

CABINET

Caton-with-Littledale Neighbourhood Plan Response to Draft Neighbourhood Plan Consultation

Individual Cabinet Member Decision (Councillor Hanson)

Report of Chief Officer (Regeneration and Planning)

PURPOSE OF REPORT				
To request endorsement of the City Council's response to the draft Caton-with-Littledale Neighbourhood Plan.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A			
This report is public				

RECOMMENDATION OF THE CHIEF OFFICER (REGENERATION & PLANNING)

- a. To endorse the content of the City Council response to the draft Caton-with-Littledale Neighbourhood Plan, as set out in Appendix A of this Report, and submit the response to Caton-with-Littledale Parish Council in order to inform the next iteration of their Neighbourhood Plan.

1.0 INTRODUCTION

- 1.1 Neighbourhood planning is promoted via the 2011 Localism Act as a method for communities to address planning matters at a very local level through the preparation of a neighbourhood plan. Such a plan can allow the community to plan positively for future growth allowing them to identify how and where new development should be promoted and tackle a range of planning issues which are pertinent to their area.
- 1.2 The preparation of a neighbourhood plan involves consultation with the local community and a range of other stakeholders, be examined by an independent examiner to test its soundness and robustness and finally needs to be ratified by a local referendum.
- 1.3 Once completed, a neighbourhood plan becomes part of the local development plan for the district and is a material consideration in the decision-making process.

2.0 BACKGROUND

- 2.1 Caton-with-Littledale are one of eight areas within the district which have been designated for the purposes of Neighbourhood Planning. This designation was made by the Parish Council and was approved by the City Council in July 2015.

- 2.2 Since the point of designation Caton-with-Littledale Parish Council have been working on the preparation of a Neighbourhood Plan for their area which seeks to tackle a range of planning issues, in particular the delivery of housing within their area. The Parish Council have appointed external consultants, Kirkwells, to provide planning support and advice in the preparation of their Neighbourhood Plan.
- 2.3 The Council, as part of the Neighbourhood Plan Protocol, offer assistance and support to Neighbourhood Plan groups. However, in the case of the Caton-with-Littledale Neighbourhood, little in the way of advice and support has been requested by the Parish Council.
- 2.4 In March 2017 the Council received an initial draft of the Caton-with-Littledale Neighbourhood Plan for information and comment. Due to high workloads in relation to the district-wide Local Plan (which was out for consultation at that time) only a limited response was provided with the expectation that this would open up further dialogue on the content of their plan. However, in May 2017 the Council were informed that the Parish Council had commenced public consultation on their draft Neighbourhood Plan in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.5 Officers of the Planning and Housing Policy Team have prepared a response to the draft Neighbourhood Plan which sets out a range of concerns with the content of the draft document, the key concerns are summarised in Section 3 of this report and the response is set out in full at Appendix A.
- 2.6 Given the draft nature of the Neighbourhood Plan it is hoped that the issues which are set out in the Council's response are given full consideration and are addressed by the Parish Council in preparing a final version of the Neighbourhood Plan. In order to address these concerns the Council's response makes the offer of further meetings and further support to ensure that these concerns are satisfactorily addressed.

3.0 SUMMARY OF THE RESPONSE

- 3.1 The draft Caton-with-Littledale Neighbourhood Plan raises a number of issues, particularly in relation to its compatibility with both national planning policy and local policy contained within the adopted and emerging local plan.

Duplication of Policy

- 3.2 A number of the policies contained in the draft Neighbourhood Plan merely seek to replicate the approaches taken in the adopted and/or emerging Development Management DPD.
- 3.3 It is important for clarity and consistency that Neighbourhood Plans do not seek to merely duplicate and copy existing guidance at a higher level given the Government's approach that the duplication of policy is unnecessary and confusing to users of the local plan.
- 3.4 As a result, the response from the Council suggests that such policies should either be deleted from the plan (with reliance placed on national planning policy or district-wide policy) or further consideration be given to how policies can be made more locally bespoke to the Caton-with-Littledale.

Housing Delivery

- 3.5 The Government places a significant importance on Neighbourhood Plans being positive and proactive towards housing growth, taking opportunities to promote sustainable growth.
- 3.6 Caton has a number of issues when addressing future housing delivery in their neighbourhood plan. Firstly recognising both the local and district-wide housing

needs as set out in the emerging Strategic Policies and Land Allocations DPD and the evidence which underpins it, secondly Caton-with-Brookhouse's position as a sustainable settlement in both adopted and emerging planning policy and thirdly Caton-with-Brookhouse's position in the Forest of Bowland AONB and the impact of new development on sensitive landscapes.

