

**CATON-WITH-LITTLEDALE  
NEIGHBOURHOOD PLAN**

**LANCASTER CITY COUNCIL RESPONSE TO  
REGULATION 14 DRAFT PLAN**

**JUNE 2017**

## 1. INTRODUCTION

- 1.1 The City Council welcome the opportunity to provide comment and input into the preparation of the Neighbourhood Plan for Caton-with-Littledale. The City Council support the benefits to constructive engagement and dialogue with the Parish Council in order to advance the Neighbourhood Plan (NP) for their area.
- 1.2 The comments which are provided in this response are given without prejudice and it is hoped the constructive nature of these comments and the issues raised will be positively and proactively addressed by the NP group to help shape the final version of the Caton-with-Littledale NP in order to prepare a finalised plan which is robust, well informed by evidence and accords with the basic conditions for neighbourhood planning. The City Council welcome the opportunity to further discuss the issues raised in this response with the NP Group in order to resolve any issues with robustness and soundness.

## 2. GENERAL COMMENTS

### Policy Criteria

- 2.1 The numbering of policies from CL1 to CL14 provides a clear structure for the NP. However, there are clear inconsistencies in how the criteria within the policies are displayed. On some occasions there is use of alphabetical references, numerical references, bullet points and Roman numerals. The use of so many different reference types make it difficult for the reader (and decision maker) to accurately refer to them when determining planning applications.
- 2.2 It is therefore recommended that a consistent approach is taken to references within policies. For consistency with the strategic district-wide plan it is recommended that Roman numerals are used in the final version of the NP.

### Background Information

- 2.3 The NP contains a range of useful and informative background information which is set out within Chapters 3 and 4 of the plan. Whilst it is acknowledged that this provides usual contextual information on the Caton-with-Littledale area it is not clear how the level and quantity of information provided is applicable to the wider outcomes of the NP. Some of the information provided may usefully be provided as a 'Spatial Portrait' of the NP area, or used to support / justify policies later in the NP. Any remaining information would be more appropriately be set out in accompanying background papers, for example as part of the Consultation Statement.

### Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)

- 2.4 It is noted that an SEA Screening Request has been made and the results of which should be with the NP group by early July.
- 2.5 The City Council remain satisfied in providing support and advice to the NP Group in relation to the SEA / HRA Screening Exercise and in particular providing a Screening Opinion to whether the content of the NP requires further SEA or HRA in order to accord with the Basic Conditions of Neighbourhood Planning. The preparation of this Screening Opinion will involve contacting statutory environmental consultees (including Historic England, Natural England and the Environment Agency) before coming to a conclusion to whether the content of the NP has the potential to have any adverse impact on environmental designations. The Screening Exercise will conclude by providing a recommendation over whether SEA / HRA is required for the NP.

- 2.6 The Screening Exercise on the final content of the NP (and consideration of its outcomes) should be completed prior to the submission of the final version of the NP to the City Council. Should the Screening Exercise conclude that SEA / HRA is necessary then it will be for the NP group to make a decision over whether such assessment work should be undertaken and it will be for the NP Group to undertake the required assessment work.

### **3. VISION AND OBJECTIVES**

- 3.1 There are no comments on the proposed Vision for the NP other than to suggest that specific reference should be made to the *'four distinct sustainable and historic communities'* for the purposes of clarity.
- 3.2 With regards to Aims and Objectives, it is agreed that they provide a comprehensive opportunity to address key issues through a positively prepared and proactive Neighbourhood Plan which include the delivery of housing, economic growth and environmental protection.
- 3.3 Whilst the structure and scope of the Aims and Objectives are supported, there is concern that the objectives (particularly in terms of housing delivery) does not seek to support the opportunities of wider housing delivery and offer assistance in the delivery of the Objectively Assessed Needs for the district. These concerns will be addressed in more detail in Section 10 of this response.

### **4. POLICY CL1: CONSERVING AND ENHANCING THE OUTSTANDING LANDSCAPE AND NATURAL ENVIRONMENT**

- 4.1 Policy CL1 of the NP seeks to provide a policy approach towards the matter of landscape and the natural environment. This is addressed through a generic policy approach which is applicable to all types of development across the NP area.
- 4.2 There is concern over the significant level of duplication within Policy CL1 where it merely seeks to duplicate the same policy positions which are expressed in the Lancaster District Development Management DPD, adopted by the City Council in December 2014. For instance Points 1, 2, 3, 9 and 10 reflect issues which are already sufficiently addressed in Policy DM28, Points (1), (3), (5) and (13) are already addressed in Policy DM35, Point (13) is also addressed by Policy DM26, Point (14) addressed by Policy DM25 and Point (15) addressed by Policy DM29.
- 4.3 All documents under the umbrella of the Lancaster District Local Plan (which would ultimately include the Neighbourhood Plan) should be read as a whole. It is important that the NP does not seek to merely repeat or duplicate policy approaches which are already sufficiently set out within the adopted Local Plan, such duplication is considered to be unnecessary and confusing to individuals using the Local Plan.
- 4.4 It is not clear that the points set out in Policy CL1 add any further value to the consideration of development proposals in the Caton-with-Littledale area or provide anything locally specific beyond the adopted planning position. As such the points highlighted in paragraph 4.2 should be deleted from the policy and signposting should be provided to the relevant elements of the Local Plan (i.e. the Development Management DPD).

