



Committee: CABINET

Date: TUESDAY, 4 DECEMBER 2018

Venue: LANCASTER TOWN HALL

Time: 6.00 P.M.

A G E N D A

1. Apologies

2. Minutes

To receive as a correct record the minutes of Cabinet held on Tuesday 6 November 2018 (previously circulated).

3. Items of Urgent Business Authorised by the Leader

To consider any such items authorised by the Leader and to consider where in the agenda the item(s) are to be considered.

4. Declarations of Interest

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. Public Speaking

To consider any such requests received in accordance with the approved procedure.

Reports from Overview and Scrutiny

None

Reports

6. **Eden Project North (Pages 1 - 8)**
(Cabinet Member with Special Responsibility Councillor Hanson)
Report of Assistant Chief Executive
7. **Housing Standards Enforcement Policy (Pages 9 - 44)**
(Cabinet Member with Special Responsibility Councillor Warriner)
Report of the Director for Communities and the Environment
8. **Wennington Neighbourhood Plan Referendum (Pages 45 - 207)**
(Cabinet Member with Special Responsibility Councillor Hanson)
Report of the Planning Manager
9. **Bailrigg Garden Village Cabinet Liaison Group (Pages 208 - 215)**
(Cabinet Member with Special Responsibility Councillor Hanson)
Report of Interim Regeneration Manager
10. **Budget and Policy Framework Update 2019/20 to 2023/24 (Pages 216 - 235)**
(Cabinet Member with Special Responsibility Councillor Whitehead)
Report of Interim Head of Financial Services
11. **Funding the Future: Financial Sustainability Strategy (Pages 236 - 250)**
(Cabinet Member with Special Responsibility Councillor Whitehead)
Report of Assistant Chief Executive
12. **Investment Strategy**
(Cabinet Member with Special Responsibility Councillor Whitehead)
Report of Assistant Chief Executive (Report to follow)
13. **Exclusion of the Press and Public**

This is to give further notice in accordance with Part 2, paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

Cabinet is recommended to pass the following recommendation in relation to the following item:-

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.”

Members are reminded that, whilst the following item has been marked as exempt, it is for Cabinet itself to decide whether or not to consider it in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

14. Land at Scotforth (Pages 251 - 265)

(Cabinet Member with Special Responsibility Councillor Hanson)

Report of the Assistant Chief Executive

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Nathan Burns, Darren Clifford, Brendan Hughes, Margaret Pattison, Andrew Warriner and Anne Whitehead

(ii) Queries regarding this Agenda

Please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email ebateson@lancaster.gov.uk.

(iii) Apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Friday 23 November, 2018.

CABINET

Eden North Project 4 December 2018

Report of Assistant Chief Executive

PURPOSE OF REPORT			
To refer to Full Council the consideration of a request to contribute £250,000 to the development of the Eden Project North proposal.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	X
		Referral from Cabinet Member	<input type="checkbox"/>
Date of notice of forthcoming key decision			
This report is public.			

RECOMMENDATIONS OF COUNCILLOR JANICE HANSON

- (1) To refer the consideration of the request to contribute £250,000 to the Eden Project North detailed design and planning proposal to Full Council on 19 December 2018.
- (2) That the Overview & Scrutiny Committee are asked to consider the Eden (North) proposals as part of their work programme.

1.0 Introduction

- 1.1 Cabinet on 26 June 2017 agreed to allocate £150,000 to part fund a feasibility study assessing the potential to establish an Eden Project North on Central Promenade, Morecambe.
- 1.2 The feasibility study has now been completed and shows that the project is viable in principle, although it must be acknowledged that the project is at an early stage. The feasibility study indicates significant potential benefits to Morecambe, the district and the wider region.
- 1.3 Appendix 1 contains the Eden Project's press release of 22 November 2018, confirming the success of the feasibility study and the Eden Project's intention to seek funding to deliver the project.
- 1.4 The central government budget of 29 October 2018 allocated £100,000 to support the development of the project.

2.0 Request for Funding

- 2.1 To assist with further development of the proposal, the City Council, together with Lancaster University, Local Enterprise Partnership and Lancashire County Council, have been asked to contribute £250,000 each to the costs of design and planning.
- 2.2 The design and planning stage will take the project from an initial feasibility study to a more coherent structure. This will provide a design to RIBA (Royal Institute of British Architects) stage 4, which comprises a full technical design for the project.

3.0 Considerations

- 3.1 Morecambe and Lancaster would be the main beneficiaries of significant development in the area. The benefits are not just financial but will also enhance the general health, wellbeing and prosperity of the area.
- 3.2 In summary the proposal will:
 - a) require inward investment of circa £88 million in the area
 - b) create an estimated 500 jobs
 - c) attract an estimated 8000 visitors a day to the area; the Eden Project in Cornwall has welcomed 20 million visitors since opening in 2001
 - d) generated an estimated tourist spend of over £75 per family
 - e) stimulate additional inward investment in Morecambe, the district and the wider region; the Eden Project in Cornwall has added an estimated value of £2 billion to the region
- 3.3 The request for £250,000 was not in the contemplation of Full Council when the budget was set in February 2018. This request currently sits outside of the budget, the current MTFS and policy framework. In 2019 Full Council will be asked to approve a new approach that will bring these matters within our policy framework.
- 3.4 If this matter is to proceed it is the responsibility of Cabinet under Article 7.06 (g) of the constitution to undertake a continuing review of the policy and to call upon the Overview & Scrutiny Committee to support any review.
- 3.5 In this case it is proposed that officers will prepare a detailed report on the proposals, the wider contributions to the project and the likely benefits to the region to allow full council the opportunity for informed debate and to make a decision on the requested contribution.

4.0 Details of Consultation

Eden Project International provided a briefing session to members on Friday 16 November 2018.

5.0 Options and Options Analysis (including risk assessment)

	Option 1: Agree to refer the decision to Full Council	Option 2: Do not refer the decision to Full Council
Advantages	Provides opportunity to contribute and be part of a significant major infrastructure development likely to benefit not just the immediate community but the wider economic prosperity of the area	Retain £250,000 within the local authority.
Disadvantages	Reduces the available finance for other projects with no guaranteed return.	The land remains unused, undeveloped and provides no return.
Risks	The project does not proceed and there is no return for the expenditure	The area remains stagnated.

6.0 Officer Preferred Option (and comments)

To refer the request for funding to Full Council who may agree the contribution to the next stage of the project development

RELATIONSHIP TO POLICY FRAMEWORK

This currently sits outside policy framework proposals.

CONCLUSION OF IMPACT ASSESSMENT

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

None

LEGAL IMPLICATIONS

If the matter is considered by Full Council, an agreement will need to be put in place to ensure funds are used in accordance with the wishes of Full Council.

FINANCIAL IMPLICATIONS

No implications of referring the request to Full Council. Implications of considering the request will be submitted to Full Council.

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

None

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

Press release and images, 22 November 2018

Contact Officer: Kieran Keane,
Assistant Chief Executive

Telephone: 01524 582011

E-mail: chiefexecutive@lancaster.gov.uk



PRESS RELEASE

New vision for Morecambe's Eden Project revealed

The Eden Project has unveiled its vision for Eden Project North, a major new attraction in Morecambe, Lancashire.

The Cornwall-based environmental charity presented new images and details to its northern partners, the Lancashire Enterprise Partnership, Lancaster University, Lancashire County Council and Lancaster City Council.

Eden and its partners successfully completed a feasibility study in September and are now seeking funding to make the project a reality.

Central to the vision is a series of pavilions inspired by sea shells, which could house a variety of environments.

The plan is for a destination that combines indoor and outdoor experiences, connecting people with the internationally-significant natural environment of Morecambe Bay while also enhancing well-being. Lidos, gardens, performance spaces, immersive experiences and a lunar observatory are all part of the plan.

Eden is working with Grimshaw, the architecture firm who designed its world-famous Rainforest and Mediterranean Biomes, to create this unique structure for Morecambe with a focus on the marine environment.

A prime site on the Morecambe seafront is the proposed location for Eden Project North. The area was formerly occupied by the Bubbles swimming pool and Dome theatre.

Dave Harland, chief executive of Eden Project International Limited, said: "We're incredibly proud to present our vision for Eden Project North and hope that the people of Morecambe and the surrounding area are as excited about it as we are. We aim to reimagine what a seaside destination can offer, with a world-class tourist attraction that is completely in tune with its natural surroundings.

"Morecambe is a unique and beautiful location, perfectly situated near the Lake District and Yorkshire Dales. It's so heartening to be working with partners who share our ambitions and aspirations for the town and region."

Eden Project North will be designed to help the regeneration of the area socially, economically and environmentally.

Eden in Cornwall has contributed £2 billion to the local economy and welcomed more than 20 million visitors since it fully opened in 2001.

ENDS

Date





CABINET**Housing Standards Enforcement Policy****4 December 2018****Report of Director for Communities and the Environment**

PURPOSE OF REPORT			
To consider and adopt the Private Sector Housing Enforcement Policy and associated charges.			
Key Decision	X	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	5 November 2018		
This report is public.			

RECOMMENDATIONS OF COUNCILLOR ANDREW WARRINER

- (1) To consider and adopt the overarching Housing standards, Private Sector Housing Enforcement Policy (Appendix 1).
- (2) To consider and adopt the specific Housing Standards policies/statement of principles, set out below, together with the fine matrices contained therein:
 - (a) Housing Standards, Civil Penalties Enforcement Policy (Appendix 2);
 - (b) Housing Standards, the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Statement of Principles (Appendix 3);
 - (c) Housing Standards, The Redress Schemes for letting agency work and property management work (requirement to belong to a scheme, etc.) (England) Order 2014 policy (Appendix 4).
- (3) That an evaluation of the effectiveness of the policies referred to above, be included in the report back to Cabinet on the implementation of the alternative approach to selective licensing approved by Cabinet in March 2018 (minute 84 refers).

1.0 Introduction

The private rented sector is an important part of our housing market and there is a commitment to improving standards within it. The council want to support

good landlords who provide decent, well maintained homes, but will take action against those landlords who knowingly rent out unsafe and substandard accommodation.

The proposed Private Sector Housing Enforcement Policy is designed to help deliver the council's priorities identified in the Corporate Plan to improve the quality and availability of housing. This policy aims to promote efficient and effective approaches to regulatory inspection and enforcement in residential dwellings in accordance with the Governments Regulators Code.

2.0 Proposal Details

2.1 The current Private Sector Housing Enforcement Policy has been in place since 2006. The policy has been subject to review with technical and legislative amendments but, because of recent changes introduced in the Housing and Planning Act 2016, it requires a full review.

2.2 The new Private Sector Housing Enforcement Policy aims:

- To improve the standard of homes in the private sector
- To assess local housing conditions
- To reduce the number of properties with serious risks to health and safety
- To reduce the number of vulnerable households living in non-decent homes
- To improve the energy efficiency and warmth of homes and to help reduce fuel poverty
- To improve standards in private rented accommodation
- To improve the standards in HMOs (houses in multiple occupation)
- To work closely with private sector landlords towards improving conditions and the standard of management of private rented housing
- To meet the council's statutory obligations

2.3 The new policy reviews existing enforcement powers and introduces civil penalties, rent repayment orders, banning orders and the Rogue Landlords Database.

2.4 Recent legislation has introduced new civil penalties for Local Housing Authorities and associated charges.

2.4.1 The Housing and Planning Act 2016 provides powers that permit local authorities to impose a civil penalty of up to £30,000 as an alternative to prosecution for a range of offences under the housing Act 2004, and where a landlord or property agent has breached a banning order under the Housing and Planning Act 2016.

Local housing authorities are expected to develop and document their own policy on when to prosecute and when to issue a civil penalty, and on determining the appropriate level of civil penalty.

Any income from civil penalties is retained by the local housing authority which imposed the penalty. The council must use any income from civil penalties to further its statutory functions in relation to enforcement activity covering the private rented sector.

2.4.2 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced the requirement to provide a smoke alarm installed on every storey of a property and a carbon monoxide alarm in any room containing a solid fuel burning appliance. Local authorities can impose a civil penalty of up to £5,000 where a landlord fails to comply with a remedial notice. A local housing authority must prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge.

2.4.3 The Redress Schemes for letting agency work and property management work (requirement to belong to a scheme, etc.) (England) Order 2014, introduce a fine of up to £5,000 where a lettings agent or property manager who should have joined a scheme has not done so.

3.0 Details of Consultation

The principles of the new policy were considered by enforcement officers in the Housing Standards Team and the proposals were presented to the Private Sector Landlord Forum held on the 10 October 2018. Comments received back were that landlords are broadly supportive of robust enforcement against landlords who they feel give the sector a bad name, but wanted the council to be fair and transparent in their actions and to acknowledge that some private landlords provide a good and necessary service.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Adopt the policy	Option 2: Do not adopt the policy
Advantages	Provides clarity for the Local Authority and stakeholders. Assists the Local Authority in meeting its statutory obligations and deliver one of its priorities.	None
Disadvantages	None	The council could be subject to challenge. The authority is obliged to determine the level of penalties to be levied in relation to the legalisation referred to in this report and has to

		publish a statement of principles in relation to the Smoke and Carbon Monoxide Alarm Regulations.
Risks	None	The council could be subject to challenge and may not be in a good position to meet its statutory obligations.

5.0 Officer Preferred Option (and comments)

To adopt the Private Sector Housing Enforcement Policy and the specific policies (including the fine matrices contained therein).

6.0 Conclusion

- 6.1 Adoption of the new policy will assist the council to provide efficient and effective regulatory enforcement to support the delivery of a statutory function and corporate priority.

RELATIONSHIP TO POLICY FRAMEWORK

It is a statutory function.

Corporate Plan: The proposals support the Council's objectives to promote sustainable communities and support the positive health and wellbeing of residents in the district.

CONCLUSION OF IMPACT ASSESSMENT

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

Diversity – There is a risk that enforcement may have a short-term impact on people on low incomes with limited housing choices, but measures will be put in place to provide support and the policy will make a positive long-term contribution to reducing inequalities.

Human Rights – There will be no impact if the implementation is undertaken correctly.

Community Safety – The proposed approach should have a positive impact on community safety.

Sustainability – None.

Rural proofing – None.

LEGAL IMPLICATIONS

Legal Services have been consulted on the drafting of the policies/statements of principles. If the policies are adopted, officers will have to ensure that they carry out their investigative and enforcement duties in accordance with the policies and national guidance.

Officers should also ensure that the Statement of Principles, required by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 are published, on approval, in accordance with the relevant statutory provision.

Save for the above, there are no further legal implications stemming from this report or the policies annexed.

FINANCIAL IMPLICATIONS

The Housing and Planning Act 2016 has introduced powers permitting local authorities to impose a civic penalty of up to a maximum of £30K, noting that it is for each Council to determine its own policy and appropriate charging regime. It is re-iterated that any income from civic penalties should be retained by the local authority which imposed the penalty, with such income being used to further its statutory functions in relation to enforcement activity covering the private rented sector, e.g. through additional staff capacity and associated enforcement legal costs, etc.

It is not possible to accurately project the likely level of income arising from the proposed Private Sector Housing Enforcement Policy, although it is not expected to be significant at this stage. This will be kept under review and fed into future corporate monitoring reports with budgets updated during the annual budget process in the usual way.

It should be further noted that it is considered highly unlikely that there will be a need to issue civic penalty notices in relation to the respective 'Smoke' and 'Redress' Schemes due to the relatively low cost of corrective action required by landlords compared with the potential high value penalties which could be imposed if they choose not to comply.

Similarly in terms of the wider enforcement powers, this is very new for the council and it has not in recent years had to deal with specific cases which might potentially attract the maximum £30K civic penalty going forward and so is difficult to predict with any certainty.

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

None specifically 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

Housing Act 2004
Housing and Planning Act 2016
Lancaster City Council, Health and Housing Service Enforcement Policy
Lancaster City Council, Housing Standards, Private Sector Enforcement Policy
Lancaster City Council, Housing Standards, Civil Penalties Enforcement Policy
Lancaster City Council, Housing Standards, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, statement of principles.

