In this opening statement I propose to address three matters. First, I will outline the policy context of the Plan, the objections to which are the subject of this Inquiry. Of course, the Plan takes its place in a hierarchy of national, regional and county policies, and it is important that it dovetails appropriately with those, not merely repeating them, but reflecting them in such a way as to meet the specific issues facing South Holland. In the case of this Plan the policy context is a little more complicated than usual because of the changes that have been made to the development plan system. I will therefore also briefly describe the way in which the Plan fits with the Council's Development Plan Documents which will replace it in due course.
2. The second matter I will deal with is to confirm that the necessary statutory procedures have been followed. I will explain shortly the major procedural steps taken by the Council in the course of the Plan's evolution, both those required by statute and

regulations and those additional steps that the Council took, and proposes to take, as a matter of 'good practice'.

3. My third and last task will be to identify the key characteristics of South Holland and consider how they are reflected in the Plan's principal aims and objectives. It is all too easy at an Inquiry such as this, where attention is focussed to a significant extent on individual sites and policies, to lose sight of the broader themes of the plan under scrutiny. The 'round table' sessions, which are designed to address strategic issues with matters of detail being dealt with in the consideration of specific objections, will be a useful opportunity of examining the broader themes. Nevertheless, I believe it is right for me to set out at the start of the Inquiry those things which make South Holland distinctive, and in so doing I hope that I am able to explain the context of the Plan not just in planning policy terms, but also in terms of how the Plan is dictated by, and seeks to influence, the District's most important characteristics.

4. Before turning to the first of these matters, I was asked at the Pre-Inquiry Meeting to confirm the position regarding withdrawn objections and to introduce the 'core documents' on which the Council has relied in preparing its evidence. I understand that a list of withdrawn objections has now been prepared and given to you. As far as the core documents are concerned, I attach as an appendix to this statement a list of them. That list is taken from the Council's website and has therefore been available to all participants to help them prepare their evidence too. They comprise South Holland documents (prefixed CD/SH), central government documents (CD/GO), county council documents (CD/LC), regional documents (CD/EM) and others (CD/OP).

Issue 1 - the planning policy context of the Plan

5. The Plan is expressed to set out the planning policies for South Holland until 2021. However, as a result of the changes to the development plan system introduced by the Planning and Compulsory Purchase Act 2004 it will, in practice, have a much shorter lifespan. The 2004 Act abolishes local plans and replaces them with ‘Development Plan Documents’. The policies we are considering at this Inquiry will, therefore, be superseded by the Council’s Development Plan Documents in due course. This is likely to be a progressive process, with the first replacement policies expected to be adopted in Spring 2009. The process should be completed by July 2009, although some policies of the Local Plan may remain in force beyond that date if the Secretary of State considers that they embody the principles of the new system.

6. The Plan has been pursued to this Inquiry despite its anticipated limited life because a number of the policies of the existing, adopted, Local Plan 1998 have become significantly out of date. In particular, its housing policies, including policy on affordable housing and sustainable development, are now considered to be in need of alteration in order to avoid decisions being taken based on national or regional guidance, or simply on ‘other material considerations’, that are contrary to the adopted Plan’s policies.

7. This new Plan will, therefore, enable a smooth transition to take place from the 1998 adopted plan to the new Development Plan Documents. The formulation of the Development Plan Documents will, of course, build on the work carried out in

preparing the policies of this Plan, and will be able to reflect your conclusions on the objections which have remained, and which it is the purpose of this Inquiry to consider.

