

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

21st August 2025

Dear Sir / Madam

Regulation 18 Local Plan – Proposed Housing and Mixed-Use Site Allocations

Marrons is instructed by Ashberry Strategic Land to submit representations in response to the above consultation. These representations concern Ashberry's land interest at Land South of Old Great North Road, Stamford (site reference SKPR-66).

As the Council will be aware from previous consultation responses and ongoing engagement with planning policy officers, Ashberry, its predecessor company and professional advisors have undertaken extensive technical and masterplanning work on the site since 2021.

More recently, Ashberry has committed to advancing an outline planning application (with all matters reserved save for access) in response to the Council's lack of five year supply. Pre-application discussions with officers have been constructive, and an outline application is anticipated before the end of 2025.

Following the amendments to the National Planning Policy Framework (December 2024) and the revised Standard Method, the Council is required to plan for materially higher levels of housing need through the Local Plan Review ("LPR"). It is against this context that the current consultation focuses on identifying additional residential site allocations.

Notwithstanding this, our client's site has not been proposed for allocation. This is surprising given the District's acute housing need (recently increased as a consequence of changes to the Standard Method), the absence of significant site constraints, the site's sustainable location adjacent to Stamford (the most sustainable settlement after Grantham), and the clear evidence of technical and commercial deliverability.

From our review, the exclusion of the site stems from flawed site selection evidence, an inadequate Sustainability Appraisal ("SA"), and an unsound housing requirement and spatial strategy.

Ashberry does not dispute the overall need for further residential allocations, nor the principle of increasing the housing requirement, nor the allocation of any site s in particular other than those with clearly evidenced deliverability constraints (see further below). However, it is essential that site selection is based upon a transparent, consistent and robust assessment process, underpinned by a coherent spatial strategy which can be shown to be justified when tested against reasonable alternatives. It is our view that the LPR fails to discharge these requirements.



THE HOUSING REQUIREMENT, SPATIAL STRATEGY AND SA PROCESS

Through the current consultation, the LPR proposes to allocate some 3,622 additional dwellings. This reflects an uplift in local housing need, recalculated using the Standard Method, from 701 dwellings per annum to 886 dwellings per annum.

Although not expressly stated in the Consultation Document, the base date of the Plan has also been reset from 2021 to 2023, and the end date extended from 2041 to 2043.

The current consultation seeks views only on the additional allocations identified following the earlier 2024 consultation in respect of a full draft local plan. Its focus, and that of the accompanying evidence base, is therefore limited to those new sites. Critically, the LPR is silent on the housing requirement itself and on the strategic distribution of growth across the District.

This omission is material. The 2024 consultation was based on a significantly lower housing requirement and a different distributional strategy. The current draft now proposes a substantially larger quantum of housing, in different locations, yet no updated consideration of the overarching strategy is presented in either the LPR or its evidence base, including the Sustainability Appraisal (SA).

It is acknowledged that the LPR must respond to the revised “stock-based” Standard Method. However, national policy is clear that the local housing need figure is a starting point. The PPG confirms that:

“Housing need is an unconstrained assessment of the minimum number of homes needed in an area. Assessing housing need is the first step in the process of deciding how many homes need to be planned for. **It should be undertaken separately from assessing land availability, establishing a housing requirement figure** and preparing policies to address this such as site allocations.” [Emphasis Added]

Notwithstanding this, the LPR has conflated local housing need with the housing requirement. Whilst the Council has produced a Local Housing Needs Assessment (2023), this relates to the earlier Standard Method and a different Plan period. No updated evidence has been produced to demonstrate what the Plan’s requirement should be, or why the proposed figure is justified when assessed against reasonable alternatives.

As set out in our 2024 representations, there are clear reasons why the housing requirement could, and should, exceed the minimum local housing need. In South Kesteven, these include:

- **Alignment of homes and jobs:** the LPR provides for significantly more employment land than the Employment Land Study recommended. No analysis has been undertaken to demonstrate whether the housing numbers proposed will support the Council’s economic strategy.
- **Delivery of affordable housing:** the PPG requires affordable housing need to be considered in the round, and in the context of mixed market and affordable provision. Increasing the overall



housing requirement may be necessary if the District is to secure the total affordable homes required.

Alignment of Homes and Jobs:

The LPR's overall strategy for employment growth remains unaltered by the present consultation. The Employment Land Study (2023) identified a requirement for 79.5 hectares of additional employment land beyond existing commitments. By contrast, the LPR proposes to allocate some 338 hectares across the District, a quantum significantly in excess of identified need, but one which nonetheless seeks to capitalise on the Council's ambitions to reduce out commuting and deliver economic growth.

