

**20 December 2017**

**Advancing the Local Plan for Lancaster District**

**Report of the Chief Officer (Regeneration and Planning)**

**PURPOSE OF REPORT**

To seek a resolution from Council to formally publish the Local Plan for Lancaster District, obtain formal representations and then submit the document to the government for the process of Independent Examination. This will ensure that the relevant regulations are followed and will enable stakeholders, including residents, to have their view on the soundness of the plan and its preparation processes considered by an Inspector.

**This report is public**

**RECOMMENDATIONS:**

**That the Council:**

- (1) Resolves to formally publish the Local Plan for Lancaster District, the background evidence, the reports on the Sustainability Appraisal and Habitats Regulations Assessment, then obtains formal representations and submits the documents to the government for Independent Examination. This will ensure that the relevant regulations are followed and will enable stakeholders, including residents, to have their view on the soundness of the plan and its preparation processes. The submitted documents will then be considered by a government appointed Inspector.**
- (2) Delegates to the Chief Officer (Regeneration and Planning) the authority to make minor changes to improve the clarity, consistency and appearance of the documents and policies maps, and, insert additional illustrative or factual material prior to formal publication and submission.**
- (3) That Council acknowledges the challenges and inherent risks in advancing a complex local plan which aims to establish a long-term development strategy designed to support and facilitate growth, realise significant economic opportunity and boost the supply of housing within a district that is characterised by its heritage assets, its protected landscapes and its international and local environmental designations, whilst presently constrained by the ability of its infrastructure to accommodate further growth.**

- (4) That Council acknowledges that the task of advancing the Local Plan through to adoption has resource implications that will evolve as challenges to the submitted plan emerge and evolve; the Chief Officer (Regeneration and Planning) will need both capacity and flexibility to ensure that resources are available and deployed, particularly in financial year 2018/19 to address this challenge.**

## **1.0 Introduction**

- 1.1 In its responsibility as a local planning authority the Council is required to prepare and maintain a Local Plan to ensure that sufficient opportunity is available to deliver the homes, employment, retailing, recreational, transport and education needs of the community whilst protecting and enhancing the district's environment and heritage.
- 1.2 The local development plan for Lancaster District currently comprises:
- Any residual saved policies of the Lancaster District Local Plan of 2004
  - Still relevant policies of the Core Strategy of 2008
  - The Development Management (Planning Policies) Document of December 2014
  - The Morecambe Area Action Plan of December 2014, and,
  - The Minerals and Waste Local Plan (prepared by Lancashire County Council).
- 1.3 Thus, the last time the Council adopted a Strategic Document to establish the quantity of development required in the district and the broad intentions for its distribution was nine years ago, in the Core Strategy of 2008. The last time that this council adopted a plan that allocated land for development was 13 years ago in the Lancaster District Local Plan of 2004.
- 1.4 The Council did publish and consult on a draft Land Allocations Development Plan Document (DPD) in October 2012, along with drafts of the Development Management (Planning Policies) DPD and Morecambe Area Action Plan DPD. However, preparation of these draft documents coincided with the major changes to national planning system made by the government through the publication of the National Planning Policy Framework (NPPF), the revocation of the Regional Plan and the abolition of both regional planning and county strategic planning functions. Progress on the draft Land Allocations document was delayed whilst account was taken of the new national guidance. The Development Management (Planning Policies) DPD and Morecambe Area Action Plan DPD were advanced to formal publication, submission, Examination and adoption in December 2014.
- 1.5 Additionally a separate DPD for the Arnsdale & Silverdale AONB has been jointly prepared by Lancaster City Council and South Lakeland District Council. This was formally published on 2 November 2017. Comments are invited by 5pm on 14 December 2017.
- 1.6 In order to provide stakeholders and the community with surety on the council's intentions on plan preparation the council is obliged to publish and maintain a local plan preparation project timetable, or Local Development Scheme (LDS). The most recent project timetable, as endorsed by Councillor Hanson, was published in September 2017 and is available on the [Local Plan](#) area of the website. The LDS commits the Council to progressing the Local Plan. The DCLG and Planning Inspectorate actively monitor progress on local authority plan preparation against the commitments made in the LDS.