Contact Officer: Fiona Macleod
Housing Standards Manager.

Telephone: 01524 582649

E-mail: fmacleod@lancaster.gov.uk

Ref: C151

<p>Lancaster City Council, Housing Standards, The Redress Schemes for letting agency work and property management work, (requirement to belong to a scheme etc.) (England) Order 2014,</p>	
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Appendix 1



LANCASTER CITY COUNCIL

Directorate for Communities and the Environment

**Housing Standards,
Private Sector Housing Enforcement Policy**

Lancaster City Council

Private Sector Housing Enforcement Policy

1.0 Introduction

1.1 The Housing Standards Team sets out to maintain and improve the housing conditions in privately owned property in the Lancaster district.

1.2 Where appropriate, this will be done using informal advice, assistance and information, but where this fails, or it is necessary to meet enforcement objectives, the service will take the necessary enforcement action.

1.3 The objectives of the Housing Standards Team include:

- Improving the standard of homes in the private sector
- Assessing local housing conditions
- Reducing the number of properties with serious risks to health and safety
- Reducing the number of vulnerable households living in non-decent homes
- Improving the energy efficiency and warmth of homes and to help reduce fuel poverty
- Improving standards in private rented accommodation
- Improving standards in HMO's (houses in multiple occupation)
- Working closely with private sector landlords towards improving conditions and the standard of management of private rented housing
- Meeting the local authority's statutory obligations

1.4 This policy promotes efficient and effective approaches to regulatory inspection and enforcement without imposing unnecessary burdens on businesses. This policy follows the principles of good enforcement in accordance with and the Government's Regulators Code.

<https://www.gov.uk/government/publications/regulators-code>

It should be read in conjunction with the Service wide enforcement policy.

1.5 Partnership working brings benefits from pooled expertise, resources and sharing of responsibilities and will be promoted where appropriate.

Cases will often arise where the Housing Standards Team and another partner organisations both have, or share an enforcement role. Effective liaison with that body will ensure effective co-ordination, avoid inconsistencies and ensure that enforcement action is appropriate to the circumstances of the incident.

Regard will always be had to the requirements of The General Data Protection Regulation (GDPR).

2.0 How Improvements will be achieved.

2.1 Enforcement is particularly relevant to the private rented sector where we aim to ensure compliance with regulatory requirements. However, there may be occasions when enforcement action is taken against owner occupiers.

2.2 Before considering taking any action in respect of a tenanted property the tenant(s) will normally be required to contact their landlord about the problem first.

2.3 Where assistance, information and education has failed to ensure compliance with a statutory requirement or failed to ensure compliance with requirements made through use of our discretionary powers enforcement action may be taken.

2.4 Any officer carrying out enforcement work will be authorised to do so by the local authority and will have regard to other legal requirements that might apply to their actions.

2.5 All officers will have regard to the appropriate powers of entry.

2.6 Informal Action

There may be circumstances where no action is considered necessary:

For example:

- when the risk is low;
- where there are extenuating circumstances regarding the person against whom action would be taken
- when taking legal action would be disproportionate or inappropriate taking into account the circumstances of the case.
- where the tenant does not want action to be taken and it is considered appropriate not to take action in the circumstances.

Informal Action (for example verbal advice, warnings, written warnings) may be taken in some circumstances for example

- for minor breaches of the law
- where there is no major risk and
- where the local authority has confidence the contravention will be remedied within a reasonable timescale

Informal action may at any time be escalated to formal action in the appropriate circumstances considered on a case by case basis.

2.7 Formal Action

Formal Action (for example enforcement notices, formal caution, seizure, prosecutions/injunctions, revocation of licences) will be considered in circumstances including where there is

- evidence of intent, negligence, persistent or deliberate breaches,

- significant risks to health, safety or well-being of people or environment
- obstruction of an officer carrying out their duties.

The decision on what is the most appropriate action will depend on the circumstances of the case, the relevant legislation, the risk to health and safety and tests relevant to each option.

3.0 Enforcement Options

3.1 Service of formal notices or orders

Notices and orders will be served in accordance with the requirements of the relevant legislation. The person on whom the notice or order is served will be informed of the reason that this action is being taken, the timescale for completion of any works, the works that are legally required, representations that may be made, relevant appeal periods, details of any charges (see below) and the consequences of non-compliance.

3.2 Emergency Action

In emergency situations enforcement action may be taken immediately without notice, for example:

- where there is an imminent risk of serious harm to the health or safety of occupiers or others
- where there is an immediate need to secure a building against unauthorised entry or to prevent it becoming a danger to public health (subject to the provisions of The Local Government (Miscellaneous Provisions) Act 1982).

3.3 Penalty Charges

Certain legislation enables the local authority to impose penalty charges. Failure to pay a penalty charge may result in the local authority bringing proceedings to recover the charge as a debt through court action.

Separate policy guidance is provided on penalty charges.

3.4 Simple Caution

A simple caution may be offered as an alternative to prosecution where the local authority is satisfied that there is sufficient evidence to provide a realistic prospect of conviction in respect of the offence/s and that the public interest would be satisfied by offering a simple caution in respect of the breaches rather than prosecute.

Simple Cautions may be appropriate where someone has admitted to an offence, or where it is their first offence of this type or they have assisted officers in remedying the situation that led to the offence.

Before the simple caution is administered officers shall ensure the Landlord has made an admission of guilt, understands the implications of accepting a simple caution and consents to accept it.

Suitability for a simple caution will be assessed on a case by case basis.

3.5 Prosecution and Civil Penalties

Recommending a case for prosecution is a serious step, and as a general rule a prosecution will not be undertaken without the offender being given a reasonable opportunity to comply with the law. The local authority recognises however, that there are circumstances where a contravention is particularly serious or there has been a blatant or reckless disregard for the law and it is right to prosecute.

Prosecution will be considered where the local authority is satisfied that it has sufficient evidence to provide a realistic prospect of conviction and where a prosecution is in the public interest. When deciding whether to prosecute the local authority will have regard to its Enforcement Policies and the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The power to impose civil penalties as an alternative to prosecution, for specific offences under the Housing Act 2004, was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.

The same criminal standard of proof is required for a civil penalty as for a criminal prosecution. Prosecution may be the most appropriate option where an offender has committed similar offences in the past. However that does not mean that the local authority will not use civil penalties in cases where serious offences have been committed.

A Civil penalty can be imposed for up to £30,000 per offence and each individual breach of the management regulations for houses in multiple occupation is treated as a separate offence. The exact amount of any civil penalty will be calculated in accordance with the local authority's 'Civil Penalties Enforcement Guidance' document and with the statutory guidance issued to local authorities.

<https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016>

The local authority will consider its enforcement options on a case by case basis and may decide that a significant financial penalty (or penalties if there have been several breaches), rather than prosecution is the most appropriate and effective sanction.

Prior to imposing a civil penalty, the local authority will serve a notice of intent and this will give the recipient an opportunity to make representations against the proposed civil penalty.

3.6 Rent Repayment Orders

The Local Authority may make an application to the First Tier Tribunal for a Rent Repayment Order (RRO) where they are satisfied beyond reasonable doubt that a landlord

has committed certain offences (whether the landlord has been convicted of that offence or not). The landlord can be required to repay up to 12 months rent, either to a tenant for rent paid or a local authority for housing benefit or universal credit paid in relation to the rent of a property.

Local authorities must consider applying for an RRO if they become aware of someone being convicted of one of the offences which can lead to an RRO. The local authority can also help tenants apply for an RRO. Applications for an RRO can be made in addition to other formal action taken in relation to the same conduct.

When deciding whether or not to apply for an RRO the local authority will consider:

- each case on its own merits
- ensure that applying for an RRO would meet the enforcement objectives in this policy
- consider the impact of the breach on the occupier or others affected by the offence committed.
- consider the likelihood of the application being successful.
- the level of resources it will take to make a successful application
- whether it is more appropriate for the tenant to apply for the order themselves.

The local authority is also obliged to have regard to the statutory guidance issued to local authorities on applying for an RRO entitled Rent Repayment Orders under the Housing and Planning Act 2016: Guidance for Local Authorities.

<https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housing-and-planning-act-2016>

3.7 Banning Orders

The Housing and Planning Act 2016 provides that a local housing authority may apply for a banning order against a person who has been convicted of a banning order offence. A current list of banning order offences are set out in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018. They include offences under the Housing Act 2004, Regulatory Reform (Fire Safety) Order 2005, Health and Safety at Work etc Act 1974 and the Protection from Eviction Act 1977.

The application for a banning order is made to the First-Tier Tribunal (Property Chamber). A banning order will last for at least 12 months and means that the subject of the order cannot:

- Let housing in England
- Engage in English letting agency work
- Engage in English property management work
- Hold a licence under Part 2 or Part 3 of the Housing Act 200

If council becomes aware of a Banning Order Offence, it will consider applying for Banning Order in accordance with the provisions of the Housing and Planning Act 2016. The decision as to whether an order should be sought will be taken in line with government guidance.

3.8 Database of Rogue Landlords

The Housing and Planning Act 2016 introduced the establishment and operation of a database of rogue landlords and property agents. The database is a tool for local authorities in England to keep track of rogue landlords and property agents. It can be shared to help keep track of landlords and property agents, including those operating across local authority boundaries and help target enforcement activities.

The local authority is obliged to have regard to the statutory guidance issued to local authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697637/Database_of_rogue_landlords_statutory_guidance.pdf

4.0 Charging for Enforcement Action

The Housing Act 2004 allows local authorities to make a reasonable charge to recover administrative and other expenses for taking certain enforcement action. Other legislation also allows recovery of costs covering officers' time and expenses accrued when determining works necessary in the case of works in default.

There will be a charge for Notices served and Orders made under Part 1 of the Housing Act 2004. A charging notice will be served on the responsible party; this is served under section 49 of the Housing Act 2004.

If there is an appeal against the notice then the charge will not be applied until the appeal is resolved and subject to the notice being confirmed by the tribunal.

5.0 Fines Recovery of Costs and Proceeds of Crime

In some cases the local authority can apply to court to recover rent from a landlord if a property has been let illegally.

6.0 Publicising prosecutions

Verdicts and sentences in criminal cases are given in open court and are a matter of public record. The local authority will publicise sentences following prosecution on a case by case basis. Publicising guidance has a presumption in favour of publicising outcomes of criminal cases and basic personal information about convicted offenders.

7.0 Works in Default

Where the local authority has legally required someone to do works but they have failed to do so, some statutory powers are available to enable the local authority to carry out the works in default. We will determine whether or not to commence work in default on a case by case basis taking into account all of the circumstances known to us. It is an offence for a person to obstruct us, or any of the contractors, whilst works in default are being carried out. The cost of the works and all associated costs will be recovered in accordance with the relevant statutory provisions.

The carrying out works in default does not prevent prosecution which may also be appropriate.

8.0 Tenancy Relations

Allegations of illegal eviction and harassment or failure to provide required information about a tenancy will be investigated in accordance with this policy. Where the local authority believes it is appropriate it may take enforcement action using relevant legislation.

9.0 Appeals and Complaints Procedure

The local authority's complaints procedure is available for complaints relating to the application of this policy where there is not an appeal procedure otherwise available. Any appeals against a formal notice should be through the statutory appeal provisions.

Appendix 2



LANCASTER CITY COUNCIL

DIRECTORATE FOR COMMUNITIES AND THE ENVIRONMENT

**Housing Standards,
Civil Penalties Enforcement Policy**

Civil Penalties Enforcement Policy

1.0 Introduction

The Housing and Planning Act 2016 gave local housing authorities the power to impose civil penalties of up to £30,000 on individuals and organisations, as an alternative to prosecution, for certain offences under the Housing Act 2004.

This policy contains information about civil penalties and how the Local Authority is planning to use them. It takes into account the statutory guidance that has been issued by the Government under Schedule 9 of the Housing and Planning Act 2016, and should be read in conjunction with Lancaster City Council's (the local authority) Private Sector Housing Enforcement Policy.

2.0 Housing Offences Covered by Civil Penalties

The Power to impose a civil penalty as an alternative to prosecution for certain specified housing offences was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016. This inserted section 249A into the Housing Act 2004 Act. Section 249A establishes the legal basis for the imposing of civil penalties as an alternative to prosecution for specific housing offences under the Housing Act 2004.

Civil Penalties can be imposed by the local authority as an alternative to prosecution for the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Offences of contravention of an overcrowding notice (section 139);
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)
- Offences subject to Banning Orders (subject to implementation)

3.0 Purpose of Civil Penalties Policy

Local housing authorities have the power to impose civil penalties for up to £30,000 on individuals and companies (for certain specified offences under the Housing Act 2004) as an alternative to prosecution.

In accordance with s249A of the 2004 Act, the amount of the financial penalty is to be determined by the local housing authority, taking account of the statutory guidance. The local authority therefore has a wide discretion in determining the appropriate level of civil penalty in a particular case and seeks to set out further guidance in this Policy of how it will do so.

The local authority has had regard to the principles set out in the Sentencing Council Health and Safety Offences and Food Safety and Hygiene Offences Definitive Guidelines, which the authority considers to be the most relevant sentencing guidance issued by the Sentencing Council.

This Policy will complement the Private Sector Housing Enforcement Policy to ensure that a level playing field is created for all landlords by dealing robustly with irresponsible landlords who fail to comply with their legal obligations.

4.0 Principles of Civil Penalties

General Considerations

A civil penalty can only be imposed as an alternative to prosecution. The legislation does not permit local housing authorities to impose a civil penalty and prosecute for the same offence. This means that if a person has been convicted or is currently being prosecuted, the local authority cannot impose a civil penalty in respect of the same offence. The same applies if a civil penalty has been imposed, a person cannot then be convicted of the same conduct. A civil penalty can be issued as an alternative to prosecution for each separate offence which falls within the specified housing offences listed in paragraph 2 above.

Where the local authority is in a position to prosecute a landlord and a letting agent for an offence, then a civil penalty can be imposed as an alternative to prosecution of either party or both. The amount of the civil penalty may differ for both depending on individual circumstances.

Although only one civil penalty can be imposed for a single offence, if a landlord fails to comply with an Improvement Notice and subsequently receives a civil penalty as a result, a further Improvement Notice could then be issued if the work still hasn't been carried out.

What must be done before a Civil Penalty can be considered:

The local authority must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against the landlord and that the public interest will be properly served by imposing a civil penalty. The following questions should be considered:

- Does the local authority have sufficient evidence to prove beyond reasonable doubt that the offence was committed by the landlord in question?
- Is the public interest properly served by imposing a Civil Penalty on the landlord in respect of the offence?
- Are there any reasons why a prosecution may be more appropriate than a civil penalty? I.e. the offence is particularly serious and the landlord has committed similar offences in the past and/or a banning order should be considered.

Factors to be Taken into Account when Deciding the Level of Civil Penalty

The Government has stated in its statutory guidance that generally they expect the maximum amount for a civil penalty (£30,000) to be reserved for the 'very worst offenders' and it recommends that the actual amount imposed in any particular case should reflect the severity of the offence, as well as taking account of the landlord's previous record of offending.

The Government has set out factors which a local authority should take into account when setting a civil penalty to ensure that it is set at an appropriate level:

a) Severity of the offence. The more serious the offence, the higher the penalty should be.

b) Culpability and track record of the offender. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and therefore are expected to be aware of their legal obligations.

c) The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm, the higher the amount should be when imposing a civil penalty.

d) Punishment of the offender. A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a

high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

e) Deter the offender from repeating the offence. The ultimate goal is to prevent any further offending and help to ensure that the landlord fully complies with all of their legal responsibilities in future. The level of penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

f) Deter others from committing similar offences. While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of the deterrence is the realisation that (a) the local authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

g) Remove any financial benefit the offender may have obtained as a result of committing the offence. The guiding principle here should be to ensure that the offender does not benefit as a result of committing the offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

5. Process for Determining the Level of Civil Penalty

In order to ensure that a civil penalty is set at the appropriate level, the local authority will consider the factors described above.

The final factor [4 (g)] is an overreaching one and after all other factors have been considered and applied, the local authority will need to consider whether the civil penalty set removes any financial benefit that has been gained by the commission of the offence.