- 4.5 There is also concern that some elements of Policy CL1 are seeking to address matters which are wider than merely conserving and enhancing the outstanding landscape and natural environment. Point 6 relates to the re-use of agricultural buildings and Point 7 relates to green gaps and areas of separation, both of these issues are addressed within separate policy areas and it is not clear the value of duplicating these issues within this policy area.
- 4.6 A number of references are made in Policy CL1 which are not clear in terms of their meaning. It is not clear what the term ‘*colour conserves*’ is seeking to refer to, as does the term ‘*seascape*’ given Caton NPs relationship with the coastal areas of Morecambe Bay. Clarity should also be provided in terms of the phrase ‘*retain the existing scape and pattern of the landscape*’ and how this can be practically achieved.
- 4.7 Given the significant levels of duplication between the NP and the adopted Development Management DPD the current purpose of CL1 is not clear and it is not clear what added value to the decision-making process that the policy provides.
- 4.8 Recommendation: That this policy is either deleted from the NP or careful consideration is given to how any future policy can provide a more locally bespoke approach which supplements and complements existing policies positions found in Policies DM25, DM26, DM28, DM29 and DM35 of the adopted Development Management DPD.

## **5. POLICY CL2: PROTECTING LOCAL GREEN SPACE**

- 5.1 There is support for a Neighbourhood Plan to assess and identify areas of Local Green Space in accordance with national planning policy. However, there are significant concerns over the assessment process which has been used to determine such areas in the draft NP with a clear absence of methodology over how the assessments have been undertaken. Whilst the draft NP highlights the relevant paragraphs of the NPPF, it is not explained how the Local Green Space identification and assessment process will be carried out. There is little or no consistency with the approach taken by Lancaster City Council and there is also no reference provided to the relevant guidance contained in the National Planning Practice Guidance (NPPG).
- 5.2 In identifying future areas of Local Green Space there are two approaches which the NP could take, firstly make use of the existing methodology which has been used as a district-wide level to inform the local plan or, secondly, prepare a new methodology which addresses the requirements of national planning policy.
- 5.3 Should the NP group seek to prepare their own methodology, it should ensure that a consistent and robust preparation process is undertaken. In relation to the approach taken by the City Council to identifying and assessing local green spaces, the Council prepared and consulted on a Local Green Space Methodology for a 6 week period with comments received informing the finalised methodology.
- 5.4 The absence of a recognised methodology means that there is currently no justification to support the findings and many of the allocations made in Policy CL3. The Policy currently includes Local Green Space sites which have been assessed as part of the district-wide process and concluded to meet the designation criteria, sites which have been assessed as part of the district-wide process and concluded not to meet the designation criteria and sites which have not been robustly assessed at all.

- 5.5 There is no overall assessment of the evidence submitted for each site, nor an explanation of the final conclusion drawn. It is also not clear from the report if there were any other sites which have been submitted or suggested which were not considered to be demonstrably special to the local community enough to warrant designation as a Local Green Space. The current format of the NP suggests that all of the 8 sites were considered to fulfil the criteria and thus warrant designation as a Local Green Space.
- 5.6 Given the significant inconsistencies with the approach taken in Policy CL3 it is concluded that significant review and reassessment is necessary to ensure that the policy is sound, robust and meets national planning policy.
- 5.7 Appendix A of this response provides some site specific comments on the Local Green Space designations identified in the draft NP. Please note that these have been laid out to correspond with the sub-headings used within the assessment table.
- 5.8 Recommendation: That Policy CL3 and the evidence which underpins should be substantially reviewed, making use of a methodology which is in accordance with national guidance and preferably consistent with the methodology used at the district-level to inform the Local Green Space policy within the Local Plan. Any sites which are designated as Local Green Spaces should clearly highlight why they are demonstrably special and meet the requirements of national planning policy.

## **6. POLICY CL3: AREA OF SEPARATION**

- 6.1 The importance of maintaining a green gap / area of separation between the villages of Caton and Brookhouse to ensure they remain distinct and separate settlements into the future is recognised and supported. It is considered that the role of an area of separation is the best method of achieving this outcome and therefore the principles of this approach are supported.
- 6.2 The Area of Separation between Caton and Brookhouse is highlighted in Map 10 of the NP. Whilst there are no fundamental comments to make on the scale of the Area of Separation proposed, the NP must be clear on how the boundaries of the proposed designation have been determined. It is important for the future robustness of this designation that the decision made on its boundaries and robust and justified where necessary with evidence (including landscape assessment) to ensure that the Area of Separation is no vulnerable to future erosion.
- 6.3 Recommendation: That the NP considered the need for further evidence on why the land included within the Area of Separation has been selected for the designation.

## **7. POLICY CL4: DARK SKIES**

- 7.1 There is support for the principle of including a policy on dark skies within the NP, whilst the adopted plan (Policy DM35) seeks to ensure that excessive lighting is reduced, the approach taken in Policy CL4 is more specific and locally bespoke to Caton-with-Littledale.
- 7.2 Whilst the principle of this policy is supported, it is not clear whether the requirements of Policy CL4 will impact on the viability of development. It is therefore important that the NP group seek to satisfy any concerns raised over viability appropriately through the NP process.

7.3 Recommendation: Consideration should be given to any issues of viability in relation to this policy approach.

**8. POLICY CL5: PROTECTING THE HISTORIC ENVIRONMENT OF BROOKHOUSE CONSERVATION AREA AND ITS SETTING**

8.1 Policy CL5 seeks to provide a policy approach to the Brookhouse Conservation Area and its setting. It should be noted that there is already an adopted planning policy position on this issue, via Policies DM31 and DM32 of the Development Management DPD.