Failure or delay in progressing in accordance with the published timetable is the mechanism that the DCLG uses to determine whether to intervene in plan preparation.

- 1.7 On 21 July 2015 the Government published a Written Ministerial Statement on the prospect of Local Plan intervention for authorities who were failing to progress their local plans. On 16 November 2017 The Rt Hon Sajid Javid MP, Secretary for Communities and Local Government, wrote to 15 local planning authorities; Basildon, Brentwood, Bolsover, Calderdale, Castle Point, Eastleigh, Liverpool, Mansfield, North East Derbyshire, Northumberland, Runcy, St Albans, Thanet, Wirral, and York, stating;
- “Local planning authorities are required to publish a Local Development Scheme (LDS) which sets out when an authority expects to reach key milestones in the plan-making process, and the timetable for producing documents to maintain an up to date plan. In the 13 years that have passed since the 2004 Act was introduced your Council has failed to meet the deadlines set out in that timetable”.
- 1.8 The Minister advised that he is presently considering intervention measures in the plan making processes of these authorities but has provided the authorities with an opportunity to outline any **exceptional circumstances**, by 31st January 2018, which, in the view of these councils justifies their failure to produce a Local Plan. Inclusion on this list of authorities who have not made progress on local plans, or subsequent lists, is unlikely to enhance the reputation of these authorities with stakeholders, communities, developers and funding bodies.

## **2.0 Establishing Key Objectives of the Local Plan**

- 2.1 Members will recall that the NPPF directed local planning authorities to determine and then plan to deliver, in full, on the local economic opportunity and the housing needs of their communities. The council commissioned the independent external consultancy Turley Economics to advise on; firstly, the potential for economic growth in the district, and, secondly, the closely associated, the need for housing in the district. Turley’s recommended that in the context of evidence of economic growth which could be realised, if the opportunity is made available through the local plan, the council should plan for the delivery of between 13,000 and 14,000 homes [the Objectively Assessed Need [OAN]], a figure equivalent to an average of 675 new homes per year (at the mid-point of the range), in the period 2011-2031.
- 2.2 Following prolonged discussion and debate about the robustness of Turley’s recommendation it was resolved, on 3<sup>rd</sup> February 2016, “That Council accepts the Turley work as establishing the objectively assessed need for the evidence base, withdraws the most recent instructions [to re-visit the recommendation] and moves to complete a draft Local Plan for examination.”

## **3.0 Progressing the Local Plan**

- 3.1 The Chief Officer (Regeneration and Planning) moved swiftly on the Council’s February 2016 resolution and, within that calendar year, on 14<sup>th</sup> December 2016, the council resolved to consult on a Draft Local Plan for Lancaster District that aimed to provide, through both policies and the identification of development sites, opportunities to best achieve Turley’s recommendation on the OAN within the context of the constraint of adhering to the principles of sustainable development.
- 3.2 A major consultation was undertaken on the draft Local Plan between January and March 2017. The responses to the plan were reported to the

Cabinet Member and Portfolio Holder for Regeneration & Planning and published on the council's website. In the period since the close of the consultation much further work has been undertaken on the draft plan, and significantly, on the wider evidence base that supports the plan. The need to comply with national guidance and evolving planning practice means that a significant quantity of evidence must be compiled, assessed and considered in order to satisfy expectations on plan soundness. All of this evidence including ecology, heritage assets, housing needs, retailing patterns, economic opportunity, open space provision, a Strategic Flood Risk Assessment (SFRA), and development viability testing is very time sensitive, thus, if the plan is not advanced to publication and submission to the proposed timetable the expensively obtained and considered evidence base would be at risk of becoming dated and less likely to support a local plan that will be considered soundly prepared at a point further in the future. It is likely that additional costs would arise from refreshing the evidence base.

