

Your ref:
Our ref: 1584 1 MB MG

24 April 2024

Planning Policy Team
South Kesteven District Council
Council Offices
The Picture House
St Catherine's Road
Grantham
NG31 6TT



Dear Sirs

**SOUTH KESTEVEN LOCAL PLAN
REGULATION 18 CONSULTATION 2024
LAND AT WALCOT LANE AND WEST STREET, FOLKINGHAM**

Thank you for the opportunity to provide representations on the Regulation 18 draft version of the Local Plan for South Kesteven.

We represent Mrs Mandy Potter, Mrs Teresa Crabb, Mrs T Richards and Mr D Bates, the owners of land at Walcot Lane and West Street, Folkingham shown outlined in red on the enclosed drawing 1584-1_REP_LP01. The 2.3ha site has been used for grazing and is bounded by housing to the east, open space (including play equipment and a Public Right of Way) to the north, West Street to the south and a mature hedge screening the land from fields to the west. The houses to the east were subject to consent SK.95/0350. The site can be accessed from either Walcot Lane or West Street and would deliver a discreet addition to the settlement.

The land has not previously been promoted for consideration through the Local Plan process. We have, therefore, taken the opportunity to provide site details, in the format of the Sustainability Appraisal form, also enclosed, to assist in any future consideration of the land as an allocation for development.

Although the plan is still at the Issues and Options stage, we are disappointed the Council has not taken the opportunity to re-open the call for land/sites as part of the current consultation (with the exception of a limited exercise to identify potential Gypsy and Traveller sites). Failure to update site information and to allow for new sites to come forward will risk rendering the plan unsound because the plan will fail to "take account [of] the reasonable alternatives, based on proportionate evidence".

The last call for land closed in September 2022, 18 months before the current consultation commenced and over two years before the plan will be submitted for Examination. The circumstances for individual sites can change significantly in this long period of time, leading to allocated sites no longer being available and new sites coming forward.



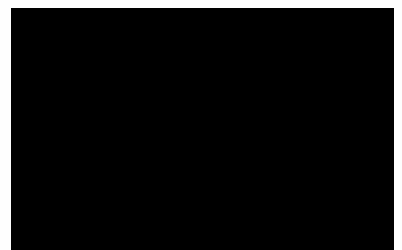
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Other more wider ranging factors may also come into play, reducing the ability of the plan to deliver the stated growth targets. One example is the commencement of the Biodiversity Net Gain (BNG) Regulations. Although this process has just come into force, it is likely that the development capacity of individual sites will reduce in order to meet the requirement to deliver 10% BNG on site. The site assessment process should be revisited to ensure the stated development capacity of each site is still appropriate and to ensure the growth targets will be met over the plan period.

In the absence of a call for land, we enclose our assessment of the site in accordance with the Sustainability Appraisal provided as part of the ongoing consultation. The site is preferable to the only site assessed in Folkingham (SKPR- 151). Our client's site is accessible from two roads, is not at risk of flooding, is screened from longer distance views by established hedgerows and will not impact on the heritage assets to the east of the settlement.

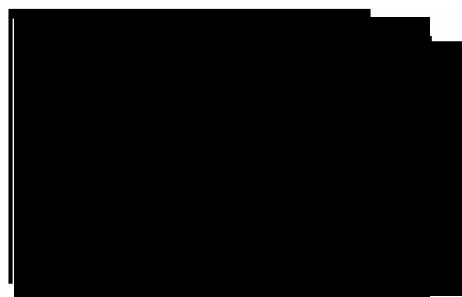
Although the site is identified as Grade 3 agricultural land, so is all of Folkingham, including the village core. As the Regional Agricultural Land Classification maps do not acknowledge the existence of smaller settlements, doubt must be cast on the agricultural land classification and this issue should be given little weight in the assessment process.

Although Folkingham is remote from schools, employers and other services, it is on the A15 and, as such, benefits from public transport links to such services.

Should the decision be taken to allocate sites in Folkingham, our client's land would be the preferred location for development.

We **Object** to the failure to re-open the Call for Land for wider development opportunities as part of a Regulation 18 consultation due to the fact site information is becoming increasingly out of date. The site assessment exercise should be revisited to take into account key changes in national policy, including the requirement to provide BNG on site. Failure to update the information and to assess new sites such as our client's land at Walcot Lane/West Street, risks undermining the soundness of the plan which will not "take [into] account the reasonable alternatives, based on proportionate evidence".

A number of other strategic policy aspects of the plan impact on our client's land, specifically in relation to the approach to Biodiversity Opportunity Mapping and the approach to the development of Best and Most Versatile Agricultural Land. These are addressed below:



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Biodiversity Opportunity Mapping for South Kesteven

A number of draft policies (including Policy 4 Biodiversity Opportunity Mapping and Policy EN3: Green Infrastructure) refer to, and rely on, the Biodiversity Opportunity Mapping (BOM) exercise for South Kesteven. This Mapping exercise was apparently undertaken by the Greater Lincolnshire Local Nature Partnership/Lincolnshire Wildlife Trust and categorises huge swathes of, mostly agricultural, land across the district as either suitable for Biodiversity provision or management.