8.2 It is considered that Policy CL5 seeks to merely duplicate and repeat the content of Policies DM31 and DM32 of the adopted Development Management DPD. It is not clear how the approach taken in Policy CL5 provides local value which can supplement existing adopted planning policy. Given the significant level of duplication it is recommended that this policy is deleted from the NP.

8.3 Recommendation: That this policy is either deleted from the NP or careful consideration is given to how any future policy can provide a more locally bespoke approach which supplements and complements existing policies positions found in Policies DM31 and DM32 of the adopted Development Management DPD.

**9. POLICY CL6: PROTECTING THE HISTORIC CHARACTERISTICS OF THE AREA, INCLUDING LOCAL LISTED BUILDINGS AND FEATURES (NON-DESIGNATED HERITAGE ASSETS)**

9.1 Policy CL6 seeks to provide a policy approach to the protecting of historic characteristics, including locally Listed Buildings and non-designated heritage assets. It should be noted that there is already an adopted planning policy position on this issue, via Policy DM33 of the Development Management DPD.

9.2 Policy CL6 appears to be a direct duplication of Policy DM33 and therefore it is not clear what value it seeks to achieve in the NP. Given the significant level of duplication between plans it is recommended that this policy is deleted from the NP.

9.3 Recommendation: That this policy is either deleted from the NP or careful consideration is given to how any future policy can provide a more locally bespoke approach to heritage matters which supplements existing approaches contained in Policy DM33 of the adopted Development Management DPD.

**10. POLICY CL7: PROVIDING NEW HOMES OF APPROPRIATE TYPES, SIZES AND TENURES TO MEET LOCAL NEEDS**

10.1 Policy CL7 of the NP seeks to address the matter of housing delivery within the NP area. The positive and proactive delivery of housing within the NP area is considered to be a key planning issue to address given the district's overall housing needs and designation of both Caton and Brookhouse as sustainable settlements within both the adopted and emerging local plan. It is clear that the need for housing delivery in the Caton-with-Littledale area needs to also recognise its position within the Forest of Bowland AONB and the landscapes which the designation seeks to protect.

- 10.2 Consequently, in preparing an approach to housing delivery within the NP, there are two key issues to balance. Firstly, to consider the NP's role in delivering new development in the context of the NPPF, in particular paragraph 16, the need to significantly boost housing supply to meet evidenced housing need (paragraph 49 of the NPPF), the evidenced housing need of the district contained in the 2015 Housing Requirements Study and designation as Caton and Brookhouse as a sustainable settlement. Secondly, to consider how housing can be delivered in the context of the Forest of Bowland AONB reflecting paragraph 14 (and footnote 9) of the NPPF.
- 10.3 These issues should be afforded equal consideration in the plan-making process. It is important that the NP seeks to fairly reflect all issues and ensure that where opportunities to deliver housing exist, they are taken in a positive and proactive manner whilst ensuring that the designated landscape does not suffer harm. It would be incorrect to suggest that development within protected landscapes automatically result in harm and therefore careful assessment of landscape impact is required to understand the levels of impact generated and whether mitigation measures can be put in place to mitigate such impact.
- 10.4 At this stage the NP, as currently drafted, does not provide a sufficient and appropriate balance to these key issues as described in paragraph 10.2.

#### THE USE OF A GENERIC POLICY BASED APPROACH

- 10.5 The draft NP has chosen to address matters of housing delivery through the creation of a generic policy-based approach. As a result there has been no consideration of potential development sites in the NP area, there has been no 'Call for Sites' process to flush out potential development opportunities and no detailed consideration of sites which have been previously suggested through the SHLAA or Local Plan processes. Consequently, no specific allocations have been made in Policy CL7 to direct the future scale and location of future housing development in the NP area, furthermore due to the lack of assessment and site investigation there is little or no understanding over the potential opportunities for development in the NP area.
- 10.6 Whilst it is accepted that the principles of using a positive and proactive generic policy-based approach could, in the correct circumstances, ensure housing delivery it should be made clear that officers do not consider this the most robust and sound approach to take towards plan-making, particularly given the NP's position within the Forest of Bowland AONB. There is concern that the absence of specific allocations for housing in the NP will create unnecessary uncertainty to both the local community and to the development industry over the scale and location of new development within the NP area.
- 10.7 The NP does not make sufficiently clear the circumstances to why a generic approach has been pursued, whilst it is recognised that the allocation process can be highly challenging this is no reason to avoid the process to ensure that the best outcomes for the NP area are achieved. Given the lack of justification of taking this approach, and the uncertainty such an approach generates, it is considered this is the least favourable approach to ensuring that housing delivery is achieved in a sustainable manner.

#### THE EMERGING DEVELOPMENT MANAGEMENT DPD

- 10.8 It is important to note that the emerging Development Management DPD (consulted on in draft early in 2017) already sets out a generic policy-based approach to housing delivery in the Forest of Bowland AONB which, upon its adoption, would be applicable to the Caton-with-Littledale AONB area. In accordance with best practice, it has always envisaged that this generic policy approach set

out in draft Policy DM5 of the DPD would be also supplemented by specific allocations made in the AONB either via the district-wide plan or via the neighbourhood plan process.

- 10.9 Draft Policy DM5 seeks to provide a clear approach towards the delivery of non-allocated housing sites within the Forest of Bowland AONB and, given that the NP is not seeking to add further detail on the scale and location of development in their NP area it is not clear what further value Policy CL7 provides other than to generate further levels of constraint on housing delivery within their area. Whilst one option could be for the NP group to influence the preparation of Policy DM5 to provide a generic approach to housing delivery in their area. However, this does not address the omission of specific allocations within the plan-making process to provide certainty over the scale and location of new housing growth in the NP area.