8. The Plan that the Council is defending at this Inquiry is the Redeposit version as amended by proposed Pre-Inquiry changes, dated October 2005. We should be grateful if you would consider those changes and the representations they have elicited, and also the representations received in response to the consultation carried out on the 'omission sites' (i.e. specific site allocations not included in the Plan but which have been proposed by objectors).
9. The Plan has been drawn up to reflect policies contained in national, regional and county guidance. As you will have seen, in preparing our responses to individual objections we have sought to spell out the relevant policy context as laid down at these higher tiers.
10. As ever, policy at all these levels is changing. The Plan reflects adopted strategic policy in existence in October 2005, and also emerging policy where drafts have reached an advanced stage (the new Lincolnshire Structure Plan is a prime example). Other proposed changes, including, for example, the consultation drafts of PPS3: '*Housing*' and PPS25: '*Development and Flood Risk*', both of which were only issued on 4 December 2005, are not, of course, reflected in the Plan, but we have endeavoured to refer to them where appropriate in our responses to individual objections and in the papers produced for the 'round table' sessions. In any event, with one exception, the Council does not believe that there have been any major

policy shifts announced at national level since the publication of the Pre-Inquiry changes last October.

11. That sole exception is the possible introduction of a 'planning gain supplement' announced by the Treasury and the ODPM on 5 December. That proposal, if confirmed, may require changes to the policies of the Plan relating to *Community Infrastructure and Impact Assessment* (Policy SG6) and, possibly, *Affordable Housing* (Policy HS8). However, that proposal is at an early stage of development, and if local policy change is eventually needed, it will be made through the Local Development Framework (LDF) process in due course.

12. There are a number of other areas where the Plan expressly notes that policy will either be formulated or changed in the LDF process. For example, the Plan does not contain a policy for the provision of sites for Gypsies and travellers. Here again, Government policy is in a state of flux, with the draft circular issued by the Government for consultation in December 2004 still not yet issued in its final form. In addition, in this case the Council's background work in the form of a needs assessment, although in progress, is not yet complete.

13. Similarly, we have flagged up in a number of our responses to representations concerning the omission sites that as new strategic housing targets emerge, led by new regional guidance, some sites not currently allocated may need to be allocated, and that this will be done, if necessary, as part of the LDF process.

14. At regional level the relevant policies are contained in RSS8: '*Regional Spatial Strategy for the East Midlands*'. This was published in March 2005 and its policies are reflected in the Plan. Crucially, RSS8 was not preceded by a strategic review of the scale and distribution of new housing, so that it merely carried forward the housing policies set out in its predecessor, RPG8. Those issues are, however, currently being addressed as part of a review of the regional guidance, with the consultation document 'Options for Change' being issued by the East Midlands Regional Assembly on 24 October last year. The draft of a revised RSS8 is not anticipated until September 2006. Again, its policies will be reflected in the Council's LDF in due course.

15. At county level, a new Lincolnshire Structure Plan is close to adoption. The current Structure Plan was adopted as long ago as 1981 (although Alterations were adopted in 1990 and 1994) and it remains part of the statutory development plan. However, the Examination in Public into the replacement plan took place last summer and the Panel's report was considered by the County Council's Executive two days ago (on 3 January). Adoption is likely to occur in April or May. South Holland's Plan is in conformity with it.

16. The draft Structure Plan, like the Plan before this Inquiry, has a timeframe to 2021, but unlike the Local Plan the new Structure Plan will not be replaced by Local Development Documents under the new development plan system and consequently it will fall away three years after the date of its adoption.

17. The Council is confident that the policies of the Plan are consistent with those set at national, regional and county levels, and that they properly and fully reflect current guidance, translated as appropriate to the particular needs of the District.

Issue 2 - Compliance with statutory procedures

18. In preparing the Plan, and in preparing for this Inquiry, the Council has followed the procedures prescribed by the 1990 Act¹ as amended by the 2004 Act² and the relevant regulations.³
19. The Council placed a First Deposit Draft on deposit in November 2001 for a six-week consultation period (9 November – 21 December 2001). ‘Duly made’ representations received were taken into consideration in formulating the Redeposit Plan which in turn was placed on deposit in April 2005 for a further six-week consultation period (21 April – 2 June 2005). In accordance with the transitional arrangements for plan-making the whole of the Redeposit version was able to be the subject of representation, not just those parts of the draft plan which had changed.
20. At both First Deposit and Redeposit stages the necessary public notices were published. Immediately prior to each of those stages the County Council issued the

¹ Town and Country Planning Act 1990, Part 2.