No information is provided, however, to justify or explain why different areas of land are subject to specific designations. The basis for designating areas for Biodiversity or Green Infrastructure should be subject to public consultation because these policies have a significant impact on the future use of the land.

The landowners, developers or public who may be affected by the operation of the policies do not have any information to understand the process, or the opportunity to comment on the approach used in preparing the maps, or how the future of land will be influenced by policies. The assumption may be made, for instance, that designation on this map will restrict development of any sort on the land, even if it supports current agricultural practice.

As an example, the site at Walcot Lane is shown as "Biodiversity Net Gain - Opportunity for creation". Most of the land around Folkingham is designated as either suitable for creation of Biodiversity or management as part of the ecological Network. Only one field, immediately to the west of the subject site is excluded, despite being very similar in size and character to the subject site. There is no indication of what analysis was undertaken to support the production of the plans.

We **Object** to the use of the Biodiversity Opportunity and Green Infrastructure Maps as the basis for operating policies until:

- The assessment used to justify designation of specific land as biodiversity opportunity areas is published and is subject to consultation with the public, the development industry, and, significantly, the current owners and users of the land.
- Appendix 1 should be reworded to provide an explanation, rather than act as an additional policy.

The Regulation 18 draft plan also includes policies that impact on the future of the site, whether as a future allocation or for promotion via a planning application.



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The policies that rely on the mapping are discussed below:

New Policy 4 Biodiversity Opportunity and Delivering Measurable Net Gains

This policy states:

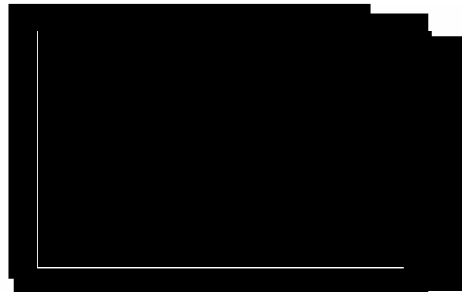
“Development proposals should create new habitats...to minimise habitat fragmentation...in line with South Kesteven Biodiversity Opportunity and Green Infrastructure Mapping evidence as set out in Appendix 1 and the Policies Maps”.

The policy is dependent on the South Kesteven Biodiversity Opportunity and Green Infrastructure Mapping evidence. The Maps seem to be used for identifying areas of biodiversity value which may need protecting as part of any development. Much of the land is in agricultural use, a fact which does not appear to be acknowledged or taken into account as part of the exercise.

We note that, instead of providing evidence on BOM, Appendix 1 sets out how to use the map – it provides no information on how the maps were prepared, or how they are justified.

The appendix in fact reads as though it is considered as a Policy and includes statements such as:

- “1. Proposals should avoid development on Ecological network – opportunity for management areas where possible.
2. Where this is not possible, the development layout should ensure that connectivity of the network is maintained. This can be achieved through quality design, for example by leaving strategically important habitat in place to create wildlife corridors or the use of green/brown roofing to act as stepping stones between larger areas of habitat; or through the effective creation of new habitat as part of a landscaping scheme which allows for the migration and dispersal of species.
3. Proposals should fulfil onsite net gain requirements through creation and sensitive management of habitats, in a way that will enhance the ecological network either by ensuring connectivity or improving conditions”.



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The local plan gives priority to creating habitat on identified sites rather than the continued agricultural use of the land or even as potential allocations for development. The operation of the map under Policy 4 would seemingly restrict agricultural uses on the basis of a designation that is neither explained nor justified. The potential apparent constraint on the use of agricultural land is not appropriate and will potentially undermine national food security. The approach is also at odds with new policy 2: Best and Most Versatile Agricultural Land which seeks to protect agricultural land.

The approach also appears to complicate delivery of BNG by directing developers to deliver off-site BNG on land identified through the Biodiversity Opportunity Mapping: land which may not actually be available for such purposes. If the policy is retained (with a justified map base), it should be reworded to remove the "absolute" terminology.

We note the site assessment exercise further confuses this situation, as designation as an area for potential creation of management of Biodiversity is seen as a positive attribute of the site, whereas policy 4 would appear to safeguard the site against development in favour of creation or management of BNG. Site SKPR-151 is a case in point. Clarity needs to be provided on the purpose and operation of the policy and the impact on assessment of potential development sites, whether as allocations for development through the Local Plan process or through the planning application process.

More generally we note New Policy 4 repeats the requirements of the BNG Regulations regarding the application of the national BNG condition. The policy adds no clarity or detail in addition to the operation of the regulations and is, as such, superfluous in that regard. Reference to the provision of 10% BNG on Qualifying sites should be deleted.

We **Object** to the inclusion of Policy 4 unless the mapping exercise that underpins the operation of the policy can be robustly justified through a rigorous public consultation exercise. Clarity should also be provided on the focus for delivery of offsite BNG.