#### COMMENTS ON DETAILED WORDING

- 10.10 The first version of the Caton-with-Littledale NP was supplied to the City Council in March 2017 for comment. Whilst at this stage there are concerns over the role of a generic policy-based approach to housing delivery and the uncertainties it would generate were highlighted, the response provided did set out in-principle support for Policy CL7 as a positively worded approach to assessing housing applications in the NP area, this was particularly the case with the opening statement to Policy CL7 which stated that:

*‘Over the plan period, within or adjacent to the villages of Brookhouse and Caton proposals for new housing development in accordance with evidenced local needs will only be permitted where the following criteria are met:’*

- 10.11 This in-principle support provided was based on the ability for Policy CL7 to assess all housing proposals (regardless of scale and location) on their individual merits, their ability to deliver much needed housing and assess the impacts on the surrounding designated landscape. Indeed, officers believe this to be the only logical approach that could be taken in the absence of any assessment of opportunities to deliver housing in the NP area and the consequential lack of allocations with the NP.

- 10.12 The initial wording provided the opportunity for the decision-maker to consider each proposal for housing on a case-by-case basis and apply an appropriate balance (as described in paragraph 10.2) between the need to deliver housing and Caton-with-Littledale’s position within the Forest of Bowland AONB. However, it is disappointing to note that the initial position taken in Policy CL7 has now been amended at the Regulation 14 stage to state the following:

*‘Over the plan period, within or adjacent to the villages of Brookhouse and Caton proposals for new housing development in accordance with evidenced local Parish needs will only be supported where the following criteria are met.’*

- 10.13 It is considered that this amendment represents a significant shift in approach to housing delivery in the NP area. The amended version of Policy CL7 now clear seeks to prevent opportunities for housing delivery in the NP area and does not seek to support the strategic development needs highlighted in both local evidence and the emerging local plan nor Caton and Brookhouse’s designation as a sustainable settlement in both adopted and emerging policy

- 10.14 At this stage there is no evidence which warrants such a restrictive approach as that taken by Policy CL7 to restrict the delivery of housing to meeting evidenced local parish needs only. As already mentioned there are a range of sites which have been highlighted for their potential for future development which are well described in the City Council’s Strategic Housing Land Availability Assessment (SHLAA) with further sites recently suggested through consultation on the district-wide local plan in early 2017. It is noted that the NP group have failed to undertake any robust and



thorough assessment of suitability of these sites to meet future development needs and contribute towards meeting the objectively assessed housing needs as highlighted in the emerging plan.

- 10.15 It should be noted that the City Council have undertaken assessment work on a number of sites in the Caton-with-Littledale NP area as part of the Strategic Housing Land Availability Assessment (SHLAA) and the Landscape, Townscape and Visual Field Report of 2016. Further assessment work will be undertaken by the City Council for all known sites in the NP area via the preparation of a Strategic Housing and Employment Land Availability Assessment (SHELMA) which will be completed by the end of this year and will inform future iterations of the Local Plan. The assessments which have already taken place suggest that there are genuine opportunities for housing delivery in the NP area which should be further explored through the plan-making process.
- 10.16 Given the findings of previous assessments, officers remain to be convinced by the NP assertion that there is little or no opportunity for housing delivery in the Caton-with-Littledale NP area. A generic policy-based approach (as set out in Policy CL7) and the failure to undertake thorough assessment of potential development sites result in the plan-making process not coming to any formal conclusions on the existing sites and their ability to deliver sustainable development. The restrictive nature of Policy CL7 means that there is no ability for these sites to be reasonably assessed through the decision-making process either.
- 10.17 A restrictive policy position, such as that taken in the draft NP, could only be justified where there has been a thorough and robust assessment of all potential development sites in the NP area and when a thorough and robust assessment process concludes that these sites are not suitable for development. This thorough and robust assessment process has taken place in the preparation of the Arnside and Silverdale AONB process but this assessment process has not taken place as part of this NP approach.

#### CONCLUSION

- 10.20 For the reasons set out officers are unable to support the approach taken in the NP to the delivery of housing in the NP area.
- 10.21 The approach taken in Policy CL7 fails to recognise that Caton and Brookhouse have been designated as sustainable settlements, capable of accommodating new development, in both the adopted Lancaster Core Strategy and in emerging planning policy. Policy CL7 therefore fails to accord with strategic policy within the adopted local plan
- 10.22 Policy CL7 is not consistent with the National Planning Policy Framework and does not apply the presumption in favour of sustainable development. In applying this presumption, paragraph 16 of the NPPF states that neighbourhood plans should:
- Develop plans which support the strategic development needs set out in local plans, including policies for housing and economic development;
  - Plan positively to support the local development, shaping and directing development in their area that is outside the strategic elements of the plan.
- 10.23 The City Council have prepared robust evidence through the 2015 Housing Requirements Study which demonstrated a significant objectively assessed housing need in the district. It is important that the NP is based on the most up-to-date evidence and seeks opportunities to assist in addressing these needs. As currently written Policy CL7 fails to achieve this, fails to support strategic development needs and is not in accordance with national planning policy.