To date, no evidence has been provided to demonstrate that this increased level of employment growth will be matched by the scale of housing proposed over the Plan period, or that sufficient new homes will be delivered to support the number of jobs anticipated. Ensuring such alignment is critical to achieving sustainable patterns of development and reducing out-commuting,

Delivery of Affordable Housing:

The Regulation 18 Draft Plan (Table 1) previously identified a number of challenges to be addressed through plan-making, including social challenges in parts of the District such as Stamford where high house prices and a shortage of affordable housing are acute.

The LHNA identifies an annual affordable housing need of 402 dwellings, equivalent to 45% of the annualised housing requirement of 886 dpa. However, as noted above, the LHNA has not been updated to reflect the revised base date or extended Plan period and therefore likely underestimates the true scale of affordable housing need.

Even against that lower figure, delivery is falling far short. Government statistics record an average of only 120 affordable completions per annum or less than one-third of objectively assessed need. Policy H2 of the adopted Local Plan requires 30% affordable provision on qualifying sites (reduced to 20% in Grantham), but the Council's reliance on Grantham as the primary focus for growth, in a weaker housing market than areas such as Stamford makes it improbable that delivery will approach the level required.

Despite this, the LPR makes no attempt to consider whether the housing requirement should be increased in order to deliver the number of affordable homes needed.

Spatial Strategy:

Settlement Hierarchy:

The LPR's evidence base includes an updated Settlement Hierarchy Review dated May 2025. It is unclear whether the Council is seeking views on this evidence given that it post-dates the last consultation and, moreover, the recommended hierarchy does not appear in the Consultation Document.



In any event, we remain concerned that the review considers only the District's villages and does not revisit the Market Towns or Grantham as the Sub-Regional Centre. This is a significant omission. As highlighted in our previous representations, there are clear differences in the relative sustainability credentials of the Market Towns which should reasonably inform the settlement hierarchy.

For example, Stamford is the only Market Town with a railway station and has a larger population than its peers. These factors strengthen its credentials as a sustainable location for growth, yet the LPR and its evidence base do not reconsider the appropriateness of the hierarchy in light of such differences.

Spatial Distribution:

Despite these concerns, we acknowledge that the settlement hierarchy itself provides a broadly appropriate framework for the distribution of growth. However, the Council does not appear to have applied it when determining the spatial apportionment of housing. The sole exception is the decision to allocate further significant growth at Grantham. Yet even here, serious questions of deliverability remain given the town's substantial infrastructure constraints and the long-standing commitments which have failed to materialise.

Elsewhere, the LPR directs around 1,000 dwellings to the Deepings, despite Market Deeping being the smallest of the Market Towns and already carrying a significant undelivered commitment from the adopted Local Plan (2020). By contrast, Bourne is apportioned very little additional growth, and Stamford, the District's second largest settlement, receives none at all.

The LPR also proposes substantial allocations of approximately 1,000 dwellings across the larger villages. Whilst we do not object to the principle of growth in such locations, the scale proposed is disproportionate to the role and function of these settlements in the hierarchy, and risks generating a less sustainable pattern of development than a strategy that would focus more growth at the Market Towns such as Bourne and Stamford, whose current role in supporting growth is very minimal.

Crucially, the Council provides no explanation of its approach to the spatial strategy. Instead, the selection of site allocations appears to have been undertaken in advance of, and in isolation from, any coherent appraisal of spatial options. This reverses the logical sequence of plan-making.

Overall, a strategy that increases growth in the smallest Market Town and the larger villages whilst effectively ignoring Stamford (the District's second largest and one of its most sustainable settlements) cannot credibly be regarded as delivering a sustainable pattern of growth.

Sustainability Appraisal:

The SA underpinning the LPR is legally deficient and fails to comply with the requirements of the SEA Directive (2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004.

The case law is clear on what compliance requires. In Save Historic Newmarket Ltd v Forest Heath DC [2011] EWHC 606 (Admin), the court confirmed that



- The public must be presented with an *accurate picture* of what reasonable alternatives existed to the proposed policies and why they were not the preferred option.
- The Environmental Report and the draft Plan must operate *together*, enabling consultees to understand each in the light of the other.
- While it is legitimate for alternatives to be ruled out before the final draft plan, the Environmental Report must still refer to, summarise or repeat the reasons given for rejecting those alternatives, and those reasons must remain valid.