### The Challenge of Addressing the Turley OAN Recommendation

3.3 Paragraph 46 of the NPPF states that:

To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

3.4 Thus, Council is advised that the OAN is a recommendation and that the local plan should establish a housing requirement that is informed by that recommendation with the expectation that it should be delivered in full, unless it is the case that achieving the recommendation would be inconsistent with other parts of the guidance. In short, the requirement should equate to the OAN and, if it can be delivered in full whilst maintaining conforming to the broader principles of sustainable development, then the local plan should indeed aim to meet it in full.

3.5 Members are reminded that the Turley's recommendation has been subject to much challenge and validation and officers have previously advised that it has been properly prepared. Thus, it properly sets the target which the local plan should aim to deliver. The local plan presented today acknowledges the validity of the OAN as one which has been prepared to reflect an economically ambitious, but none the less realistic assessment of economic opportunity in the district. Turley's have recently reviewed their Economic Prospects Report, this is published on the [Local Plan](#) pages of the Council's website. Thus, whilst the Local Plan should aim to identify a requirement that is sufficient to deliver the OAN in full, the intensive work that has been undertaken in the last four years to prepare the plan does not demonstrate that there is sufficient realistically achievable opportunity to deliver the OAN in full. These constraints are:

- The limitations imposed by the extent of designated landscapes (AONBs) in the district.
- The limitations imposed by the extent of current policy designations, particularly the North Lancashire Green Belt.
- The limitations imposed by the extent of constraints such as mineral protection areas and ecological designations.

- The limitations of highways and transport capacity.
  - The availability of genuinely sustainable development sites in appropriate locations.
  - The capacity of those sites which do represent sustainable development to deliver dwelling completions within the local plan period.
- 3.6 The process of preparing the local plan is finding solutions to address many of these constraints. In addition to many brownfield and smaller greenfield development allocations the local plan will propose four strategic locations, which comprise land that is presently largely undeveloped (greenfield) that can make a significant contribution towards meeting housing and employment needs. These are:
- **South Carnforth:** Land south of Windermere Road and Lundsfield Quarry
    - Land south of Windermere Road is presently in the Green Belt.
  - **North Lancaster:** Beaumont Hall
    - Land is presently in the Green Belt.
  - **North East Lancaster:** Ridge Farm/Cuckoo Farm
    - Land is presently allocated as Key Urban Landscape
  - **Bailrigg Garden Village**
    - Extensive area of land including land that is presently allocated as Key Urban Landscape.
- 3.7 However, even when the supply of housing from these challenging significant allocations are added to the supply from the other proposed sites, there is still not sufficient supply to meet the whole OAN figure. The plan will therefore propose to supply just over 12,000 dwellings over a period which commences at the plan base date of 2011/12 and applies to a period that will run for 15 years following the anticipated plan adoption date of 2018/19. This means that the housing requirement and supply component of the local plan will cover a period of 23 years, from 2011/12 to 2033/34. Should this approach be successfully advanced it would set an annualised requirement figure of 522 dwellings per annum. The requirement for these additional three years is set by rolling forward the annual expectation on delivery from the formal plan period; thus, the requirement for the period 2031/32 to 2033/34 is also 522 homes per annum. It is anticipated that the Local Plan will be subject to review to take account of changing circumstances, progress on securing infrastructure, and in any event, in accordance with DCLG guidance on plan review.
- 3.8 Discussions will continue with the promoters of the strategic sites, most particularly the Bailrigg Garden Village, in the months between publication and examination to better understand developer delivery expectations. It is likely that the Local Plan will seek to establish the principle of the Bailrigg Garden Village with the detail advanced through an Area Action Plan. This will require a revision to the Council's Local Development Scheme.
- 3.9 It will be proposed that this approach is justified by the need to advance a local plan that best addresses the OAN and can support the realisation of the infrastructure needed to permit the future development of the district. Council officers are working closely with Lancashire County Council to prepare and national Housing Infrastructure Fund (HIF) application to the Department of

Communities and Local Government (DCLG) that will support the re-configuration of Junction 33, and other highways and transport infrastructure in the south Lancaster area. The realisation of this infrastructure will also facilitate the achievement of the wider benefits for movement that are proposed by the adopted Highways and Transport Master Plan.