10.24 Whilst the position of the NP in the Forest of Bowland AONB, and the content of paragraph 14 and associated footnote 9 is recognised, this does not preclude opportunities for housing delivery in designated areas, subject to thorough and robust assessment of landscape impacts. Given the lack of assessment contained in Policy CL7 the current approach to housing in the Caton-with-Littledale NP cannot be supported by paragraph 14 of the NPPF.

10.25 It is concluded that the current approach to housing delivery within the NP is not in accordance with the National Planning Policy Framework and does not seek to support strategic policy contained within the adopted and emerging local plan. As a result the policy is not considered to be sound and fails the basic conditions of neighbourhood planning.

10.26 This issue could be resolved by taking the one of the following courses of action:

- (a) To revisit the approach to housing delivery with the inclusion of site allocations which direct the future scale and location of new development through the plan period, thus providing certainty to both the local community and development industry over how and where future growth will be achieved. This should include a robust and thorough assessment of all potential development sites within the NP area to assess their suitability for development. This is considered to be the most favourable and robust way forward in dealing with this matter. It is important to note that Council will be undertaking further landscape assessment of all sites in the NP area in order to inform future iterations of the local plan and ensure a consistency of approach between the Forest of Bowland and Arnside and Silverdale AONBs.
- (b) To re-instate a more flexible approach to housing delivery through a generic policy-based approach. This approach must ensure that all proposals for housing within the NP area can be genuinely assessed on their merits and provide the correct balance of all key issues, as described in paragraph 10.2. It should be noted that taking this approach would still result in unnecessary uncertainty over the scale and location of new development and is considered the least favourable approach.

10.27 Given the timescales for the strategic local plan, which is due for publication and submission in early 2018, serious consideration should be given to whether any future allocations should be included within the wider strategic plan rather than the neighbourhood plan process. Prior to the publication of the district-wide local plan the City Council must ensure that strategic issues (such as housing delivery and meeting objectively assessed needs) are robustly addressed. Given these timescales it is requested that a meeting is arranged to discuss these options in more detail once the NP group have had the opportunity to assess the responses to their draft plan.

## **11. POLICY CL8: ENCOURAGING HIGH QUALITY DESIGN AND SUSTAINABILITY**

11.1 Policy CL8 seeks to provide a policy approach towards the delivery of development which have a high quality of design. It is not clear what the term 'sustainability' is seeking to achieve within the title of this policy. It should be noted that there is already an adopted planning policy position on this issue, via Policies DM35 and DM36 of the Development Management DPD.

11.2 There is concern that there is a significant level of duplication within Policy CL1 where it merely seeks to duplicate the same policy positions which are expressed in the Lancaster District Development Management DPD. For instance Points (c), (d), (g), (h), (i), (j), (l) and (q) are addressed by Policy DM35, Point (e) addressed by Policies DM25 and DM26, Point (f) addressed by Policy DM28, Points (i) and (l) addressed by Policy DM20 and Points (n) and (p) addressed by Policy DM39.

- 11.3 All documents under the umbrella of the Lancaster District Local Plan (which would ultimately include the Neighbourhood Plan) should be read as a whole. It is important that the NP does not seek to merely repeat or duplicate policy approaches which are already sufficiently set out within the adopted Local Plan, such duplication is considered to be unnecessary and confusing to individuals using the Local Plan. Whilst it is agreed that development proposals should have greater consideration of their impacts on the landscape through design it is felt this matter can be sufficiently addressed through the existing policy framework in the local plan.
- 11.4 It is not clear that the points set out in Policy CL8 add any further value to the consideration of development proposals in the Caton-with-Littledale area or provide anything locally specific beyond the adopted planning position. As such the points highlighted in paragraph 11.2 should be deleted from the policy and signposting should be provided to the relevant elements of the Local Plan (i.e. the Development Management DPD).
- 11.5 There is also concern that some elements of Policy CL1 are seeking to address matters which are wider than merely conserving and enhancing the outstanding landscape and natural environment. Point (a) for example seeks to prioritise the role of brownfield development (an approach which is already addressed in the adopted and emerging Local) but it is not clear how such a priority relates the promotion of high quality design.
- 11.6 Given the significant levels of duplication between the NP and the adopted Development Management DPD the current purpose of CL8 is not clear and it is not clear what added value to the decision making process that the policy provides.
- 11.7 Recommendation: That this policy is either deleted from the NP or careful consideration is given to how any future policy can provide a more locally bespoke approach which supplements and complements existing policies positions found in Policies DM20, DM25, DM26, DM28, DM35, DM36 and DM39 of the adopted Development Management DPD.

**12. POLICY CL9: SUPPORTING SUSTAINABLE LOCAL ECONOMIC GROWTH AND RURAL DIVERSIFICATION IN CATON-WITH-LITTLEDALE**

- 12.1 Policy CL9 seeks to provide a policy approach towards the promotion of economic growth and rural diversification within the NP area. It should be noted that there is already an adopted planning policy position on both issues described, Policy DM15 seeks to address employment development and Policy DM9 addresses rural diversification.
- 12.2 There is concern that there is a significant level of duplication within Policy CL9 where it merely seeks to duplicate the adopted position within the Development Management DPD. For instance section 1 of Policy CL9 is a complete duplication of Policy DM15 and should be deleted from the NP.
- 12.3 Section 2 of Policy CL9 sets out support for new employment opportunities within the villages of Caton and Brookhouse. This approach seeks to promote small scale employment opportunities in the context of the Forest of Bowland AONB. It is considered that the proposed wording of this element of Policy CL9 is positive and is supported.
- 12.4 Recommendation: That Section 1 of Policy CL9 is deleted from the NP and, if necessary, signposting to Policy DM15 of the Development Management DPD is provided.