5.1 Step One - Determining the offence category

The local authority will determine the offence category using only the culpability and harm factors in the tables below. Where an offence does not fall squarely into a category, individual factors may require a degree of weighting to make an overall assessment.

Table 1 below breaks down the landlord's culpability for the offence into four categories and each category has an accompanying description of what would constitute that level of culpability. The behaviour of the landlord should be compared to the table to determine the appropriate level of culpability. This exercise will be repeated for each offence that is being considered as the landlord's culpability may vary between offences.

Table 1 – Culpability

Very High	Where the offender intentionally breached, or flagrantly disregarded the law
High	Actual foresight of, or willful blindness to, risk of offending but risk nevertheless taken; Serious and or systematic failure by the person or organization to comply with legal duties
Medium	Offence committed through act or omission which a person exercising reasonable care would not commit
Low	Offence committed with little fault, for example because:

	<ul style="list-style-type: none"> • Significant efforts were made to address the risk but were inadequate on this occasion • There was no or little warning of risk/circumstances of offence • Failings were minor and occurred as a an isolated incident.
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Once the local authority has determined the level of culpability (using Table 1 above) in relation to an offence, then the level of harm will need to be determined. The local authority will use the following definition of harm taken from the statutory guidance on hazard rating under the Housing Act 2004, 'Harm is an adverse physical or mental effect on the health of a person. It includes, for example, physical injury, and illness, condition, or symptom whether physical or mental. It also includes both permanent and temporary harm'

Table 2 below separates the seriousness of harm risked into three categories and each category has an accompanying description of what would constitute that level of harm risked. The harm risked by the offence should be compared to the table to determine the appropriate level and this exercise will be repeated for each offence that is being considered as the seriousness of harm risked may vary between offences.

When using Table 2 to determine the appropriate level of harm, consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the landlord committing the specific offence that is being considered. This means that even if some harm has already come to tenants, or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred. The vulnerability of the tenant or any visitors to a property will be taken into account when determining the seriousness of the harm risked. This will be determined on a case by case basis.

Table 2 – Seriousness of Harm Risked

High	<ul style="list-style-type: none"> • Serious adverse effect on individual(s) and/or a widespread impact • High risk of serious adverse effect on individual(s) • Provides a serious market advantage over rivals • Harm to a vulnerable individual • Serious level of overcrowding
Medium	<ul style="list-style-type: none"> • Adverse effect on individual(s) (not amounting to High Harm) • Medium risk of adverse harm to an individual or low risk of a serious adverse effect • The local authority's work as a regulator is undermined by the offenders behaviour • Consumer/tenant mislead
Low	<ul style="list-style-type: none"> • Low risk of adverse effect on individual(s) • Low adverse effect on individual(s)

When determining the seriousness of harm risked in relation to an offence, consideration may be given to the guidance in relation to Class I, II, III and IV harm outcomes in the 'Housing Health and Safety Rating System - Operating Guidance'.

5.2 Step two - The penalty starting point and range

Once the offence category has been determined (using culpability and harm), the local authority should then refer to the starting points to reach an appropriate level of civil penalty within the range for that category of offence. The local authority should then consider further adjustment within the category range for aggravating and mitigating features.

Table 4 – Penalty Bands

Low Culpability	Starting Point	Penalty Band Range
Low Harm	£1,500	£750 - £2,250
Medium Harm	£3,000	£2,250 - £3,750
High Harm	£4,500	£3,750 - £5,250
Medium Culpability		
Low Harm	£4,500	£3,750 - £5,250
Medium Harm	£7,500	£5,250 - £12,000
High Harm	£12,000	£9,000 - £15,000
High Culpability		
Low Harm	£7,500	£5,250 - £12,000
Medium Harm	£12,000	£9,000 - £15,000
High Harm	£16,500	£15,000 - £20,000
Very High Culpability		
Low Harm	£12,000	£9,000 - £15,000
Medium Harm	£16,500	£15,000 - £20,000
High Harm	£25,500	£20,000 - £30,000

Table 5 below contains a non-exhaustive list of factual elements providing the context of the offence and factors relating to the landlord. The local authority will identify whether any combination of these, or other relevant factors should result in an upward or downward adjustment from the starting point. In particular relevant recent previous convictions, recent cautions and/or civil penalties are likely to result in a substantial upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Table 5 – Aggravating and mitigating factors

Aggravating Factors	Mitigating Factors
Relevant previous convictions having regard to (a) the nature of the offence to which the conviction relates and its relevance to this offence and (b) the time that has elapsed since the conviction	No relevant unspent previous convictions/good character
Relevant previous cautions within the last two years having regard to (a) the nature of the offence to which the caution relates and its relevance to this offence	No relevant cautions within the last two years

Relevant previous civil penalties within the last two years having regard to (a) the nature of the offence to which the caution relates and its relevance to this offence	No relevant civil penalties within the last two years
The offence has been committed whilst the landlord is on bail/on summons for other relevant proceedings at court	Mental disorder or learning disability, where directly linked to the commission of the offence
Established evidence of wider/community impact	Serious medical conditions requiring urgent, intensive or long term treatment
Record of providing substandard accommodation	One off event, not commercially motivated
Record of poor management or not meeting legal requirements	Good record of maintaining property
Evidence of harassment of tenant and/or illegal eviction (actual or attempted) in this case	Tenants behavior a contributing factor to the offence
Motivated by financial gain	Steps taken voluntarily to remedy problem
Obstruction of justice, for example failing to comply with a request for information or documents or other behavior amounting to an obstruction	High level of co-operation with the investigation, beyond that which will always be expected
Offending happened over a prolonged period of time	
Property management is/was their only or main business.	

Includes civil penalties imposed for offences under the Housing Act 2004, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 or the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014. Also includes civil penalties imposed by other regulatory agencies and Council's.

5.3 Step three - Review the civil penalty amount

Once the civil penalty has been calculated, the local authority should review the penalty amount to determine whether the civil penalty amount meets the objectives of civil penalties as set out in the statutory guidance.

General principles to follow when setting the financial penalty

The local authority should finalise the appropriate level of penalty so that it reflects the seriousness of the offence and the local authority must take into account the financial circumstances of the offender (as far as they are known).

The level of civil penalty should reflect the extent to which the offender fell below the required standard. **The civil penalty should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence;** it should not be cheaper to offend than to comply with the law.

Review of the civil penalty

The local authority should review the civil penalty and, if necessary adjust the initial amount arrived at in step two to ensure that it fulfils the general principles set out above.

The penalty amount as calculated at step 2, should be considered against any quantifiable economic benefit derived from the offence, including through avoided costs or operating savings. If the economic benefit is in excess of the penalty amount as calculated at step 2, then the penalty amount should be adjusted to ensure that the penalty is set at an amount which removes the financial benefit (as a minimum).

The local authority may draw on information from enforcing authorities and others about the general costs of operating within the law, if this information is not available. Whether the penalty will have the effect of putting the offender out of business will be relevant, but in some cases this might be an acceptable outcome.

In finalising the penalty amount, the local authority will have regard to evidence of the following factors relating to the wider impact of the civil penalty on innocent third parties; such as (but not limited to);

- Impact of the civil penalty on the offender's ability to comply with the law or make restitution to victims;
- Impact of the civil penalty on employment of staff, service users, customers and the local economy.

5.4 Step four - Reduction for early admission of guilt

The local authority will take into account a potential reduction in penalty for an admission of guilt.

The following factors will be considered in setting the level of reduction:

- The stage in the investigation or thereafter when the offender admitted guilt;
- The circumstances in which they admitted guilt;
- The degree of co-operation with the investigation.

The maximum level of reduction for an admission of guilt will be one-third of the penalty amount. In some circumstances there will be a reduced or no level of discount. For example where the evidence is overwhelming or there is a pattern of behaviour.

Any reduction should not result in a civil penalty which is less than the amount of gain from the commission of the offence itself.

5.5 Step five - Additional actions

In all cases the local authority will consider whether to take additional action. These may include works in default, Interim Management Orders or rent repayment orders. The local authority cannot however prosecute for the same conduct which has led to the civil penalty being imposed.

5.6 Step six - Totality principle

If issuing a civil penalty for more than one offence, or where the offender has already been issued with a civil penalty (within the previous 28 days), the local authority will consider whether the total penalties are just and proportionate to the offending behaviour.

Where the offender is issued with more than one civil penalty, the local authority should consider the following guidance from the definitive guideline on Offences Taken into Consideration and Totality.

“The total financial penalty is inevitably cumulative.

The court should determine the financial penalty for each individual offence based on the seriousness of the offence and taking into account the circumstances of the case including the financial circumstances of the offender so far as they are known, or appear, to the court.

The court should add up the financial penalties for each offence and consider if they are just and proportionate.

If the aggregate total is not just and proportionate the court should consider how to reach a just and proportionate financial penalties. There are a number of ways in which this can be achieved.

For example:

- *Where an offender is to be penalised for two or more offences that arose out of the same incident or where there are multiple offences of a repetitive kind, especially when committed against the same person, it will often be appropriate to impose for the most serious offence a financial penalty which reflects the totality of the offending where this can be achieved within the maximum penalty for that offence. No separate penalty should be imposed for the other offences;*
- *Where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose a separate financial penalties for each of the offences. The court should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the court should consider whether all of the financial penalties can be proportionately reduced. Separate financial penalties should then be passed.*

Where separate financial penalties are passed, the court must be careful to ensure that there is no double-counting”.

Ultimately, the civil penalty imposed must remove any financial gain the landlord has obtained by the commission of the offence.

5.7 Step seven - Recording the decision

The officer making a decision about a civil penalty will record their decision giving reasons for coming to the amount of civil penalty to be imposed.

6.0 An offender's ability to pay

In setting a civil penalty, the local authority may conclude that an offender is able to pay any civil penalty imposed unless the offender has supplied sufficient financial information or evidence to the contrary.

It is for the offender to disclose to the local authority such data relevant to his or her financial position as this will enable the local authority to assess and determine what they can reasonably afford to pay.

Where the local authority is not satisfied that it has been given sufficient reliable information, the local authority will be entitled to draw reasonable inferences as to the offender's means from the evidence it has obtained and from all the circumstances of the case, including accessing information via appropriate credit referencing agencies. **This may include the inference that the offender can pay the civil penalty.**

As many landlords will own one or more properties, it is likely that they will be able to sell or borrow against these assets to pay a civil penalty. After taking into account any mortgages on the property, the local authority will determine the amount of equity that could be released from the property. If the landlord claims they are unable to pay a civil penalty and show that they have a low income, consideration will be given to whether any of the properties can be sold or refinanced when assessing their ability to pay.

7.0 . Procedure for the Imposition of a Civil Penalty

Schedule 13A of the Housing Act 2004, as amended by the Housing and Planning Act 2016, sets out the process that must be followed when imposing a civil penalty.

Notice of Intent

Before imposing a civil penalty on a landlord, the local authority must serve a 'Notice of Intent' on the landlord who has committed the offence. The notice must be given before the end of the period of 6 months, beginning with the first day on which the local authority has sufficient evidence of the conduct to which the civil penalty relates. In the case of conduct which is continuing, the notice can be given at any stage if the conduct is continuing or within 6 months beginning with the day on which the conduct ends. The notice of intent must set out:

- The amount of the proposed civil penalty;
- The reasons for proposing to impose a civil penalty, and;
- Information about the landlord's right to make representations to the local authority.

Representations

Any landlord who is in receipt of a 'Notice of Intent' has the right to make written representations about the proposal to impose a civil penalty within 28 days beginning with the day after the date on which the notice was given ('Representation Period'). Representations can be against any part of the proposed course of action, for example the imposition of the civil penalty in its entirety or the amount of the civil penalty. All representations from landlords will be considered by an appropriate senior colleague and never by the colleague who served the 'Notice of Intent'.

Where a landlord challenges the amount of the civil penalty, it will be for the landlord to provide documentary evidence (e.g. tenancy agreements, bank statements, mortgage account statements, business accounts, etc.) to show that the penalty amount should be reviewed. Where no such supporting evidence is provided, the representation against the amount will be likely to carry less weight.

Written responses will be provided to all representations made by the recipients of a 'Notice of Intent'. No other parties have an automatic right to make representations but if any are received, they will be considered on a case by case basis and responded to where the local authority considers it necessary.

Final Notice

Once the 'Representation Period' has ended, the local authority must decide whether to impose a civil penalty and if so, the final amount of the civil penalty. Consideration will be given to any representations made during the 'representation period' if applicable. The final amount of a financial penalty can be a lower amount than was proposed in the 'Notice of Intent' but it cannot be a greater amount.

If the local authority decides to impose a civil penalty on a landlord, then the landlord must be given a notice imposing that penalty ('Final Notice'). The notice must contain the following information:

- The amount of the Civil Penalty
- The reasons for imposing the penalty;
- Information about how to pay the penalty;
- The period for payment of the penalty;
- Information about rights of appeal to the First-Tier Tribunal (Property Chamber), and;
- The consequences of failure to comply with the notice.

The period of payment for the civil penalty must be 28 days beginning with the day after that on which the notice was given.

8.0 Withdrawing or Amending the Notice

At any time, the local authority may withdraw a 'Notice of Intent' or a 'Final Notice' or reduce the amount of a civil penalty as stated in the 'Notice of Intent' or 'Final Notice'. This is done by giving notice in writing to the person on whom the notice was served. The amount of the civil penalty in the 'Notice of Intent' or 'Final Notice' cannot be increased.

Where a civil penalty has been withdrawn, and there is a public interest in doing so, the local authority can still pursue a prosecution against the landlord for the conduct for which the penalty was originally imposed. Each case will be considered on a case by case basis. Civil penalties are an alternative to prosecution however, and as such, if a civil penalty has been imposed and not withdrawn, the local authority cannot initiate a prosecution for the same offence.

9.0 Payment of a Civil Penalty

Where a civil penalty has been properly imposed, in accordance with the provisions of the Housing Act 2004 and this policy, it must be paid within 28 days, beginning with the day after that on which the 'Final Notice' was given ("the 28 day payment period"), unless that notice is suspended due to an appeal.

Where a civil penalty has been appealed to the First-Tier Tribunal (Property Chamber) and ultimately confirmed, the penalty amount will become due.

10.0 Other Consequences of Having a Civil Penalty Imposed

Where a civil penalty has been imposed on a landlord, this will form a part of the local authority's consideration when reviewing licence applications for properties in which they have some involvement. This includes licences under Part 2 or Part 3 of the Housing Act 2004.

Whilst a civil penalty will not automatically preclude the local authority from granting a licence where such persons are involved, the reasons for imposing the penalty and the extent of the person's involvement in the property will be considered to determine whether they are fit and proper to hold such a licence and/or be involved in the management of the property. The same considerations will apply to the potential revocation of property licences.

11.0 Appeals and the Role of the First-Tier Tribunal (Property) Chamber

If a civil penalty is imposed on a landlord, the landlord can appeal to the First-Tier Tribunal (Property Chamber) against the decision. The appeal is a re-hearing of the local authority's decision but can have regard to matters that the local authority was unaware of at the time the decision was made. Where an appeal has been made, this suspends the civil penalty until the

appeal is determined or withdrawn. On appeal the First-Tier Tribunal (Property Chamber) may confirm, vary (increase or decrease) or cancel the civil penalty.

The First-Tier Tribunal (Property Chamber) can dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious or an abuse of process, or has no reasonable prospect of success. The local authority will make applications for such dismissal to the First-Tier Tribunal (Property Chamber) when appropriate to do so.

A civil penalty will only be imposed where the local authority is satisfied there is sufficient evidence to prove beyond reasonable doubt that the offence occurred and the penalty amount is determined in line with this Policy and the relevant statutory guidance.

Generally in appeals to the First-Tier Tribunal (Property Chamber) each party bears their own costs. However the Tribunal may award costs when one party has acted unreasonably in bringing, defending or conducting proceedings. The local authority will be likely to apply for costs in such cases.