These principles are not followed here. The current LPR does not set out, appraise, or explain any reasonable alternatives to the chosen spatial strategy or the housing requirement. In fact, the approach to the spatial strategy and housing requirement is entirely left to be inferred by respondents. Instead, the consultation document is little more than a list of additional allocations, with no corresponding assessment of alternative strategies or growth distributions. The SA does not operate alongside the Plan indeed, major changes in housing need, plan period, and allocations have been introduced which are not reflected within the SA process.

Similarly, in Heard v Broadland DC [2012] Env LR 23, Ouseley J held that the failure to properly assess reasonable alternatives rendered the Joint Core Strategy unlawful. The Court found the SA deficient because:

- Alternatives were not assessed on the same basis as the preferred option (para. 54).
- No explanation was provided for the selection of alternatives, nor reasons for their rejection (paras. 61 and 66).
- There was no proper cross-reference to other documents where such analysis could be found.
- A purposive interpretation of the SEA Directive requires an outline of the reasons for selecting the preferred option — and these were missing (paras. 69–70).

The same deficiencies are evident here. The SA accompanying the LPR provides no proper assessment of spatial alternatives, no explanation of why the selected allocations were preferred, and no clear reasons for rejecting other reasonable options (such as greater growth at Stamford or Bourne). The result is a process that is opaque, fails to inform the public or decision-makers, and is therefore contrary to the SEA Directive and settled case law.

It may be suggested that deficiencies in the SA/SEA could be remedied at the Regulation 19 stage. However, the case law makes clear that this is not an adequate solution where fundamental choices (such as the housing requirement and the spatial strategy) have already been made.



The assessment of reasonable alternatives to be undertaken at a stage *when* they can genuinely inform decision-making. This is to ensure environmental considerations are taken into account before a plan is adopted and not as an afterthought.

Similarly, in Save Historic Newmarket Ltd v Forest Heath DC [2011] EWHC 606 (Admin), Collins J held that consultees must be presented with an “accurate picture” of what alternatives were available at the relevant stage of plan-making, and why they were not selected. That requirement cannot be met if alternatives are only assessed once the allocations and strategy are already fixed.

In this case, the Council has already selected additional allocations and will, in effect, retrofit a spatial strategy to them. The Regulation 18 consultation presents a list of sites without a coherent or evidenced strategy against which alternatives can be assessed. The result is that the SA has not informed the selection of the strategy. Rather, the allocations have come first, with the strategy and appraisal following after.

SITE SELECTION EVIDENCE

As set out above, Ashberry is promoting Land South of Old Great North Road, Stamford (site reference SKPR-66) for residential development.

The Council has published an updated version of its site assessment report, which was previously consulted in in early 2024. Ashberry Strategic Land made representations on a previous iteration of the report and despite these, it remains unchanged from the previous version.

The main findings summarise the reasons for not selecting the SKPR-66 for an allocation as follows:

- The site has the potential to have a major impact on the Strategic Highway Network;
- Significant mitigation measures are required by transport assessments and modelling.
- The site is within 5km of Great Casteron Road Banks SSSI and therefore could cause environmental implications for this designated site.

For the reasons set out in our previous representations, we consider that these constraints can all be overcome Marrons has also reviewed the findings above and compared them to other sites which **are** proposed for allocations:

- Land North of Gorse Lane and South of Springfield Road, Grantham (SKPR-323) – Draft allocated for 874 dwellings. The Site Assessment report concludes as follows:
 - Major Impact on strategic highway network;
 - Transport assessment/mitigation required;



- Within 5km of a SAC, SPA, SSSI (though it is not stated which).
- Land to the East of The Drift and Land South of Low Road, Barrowby (SLPR-327):
 - Major Impact on strategic highway network in close proximity to a junction;
 - Transport assessment/mitigation required; and
 - Within 5km of a SAC, SPA, SSSI (though it is not stated which).
- Land South of Gorse Lane Grantham (SKPR-334) – Draft allocated for 530 dwellings. The Site Assessment report concludes as follows:
 - Major Impact on strategic highway network
 - Transport assessment/mitigation required;
 - Within 5km of a SAC, SPA, SSSI (though it is not stated which).

The factors cited against SKPR-66 (i.e. impacts on the Strategic Highway Network, the need for transport mitigation, and proximity to an ecological designation) are equally present for several sites which the Council nonetheless proposes to allocate. The only difference is that for SKPR-66 the conclusion drawn is that “more suitable sites are available.” This demonstrates that the Council’s approach to site selection is arbitrary and inconsistent, with no clear or transparent rationale for why identical issues are acceptable elsewhere but determinative here. Such inconsistency undermines the robustness of the site assessment process.