- 3.7 A robust neighbourhood plan will need to ensure that an appropriate balance is given to the issues described in paragraph 3.6 via the preparation of robust assessment and evidence to underpin any emerging approach taken.
- 3.8 The Caton-with-Littledale Neighbourhood Plan, as currently drafted, places significant restrictions on new housing delivery by recommending that new housing should only be permitted to meet evidenced local parish needs. Such a restrictive approach to housing delivery is not reflective of the strategic housing needs of the district and does not reflect Caton-with-Brookhouse's status as a sustainable settlement. This approach is considered to be contrary to local housing evidence, adopted and emerging local plan policy and contrary to the requirements of national planning policy.
- 3.9 The Neighbourhood Plan has sought to justify such an approach through its position in the Forest of Bowland AONB and potential impacts to the designated landscape. Whilst the City Council recognise this is an issue for consideration, there is currently no evidence or assessment as to whether the housing opportunities in the Caton-with-Littledale area would result in unacceptable impacts on landscape. As a result an approach which seeks to restrict development on the basis of landscape impact cannot be currently justified.
- 3.9 The Neighbourhood Plan does not seek to make any land allocations for future housing growth, instead the plan merely seeks to rely on a restrictive generic (non-specific) policy on how future housing proposals will be assessed. This approach does not provide any sort of certainty towards the future scale and direction of growth in the area either for the local community or the development industry.
- 3.10 The approach to housing delivery in the Caton-with-Littledale Neighbourhood Plan is considered to be unsound and does not accord with either national or local planning policy. As a result there needs to be significant review of this approach by the Neighbourhood Plan group in order to achieve a sound plan at examination.

Local Green Space Designations

- 3.11 The Neighbourhood Plan seeks to identify a range of Local Green Spaces within their area. These designations are seeking to highlight areas of green space which are considered to be highly important and meet the specific criteria of Local Green Spaces as set out in national planning policy.
- 3.12 The City Council have undertaken this assessment at a district-wide level which has been prepared in line with a robust methodology which was prepared by the City Council and subject to public consultation. The assessment process also included a 'Call for Sites' which allowed members of the community to nominate sites which they felt should be designated as Local Green Spaces, all nominations were then assessed by an independent panel to whether they met the criteria to be designated as Local Green Spaces.
- 3.13 There is no evidence in the Neighbourhood Plan that such a robust level of assessment has been undertaken, there is no evidence of a recognised methodology being used to assess sites for their suitability. There is no overall assessment of the evidence which has been submitted for each site and no explanation provided to why conclusions over the sites have been arrived at.
- 3.14 The Neighbourhood Plan currently includes sites which have been assessed already

as part of the district wide process and concluded to meet the criteria for designation, sites which have been assessed as part of the district wide process and concluded not to meet the criteria for designation and sites which have not been robustly assessed at all. The current format of the Neighbourhood Plan suggests that 8 sites have been considered and all eight have been considered to warrant designation as a Local Green Space.

- 3.15 There are clearly concerns over the robustness of approach taken by the Neighbourhood Plan group which does not appear to be prepared to a robust methodology and does not appear to accord with the requirements of national planning policy within the National Planning Policy Framework. As a result the approach taken by the Neighbourhood Plan group requires review and re-assessment.

4.0 OPTIONS AND OPTIONS ANALYSIS (including Risk Assessment)

- 4.1 The City Council have the option to provide comments highlighting concerns over the robustness and soundness of the draft plan at this stage, or to provide no comment and allow the plan to progress to the next stage (which is formal submission of the neighbourhood plan to the City Council to begin the examination process).
- 4.2 Given it is the duty of the City Council to provide advice and guidance to neighbourhood plan groups in order to give them the best opportunity of preparing a plan which will be found sound at examination, it is considered important that these issues are raised as soon as possible to ensure that the neighbourhood plan group are given the maximum opportunity to address these issues prior to the final submission to the City Council.

5. CONCLUSIONS

- 5.1 It is hoped that the response to the Caton-with-Littledale Neighbourhood Plan will lead to a positive and proactive dialogue between the City Council and Parish Council over how these matters can be addressed. It is important to note however the responsibility for such engagement will be with the Parish Council as they seek to revise their Neighbourhood Plan.
- 5.2 In moving forward the City Council will continue to monitor the work undertaken by the Parish Council in the context of the preparation of the district-wide plan. This is particularly important in relation to housing delivery and Caton-and-Brookhouse's status as a sustainable settlement within both adopted and emerging local plan policy. It is important that opportunities for housing growth in these settlements are explored in a positive and proactive manner and, whilst the preferred vehicle to do this remains the Neighbourhood Plan process, consideration will have to be given to whether formal allocations need to be made in the district-wide local plan to ensure certainty of future directions of growth in the Caton-with-Littledale area. If such decisions need to be taken then they will be reported to Members through the appropriate channels.