- 3.10 The documents which will be brought to council are: the Strategic Policies & Land Allocations DPD, which establishes the quantity of development and how it will be distributed, and a review of the Development Management Policies DPD which contains the policies that are used to determine planning proposals.

#### 4.0 Details of Consultation

- 4.1 The proposed Local Plan itself has been the subject of extensive consultation in various preparation stages; in the summer of 2014, the autumn of 2015 and in early 2017. If Council resolves to publish and submit the Local Plan reported today, officers will prepare the publication editions of the documents and make these available for a six-week period in which stakeholders and the wider community can comment on the soundness of the plan. The Local Plan documents, the comments received and the evidence which supports the documents would then be submitted to the government, potentially in May 2018. The government would then appoint an Inspector to consider the soundness of the Local Plan. The Inspector is likely to hold local hearing sessions in which other parties are invited to assist him or her in considering the soundness of the Local Plan.

#### 5.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> Endorse the recommendations and formally publish the Local Plan for Lancaster District, then obtain formal representations and submit the plan to the government for independent Examination whilst acknowledging the challenge, risks and costs of advancing the emerging plan	<b>Option 2:</b> Do not endorse the recommendations and formally publish the Local Plan for Lancaster District, then obtain formal representations and submit the plan to the government for independent Examination whilst acknowledging the challenge, risks and costs of advancing the emerging plan
Advantages	<p>Make progress towards the adoption of an up to date Local Plan as set out in the published Local Development Scheme and thus address the need to meet evidenced development requirements whilst protecting the environmental.</p> <p>The plan would be published at the time intended and be accompanied by a large time-sensitive evidence base that has been carefully commissioned, assessed and updated to support the submission of documents at</p>	<p>Further time could be spent on continuing to prepare policies before a further version of the Local Plan is brought to council.</p>

	<p>this point in time.</p> <p>An application for capital funding to the Housing and Infrastructure Fund (HIF), to be made by Lancashire County Council for transport infrastructure, required by early next year, will be supported by a Local Plan that has been formally published.</p> <p>Investment decisions that can realise opportunities for economic growth and job creation and much needed housing can be advanced with greater certainty.</p> <p>Progress can be made on adopting a plan that can establish a five-year housing land supply.</p> <p>Upon plan adoption there will be greater potential to resist proposals for development on sites that are not identified by the local plan, meaning that development may occur on sub-preferable locations where proposals will need to be determined in accordance with planning target dates and will not have had the benefit of prior discussion on matters such as infrastructure.</p>	
Disadvantages	None apparent	<p>Delayed progress on plan preparation will be observed by the DCLG and expose the council to the risk of government intervention, using the same evidence base, in plan preparation.</p> <p>The large time-sensitive evidence base that has been carefully commissioned, assessed and updated to support the submission of documents at this point in time will become quickly out of date and is likely to need to be re-commissioned.</p> <p>An application for capital funding to the Housing and Infrastructure Fund (HIF), to be made by Lancashire County Council for</p>

		<p>transport infrastructure, required by early next year, would not be supported by a Local Plan that has been formally published.</p> <p>Opportunities to realise economic growth and job creation and much needed housing will be delayed.</p> <p>Further delay on establishing a new five-year land housing supply will be introduced, exposing the council to a continuing inability to evidence a sufficient supply of housing.</p> <p>It will continue to be difficult to resist further proposals for development on sites that are not identified by the local plan, meaning that development may occur on sub-preferable locations where proposals will need to be determined in accordance with planning target dates and will not have had the benefit of prior discussion on matters such as infrastructure.</p>
Risks	The independent Examination will find fault with a Local Plan that could have benefited from further work.	<p>Delay exposes the council to the disadvantages described above.</p> <p>Reputational damage to the Council from not following through with the publication of its own Local Plan, prepared to address the evidence that it commissioned itself and resolved to advance in February 2016, in accordance with its own LDS timetable.</p>