**13. POLICY CL10: MAINTAINING THE VITALITY OF LOCAL SHOPPING & BUSINESS AREAS**

- 13.1 Policy CL10 relates to retail, leisure, office, commercial, cultural and tourism development in the NP area. The number of uses set out is significant and has the potential to overlap with other policies in the NP which already seek to address development proposals for leisure, office, cultural and tourism uses. Careful consideration should be taken that approaches taken in Policy CL10 are consistent with the wider NP.
- 13.2 There is some confusion over references to ‘*existing shopping areas*’ which are not well described in the NP, there are no visual descriptions over where these areas are located. The local plan does seek to identify boundaries to local centres but it is not clear whether this is what Policy CL10 is referring to.
- 13.3 Policy CL10 seeks to provide a more bespoke approach to the protection of local services, as set out in Policy DM49 of the Development Management DPD. Policy CL10 seek to provide a more bespoke approach to the delivery of development and, whilst there is some degree of duplication in relation to Points (d) and (e) (which are addressed by Policies DM35 and DM22 respectively) officers are satisfied with the general approach of Policy CL10. Consideration should be given to whether reference should be given to the Council’s Supplementary Planning Document on Advertisements and Shopfronts, which would supplement the content of this policy (Point b).
- 13.4 Recommendation: That Policy CL10 is supplemented by a visual description of where the existing shopping / business areas are in the NP Area, or refer to boundaries identified already by the City Council. Consideration should also be given to references for the SPD on Advertisements and Shopfronts.

**14. POLICY CL11: SUPPORTING SUSTAINABLE TOURISM**

- 14.1 Policy CL11 sets out an approach towards the sustainable development to tourism facilities in the NP area. Policy CL11 of the Caton-with-Littledale NP reflects the guidance provided in AS12 of the Arnside and Silverdale AONB DPD.
- 14.2 Policy AS12 provides a locally specific approach towards camping, caravan and visitor accommodation inside the Arnside and Silverdale AONB. It is considered entirely reasonable that the Caton-with-Littledale NP seeks a similar approach to these matters given its position in the Forest of Bowland AONB. There is support the approach taken in Policy CL11, however it is recommended that the title is amended to reflect Policy AS12 and ensure consistency in approach between the two AONB areas.
- 14.3 Recommendation: The Policy Title of CL11 is amended to ‘*Camping, Caravan and Visitor Accommodation.*’

**15. POLICY CL12: PROTECTING EXISTING AND SUPPORTING NEW COMMUNITY FACILITIES AND RECREATIONAL SERVICES AND FACILITIES**

- 15.1 Policy CL12 seeks to provide a policy approach towards the protection and creation of new community facilities and recreation services within the NP area. In relation to community facilities, the Council already have a clear approach for such issues within Policy DM49 of the Development Management DPD. A similar approach for recreational space is set out in Policy DM25 of the same DPD.

- 15.2 There is concern that Section 1 of Policy CL12 seeks to merely replicate existing Development Management DPD policy. In relation to community facilities Points (a), (b) and (c) are already addressed in Policy DM49, in relation to recreation services Points (b) and (c) are already addressed in Policy DM25. Point (a) is not considered relevant to the role of open space.
- 15.3 All documents under the umbrella of the Lancaster District Local Plan (which would ultimately include the Neighbourhood Plan) should be read as a whole. It is important that the NP does not seek to merely repeat or duplicate policy approaches which are already sufficiently set out within the adopted Local Plan, such duplication is considered to be unnecessary and confusing to individuals using the Local Plan.
- 15.4 The list of community facilities is supported but it is not clear whether these should be displayed within Policy CL12 or whether it should be more accurately set out within the Local Policies Map (which should accompany the NP). Consideration should be given to whether phraseology such as *‘Existing Community and Recreational Facilities, as identified on the Neighbourhood Plan Policies Map will be protected in accordance with Policies DM25 and DM49 of the Development Management DPD’* is more appropriate within this Policy.
- 15.5 Section 2 of Policy CL12 sets out where new facilities will be supported, this does provide a bespoke approach to dealing with new proposal and there is no objection to its content.
- 15.6 Recommendation: That Section 1 of Policy CL12 is deleted from the NP, and, if necessary signposting to Policy DM49 of the Development Management DPD is provided. Consideration should be given to whether facilities referenced in Policy CL12 are highlighted on the Neighbourhood Plan Policies Map.

## **16. POLICY CL13: SUPPORTING INVESTMENT IN LOCAL INFRASTRUCTURE**

- 16.1 Policy CL13 sets out how any developer contributions will be spent within the Parish, with the policy setting out a range of infrastructure projects.
- 16.2 Whilst the identification of infrastructure projects is supported it is not considered appropriate to set such requirements out within policy. This approach is considered to be highly inflexible and removes the ability for monies to be spend on other infrastructure projects which may become priorities through the life of the plan.
- 16.3 The information on infrastructure would be better displayed in a supplementary document to the NP which can be kept under review and be flexibly change to reflect changing circumstances through the plan period, for example and Infrastructure Delivery Plan (IDP). Policy CL13 could be deleted and reference to infrastructure needs placed within relevant development policies in the NP, for example Policies CL7, CL9, CL10, CL11 and CL12.
- 16.4 Recommendation: That Policy CL13 is deleted from the NP and that the list of projects are presented in a supplementary document (for instance an Infrastructure Delivery Plan). Reference to new development contribution to these infrastructure needs should be reflected in other relevant policies within the NP.