² Planning and Compulsory Purchase Act 2004, Schedule 8.

³ The Town and Country Planning (Development Plan) (England) Regulations 1999, as amended by the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004.

District with a statement that the emerging Local Plan conformed generally with the emerging Structure Plan.

21. Representations received on the Redeposit Plan were considered by the Council and a number of pre-Inquiry changes have been proposed as a result. In accordance with good practice, those were the subject of public consultation. Similarly, and again in accordance with good practice rather than strict legal requirement, the Council also advertised information about omission sites. The period for the making of representations on both the pre-Inquiry changes and the omission sites expired on 25 November. I understand that the Council has now provided you with the results of both of those consultation exercises.

22. The response to the First Deposit draft in 2001 was as follows:

- 274 supporting representations,
- 761 objections.

The response to the Redeposit in 2005 was:

- 138 supporting representations,
- 720 objections.

23. In addition, at each stage there were submissions which were classified neither as supporting representations nor as objections but as 'comments'. Further, there were representations that were received after the deadlines. As these were not 'duly made' in accordance with the regulations, the Council was not obliged to consider them and

it decided not to do so. Nevertheless, a list has been provided to you, although we do not ask you to consider them.

24. The strategic issues raised by the objections are reflected in the 'Topic Questions' listed in the Appendix to the minutes of the Pre-Inquiry Meeting, and these will be discussed in the three 'round table' sessions that will occupy the first three days of the Inquiry.
25. The procedure applicable to the Plan is that contained under the transitional arrangements in paragraph 10 of Schedule 8 to the 2004 Act, with the effect that the 'old' system for the adoption of local plans continues to apply, but with a number of modifications. In particular, your recommendations will be binding on the Council, so there will be no scope for the publication of revised proposals following the receipt of your report.
26. If time allows, and if it is thought justified in a particular case to do so, the Council has decided to consult on changes to the Plan advanced by objectors with which it agrees, and which are therefore likely to be recommended by you. This exercise, which again is proposed as a matter of 'good practice' rather than legal requirement, will enable you to consider any further representations and the Council's response to them in the drafting of your report.
27. It is the Council's hope and intention that it will be possible to adopt the Plan in accordance with your recommendations on or before 21 July this year. Any delay beyond that date will prevent the Plan from being adopted as new requirements for the

carrying out of 'strategic environmental assessment' come into effect, and while the Plan has been the subject of an Environmental Appraisal, it has not undergone a full strategic environmental assessment.

28. When adopted, the Plan will supersede the current South Holland District Local Plan 1998 as the District element of the statutory Development Plan. As I have already explained, it will retain that status until superseded in its turn by the Development Plan Documents.

Issue 3 - the overall aims and objectives of the Plan and how they are influenced by, and respond to, the District's key characteristics.

29. The policies in the Plan have been tailored to meet the particular characteristics of the District. It is possible to identify four characteristics that have played a particularly important role in shaping the Plan's principal themes:

- (i) Perhaps South Holland's foremost distinguishing feature is its abundance of high quality agricultural land. Much of the area (no less than 80%) is classed as Grade 1 by DEFRA (formerly MAFF) and this has produced a traditional heavy reliance on agriculture and its related activities such as food processing, packaging and distribution. Agriculture and horticulture are expected to remain of vital importance to the District (and, indeed, the District's agricultural contribution is important to the nation as a whole) and

the District's rural economy will encourage a growth in tourism, which is also reflected in the Plan. There has, however, been a 'downside' to this emphasis on a rural economy. Low agricultural wages have produced an acute need for affordable homes. A shortage of jobs in other sectors has led to people having to commute out of the District for work. The Plan aims to tackle these issues in a variety of ways. An increase in affordable housing will be pursued through policies HS8 and HS9. A more diversified economy will be pursued by encouraging the industrial, office and warehousing sectors, sectors in which the District, in common with other, agriculturally-rich, Lincolnshire districts, has been classed as 'lagging' by DEFRA. The Plan's policies are designed to address this problem as part of a wider county and regional strategy in which the Council is playing an integral role.