RELATIONSHIP TO POLICY FRAMEWORK

Neighbourhood Planning contributes to the Council's corporate plan priorities, in particular, sustainable economic growth.

Once adopted, neighbourhood plans will form part of the Council's Lancaster District Local Plan.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety,

HR, Sustainability and Rural Proofing)

A neighbourhood plan will directly impact local communities. However, this impact will be subject to the plans focus e.g. housing, local facilities, open space etc. Equality and diversity and sustainability impact assessments will be required as part of the neighbourhood plan development process.

Neighbourhood planning provides rural communities with an opportunity to shape future development in their area, as well as helping to protect and conserve their heritage and environment (in line with the District's Local Plan and national planning policy guidance).

LEGAL IMPLICATIONS

The Council's Legal duties are set out within the body of this Report and within the relevant sections of the Localism Act 2011.

FINANCIAL IMPLICATIONS

As set out in the body of the report, to support the preparation of any neighbourhood plan Lancaster City Council has a duty to provide officer support to the community preparing the plan and as a result will also incur additional costs to cover; (1) various stages of publicity, (2) independent examination and (3) a referendum. The local planning authorities are able to claim monies from DCLG to offset the costs of undertaking this work. However, the DCLG have now updated and reviewed the arrangements for claiming financial support for neighbourhood plan, amending the levels of financial support offered and the stages where payment can be claimed.

A payment of £20,000 becomes eligible once the local authority have set a date for the referendum following a successful examination. As in previous applications, it would not be claimable if the Inspector did not endorse the Neighbourhood Plan. It should also be noted that since reporting on previous designations, as a result of the DCLG updates referred to above, the local authority will no longer be reimbursed should the Neighbourhood Plan group decide not to take a successful plan to referendum.

The cost of an independent examination is determined by the time spent on the matter by the independent inspector appointed by the Neighbourhood Plan group. The length of the examination reflects the scale of the ambition of the plan, the complexity of the planning policy environment and the extent of support or objection received. Whilst it is therefore not possible to say at this stage what an examination would cost, a recent examination undertaken by another neighbouring authority cost a little under £4,000.

In relation to the referendum costs, these will vary greatly depending on the number of voters, the geography of the area and the number of polling stations required. To provide an illustration of the likely scale of the costs for a referendum for Caton-with-Littledale the council's democratic service officers have advised that the estimated direct costs of holding a referendum in the Caton-with-Littledale Parish Council area (comprising printing and posting of voting materials, the Poll Station day staff and count voters) would be in the region of £2,000.

Neighbourhood plan costs will vary greatly due to potential complexities (examination) and area covered (referendum) and so it cannot be guaranteed that all additional costs will be covered by the grant funding for any given application. However it is expected that this application, the seventh that Lancaster City Council has had to consider, is for a parish with a small population and, should the Examination prove not complex, then total direct costs are estimated to be in the region of £7,000-£9,000 (comprising £1,000 for publicity, £4,000-£6,000 for an Examination and £2,000 for a referendum) with the remaining grant covering existing staff resources / falling into General Balances.

To date support and advice for this and previous neighbourhood plan designation

applications has been provided through the use of existing Regeneration and Planning staff resources and is expected to continue through 2017/2018, however support for other plans (if they come forward) will need to be reviewed at the designation stage as it will depend on the timings of such applications to some extent, i.e. if more than one came forward at the same time for example. Managing a referendum will also need the resources of democratic services officers, and although for Caton-with-Littledale this is expected to be managed within existing staff resources, again, this would need to be reviewed on a case by case basis should further Neighbourhood Plans come forward in the future.

OTHER RESOURCE IMPLICATIONS

Human Resources:

Officer support has been put in place for neighbourhood planning, however, this may need to be re-considered if demand increases.

Information Services:

None.

Property:

None.

Open Spaces:

Caton-with-Littledale Parish Council have included a number of open spaces within their neighbourhood plan which they consider to be worthy of protection.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments

BACKGROUND PAPERS

City Council Response to the draft Caton-with-Littledale Neighbourhood Plan (Regulation 14).

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