## 6.0 Officer Preferred Option (and comments)

6.1 Option 1. Officers recommend that the local plan is formally published and submitted.

## 7.0 Conclusion

7.1 The intended publication edition of the Local Plan, specifically the Strategic Policies & Land Allocations DPD, and a review of the Development Management Policies DPD, are now sufficiently advanced to be formally published and submitted. Whilst it is acknowledged that many issues are still to be resolved this must be balanced with an acknowledgement that further delay in advancing the local plan will mean that the current development plan



policies will become further out of date, exposing the council to an increasing risk of losing appeals on sites that do not represent sustainable development. Failure to advance the plan will also greatly undermine the opportunity to secure very significant financial contributions that can address the district's deficits in highway and transport infrastructure, through time-sensitive competitive fund-bidding processes.

## **RELATIONSHIP TO POLICY FRAMEWORK**

Preparation of the Local Plan is a Corporate Priority. Planning Policy is decided by council.

**National Planning Policy Framework** Requires all Local Authorities to prepare a Local Development Plan for their area setting out how objectively assessed development needs will be met and clear planning policies on what or will not be permitted.

**National Planning Practice Guide** Provides guidance for Local Authorities and other interested parties on how the detail of the National Planning Policy Framework should be implemented in practice.

## **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

There are no adverse health and safety, human rights or community safety implications arising from this proposal. The Draft DPDs apply to both urban and rural areas, including the protected landscape of the Forest of Bowland. The DPDs contain policies that are designed to ensure that opportunity exists for development that will deliver new jobs in accordance with evidence on the district's economic prospects, and housing to meet to the needs of a community that will grow and change in the context of a developing economy.

The Equality Impact Assessment Form is attached. This concludes that there will be no adverse impacts on any protected groups, but that there are some potential but unavoidable adverse implications for sections of the rural communities, including people on low incomes, mostly as a result of the limited development opportunities identified in rural areas.

## **LEGAL IMPLICATIONS**

There are no legal implications arising directly from this report.

## **FINANCIAL IMPLICATIONS**

There are no direct implications arising from this report but members are reminded that Local Plan processes will continue to require resourcing, particularly in the coming financial year and the costs for, for example, additional evidence, Examination and specialist witnesses, and specialist inputs are not predictable, but provision has already been made within existing approved budgets as far as possible.

Ultimately, the adoption of any Local Plan will have bearing on any Council's future financial position, through changes to the demand for council services and its ability to generate local taxation and other income. One of the key aims of any local authority finance system (or future reforms) should be to address these in a fair and consistent manner, to ensure the financial sustainability of any local authority going forward.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

**Human Resources:**

None directly arising from this report.

**Information Services:**

None directly arising from this report.

**Property:**

Whilst the council does own land is affected there are no directly implications arising from this report.

**Open Spaces:**

There are no directly implications arising from this report.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

Local Plan for Lancaster District: Publication Documents (December 2017 Drafts)

**Appendix 1**

*Attached: Part One:* Strategic Policies and Land Allocations DPD

**Appendix 2**

*Attached: Part Two:* Review of Development Management Policies

**Appendix 3**

Local Plan **Policies Map** (Very large file size – view-able via web-links)

- 1.District Wide
- 2.Main Urban Area
- 3.Town Centre and other settlement insets (includes Galgate)

**Lancaster City Council Local Development Scheme (LDS)**

<http://www.lancaster.gov.uk/planning/planning-policy/about-the-local-plan>

Key Evidence Reports are all available on the Council's [website](#), including:

**Lancaster District Economic Prospects: Update Report**

<http://www.lancaster.gov.uk/planning/planning-policy/employment-studies>

**Contact Officer:** Maurice Brophy  
(Planning and Housing Policy Manager)

**Telephone:** 01524 582330

**E-mail:** mbrophy@lancaster.gov.uk

**Ref:** LP 2017

**Strategic Flood Risk Assessment**

Report from external consultants (dated October 2017) is available on the Council's [website](#).

**Sustainability Assessment and Habitats Regulation Assessment** interim reports are be available on the Council's [website](#). (these are updated as the Local Plan advances)