## **17. POLICY CL14: MANAGING FLOOD RISK AND WATER QUALITY**

- 17.1 Policy CL14 seeks to address issues of drainage and surface water run-off via promoting the role of SuDS. It is not considered that the policy relates specifically to matters of flood risk and therefore it is recommended that the Policy title is amended to more accurately reflect the content and direction of the policy.
- 17.2 The strategic plan does have a policy position on sustainable drainage which is set out in Policy DM39 of the adopted Development Management DPD and Policy DM31 of the emerging Review of the Development Management DPD. Policy CL14 seeks to provide an alternative approach to both the adopted and emerging local plan policies.
- 17.3 The provision of a locally based approach to drainage matters is supported in principle, however it should ensure that it has the full support of key stakeholders, such as United Utilities, Lancashire County Council (as the lead local flood authority) and the Environment Agency. Consideration for this locally bespoke approach may also need to consider the issues of development viability if the requirements are greater than the adopted Local Plan position.
- 17.4 Recommendation: That comments from the key water / drainage stakeholders are fully taken into account in preparing any revisions to Policy CL14.

## **APPENDIX A: COMMENTS ON THE LOCAL GREEN SPACES ASSESSMENT**

The following comments are provided on detailed elements of the Local Green Space assessment and should be given consideration when reviewing the approach taken into assessing such designations.

What is meant by 'Original Source' is unclear, and the reasons for the inclusion of the four criterion is not explained. For example, as stated in the NPPF, in paragraph 76, '*local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them*'. This therefore means a site has to be put forward and nominated by the community, so in response to 'Suggested through Consultation processes' the answer would need to be 'yes'. How this took place is also not explained, for example if there was an application form. If not, an explanation is required. Additionally, it is unclear, and not outlined in national policy,

the relevance of the consideration of a site being ‘identified as Important Open Space in a Conservation Area Appraisal’. Further clarification is also required as to what is meant by an ‘Existing Local Plan Designation’, because whether this refers to the adopted or the emerging Local Plan will result in the outcomes of the assessment being very different. The adopted Local Plan does not place a designation upon the sites. However, the emerging Local Plan identifies all of these sites (except site 8) as Open Space, informed by the PPG17 Open Space, Sports and Recreational Facilities Study.

It is also uncertain why ‘Identified through the Neighbourhood Plan Process’ is included within the assessment table. The NPPF, paragraph 76, clearly states that ‘*Local Green Spaces should only be designated when a plan is prepared or reviewed, and capable of enduring beyond the end of the plan period*’. This document is the evidence base used to *inform* the designation of Local Green Spaces through the Neighbourhood Plan. Therefore this criterion is not considered necessary or appropriate, and its purpose is unclear. If this is the conclusion of the site assessment, this should be made more evident and would be more appropriately located at the bottom of the assessment.

Following on from which, it is not clear how or why the ‘Background Information’ criteria were chosen for inclusion within the assessment process. Again, these particular features are not specifically highlighted in national planning policy or guidance. Therefore their purpose is unclear because how they aid and inform the assessment is not explained. If a site were to contain one or all of these features, how they would be taken into consideration is not explored. Furthermore, no distance is specified when the question ‘is the site in proximity to a Listed Building?’ is posed.

With regards to the ‘NPPF Policy Criteria’ section, there is no detailed explanation as to how each of the criteria will be assessed. What does this assessment classify as being in ‘reasonable proximity to the community it services’ and ‘local in character and not an extensive tract of land’?

Additionally, it is not justified why ‘Accessibility’ is included as one of the key elements of the assessment criteria. As stated within the Introduction of the Assessment document, it is not essential to have public access for a space to receive Local Green Space Designation. Paragraph 20 of the NPPG states ‘*A Local Green Space does not need to be in public ownership*’. Therefore it is not clear why ‘Is the site publicly accessible?’ is included within the assessment criteria.

Also, the purpose and relevance of the question; ‘Does the site connect with other area of open space?’ is ambiguous. This is not a factor specifically highlighted within national planning policy and guidance. Therefore their inclusion within the assessment is questioned.

Below are some further site specific comments. Please note they have been laid out to correspond with the sub-headings used within the assessment table.

#### **Site: Station Field**

##### NPPF Policy Criteria

With regards to criteria B, the explanation only notes evidence in relation to recreational value. Does this mean evidence in relation to beauty, historic significance, tranquillity and richness of its wildlife was not submitted? This site was also nominated through the Call for Sites process opened by Lancaster City Council, and additional evidence in relation to beauty and richness of wildlife was provided.

In relation to the explanation for criteria C, it is unclear as to what is considered to be an ‘appropriate size for a playing field’.

## Caton-with-Littledale NP – Regulation 14 Officer Response

The assessment for this site found; *'the site clearly provides an important valuable function for the local community. Located at the centre of the village it is noted to have a long history of use for recreational purposes and other community activities, including the Caton Gala. Officers are satisfied that this site is demonstrably special to the local community sufficient to warrant its designation as a LGS'*.

### **Site: Station Hotel Bowling Green**

#### NPPF Policy Criteria

With regards to criteria B, the explanation only notes evidence in relation to recreational value. Does this mean evidence in relation to beauty, historic significance, tranquillity and richness of its wildlife was not submitted? This site was also nominated through the Call for Sites process opened by Lancaster City Council, and additional evidence in relation to beauty and tranquillity was provided. How this site is demonstrably special to a local community is not fully explored.