12. Enforcement of Civil Penalties

Where a landlord fails to pay the whole or part of a civil penalty, it is the policy of the local authority to consider all legal options available, including pursuing the unpaid amount through the County Courts. The local authority may recover the civil penalty or part of it, on application to the County Court as if it was an order of that Court

Where appropriate, the Council will seek to recover the costs incurred in taking this action from the person to which the civil penalty relates.

13. Income Recovered from Civil Penalties

Any income from civil penalties is retained by the local authority which imposed the penalty. The local authority must use any income from civil penalties to further its statutory functions in relation to enforcement activity covering the private rented sector.

14.0 Appeals and Complaints Procedure

The local authority's complaints procedure is available for complaints relating to the application of this policy where there is not an appeal procedure otherwise available. Any appeals against a formal notice should be through the statutory appeal provisions.



LANCASTER CITY COUNCIL

**DIRECTORATE FOR COMMUNITIES AND THE
ENVIRONMENT**

Statement of Principles

**Housing Standards,
The Smoke and Carbon Monoxide Alarm (England)
Regulations 2015**

Lancaster City Council

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles.

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) introduced requirements that a 'relevant landlord' of a 'specified tenancy' of residential premises must ensure that during any period, on or after 1st October 2015, when the premises are occupied under the tenancy that:

- 1) A smoke alarm is installed on each storey of the premises on which there is a room used wholly or partly as living accommodation; and
- 2) A carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.

The landlord must ensure the alarms are in proper working order at the start of any new tenancy.

- 'relevant landlord' is the immediate landlord in respect of the tenancy.
- 'specified tenancy' is a tenancy, licence, lease, sub-lease or sub-tenancy of residential premises that
- gives somebody the right to occupy all or part of the premises as their only or main residence

Enforcement

Where the local authority has reasonable grounds to believe that:

- there are no or insufficient number of smoke alarms or Carbon Monoxide Detectors in the property as required by the regulations or;
- The Smoke Alarms or Carbon Monoxide Detectors were not working at the start of a tenancy or licence.

Then the Authority shall serve (within 21 days of having reasonable grounds to believe that the above conditions are met) on the Landlord in a method prescribed by the Regulations, a Remedial Notice detailing the actions the landlord must take to comply with the Regulations.

If after 28 days, the Authority is satisfied, on the balance of probabilities, that a landlord has failed to comply with a Remedial Notice, it may require a landlord to pay a Penalty Charge (via a Penalty Charge Notice).

A Penalty Charge Notice will normally be issued for non-compliance with a Remedial Notice. However, the Authority reserves its discretion not to issue a Penalty Charge Notice in exceptional or unusual circumstances.

Principles to be followed in determining the amount of a Penalty Charge

The Authority considers that a lesser penalty will be merited on the occasion of a first offence and that prompt payment of the penalty on that first occasion should attract a reduced penalty in recognition of early admission of liability and savings in administration costs.

The level of penalty should, however, as a minimum, reflect the seriousness of the contravention and is therefore set at £1,000.

Repeated offences should attract a progressively higher penalty in view of continuing disregard for legal requirements and tenant safety.

If, following the service of a first penalty charge notice, a notice (or notices) is (or are) served in respect of a further offence (or offences), but the further offence(s) arose prior to the service of the first notice, the penalty charge in respect of each notice shall be treated as a first offence penalty charge. Subsequent offences will, however, be treated cumulatively.

Level of Penalty Charge

The Penalty Charge shall be set at £1,000 for the first offence but this will be reduced to £500 if paid within a 14 day period in accordance with Paragraph 9(2) of the Regulations.

For any subsequent offences the penalty charge will be set in accordance with the table below with no reduction for early payment.

OFFENCE	FINE
FIRST	£1,000
SECOND	£2,000
THIRD	£3,000
FOURTH	£4,000
FIFTH OR MORE	£5,000

Appeals in relation to penalty charge notice

A landlord served with a penalty charge notice can request in writing, within 28 days of the notice being served, that the Local Authority review the penalty charge notice. On consideration of any representations, the Local Authority will either confirm, vary or withdraw the penalty charge notice. A landlord who is served with a notice confirming or varying a penalty charge notice may appeal to the First-tier Tribunal against the Local Authority's decision.

Recovery of penalty charge

The Local Authority may recover the penalty charge as laid out in the Regulations. Any unpaid penalty charge may be pursued for payment as a civil debt through the Courts.

Appendix 4



LANCASTER CITY COUNCIL

**DIRECTORATE FOR COMMUNITIES AND THE
ENVIRONMENT**

Housing Standards,

**The Redress Schemes for letting agency work and
property management work, (requirement to belong to a
scheme etc.)(England) Order 2014**

The Redress Schemes for letting agency work and property management work, (requirement to belong to a scheme etc.) (England) Order 2014

1.0 Introduction

This Policy sets out the approach that Lancaster City Council, The local authority will take in regards to the adoption and operation of

The Redress Schemes for letting agency work and property management work, (requirement to belong to a scheme etc.) (England) Order 2014, hereafter referred to as 'The Order.'

The Order was made under the Enterprise and Regulatory Reform Act 2013.

As the enforcing body the local authority are required to set out its policy about the level of fines and the reason for imposing them.

By implementing this Order the local authority will be in a position to take action against businesses that are not members of an approved scheme and this will be for the benefit of local private sector tenants and responsible businesses that have joined a scheme. It also gives an added means of improving the standard of private sector housing within Lancaster and assists in tackling rogue landlords or agents which give the sector a bad name.

2.0 Application

The order requires persons involved in two types of property work to be members of a redress scheme:

- Lettings agency work in England and Wales
- Property management work in England and Wales
- Estate agency work in the UK dealing with residential property.

2.1 Letting agents

A person who engages in lettings agency work must be a member of an approved redress scheme to deal with complaints in connection with that work made by a person who is, or has been, a prospective landlord or a prospective tenant. The scheme will apply to prospective tenancies which are assured (including assured shorthold tenancies), which are to be granted by a private sector landlord. Companies will not be able to seek redress under a redress scheme.

For the purposes of the Order, lettings agency work is defined as things done by any person in the course of a business in response to instructions from either a private rented sector landlord who wants to find a tenant, or a tenant who wants to find a property in the private rented sector.

2.2 Property managers

A person who engages in property management work must be a member of a redress scheme to deal with complaints in connection with that work. Unlike for lettings agency work, the Order does not define the type of complaints in relation to property management work that the redress schemes must consider.

Property management work is categorised as things done by a person in the course of a business in response to instructions from another person who wants to arrange services, repairs, maintenance, improvements, insurance, or to deal with any other aspect of the management of premises consisting of, or containing, a dwelling-house let under either a long lease, an assured tenancy or a protected tenancy.

3. Approved schemes

The Order makes it a legal requirement for all lettings agents and property managers in England to join one of two Government approved schemes. Only membership of one of the schemes below will be accepted as meeting the requirements of the Order

There are two Government approved schemes as follows:

- The Property Redress Scheme
- The Property Ombudsman

4. Enforceable Penalty

4.1 Penalty

A penalty of £5,000 will be imposed by the local authority where it is satisfied that someone is engaged in letting or property management work and is required to be a member of a redress scheme, but has not joined.

4.2 Reduced penalty - extenuating circumstances

In line with official guidance, the local authority will consider reducing the penalty if one or both of the following circumstances can be proved. Representations made about penalty reduction will be considered on a case by case basis.

- Lack of awareness – The Letting agent or property manager can prove they have not received any notification about the scheme and were unaware of their duties under the Order.
- The level of the fine being disproportionate for the business.

4.3 Cumulative Breaches

The Order identifies two specific breaches. It is usual for a business to be engaged in both management and / or letting work. Breaches could involve both elements. The local authority will interpret the legislation as stating that £5,000 is the cumulative figure when both specified breaches occur. There is no limit to the number of fines that can be imposed if the individual continues not to join a scheme.

5. The Process

5.1 Informal warning letter

If there is reason to believe that an agent or manager is in breach of the requirements they will be notified in writing of the requirements of the Order and asked to rectify the Breach within 14 days.

5.2 Initial notice

If after 14 days there is reason to believe that an agent or manager is still in breach of the requirements, they will be given written notice of the Local Authority's intention to impose a penalty. The notice will set out the reasons and the amount of the penalty. The lettings agent or property manager will have 28 days to make written representations or objections, starting from the day after the date the notice of intent was sent.

5.3 Final notice

At the end of the 28 day period a decision will be made, having taken into account any representations received, whether to impose the fine. If a fine is required a final notice will be issued to the lettings agent or property manager giving at least 28 days for payment to be made.

5.4 Right to appeal

A person who is served with a final notice may appeal to the First Tier Tribunal Service against the notice.

6. Proceeds of enforcement action

Proceeds from the enforcement of the Order can be redeployed as the local authority sees fit. Penalty fines received will offset the overall cost of enforcement activities within the service. If there any surpluses they will be used to support the other work of the Housing Standards Team.

7. Recovery of penalty charges

If the charge is not paid the recovery will be actioned via The Local Authority's debt recovery procedures which include recovery through the County Court.

8. Complaints

The Local Authority's complaints procedure is available for complaints relating to the application of this policy where there is not an appeal procedure otherwise available. Anyone wanting to appeal against a penalty should use the statutory appeal rights available.

9. Enquiries

Any enquiries about this policy can be made to

Private Housing Services
Morecambe Town Hall
Marine Road
Morecambe
LA4 5AF

strategichousing@lancaster.gov.uk

Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

Service Directorate for Communities and the Environment

Title of policy, service, function, project or strategy

Private Housing Enforcement Policy

Type of policy, service, function, project or strategy: Existing ☒ New/Proposed ☐

Lead Officer Fiona Macleod

People involved with completing the EIA

Fiona Macleod

Step 1.1: Make sure you have clear aims and objectives

Q1. What is the aim of your policy, service, function, project or strategy?

Review and update the enforcement policy to improve conditions in private housing

Q2. Who is intended to benefit? Who will it have a detrimental effect on and how?

Benefit residents and the community as a whole with better quality housing and housing management.

Step 1.2: Collecting your information

Q3. Using existing data (if available) and thinking about each group below, does, or could, the policy, service, function, project or strategy have a negative impact on the groups below?

Group	Negative	Positive/No Impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faith, religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including marriage, pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation including civic partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups such as carers, areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Step 1.3 – Is there a need to consult!

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

Equality Impact Assessment

Consultation with staff involved in using the policy and with the private landlords group.

Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

Age: There are a high number of young people living in private rented accommodation so improvements to accommodation will benefit this age group. In some cases, it may lead to a negative impact if private landlords decide to leave the housing market

Disability: None

Faith, Religion or Belief: None

Gender including Marriage, Pregnancy and Maternity: None

Gender Reassignment: None

Race: none

Sexual Orientation including Civic Partnership: None

Rural Communities: None

Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

Work with partners to provide housing support.

Q7. Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

Click here to enter text.

Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

New legislation relating to the private rented sector required an update of the enforcement policy and fines matrices

Q9. If you are not in a position to go ahead, what actions are you going to take?

Click here to enter text.

Q10. How do you plan to monitor the impact and effectiveness of this change or decision?

Performance management monitoring.

CABINET

**Wennington Neighbourhood Plan decision to proceed
to referendum
4th December 2018**

Report of the Planning Manager

PURPOSE OF REPORT			
To seek approval from cabinet for the Wennington Neighbourhood Plan to proceed to referendum at the earliest possible opportunity.			
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			

RECOMMENDATIONS OF THE PLANNING MANAGER

- (1) That the Cabinet endorses the proposed changes to the Neighbourhood Plan, as set out in Appendix C and agrees that decision statement can be issued to inform interested parties that the modified Neighbourhood Plan should proceed to Referendum as soon as reasonably possible.
- (2) That Cabinet agrees to the advance funding of the Referendum which will be claimed back from the Government in due course.

1.0 INTRODUCTION

- 1.1 The National Planning Policy Framework (NPPF) and the Localism Act (2011) give local communities direct power to develop their shared vision for their neighbourhood and deliver the sustainable development they need. Neighbourhood planning provides a powerful set of tools for local people to get the right type of development for their community. The referendum is the culmination of the neighbourhood plan production process.
- 1.2 Wennington are one of eleven areas within Lancaster District that are seeking to prepare their own neighbourhood plan under the powers described and at the furthest advanced, with the Independent Examination taking place through September and an Examiners report now received indicating that, subject to modifications their neighbourhood plan can be advanced to the referendum stage.

2.0 PROPOSAL DETAILS

- 2.1 Wennington began work on their Neighbourhood Plan following designation in late 2016. In preparing the document the group has placed community engagement at the heart of their plan, undertaking a series of consultations and building evidence to support the policies contained in the plan.
- 2.2 The content of the plan is relatively straightforward and does not seek to address the allocations of land (which is reflective of the fact that Wennington is not seen as an area for future development growth). The plan contains a range of descriptive policies which seek to address issues which are important to the community, for example flood risk.
- 2.3 The Parish Council (who are responsible for preparing the plan) fulfilled the statutory requirements of neighbourhood plan making process and have undertaken consultation on a draft plan in late 2017 and a finalised version in 2018. The plan and the policies contained within it have been supported by the majority of respondents at the earlier stages.
- 2.4 Following the publication of the final version of the Wennington Neighbourhood Plan, the documentation was scrutinised by an independent examiner. The examiner was appointed jointly between the City Council and Parish Council. The examination of the plan was carried out through the written representations procedure and did not involve any form of hearing sessions. The final version of the Examiners Report was received on the 22nd October and recommended that, subject to a series of modifications, the plan can proceed to referendum. This Examiner Report can be found in Appendix B of this Report.
- 2.5 The modifications set out by the Examiner are considered to be necessary to ensure that the neighbourhood plan meets the basic conditions as required by the Localism Act. The basic conditions for neighbourhood plan making are:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
 - The making of the neighbourhood plan contributes to the achievement of sustainable development.
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority
 - The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations
 - Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 2.6 Officers have reviewed the plan in light of the proposed modifications and conclude that the plan will continue to meet the Basic Conditions when incorporating the Examiner's modifications. The assessment of the Examiner's modifications can be found at Appendix C in the draft Decision Statement. Since receiving the modifications, these have been discussed with

representatives of the Qualifying Body who have agreed that these changes are acceptable and that they wish for it to proceed to referendum at the earliest practicable opportunity. The addition of a Monitoring Framework is required by Recommendation 1C of the Examiner's report, the Council is working with the Parish Council (Qualifying Body) to finalise this prior to referendum.

2.7 If approved, the referendum will be held at the earliest practicable opportunity, in accordance with legislation. The question to be used in the referendum is set by the 'Neighbourhood Planning (Referendums) Regulations 2012', and must be "Do you want Lancaster City Council to use the neighbourhood plan for Wennington to help it decide planning applications in the neighbourhood area?"

2.8 If more than 50% of those voting in the referendum answer "yes", the plan would then form part of the Development Plan for the City Council and would then need to be formally 'made' (adopted) by the Council. This 'making' of the neighbourhood plan would be a decision made by full Council.

3.0 Details of Consultation

3.1 The Wennington Neighbourhood Plan was formally consulted upon at Regulation 16 (The Neighbourhood Planning (General) Regulations 2012 (as amended) stage prior to the submission of the neighbourhood plan for examination by the appointed Examiner.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Accept the modifications of the Examiner, issue a decision statement to this effect and approve the Neighbourhood Plan to go forward to referendum.	Option 2: Reject some of the modifications of the Examiner and delegate authority to the Planning Manager to publish the decision.	Option 3: Reject all of the modifications of the Examiner.
Advantages	This would be to the benefit of adopting localism within the district, enabling communities to shape their area. It would enable the community as a whole to decide if the plan should be sued by the Council for determining planning applications.	That the plan could be prepared in line with (or closer in line with) the original intentions of the Neighbourhood Plan sub group.	None known. Rejection of all the modifications would mean rejection of the plan on the basis that the Council could not be satisfied that the Plan could met the basic conditions required by Schedule 4B Town and Country Planning Act 1990.
Disadvantages	None known	Officers and the Neighbourhood Plan sub group have agreed the modifications are acceptable and that the	The Neighbourhood Plan would not be made.