New Policy 2: Best and Most Versatile Land raises a number of key concerns. The key focus of the policy is the introduction of a new requirement to provide an Agricultural Land Classification report to support any application for development of over one Hectare of Best and Most Versatile Agricultural Land. This requirement is far more onerous than the requirements set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015. The national requirement requires production of a report and consultation with Natural England on planning applications that would lead to the loss of 20ha of Best and Most Versatile Agricultural Land. Providing such reports on all developments leading to the loss of 1ha of agricultural land creates additional and unnecessary costs to the promotion of development.



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We note South Kesteven is a district where the vast majority of the land is Grade 3 or above. As such, Best and Most Versatile Land is not in short supply locally. No justification is provided to explain why this more stringent requirement should be applied in South Kesteven.

The Agricultural Land Classification Maps do not delineate between Grade 3a agricultural land (Best and Most versatile) and 3b and applications for any development over 1ha in size in South Kesteven would need to be supported by a special report. This approach will impose undue costs on planning applications without adding much in the way of any benefit.

When considering the policy, the Sustainability Appraisal concludes that the imposition of the 1ha trigger be a "good thing" (para 7.42) but there is no justification or discussion to explain why that conclusion is reached. Nor is there any indication why South Kesteven, a district with a large proportion of Best and Most Versatile Agricultural Land and a spread of relatively small settlements, needs a different approach to that set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Furthermore, all settlements are surrounded by agricultural land, and indeed a number of settlements are classified as agricultural land. When assessing alternative development sites, whether through the local plan or development management process, it is unlikely that land on the edge of settlements is going to have a radically different Agricultural Land Classification. The key determinants of whether a site is suitable for development is likely to be decided by other factors (access to roads and services, visual impact, etc) and not Agricultural Land Classification. Assessing Agricultural Land Classification for sites above 1ha is unlikely to influence the decision making process and will only serve to add undue costs for applicants and developers.

The policy also appears to apply to land allocated for development. Such matters of principle should be addressed through the allocation process, in the same way that the flood risk "Sequential Test" is met by a site being allocated in a Development Plan.

The policy also introduces a requirement for land to be returned to agricultural use once the approved development ceases. This approach may reasonably be applied to some forms of development that have a fixed lifetime, such as quarrying and renewable energy production, where a return to agricultural use can realistically be delivered. It is not reasonable to impose this requirement for other permanent forms of development, whether for agricultural buildings, housing or industrial development: returning land to agricultural use is technically more problematic and, given the likely timeframes of decades, or even centuries, impossible to enforce.



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The approach is also contrary to the National Planning Policy emphasis on reuse of Previously Developed Land (Paragraph 89) and the duty under the Town and Country Planning (Brownfield Land Registers) Regulations 2017, which encourage the reuse of previously developed land for residential purposes.

We **Object** to the inclusion of New Policy 2 unless:

- The introduction of an alternative trigger point for the production of Agricultural Land Classification reports to that set out in national regulation can be justified.
- The policy is reworded to remove the requirement to provide Agricultural Land Classification Assessments for sites allocated through the Local Plan process.
- The requirement to return land to agricultural use upon the cessation of development is removed.

We have already highlighted the inconsistency between New Policy 2, which seeks to protect agricultural production, and New Policy 4 Biodiversity Opportunity Mapping, which appears to limit agricultural production.

In summary we **object** to

- the failure to reopen the call for land and ask that the land at Walcot Lane/ West Street is considered as an allocation for residential development.
- The use of the Biodiversity Opportunity Mapping exercise unless the basis for the exercise is provided and included in the consultation exercise.
- The inclusion of Policy 4 because it is:
 - based on a flawed mapping exercise;
 - repeats the national BNG Regulations and is, therefore, superfluous; and,
 - lacks clarity on the future use of land.



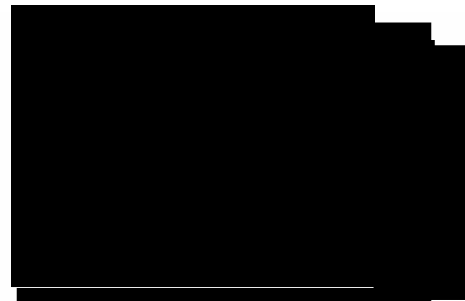
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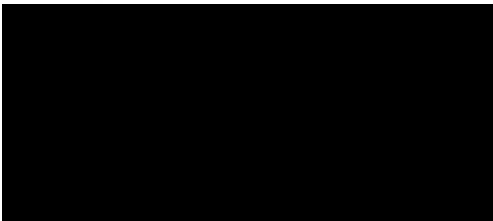
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- New Policy 2 because:
 - the introduction of a new lower trigger for undertaking Agricultural Land Classification reports is not justified and will add unnecessary costs for development; and,
 - the requirement to return land in all cases to agricultural use is not justified and unreasonable, is contrary to national policy and is impossible to enforce.

We trust you will receive these comments constructively and should you have any queries, please do not hesitate to contact us.

Yours faithfully



Michael Braithwaite MRTPI

Enclosures: Drawing 1584-1_REP_LP01 Site Location Plan
Site Sustainability Appraisal Form