- (ii) The second feature of South Holland that has influenced the policies and allocation of development proposed in the Plan is its low-lying, fenland, topography. Much of the District was originally reclaimed from the sea, and flooding remains a high risk in some parts (although elsewhere the risk is classed as low to medium) and is managed with a combination of raised barriers, flood storage washes and other means, a system of defences that has existed for many years. The risk of flooding is one that is expected to increase in the future as a result of climate change and sea level rise. The Council has carried out a Strategic Flood Risk Assessment and its findings have informed not only the pattern of allocations, but also justify a policy

(SG9) which requires developers to demonstrate how the risk of flooding is catered for in the design of individual schemes. The new draft PPS25 proposes an ‘exception test’ whereby development which is needed to satisfy important planning objectives can be allowed as a departure from the normal ‘sequential approach’ to development in areas of flood risk. The nature of the District is such that this exception test will need to be employed. The Plan’s policies allow for that.

- (iii) The third feature of South Holland that has been important in shaping the Plan’s policies is the predominance of one town – Spalding – which is home to some 30% of the District’s population and, with a population of over 24,000, is considerably larger than the next largest town, Holbeach with just 7,400. This pattern of population has had a major influence over many of the Plan’s policies. If one can identify one single factor that has, more than any other, underpinned the majority of Government planning policy in recent years it is that of ‘sustainability’. This concept, originally based on the aim of protecting the environment and natural resources, has been expanded to include the aim of enhancing ‘social inclusion’. The planning system is called upon to help create a more sustainable society by locating homes, jobs, shops, entertainment etc. so as to minimise the need to travel, especially by private car, and so as to maximise the re-use of ‘brownfield’ land. In accordance with these sustainability principles the Plan allocates most new development to Spalding. Consistent with its status as the only ‘Main Town’ in the District, it is the Council’s objective to secure

Spalding's recognition as a sub-regional centre as part of the current review of RSS8. The Council carried out a detailed study of the facilities and role of the various settlements in the District and has produced a 'settlement hierarchy' based upon it which is of key importance in determining how the Plan envisages the distribution of development over the Plan period. It is set out in Policy SG3. After Spalding, the 'Area Centres' of Holbeach, Long Sutton, Sutton Bridge, Crowland and Donington are expected to play important roles as the locations for new development. A great deal of the discussion at the Inquiry, not least concerning the merits of the omission sites, is likely to focus on the settlement hierarchy and how it should be reflected in the making of allocations.

- (iv) The fourth and last feature of the District that has been particularly influential in shaping the Plan is the presence within it of a number of valuable habitats. As might be expected of a low-lying landscape much of which is reclaimed land, the area is particularly important for wetland habitats and species. The Wash, in particular, enjoys the highest of recognitions, being designated a 'Ramsar' Site, a 'Special Protection Area', a 'European Marine Site', a 'Special Area of Conservation' and a 'Site of Community Importance'. It is also a candidate 'World Heritage Site'. The policies in Chapter 6 of the Plan: '*Conservation and Enhancement of the Environment*' aim to protect this and the other ecologically important sites, and also the District's fine man-made heritage with detailed policies being concerned with listed buildings and conservation areas.

30. Of course, much more is said about these and other issues in our evidence to the Inquiry. I hope, however, that by focussing on South Holland's principal characteristics in this way, one can see how the policies in the Plan do reflect the local circumstances and are justified by them.

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APPENDIX

LIST OF CORE DOCUMENTS