In addition to being inconsistent, the Council’s assertion that SKPR-66 would result in adverse impacts on highway capacity and off-site ecological designations is entirely unsupported by any objective evidence. There is no indication that SKPR-66 would be unable to mitigate its impacts on the road network to a similar or greater extent than the other proposed allocations in proximity to the Strategic Road Network. Indeed, the fact that the affected road – the A1 – is the same across the SKPR-66 and the three examples mentioned above, only further highlights the inconsistent nature of how sites have been assessed.

There is similarly no evidence that the development of SKPR-66 would adversely impact upon the Great Casterton Road Banks SSSI. The Council’s belief that there would be such an adverse impact is based purely on the distance of SKPR-66 to SSSI, but the two are separated by development/open space and there is no plausible impact pathways identified nor is there any evidence that the Council’s assessment has been informed by professional ecology advice.



In respect of how these matters are to be addressed, Ashberry is well advanced with its transport assessment work and will be putting forward any suggestions for mitigation as part of the proposals. As set out within the Vision Document already submitted to the Council, the development SKPR-66 carries with it the opportunity to deliver a substantial amount of high-quality, on-site open space which would mitigate any recreational pressure upon the SSSI. These matters therefore do not constitute a valid reason not to allocate the site.

DELIVERABILITY

The Council has not carried out any assessment of the deliverable housing supply over the Plan period and there is insufficient information at present to show that a) the LPR will establish a five-year housing land supply upon adoption and b) that the LPR's minimum housing requirement will be delivered within the Plan period.

There are also a number of long-standing allocations in the adopted South Kesteven Local Plan 2020 which have yet to be progressed in any meaningful way.

In light of the above, we make the following comments:

- SKPR 278 - Grantham Spitalgate Heath Garden Village – This allocation has been carried forward since the adoption of the South Kesteven Core Strategy in 2010 and again within the current adopted Local Plan 2020 – 2036. Despite its long-standing allocation, no meaningful progress has been made toward delivery. A planning application has been with the Council since 2014, but no decision has been forthcoming, nor is there any evidence of imminent determination. The site is promoted by a Buckminster Estates rather than a developer or experienced promoter, raising significant doubts about the capacity to deliver at the scale and pace required. Based on past trends, it appears highly unlikely that the site will deliver the anticipated 1,512 dwellings within the review plan period as set out within its policy. Furthermore, the delivery of the site is linked to the completion of the Grantham Southern Relief Road (GSRR). This infrastructure project has recently suffered design errors (early 2025) which are expected to delay completion by at least two years, further jeopardising the site's ability to contribute to the housing trajectory in a timely manner.
- SKPR 65- Grantham Pince Willaim of Gloucestershire Barracks – This allocation was introduced through the adopted Local Plan (2020–2036) on the assumption that the Ministry of Defence (MoD) would vacate the site in 2020. That expectation has not materialised. The MoD's plans have been significantly delayed due to the Covid-19 pandemic and wider geopolitical uncertainty. The most recent indication is that the Barracks may not close until 2028, yet even this is subject to uncertainty and cannot be verified with confidence from the public domain. In the meantime, there has been no real progress towards delivery. The site has not been the subject of a formal planning application, nor has it been subject to any environmental scoping to give assurance of deliverability. Given the current situation and continuing geopolitical uncertainty, it is difficult to



see how the site could make a meaningful contribution to the housing trajectory within the current plan period. On this basis, allocation SKPR-65 can be seen to fail the NPPF test of effectiveness, as it seems unlikely the site will deliver the 1,890-unit requirement within the plan period.

- SKPR 37 – The Deepings Litchfield Road – The allocation was introduced through the adopted Local Plan (2020–2036). It is known that the site is promoted by Rathbone Trust rather than a developer or experienced land promoter and like the other examples referred to, has made very limited progress in coming forward since its allocation in 2020 and there is significant doubt that this will deliver the number of dwellings anticipated within the Plan period. In the absence of such expertise, there is a significant risk that the site may not progress at the pace or scale necessary to contribute its 680 units meaningfully to the housing trajectory within the plan period.

CONCLUSION

To conclude, we have concerns regarding the soundness and legal compliance of the LPR has currently drafted given its approach to the housing requirement, spatial strategy and site selection process and the effectiveness of the sites relied upon to deliver within the emerging plan period. We strongly encourage the Council to revisit these elements of the LPR ahead of the Regulation 19 consultation.

Yours Sincerely

Ben Ward MRTPI

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