		<p>plan is suitable to be the subject of a referendum.</p> <p>Rejecting modifications may remove clarity, factual correctness or compatibility with other local authority plans or policies. It could also lead to the Basic Conditions requirement not being met.</p> <p>Rejecting modification will require further consideration by officers as to the suitability of the plan and further consideration by Council.</p>	
Risks	None known	<p>Removal of some of the modification may lead to the Plan not meeting the basic conditions and to the ultimate decision that the plan should not be progressed.</p> <p>Removal of some of the Examiner's recommendations may also create ambiguity and uncertainty in the application of the Plan. This could lead to legal challenge and difficulty in the application of planning policy to planning decisions.</p>	<p>The Plan, with the Examiners' recommendations, is agreeable to the Neighbourhood group. To reject the Plan by not accepting the modifications could be suggest to public law challenge.</p>

5.0 Officer Preferred Option (and comments)

- 5.1 The preferred option is Option 1. Given the level of work undertaken by the Neighbourhood Plan Sub Group alongside the extensive consultation that took place prior to the Examination of the plan it is considered that subject to the outcome of the referendum that it is the will of the community of Wennington for a neighbourhood plan to be prepared. The independent Examiner has scrutinised plan in making an assessment as to whether it meets the Basic Conditions and subject to modification is of the view that the plan is ready to proceed to Referendum.
- 5.2 In conclusion it is the opinion of the Planning Manager that the Wennington Neighbourhood Plan is ready to proceed to referendum, subject to modifications as recommended by the Examiner being made.

RELATIONSHIP TO POLICY FRAMEWORK

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

Once made (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):

The Examiner has confirmed that the Wennington neighbourhood Plan meets the Basic Conditions (subject to recommended modifications). One of these conditions is that it must be compatible with human rights requirements. Officers agree that the plan, with modifications meets the Basic Conditions.

There are not considered to be any equality impacts relating to recommendations of this report.

Another of the Basic Conditions is to contribute the achievement of sustainable development. The neighbourhood plan was supported by a Strategic Environmental Assessment screening that concluded that the plan would not trigger significant environmental effects. In addition to this, the Council has confirmed that it believes the plan meets the Basic Conditions including in terms of sustainability.

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. In accordance with regulation 12 (4) Schedule 4B of the Town and Country Planning Act 1990 (as applicable by virtue of s38A (3) of the Planning and Compulsory Purchase Act 2004), the Council must hold a referendum if it is satisfied either:

a. The proposed Neighborhood Plan meets the following conditions

- (i) The basic conditions are met
- (ii) It is compatible with the ECHR
- (iii) It complies with the provision made by or under S38A (6) and S38B of the Planning and Compulsory Purchase Act 2004

Or

b. The proposed NP would meet the criteria if modifications are made (whether or not recommended by the examiner).

As per paragraph 2.5 of the report, the modifications set out by the examiner, will ensure that the Neighbourhood Plan will meet the basic requirements. The examiner has also confirmed via their report that the plan does not breach and is compatible with the ECHR.

If Council resolves to reject some of the Examiner's recommendation, it will have to give clear reasons for its rejection. If the rejection is due to some new evidence, fact or a different interpretation of a fact, then the authority will have to notify prescribed persons of the proposed decision (and the reason for it) and invite representations. The authority may refer the issue to independent examination.

If the Council rejects all of the Examiner's recommendations then the authority will not be

able to satisfy itself that the basic conditions are met. This would mean that the Plan would have to be refused. This could be subject to a public law challenge if the Council's rejection of all the modifications is not justified by sound reasoning.

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.

A payment of £20,000 becomes eligible once the local authority have set a date for the referendum following a successful examination.

Given the advance stage of the Wennington Neighbourhood Plan the Independent Examination has already taken place, costing the City Council £4,500. 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 Dolphinholme (within Ellel Parish area) the council's democratic service officers have advised that the estimated direct costs of holding a referendum (comprising printing and posting of voting materials, the Poll Station day staff and count voters) would be in the region of £2,000.

Budgets will be updated accordingly to provide provision for the costs in the year that they are expected to occur.

There are no financial implications associated with the recommended changes to the Neighbourhood Plan as set out in Appendix C.

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

Managing a referendum will also need the resources of democratic services officers, this would need to be funded from the grant, and may require additional staff resources if it impacts on other elections.

SECTION 151 OFFICER'S COMMENTS

No comments

MONITORING OFFICER'S COMMENTS

No Comments

BACKGROUND PAPERS

Appendix A - Wennington Neighbourhood Plan (Submission Version 17.07.2018)

Appendix B - Examiners report – the examiner's report is appended for consideration and should be read in conjunction with the submission version of the neighbourhood plan (Appendix A).

Contact Officer: Henry Cumbers

Telephone: 01524 582 811

E-mail: hcumbers@lancaster.gov.uk

Appendix C – Draft Decision Statement. Appendix D – Wennington Neighbourhood Plan Designated Area Map Appendix E – Wennington Neighbourhood Plan Referendum Version	
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Wennington
Neighbourhood Development Plan (NDP)
2018 - 2031
Submission Plan



Summer 2018



Prepared by The Neighbourhood Plan Sub Group (NPSG) on behalf of the Parish Council

With the assistance of



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Welcome

Welcome to the Submission version of the Wennington Draft Neighbourhood Development Plan (NDP). This revised version of the Plan has been prepared following consideration of the responses to the Regulation 14 formal public consultation which took place for 8 weeks from 2nd April 2018 until 25th May 2018. The document sets out the key planning issues for the parish and 7 planning policies for addressing them.

The NDP has been prepared by the Neighbourhood Plan Sub Group (NPSG) of local residents and parish councillors.

Public consultation is a very important part of preparing NDPs. A NDP gives local residents more say in the planning process, and the document as a whole should reflect the priorities and concerns of Wennington people. Details about the various stages of informal and formal public consultation undertaken during the preparation of the NDP are set out in the accompanying Consultation Statement.

Following a further 6 week period of public consultation on this version of the NDP by Lancaster City Council, the Plan will be subjected to an examination by an independent examiner.

1.0 What is a Neighbourhood Development Plan (NDP)?



Wenningdale - An example of recent residential development

- 1.1 Neighbourhood Development Plans (NDPs) are a new type of planning policy document, prepared by parish councils and some other bodies, to guide new development within a defined area, such as a parish. They are used alongside local authority (here, Lancaster City Council) and national planning policy documents, to help determine planning applications. NDPs are powerful tools and present significant opportunities for local people to have a real say in how, and where, development should happen within their local area.
- 1.2 A NDP can cover a range of planning related issues, or just have one, single policy. The NDP for Wennington addresses the local planning issues identified through the extensive informal community consultation and engagement undertaken so far and sets out a total of 7 planning policies for addressing them.
- 1.3 NDPs cannot be prepared in isolation and all NDP planning policies and proposals have to be underpinned by a clear and robust evidence base of local opinion and technical resources.
- 1.4 Overall the Plan has to meet a set of “basic conditions” set out in national guidance and these will be tested through an examination at the end of the process. The basic conditions include the requirement that NDPs have to be in general conformity with local strategic planning policies. The local strategic planning policies are set out in the Lancaster Core Strategy 2003 – 2021 and Saved Policies from the Lancaster City Local Plan 2008. The NDP also has to take into account the emerging new Local Plan for Lancaster District 2011 – 2031, Part One: Strategic Policies and Land Allocations DPD and Part Two: Review of Development Management DPD.¹ These two documents have reached submission stage.
- 1.5 NDPs also are required to have regard to national planning policy (National Planning Policy Framework NPPF, 2012² and other guidance) and to comply with European (including Environmental) Regulations.
- 1.6 Preparing a NDP is therefore a complex and lengthy process. The main steps are set out in Figure 1.

¹ See <http://www.lancaster.gov.uk/planning/planning-policy/about-the-local-plan>

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

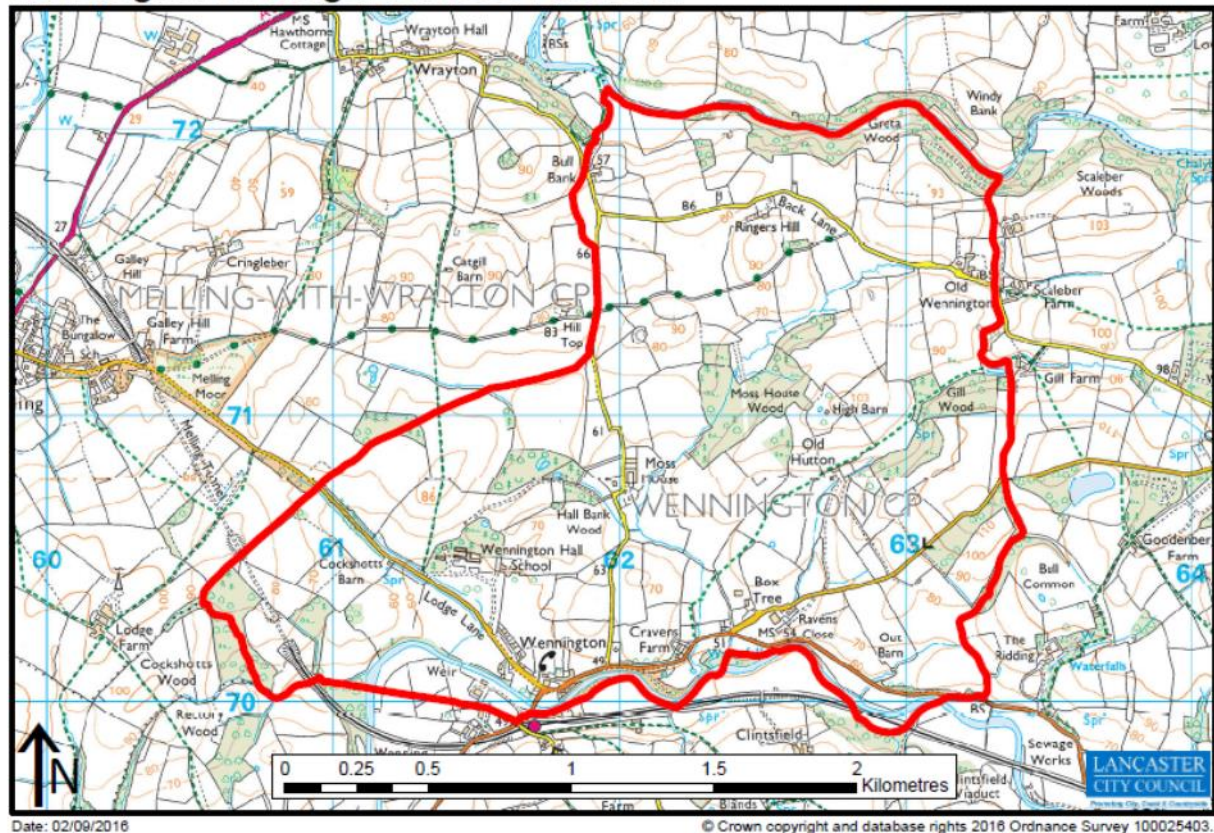
Figure 1 NDP Process

- 1.7 The Regulation 14 public consultation was undertaken in the spring of 2018. The NDP is now at submission stage and it will be published for another 6 weeks consultation by Lancaster City Council in summer 2018.
- 1.8 The Plan then will be examined by an independent Examiner, who is likely to recommend further changes before the Plan is subjected to a local Referendum within the Parish. If there is a majority Yes vote (50% of turnout + 1), the Plan will be made by Lancaster City Council and used to help determine planning applications alongside Lancaster's own planning policies and national policy.
- 1.9 There are therefore several stages of public consultation and engagement throughout the process, and the Plan can only be made if, at the very end, local people support it.
- 1.10 We hope to achieve all this and have a Plan in place by the end of 2018 or early 2019. We need your help and ideas to do this.

2.0 An NDP for Wennington

Map 1 Wennington Parish and NDP Area

Wennington CP Neighbourhood Plan Area



Wennington Parish

- 2.1 The Parish of Wennington lies about 12 miles north east of the City of Lancaster within the district of Lancaster City Council. (Note - where the term "Parish" is used within the NDP document this also refers to the Neighbourhood Plan area.) The area shares an eastern border with the county of North Yorkshire (Craven District) and lies just to the north of the Forest of Bowland AONB. The Parish is very rural in character and comprises the small village of Wennington and a number of scattered farms and individual dwellings in open countryside. The Parish extends across 395 hectares and had a population of 178 recorded in the 2011 Census. Today there are around 54 households.
- 2.2 The Parish does not have a village hall, church or public house. Wennington rail station lies just outside the Parish with services to Morecambe and Leeds. The River Wenning runs east / west along the southern boundary and the Parish has many natural environmental assets including wildlife sites and ancient woodlands. A small corner in the south east of the Parish lies just within the Forest of Bowland AONB. Built heritage assets include a conservation area and 9 listed buildings including Wennington Hall School. Most buildings are constructed of traditional local materials, and the Parish has a distinctive and very attractive rural character typical of the Lune Valley area of Lancashire.

Neighbourhood Area Designation

- 2.3 Work began on the NDP for Wennington in June 2016 when the Parish Council made the decision to prepare a Plan. The Parish Council submitted an application to Lancaster City Council on 13th September 2016 to designate the neighbourhood plan area covering the whole of the Parish (see Map 1). Following consultation on the application for 4 weeks from 26th September 2016 to 24th October 2016, the City Council approved the designation on 24th November 2016.
- 2.4 The Neighbourhood Plan Sub Group (NPSG) of local residents and parish councillors was set up and met for the first time in August 2016. The Sub Group meets approximately every month to two months to oversee the preparation of the NDP on behalf of the Parish Council. NDP progress is a standing agenda item at all Parish Council meetings and all Parish Council meetings are open to the public.
- 2.5 A dedicated web page for the NDP is available on the Parish Council website – see <https://wenningtonparishcouncil.wordpress.com/planning/>. The website includes minutes of the NPSG meetings, background documents / evidence for the NDP and links to other useful sites.

Community Engagement Event

- 2.6 An initial Community Engagement Event was held on Saturday 18th February 2017. Around 30 people came along to express their thoughts and suggestions regarding the future development of Wennington. All the information gathered during the engagement event is published on the website and is provided in the Consultation Statement.

Housing Needs Survey

- 2.7 As a first step in preparing local evidence to support the NDP, a local Housing Needs Survey was undertaken of all 54 Wennington households in June 2017. 37 questionnaires were returned (and a further one came in after the closing date) and these provided information about the age range of residents, occupations, types of development that would be supported and future housing needs. A summary of the Key Findings is provided in the [Consultation Statement](#) and the full data set and analysis can be accessed via the Parish Council website: <https://wenningtonparishcouncil.files.wordpress.com/2015/07/hns-analysis.pdf>. There was support for conversions and limited development on brownfield sites and concerns that development should not take place in areas at risk of flooding. Overall the responses to the survey demonstrated that there is no immediate requirement for the NDP to allocate land for housing (affordable or market housing).

Issues and Options

- 2.8 The NPSG published the Issues and Options document from October to November 2017. A public event was held on 28th October 2017 at the Melling Institute and comments forms were distributed to all households. The Issues and Options document and comments form were available on the NDP website to download. Completed comments forms could be returned at the public event or to a steering group member by 30th November 2017. Hard copies of the Issues and Options document were available to borrow on request from a NPSG member. There were 25 completed comment forms returned and these have been considered carefully and used to inform the First Draft Plan. The responses are provided in the Consultation Statement.

First Draft Plan

- 2.9 The First Draft Plan was published for further informal public consultation from 13th December 2017 until Friday 12th January 2018. Detailed comments were received from Lancaster City Council and these have been considered and addressed in the finalised version of the Draft NDP. There were also a few comments from residents. One resident was concerned that local occupancy conditions on local needs housing may be too restrictive and make development unviable, along with additional build costs associated with high quality design criteria. Another provided some detailed wording changes to the Airey houses. Both broadly supported the policies.