#### Lancaster City Council – Local Green Space Phase 1 Summary Report

The assessment for this site found; *'the site clearly provides a valuable recreation resource for local residents. The submission confirms the value of this site to the local community providing an important resource for a range of ages. Officers agree that this is an important local resource. However, having reviewed the evidence it is considered that it has not met the demonstrably special criteria and an active recreation designation is more appropriate for this area. Such areas will be protected by policies within the forthcoming Land Allocations document, informed by the 'PPG17 Study Open Space, Sport and Recreation Facilities Refresh'.*

#### Accessibility

As noted previously, the purpose of the inclusion of the criteria to assess whether a site is publically accessible is questioned. In particular, in this case given the explanation, it is unclear what exactly is meant by the site being publicly accessible.

### **Site: Fell View Children's Play Area and Field**

#### NPPF Policy Criteria

With regards to criteria B, the explanation relates predominantly to recreation. There is some reference to fruit trees and shrubs. Was additional evidence submitted?

### **Site: Caton Community School grounds and playing field**

#### NPPF Policy Criteria

The evidence provided to satisfy criteria B is mainly focused upon recreational value. The benefits of the Community Hall are highlighted within the explanation, however, this is not a green space. Therefore based upon the explanation provided, how the site is demonstrably special to the local community, in comparison to other school playing fields, is not evident.

This site was nominated through the Council call for sites process, and as part of this application evidence was submitted in relation to beauty, historic significance, tranquillity and richness of wildlife.

#### Lancaster City Council – Local Green Space Phase 1 Summary Report



## Caton-with-Littledale NP – Regulation 14 Officer Response

The assessment for this site found; *‘whilst there is no denying that this site performs an important function for the village, its identification as a local green space is not viewed to be appropriate. The council is not proposing, unless justified by exceptional circumstances, to designate school playing fields under this designation with such areas already provided sufficient protection. No evidence has been provided to indicate why this playing field is demonstrably special when compared to other playing fields across the district. Failure to designate the area as a LGS does not undermine the recreational value of this area to the local community’.*

Additionally, in relation to criteria C, it is not explained how the green space is local in character. So the answer to this question is incomplete.

### Accessibility

Concerns are raised with regards to the explanation provided in relation to the site being publicly available; ‘access through Caton Community School’.

### **Site: St Paul’s School Grounds**

#### Background Information

The assessment identifies this site as being located within a Conservation Area and in proximity to a Listed Building. However the impact this may have upon the assessment and conclusions drawn is not discussed.

#### NPPF Policy Criteria

In response to Criteria A which assesses whether the green space is in reasonable proximity to the community it services (think this should be ‘serves’), it is unclear how the response ‘the school grounds are behind the school and close to St Paul’s Church, which is a grade II\* listed building and in Brookhouse Conservation Area’ is relevant.

The evidence submitted for criteria B is limited.

Also with regards to criteria C, how the site is local in character is not explained and so the response has not been fully justified.

### **Site: Parish woodland**

#### Original Source

In response to the question ‘Suggested through the Consultation processes’ the answer is no. Therefore how this site was nominated is not clear. As stated within the NPPF and NPPG sites need to have been nominated by the local community.

#### Background Information

It is identified that there are trees on site which have TPO’s associated with them. However the impact this has upon the assessment is not explored further.

#### NPPF Policy Criteria

It is not considered that the evidence submitted demonstrates that the site is demonstrably special to the local community. It is more of a description of the site.

In relation to Criteria C, there is no explanation as to how the green space is local in character. Additionally, the site boundaries are not clear.

**Site: Millennium Cycleway and Pathway**

With regards to this site, one of the key questions raised is whether this site is considered a green space as the submission mainly relates to the cycleway and pathway.

Background Information

It is identified that there are trees on site which have TPO's associated with them. However the impact this has upon the assessment is not explored further.

NPPF Policy Criteria

The response to explain why the green space is in reasonable proximity to the community it serves does not answer the question. 'The disused railway track from Glasson Dock was converted into a cycle way and footpath runs through the north of the Parish, between the A683 and the river Lune'.

Concerns are also raised with regards to criteria C, because it is unclear how this site cannot be considered an extensive tract of land, as it is not local in character. The proposed area runs the length of Caton, Brookhouse and beyond. It is unclear how this conclusion was drawn, and so it raises questions about the reliability of the assessment as a whole.

**Site: Beckside Verge and Trees**

NPPF Policy Criteria

Within the explanation for criteria B it is stated 'the value of Beckside is established historically by the fact that it has always been kept as a green space even though residential properties were built around it'. In the case of the district-wide assessment, where a site was noted as being of historic value evidence was submitted to justify this.

In conclusion, as highlighted above, there are a number of key issues which have been raised, predominantly due to the absence of a robust methodology to outline and explain how the assessments were undertaken. There is also no overall assessment or conclusion based upon the findings. It is therefore unclear how sites were nominated, assessed, how conclusions have been drawn and how decisions to include these sites within the Neighbourhood Plan have been decided. There is no justification for the consequence of a site scoring 'yes' or 'no' in response to the different criteria because there is no explanation of qualifying criteria. There is also no justification for the inclusion of the criteria outlined in the table.

Importantly, there are also some key areas within national policy and guidance which aren't addressed. This includes whether the site has planning permission for alternative uses.

Overall there is no justification as to how each of these sites are demonstrably special to the local community they serve, which the NPPF clearly states is required to warrant designation as a Local Green Space. The absence of a robust methodology raises a number of questions about the assessments undertaken, resulting in an overall weak assessment, which needs to be addressed.