Regulation 14 Public Consultation

- 2.10 The Draft Plan was published for formal public consultation for 8 weeks from 2nd April 2018 until 25th May 2018. Representations were submitted by 20 individuals and organisations including 12 residents who broadly supported the policies in the NDP. Detailed comments suggesting changes or additions to wording of the policies and supporting text were provided by the Environment Agency and Lancaster City Council and the vast majority of these have been taken on board in the revised Submission Plan. A table setting out the complete list of responses, together with the Parish Council's consideration of these and any resulting changes to the NDP is provided as an accompanying document to the Consultation Statement (Table 1).

Biodiversity Audit

- 2.11 The Parish Council appointed Greater Manchester Ecology Unit (GMEU) in early 2018 to undertake an ecological (biodiversity) audit of the parish to support the evidence base for the NDP and to inform planning policies. The full report (A Biodiversity Audit of the Parish of Wennington in Lancashire, GMEU May 2018) is available under the evidence base section of the NDP website. Recommendations and extracts from the Report have been included in the Submission Plan where relevant and appropriate.

3.0 Vision Statement and Objectives

- 3.1 The NPSG has prepared the following Vision and Objectives for the NDP. The Issues and options consultation responses indicated that 80% of respondents supported the Draft Vision and Objectives and 20% did not answer.

Vision Statement (2017 – 2037)

Our vision for Wennington is one of a strong, cohesive and forward looking community. A community in which the natural landscape and rural character is celebrated and conserved. A community that will, in response to the needs of our residents, organically grow and develop in a sensitive and sustainable manner.

Objectives

In order to achieve our Vision the Neighbourhood Plan will work to the following objectives:

Objective 1 – To protect and enhance the beautiful and natural landscape, biodiversity and rural heritage for current and future generations.

(Through NDP Policies WEN1 and WEN2)

Objective 2 – To protect and maintain the Parish greens and woodlands as a valued and open resource for local residents and visitors to the Parish.

(Through Lancaster City Council Policies and NDP Policy WEN1)

Objective 3 – To ensure all new developments are designed and built to fit naturally and sensitively within and alongside the existing built environment.

(Through NDP Policy WEN3)

Objective 4 – To support incremental housing development which meets identified local needs.

(Through NDP Policy WEN4)

Objective 5 – To support and promote the rural economy including increased home working opportunities provided by our world class broadband infrastructure.

(Through NDP Policy WEN5)

Objective 6 – To ensure that all new developments are accompanied by necessary infrastructure requirements and do not result in unacceptable impacts from increases in traffic and flooding.

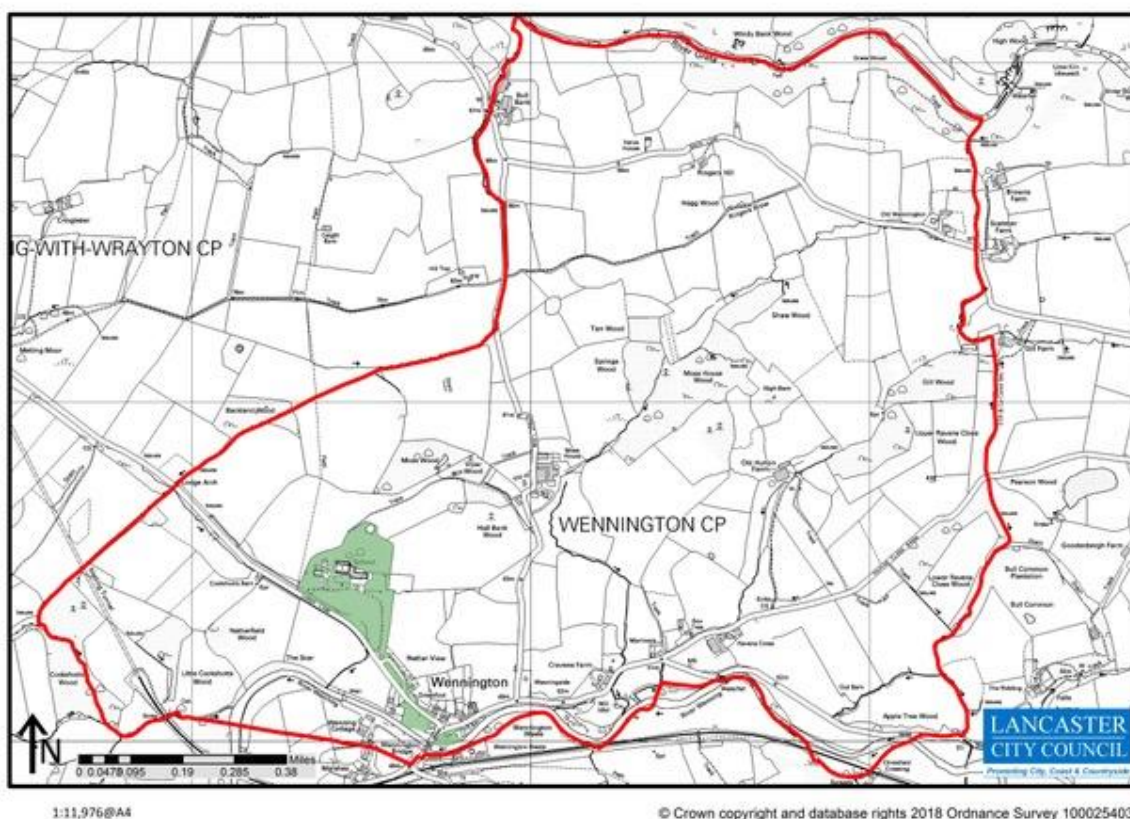
(Through NDP Policies WEN6 and WEN7)

4.0 The Natural Environment



Wennington Hall School taken from Old Moor Road

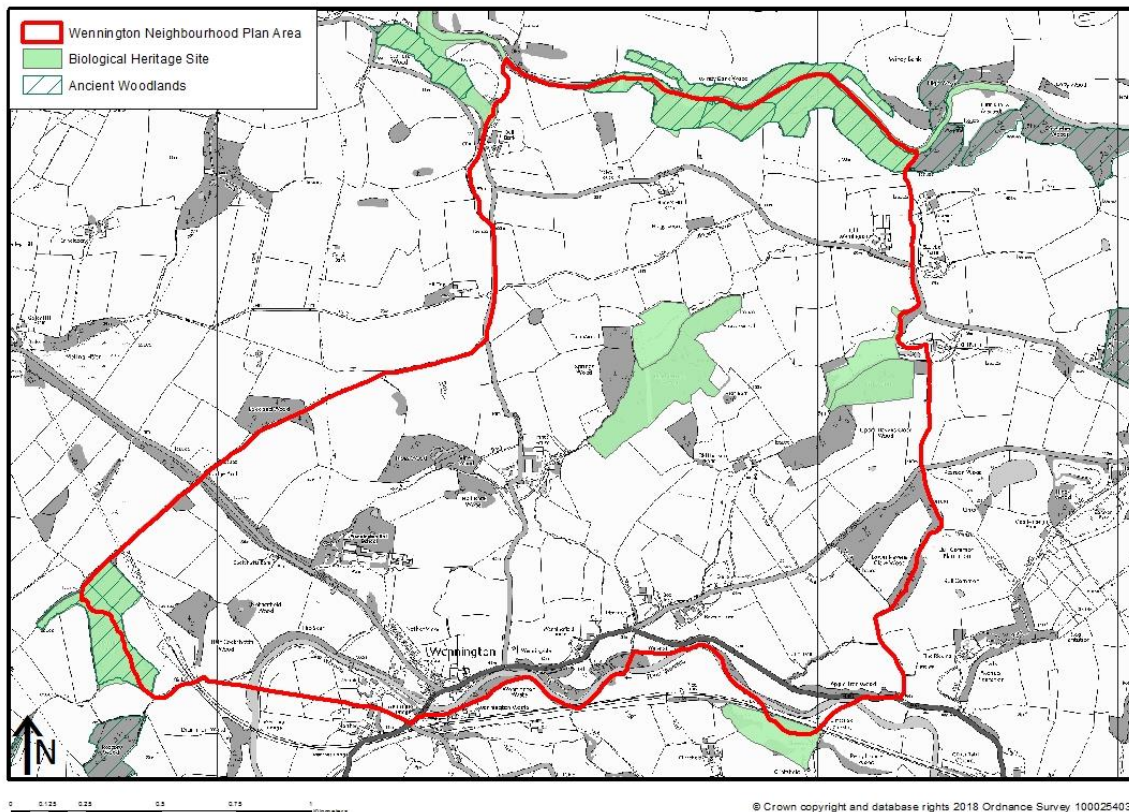
- 4.1 The Parish of Wennington is located in the greater Lune Valley and hosts two tributaries of the Lune, the Wenning and the Greta, within its boundaries. The Parish lies immediately north of the Forest of Bowland AONB and contains several designated ancient woodlands and a number of other non-statutory wildlife sites. It is predominantly rural in character and is used mainly for agriculture. In consequence the Parish enjoys a wide variety of flora and fauna, a feature that is recognised and valued by the residents.
- 4.2 Visitors to Wennington will travel by rail or road alongside woodland and open fields, bounded by stonewalls and hedgerows, and will enjoy a rolling landscape. There are several areas of amenity open space and sports and recreation facilities in the parish. Wennington Amenity Greenspace (including the village greens) and Lodge Lane Amenity Greenspace are both owned and managed by Wennington Parish Council. Wennington Hall School includes 1 adult football pitch and 1 junior football pitch as well extensive areas of amenity green space. These open spaces are all protected under adopted Lancaster Core Strategy Policy SC 8 Recreation and Open Space and Policy DM26: Open Space, Sports and Recreation Facilities in the adopted Local Plan for Lancaster 2011 - 2031 Development Management DPD. The Biodiversity Audit Report noted that species diversity in much of the grassland in the parish is disappointing. There are some opportunities for grassland diversity on the Village Greens and other green space within the village or around Wennington Hall and the Parish Council will encourage and support such improvements. Protected Open Spaces are shown on Map 2.

Map 2 Protected Open Spaces in Wennington

Wildlife Sites

- 4.3 The boundaries of the Neighbourhood Plan area include several non-statutory wildlife sites. The woodlands are a particularly valuable asset with several being classified as Ancient Woodland. They include:
- Cockshotts Wood
 - Greta Wood
 - Windy Bank Wood
- 4.4 These sites are included on the Lancashire Inventory of Ancient Woodland, supporting semi-natural woodland vegetation and are also classified as Biological Heritage Sites. The Greta Wood and Windy Bank Wood also satisfy the guidelines for supporting flowering plants and ferns, and Mosses and Liverworts. Existing Biological Heritage Sites and Ancient Woodlands are shown on Map 3.
- 4.5 There are also several other Biological Heritage Sites which are non-statutory wildlife sites in Wennington including the following:
- Old Wennington Mire, (Swamp and Fen semi-natural woodland)
 - Gill Wood, and Moss House and Shaw Woods (ancient in origin)
 - Bull Bank Meadow (Old established semi-natural grassland)
 - River Greta (The site meets the BHS selection guidelines for rivers and streams)
 - Clintsfield Wood

Map 3 Biological Heritage Sites and Ancient Woodlands



Habitats

- 4.6 Whilst the Wennington Plan area is predominantly agriculturally-improved grassland the area also supports a variety of habitat types including semi natural broadleaved woodland, plantation woodland, hedgerows with and without trees, amenity grasslands, poor semi-improved grassland, neutral grassland, bog/mire and running water. Some of the habitat types in the Neighbourhood Plan area are Habitats of Principal Importance in England and these include:

- Lowland fens
- Lowland meadow
- Lowland mixed deciduous woodland
- Ponds

Rivers

- 4.7 The Rivers Wenning and Greta, both of which are relatively fast flowing, provide the main drainage channels for much of the southern and western areas of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Both comply with the EU Water Quality Framework criteria being classed as good, with the physical and chemical characteristics being classed as high. The Environment Agency has no quality issues with either river and consequently the frequency of sampling has been reduced in recent years particularly in the light of financial cutbacks.

Species

- 4.8 The Plan area also supports a variety of species including birds, bryophytes (mosses and liverworts), flowering plants, invertebrates-especially moths, and mammals.

Biodiversity Audit

- 4.9 The Parish Council appointed Greater Manchester Ecology Unit (GMEU) in early 2018 to undertake an ecological (biodiversity) audit of the parish to support the evidence base for the NDP and to inform planning policies. The full report (A Biodiversity Audit of the Parish of Wennington in Lancashire, GMEU May 2018) is available under the evidence base section of the NDP website.

- 4.10 The current ecological status of the parish is set out in para 5.1 of the report. This advises:

The Parish of Wennington is rich in wildlife, supporting designated (protected) sites, a range of specially protected and priority species and important habitats.

Habitats of particular note are the woodlands, the hedgerows and the rivers and associated river valleys. Much of the species diversity to be found in the Parish is associated with these habitats.

Species of particular note include otters, possibly breeding in the Parish or nearby.

The dominant land-use is pastoral farming and the associated agricultural practices related to this land-use have led to large areas of generally species-poor pastoral grassland, probably best characterised as plant community type MG7 of the National Vegetation Classification. Modern farming practices have also likely led to a reduction in breeding success of some ground nesting birds, including curlew, oystercatcher and lapwing, because of drainage of wet grassland and seeding, rolling and fertilising of the grass.

But the nature of the farming activity has meant that well-maintained hedgerows still separate many of the land parcels. The hedgerows, as well as being a valuable habitat in their own right, also provide a relatively high degree of landscape connectivity.

The influence of the old Wennington Hall Estate, which presumably owned and managed much of the local land in the past, is evident in the similar, distinct woodland planting schemes, incorporating both conifer plantations (including Scots pine and European larch) and mixed broadleaved trees or varying ages and variable structure.

In 2018 in some places the woodland understory appeared rather impoverished compared to what may have been expected from previous records, perhaps kept clear for sporting purposes. Bull Bank Meadow, a BHS site, appears to have been reduced in area. There are some very fine veteran trees, notably veteran oaks.

Tables of recorded species in the parish are provided in Appendix I of the NDP.

- 4.11 The Biodiversity Audit report included three recommendations for development proposals in the parish in paragraph 5.3. These were:
- Any building demolitions or conversions should be supported by bat surveys and barn owl surveys.
 - Development should avoid harm to any designated sites.

- Developments should be required to contribute to biodiversity net gain. These recommendations have been incorporated into Policy WEN1.

4.12 The consultation on Issues and Options demonstrated a high level of support for including a local policy to protect wildlife in Wennington Parish with 88% of respondents supporting the inclusion of such a policy.

Policy WEN1 – Protecting and Enhancing Local Wildlife

Both designated and non-designated natural environment assets are to be protected.

The priority for new development should be to avoid direct and indirect impacts upon biodiversity and/or geodiversity. Where impacts cannot be avoided, mitigation and then compensation measures should be provided.

Development proposals should demonstrate how biodiversity and/or geodiversity will be protected and enhanced including the local wildlife, ecological networks, non-statutory locally designated wildlife sites and habitats, and how schemes contribute to biodiversity net gain.

Landscaping schemes should include wildlife enhancements wherever possible, for example incorporating ponds, and retaining existing, and planting new areas of trees, woodlands and hedgerows using locally appropriate native species.

Any building demolitions or conversions should be supported by bat surveys and barn owl surveys. Development should take into consideration the need to protect existing wildlife which may be using the building(s) as habitats, such as little owls and barn owls which are known to nest locally. Buildings should incorporate bird nest boxes (including for swifts) and roosting opportunities for bats (such as bat roosting boxes) wherever possible.

Lighting schemes should be designed sensitively to reduce any adverse impacts on wildlife and to protect the dark skies which are characteristic of this rural area.

Development proposals should minimise the loss of the most fertile soil and avoid use of the best and most versatile agricultural land.

Lancaster Planning Policies

Local Plan Document	Relevant Policies
Lancaster City Council Core Strategy 2003 - 2021 Adopted 2008	Policy SC1 Sustainable Development Policy E1 Environmental Capital
Lancaster District Local Plan 2008 (Saved	Policy E12 Protecting Wildlife and Habitats

Policies)	Policy E13 Trees and woodland Policy E17 Sites of County Conservation Importance
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM27: Protection & Enhancement of Biodiversity Policy DM29: Protection of Trees, Hedgerows & Woodland
A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Pre-publication Version December 2017	Policy SP8: Protecting the Natural Environment
A Local Plan for Lancaster District 2011 - 2031 Part Two: Review of the Development Management DPD Pre-publication Version December 2017	Policy DM43: The Protection and Enhancement of Biodiversity Policy DM44: Protection of Trees, Hedgerows and Woodland

Landscape Character

- 4.13 Wennington Parish lies within Natural England's National Character Area (NCA) 33 Bowland Fringe and Pendle Hill³ which is described as an undulating, rolling landscape with local variation created by numerous river valleys and moorland outliers. On the northern edge of the area, drumlins are characteristic and semi natural woodland occurs in the main valley bottoms, dominated by oak, ash and alder. Fields are small to medium sized and defined by hedgerows and drystone walls. At a more local level the Landscape Character Assessment for Lancashire 2000⁴ identifies the Parish as lying within Landscape Character Area 13 Drumlin Field. This is described as following:

"This distinctive landscape type is characterised by a 'field' of rolling drumlins. The consistent orientation of the hills gives the landscape a uniform grain, which is sometimes difficult to appreciate from within the field. The regular green hillocks are between about 100m and 200m high with steep sides and broad rounded tops. However, there are often solid rock outcrops within the field where the underlying bedrock is exposed, for example the reef knolls in the Kellet area which have been quarried for limestone. The more elevated gritstone outcrops are sometimes covered in moor, for example at Docker Moor.

Pasture predominates and fields are bounded by clipped hedges or, more often, stone walls, which rise up over the hillocks accentuating the relief of the hills. Ridge and furrow patterns on drumlin sides reflect historic land uses. Narrow streams wind through the drumlins draining the field. Small mixed woodlands and the many designed landscapes associated with large country houses, for example Coniston Hall and Broughton Hall contribute to the rural wooded character.

³ <http://publications.naturalengland.org.uk/publication/3522238?category=587130>

⁴ <http://www.lancashire.gov.uk/media/152743/strategy.pdf>

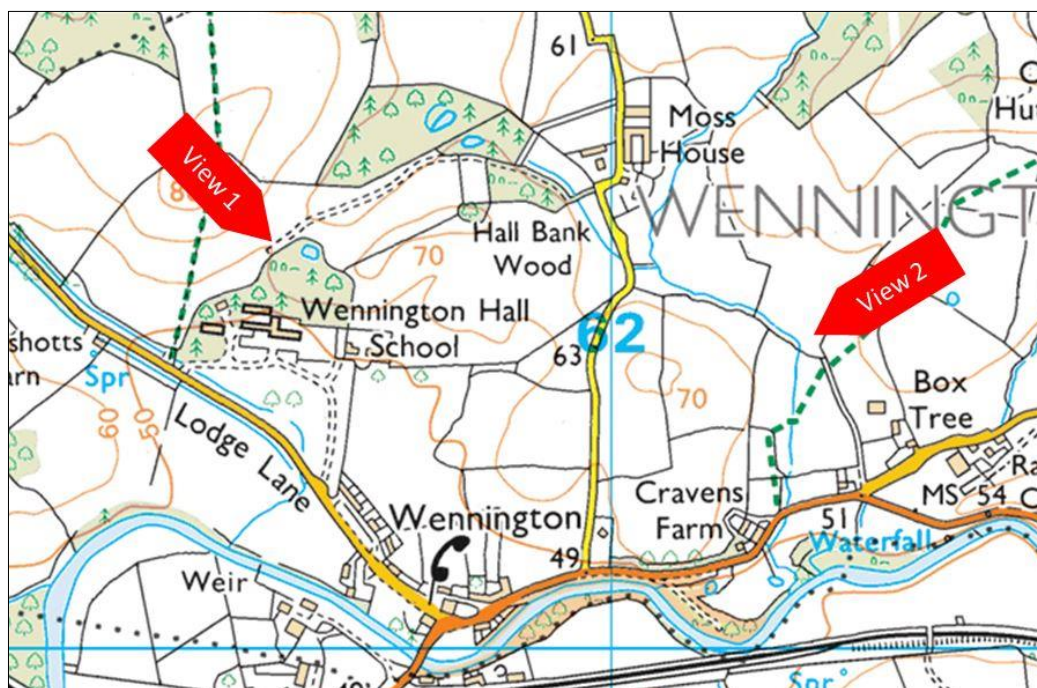
Major roads often cross or skirt the edge of the drumlin fields; settlement is dispersed, with small hamlets and farmsteads in sheltered sites on the mid-slope of the drumlins."

- 4.14 The NDP has a role in protecting and enhancing the landscape character of Wennington Parish in terms of the distinctive local features that are highly valued by residents and visitors. The NPSG has identified several significant landscape features which contribute to the Parish's identity and which should be protected when planning proposals come forward.
- 4.15 Wennington village is an essentially agricultural settlement of long standing. The Parish is characterised by a number of ancient woodlands, well-trodden paths, long established hedge rows and stonewalls. Buildings in the village and wider Parish have been developed over a long period of time and there are a number of historic buildings (including one dating from 1684). This has resulted in a fairly dispersed form of settlement pattern with individual buildings scattered across a wide area.

Significant Views from Public Footpaths

- 4.16 Wennington is low-lying relative to its immediate surroundings. It has two public footpaths. The most accessible path is on the Melling side of Wennington Hall School. It is much as it was in 1859, when the Saunders family diverted the then existing path beyond the estate boundaries. It rises high and proceeds to the Melling-Old Wennington track, affording a spectacular long view of the area, with the village barely visible in the undulating folds of the landscape (View 1). The other footpath is located to the east of Cravens Farm and rises high over the Haweswater-Thirlmere pipe line and, although the village is not visible from this path, it affords pleasant long views of the surrounding areas (View 2). These views are shown on Map 4 below.

Map 4 Significant Views from Public Footpaths



View 1 From Public Footpath Looking South East Down Towards Wennington Village



View 2 From Public Footpath Looking South West towards Wennington Village



Hedgerows

- 4.17 The village has plentiful hawthorn/hazel hedgerows. The Biodiversity Audit Report noted that although the parish supports significant lengths of hedgerows, some lengths have been lost or are unmanaged. Development may offer opportunities through new planting to restore hedgerows to the benefit of wildlife. Apart from the fields in the area which are delineated mainly by hedgerows, the bulk of the 'single' track road from Spout Lane to Wrayton enjoys well preserved and well maintained hedges on both sides. These hedges are primarily composed of hawthorn which is enhanced by a considerable variety of other plants. Given the

number of woody species in these hedges, they are, on Hooper's rule⁵, of a considerable age. An OS map of the village dating from 1842 reveals much the same configuration of fields and lanes with 'hedge' symbols⁶. Given the low lying location of Wennington and its vulnerability to surface water at times of heavy rainfall, (see Section 8.0 Flooding below) this feature of the area is fortuitous. Hedgerows, apart from reducing wind and water erosion, are crucial in providing sustainable drainage and reducing the speed of water 'run-off', in the periods of heavy rainfall. In addition, this interlinking network of field and road hedgerows provides an important habitat for wildlife (see Habitats paragraph 4.6 above).

- 4.18 A Survey of the hedgerow species, from Spout Lane to Moss Farm, was conducted for the purposes of this plan and revealed the following:

Location	Species
On each side of the lane, predominant species	Common Hazel (<i>Corylus avellana</i>) Hawthorn (<i>Crataegus monogyna</i>)
Other species, intermittent:	Blackthorn (<i>Prunus spinosa</i>) Common Ash (<i>Fraxinus excelsior</i>) Common Beech (<i>Fagus Sylvaticus</i>) Elder (<i>Sambucus nigra</i>) English Elm (<i>Ulmus procera</i>) English Oak (<i>Quercus robur</i>) Field maple (<i>Acer campestre</i>) Goat Willow (<i>Salix caprea</i>) Gelder Rose (<i>Viburnum opulus</i>) Holly (<i>Ilex aquifolium</i>) Sycamore (<i>Acer pseudoplatanus</i>)
Climbers, found intermittently:	Blackberry (<i>Rubus fruticosus</i>) Dog Rose (<i>Rosa canina</i>) Honeysuckle <i>Lonicera periclymenum</i>) Ivy (<i>Hedera helix</i>)
Hedge bottoms	A rich mixture of grasses, ferns and wild flowers. None are particularly rare, but they provide cover and food for insects, small mammals and reptiles.
Trees incorporated into hedgerows:	Common Ash, Common Beech, English Elm, English Oak, various stages of maturity.

⁵ According to this rule, the number of woody species (excluding ivy) in a 30 yard length of hedge is equivalent to the age of the hedge in centuries.

⁶ <http://maps.nls.uk/os/6inch-england-and-wales/index.html>

Dry Stone Walls and Lane Banks

- 4.19 Dry stone walls should not only be valued as landscape features but also serve to support wildlife. Much of Wennington's wildlife is restricted to wildlife sites which consist largely of natural habitats and it is held by experts that walls are valuable corridors because they link habitats. Conservation is keenly supported by the residents of Wennington and any application for new build must take into account the wildlife heritage of dry stone walls which are as important as hedgerows to the character of our countryside.
- 4.20 In the consultation on Issues and Options 92% of respondents supported a policy to protect landscape character in Wennington NDP. There were concerns about potential impacts on landscape character from large scale renewable energy projects such as the major solar panel scheme in the neighbouring parish of Bentham. Such development in the Parish of Wennington could have an adverse impact on the setting of the Forest of Bowland AONB which lies to the south. Policy EN4 Areas of Outstanding Natural Beauty in the emerging Part One: Strategic Policies and Land Allocations DPD seeks to protect and enhance the landscape and character of AONBs. Therefore large scale renewable energy projects in Wennington which would have an unacceptable adverse impact on the setting of the Forest of Bowland AONB and the local landscape character of Wennington will be resisted.

Policy WEN2 – Protecting and Enhancing Local Landscape Character

Development proposals should protect and enhance local landscape character by using locally appropriate materials and suitable landscaping schemes and boundary treatments. Proposals should demonstrate how siting and design have taken into consideration local landscape character.

Outside the village, the Parish's dispersed settlement pattern should be maintained, and any new rural buildings should be located on sheltered sites on the mid slopes of drumlins, below the skyline.

Significant Views

The identified Significant Views on Map 4 make an important contribution towards local visual amenity and the neighbourhood area's landscape character. Development proposals should respect these Significant Views which are locally valued.

Where a development proposal impacts on an identified Significant View, a Landscape and Visual Impact Assessment or similar study should be carried out to ensure that scheme is designed and sited sensitively and appropriately.

Hedgerows and Dry Stone Walls

Existing field boundaries such as hedgerows, dry stone walls and lane banks are important local landscape features and should be protected.

Landscaping schemes in areas where hedgerows have been lost or are unmanaged

should restore hedgerows through new planting to benefit wildlife.

Renewable Energy Projects in the Open Countryside

Single stand-alone or pairs or groups of wind turbines (where a group is a linear or cluster arrangement of 3 or more turbines) in the rural area of Wennington which would have an unacceptable adverse impact on the setting of the Forest of Bowland AONB and the local landscape character of Wennington Parish will be resisted.

Lancaster Planning Policies

Document	Policies
Lancaster City Council Core Strategy 2003 - 2021 Adopted 2008	Policy E1 Environmental Capital
Lancaster District Local Plan 2008 (Saved Policies)	Policy E3 Policy E4
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM28: Development & Landscape Impact
A Local Plan for Lancaster District 2011 - 2031 Part One: Strategic Policies and Land Allocations DPD Publication Version February 2018	Policy SP7: Maintaining Lancaster District's Unique Heritage Policy EN4: Areas of Outstanding Natural Beauty Policy EN5: The Open Countryside
A Local Plan for Lancaster District 2011 - 2031 Part Two: Review of the Development Management DPD Publication Version February 2018	Policy DM45: Development and Landscape Impact

5.0 Built Environment and Housing



The 'Crazy Cow' complex which was re-developed in 2006 (see 5.5 below)

Wennington's Built Character

- 5.1 The Parish of Wennington is characterised by both domestic and agricultural buildings constructed of local stone and slate/stone roofs. The building stone is particularly strong and hard local sandstone of middle Carboniferous age (some 300+ million years old) which is very resistant to weathering. Its strength derives from the minerals which were deposited between the sand grains during its formation and which subsequently cemented the grains together. The original roofing was of local flagstones – thinly bedded sandstones which split easily – but in most cases these have been replaced, usually by slate, though a few examples still remain. More modern houses have mostly been faced with similar sandstone to blend in with the older dwellings.
- 5.2 Buildings in the village are largely concentrated around the village green areas in the centre of the village, and consist mainly of a mix of detached and terraced properties with garden areas.
- 5.3 The clustered form of properties set around the village green is illustrated in the following photos.



Clustered form of buildings around the village green and centre

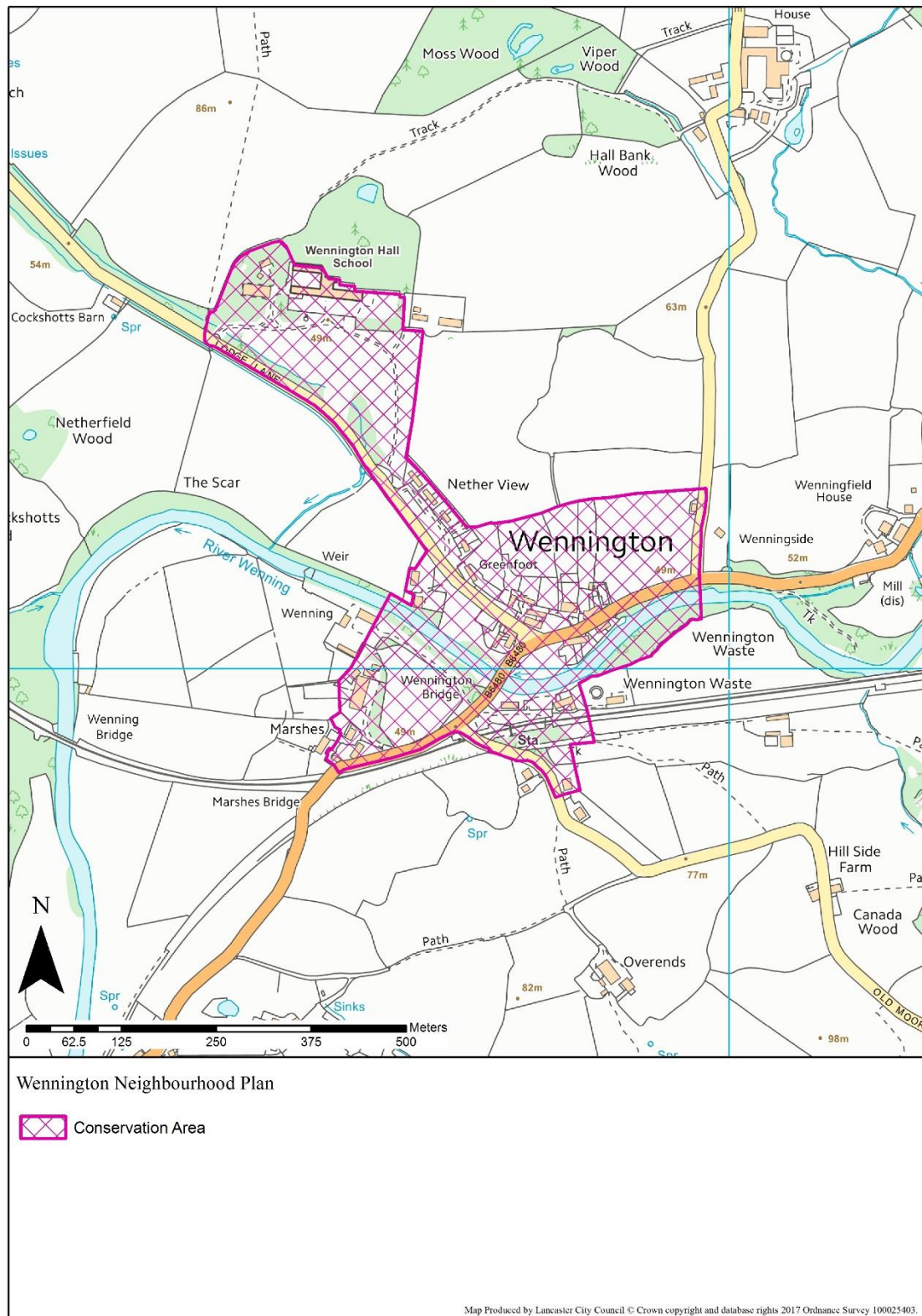
- 5.4 The housing is predominantly historic in character, the earliest dating from the late 17th century. Date stones are provided above the front door on some properties – see photos below.



Some of the older date stones in the Parish

- 5.5 In terms of more recent development, a single new build property was recently completed in 2017 (Wenningdale), and restoration and reconfiguration of the largest single building (The Crazy Cow) in the village centre into several separate residences was completed in 2006.
- 5.6 The centre of the village is a designated conservation area. The extent of the conservation area is shown on Map 5 below.

Map 5 Wennington Conservation Area



- 5.7 There are a series of eight semi-detached residences set back from one of the village greens. These differ from the other properties by their original construction. Numbers 1 to 4 are known as 'Airey' houses (see picture), they are a post-war prefabricated concrete structure

formed from closely spaced storey-height columns of steel tube reinforced concrete columns to which thin concrete cladding panels are fastened with copper wire. Formerly council housing they are all now in private ownership. One of the houses remains in its original form whereas all the others have since been modified to include rendered walls. Numbers 5 to 8 are of Claughton brick construction with slate roofs.



The only original 'Airey' house in Wennington (right). The house next door has clearly since been renovated.

- 5.8 Buildings are predominantly of two storeys, with a smaller number of single storey dwellings. The largest single building in the village centre is three storeys.
- 5.9 There are two identified properties that are currently disused / uninhabited within the neighbourhood, both privately owned, the former Village Hall and Moss House Mill.



Former Village Hall



Moss House Mill

- 5.10 In the wider rural area there are several farmsteads, constructed of stone and slate/stone roofs, but with some additional modern farm buildings. There have been several residential conversions from some former agricultural buildings (barns) or from a larger single property. In addition, there are a number of current barns with planning permission for development into residential dwellings (for instance at Ravensclose, Lodge Lane and Back Lane).



Ravensclose



Lodge Lane



Back Lane

- 5.11 Wennington Hall School, the largest property within the neighbourhood, retains its character and dominance in appearance as a grand residence. The building is Grade II listed. There are records of possession of the manor and estate dating to before the time of Edward II (1307) and the main building has undergone many changes over the centuries. Much of it was rebuilt in the Tudor style in 1856.



Wennington Hall School

Today the building is used as Lancashire Education Authority administered day and residential school.

- 5.12 In total there are nine Listed Buildings in the Parish – all Grade II. In addition to Wennington Hall School these include the Former Corn, Saw Mill and Cattle Pens at Moss House, Wennington Bridge, Pinfold on North East Side of Wennington Bridge, 'Beckside' at Old

Wennington, Boundary Stone, Oak Cottage (B6480) and Garden Cottage and Former Barn adjoining at The Green.



Pound on North East Side of Wennington Bridge



Wennington Bridge



Boundary Stone

- 5.13 There is also a plague stone on Spout Lane, which can only just be made out due to the heavy covering of moss. During the mid-17th Century, these plague stones would typically be filled with vinegar in order to disinfect coins left as payments for goods.



Plague Stone, Spout Lane

- 5.14 It is proposed that during the Plan period the Parish Council will undertake work to prepare a list of locally important non-designated built heritage assets, in consultation with local residents and Lancaster City Council.

- 5.15 Bearing in mind the distinctive and historic character of Wennington village and the wider rural area, new development and conversions of existing buildings should be sympathetic in terms of scale, height and materials. Contemporary designs in new buildings would be supported, providing due regard was made to the local context and setting.
- 5.16 The results of the consultation on Issues and Options showed that 92% of respondents would like to see a locally specific policy in the NDP which encourages good design. Lancaster City Council suggested that more detail should be provided in the policy and that new buildings, extensions and conversions should be addressed separately.

Policy WEN3 – Encouraging Good Design

Heritage and Design

Both designated and non-designated heritage assets are conserved in a manner appropriate to their significance.

Development proposals for new buildings, extensions and conversions of existing buildings will be supported where designs enhance and reinforce the local distinctive character and historic context of Wennington.

In the Conservation Area, all proposals should demonstrate how the design is appropriate in terms of scale, height, materials and detailing to the character of the Conservation Area.

New Buildings

New buildings should be of a scale and height which respond to the characteristics of the site and its setting. New buildings should be:

- 1. Modest in scale, of one, two or three storeys in height (depending on the context) and either detached or grouped in small terraces.**
- 2. Building lines should come up to the road frontage or be set slightly back behind footways or low boundary walls.**
- 3. Rooflines should be consistent in single properties or slightly varied where buildings are developed in small terraces.**
- 4. Materials should be chosen to complement the design of a development and add to the quality or character of the surrounding environment. Where possible locally appropriate natural materials should be used such as local sandstone for elevations, and split stone flag stones and slate for roofing.**
- 5. Contemporary designs which contribute positively towards the visual interest of the local street scene also will be supported. Such proposals are encouraged to use high quality traditional materials such as local stone in innovative ways.**

In all new development the residential amenity of adjoining occupiers should be safeguarded.

Extensions

Extensions to existing properties will be supported where they meet the following criteria:

- 1. The scale, height and form are subordinate in scale to the existing building and the character of the street scene is protected.**
- 2. Materials are compatible with the materials of the original building.**
- 3. Traditional boundary treatments are retained.**

Conversions

Proposals for conversions will be supported where buildings are capable of conversion without complete rebuilding, and where proposals do not detract from the character of the original building.

Car Parking

Development should provide on-site parking in line with Lancaster District Council most up to date adopted parking standards⁷.

Cumulative Impacts

The cumulative impacts of development proposals should be assessed in any planning applications.

Lancaster Planning Policies

Document	Policies
Lancaster City Council Core Strategy 2003 - 2021 Adopted 2008	Policy SC5 Achieving Quality in Design Policy E1 Environmental Capital
Lancaster District Local Plan 2008 (Saved Policies)	Policy H12 Layout, Design and the Use of Materials Policy E35 Conservation Areas and their Surroundings
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM35: Key Design Principles
A Local Plan for Lancaster District 2011 -	Policy EN1: Conservation Areas

⁷ See Policy DM22: Vehicle Parking Provision, A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014, Appendix B Car Parking Standards, and Policy 7 Parking, Joint Lancashire Structure Plan, adopted March 2005
<http://www.lancashire.gov.uk/media/297246/LCC15-Joint-Lancashire-Structure-Plan-2001-2016-adopted-March-2005.pdf>

2031 Part One: Strategic Policies and Land Allocations DPD Publication Version February 2018	
A Local Plan for Lancaster District 2011 - 2031 Part Two: Review of the Development Management DPD Publication Version February 2018	Policy DM29: Key Design Principles Policy DM38: Development affecting Conservation Areas

Housing

- 5.17 Under Policy DM42 of the 2014 Development Management DPD, Wennington is not identified as a sustainable rural settlement. New housing in Wennington which is now classed as an 'other rural settlement' will only be considered acceptable where it can be demonstrated that development will enhance or maintain the vitality of the local community. Proposals lacking a sufficient justification will be considered using Rural Exceptions criteria.
- 5.18 In the emerging New Local Plan Part One: Strategic Policies and Land Allocations DPD Wennington is identified as a Rural Village for the purposes of Policy SP2: Lancaster District Settlement Hierarchy. Policy SP3 sets out that in these settlements new development will only be supported where it is clearly demonstrated that they are meeting proven local needs.
- 5.19 With this in mind, the Wennington Parish Housing Needs Survey was undertaken in summer 2017 to establish whether there are any local housing needs which should be addressed through the NDP. The results of the Survey showed that none of the households which returned a completed questionnaire were in need of a separate home in the next 5 years.
- 5.20 Therefore it is proposed that the NDP does not include a site allocation relating to local needs housing at this time. The Parish Council may re-run a Local Housing Needs Survey in a few years' time, and it is possible that a planning application could come forward at any time if a local resident's housing need changed. If over the plan period such a need is identified, proposals would be considered against other policies in the NDP (such as those relating to design), alongside national and Lancaster City Council's planning policies. This approach was supported by a majority of respondents during in the consultation on Issues and Options with 68% of respondents agreeing that the NDP should not include any site allocations although 20% ticked No to this proposal, and 12% did not answer the question.
- 5.21 However, the responses to the Issues and Options consultation did suggest a majority of respondents (76%) would support a local criteria based policy to guide any speculative housing development that may come forward over the plan period. The Parish Council has a history of supporting conversions of redundant and disused buildings for residential development and it is appropriate that the NDP should continue to reflect this approach by providing a positive planning framework to support future proposals.

Policy WEN4 - New Housing

Minor development for housing in or adjoining the settlement of Wennington will be supported where proposals:

- 1. Involve the sensitive conversion of existing redundant and vacant former agricultural or other buildings subject to criteria in Policy WEN3 - Encouraging Good Design; or**
- 2. Schemes are for new housing and development would maintain and enhance the vitality of the local community and meet a proven local need in respect of type, size and tenure as identified in the most up to date Strategic Housing Market Assessment, supporting evidence for the Neighbourhood Plan, or other up to date and robust local housing needs evidence.**
- 3. Development is located in areas which are not at risk of flooding and would not exacerbate existing problems of surface water flooding (see Policy WEN7).**

Housing proposals should not lead to a detrimental impact on the character of the village, and should demonstrate that appropriate access and car parking can be achieved and that residential amenity of neighbouring occupiers is protected.

Preference will be given to proposals which are located on previously developed (brownfield) land and/or involve the infilling of small sites within the existing built up area of the village.

Affordable Housing

Proposals will be required to provide on-site affordable housing in accordance with adopted policies of the Lancaster Local Plan.

Lancaster Planning Policies

Document	Policies
Lancaster City Council Core Strategy 2003 - 2021 Adopted 2008	Policy SC 3 Rural Communities
Lancaster District Local Plan 2008 (Saved Policies)	Policy H11
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM42 Managing Rural Housing Growth Sustainable Rural Settlements
A Local Plan for Lancaster District 2011 - 2031 Part One: Strategic Policies and Land	Policy SP2: Lancaster District Settlement Hierarchy Policy SP3: Development Strategy for Lancaster

Allocations DPD Publication Version February 2018	District Policy H2: Housing Delivery in Rural Areas of the District
A Local Plan for Lancaster District 2011 - 2031 Part Two: Review of the Development Management DPD Publication Version February 2018	Policy DM5: Rural Exception Sites Policy DM13 Residential Conversions

6.0 Rural Economy

Historical Development

- 6.1 The Parish of Wennington has a long history of rural enterprise. The houses in the village were and are, occupied by those working in the immediate locality. For example, the 1806 - 1807 register shows 20 tradesmen living in the Parish, including farmers, miller, carpenter, blacksmith, silkcomber, shop-keeper, shoemaker, labourer and house servants. An extract from the revised 1894 Ordnance Survey plan shows Wennington (railway) Junction, Fosters Arms Hotel, Smithy, Post Office, Wennington (Corn) Mill and sites of quarries.
- 6.2 At the start of the Second World War Wennington Hall was let to the South East Lancashire Association for Mental Welfare (through the Grey Court Fellowship). About 45 children and 10 staff were 'received' from Manchester. During the war its use changed to 'Community School Education' with about 50 pupils in residence. This came to an end on 21 July 1945. Wennington Hall is still a school and continues with its community benefits.
- 6.3 The Wennington Hall Estate extended over much of the Parish but part of this was sold by public auction in 1961. The sale included Wenning Cottage, 325 acres of in hand farm, bailiff's house, 130 acres of sporting woodland, estate sawmill, fishing rights, 4 let dairy/stock rearing farms (total rent of £1,351 per annum), and pheasant shoot – in all 911 acres.
- 6.4 At some stage a village school was built and later the village institute, but neither facility remains today.

Land and Business Uses Today

- 6.5 Agriculture is the dominant land use in the Parish today. The main uses are dairy and sheep rearing, with some arable farming. Some areas of land form part of larger farm holdings held outside the Parish. Approximately 5% of the Parish is woodland with limited commercial use, however there are pheasant pens (for approximately 3,500 birds) producing game for sport. There are no commercial fisheries within the Parish.
- 6.6 There is one small/medium sized agricultural building construction company located on the brown field site adjacent the River Wenning.
- 6.7 There are no renewable energy projects within the Parish. A Solar Panel Farm is located just outside the Parish, due east of Goodenbergh Country Holiday Park on Ravensclose Road (see photograph below).



Solar Farm, Ravensclose Road

- 6.8 A recent planning application for a single wind turbine was robustly opposed and subsequently refused. There is a small business providing fuel for biomass boilers.
- 6.9 There is a small seasonal holiday park at Box Tree Farm Glamping (10 Cabins), Ravensclose Road, and one 'Air BnB' property. There is only one property used as a second home.
- 6.10 The evidence from the Housing Needs Survey showed that 7 households (19%) work from home. With Broadband for the Rural North (B4RN) available to all households in the Parish, the number of those working from home is likely to increase. Most proposals for conversions of residential accommodation to support homeworking do not require planning permission. However if planning permission is required such proposals should be supported provided that they are sympathetic to Wennington's local character.
- 6.11 The results of the consultation on Issues and Options showed that 84% of respondents would like to see a policy in the Wennington NDP to support the rural economy.

Policy WEN5 – Supporting the Rural Economy

Development proposals for live / work units where a genuine need has been demonstrated for such accommodation, small scale facilities and facilities linked to the visitor economy, will be supported where:

- 1. Development minimises any adverse impacts on landscape character, the natural environment and wider countryside and is appropriate to Wennington Parish's rural location, setting and historic character and surrounding land uses in terms of design, scale and materials; and**
- 2. Proposals incorporate appropriate suitable mitigation measures to minimise any adverse impacts on the local road network, and adequate car, other motor vehicle and cycle parking is provided on site for employees and visitors; and**
- 3. Proposals include the re-use or conversion of existing former agricultural buildings, workshops or previously used brownfield sites.**

Proposals for homeworking which require planning consent will be supported where they re-use or bring back into use an existing building, or part of an existing building, and where such development would not have an adverse impact on residential amenity, village or landscape and historic character. Where extensions to residential properties are proposed they should be subservient in scale in relation to the main building.

Lancaster Planning Policies

Document	Policies
Lancaster City Council Core Strategy 2003 - 2021 Adopted 2008	Policy ER6 Developing Tourism

Lancaster District Local Plan 2008 (Saved Policies)	Policy TO3 Rural Tourism
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM7: Economic Development in Rural Areas Policy DM8: The Re-use & Conversion of Rural Buildings Policy DM9: Diversification of the Rural Economy
A Local Plan for Lancaster District 2011 - 2031 Part One: Strategic Policies and Land Allocations DPD Publication Version February 2018	Policy SP4: Priorities for Sustainable Economic Growth
A Local Plan for Lancaster District 2011 - 2031 Part Two: Review of the Development Management DPD Publication Version February 2018	Policy DM15: Small Business Generation Policy DM23: Visitor Accommodation Policy DM46: Economic Development in Rural Areas Policy DM48: The Re-Use and Conversion of Rural Buildings

7.0 Local Infrastructure



A bus negotiating 'The Narrows'

- 7.1 Wennington is a small village and existing infrastructure is limited.
- 7.2 In terms of local facilities and services a significant asset is B4RN, a hyper-fast broadband, which facilitates businesses working from home. Other local facilities and services identified by the NPSG include:
- Picturesque village green with seating overlooking the River Wenning, plus a number of rural walks within the parish boundary
 - Fishing rights on the River Wenning, for all residents
 - Mobile library.
- 7.3 Wennington **does not have the following:**
- A doctors surgery – the nearest is at Hornby, (2.3 miles accessible by bus).
 - Mains sewage system.
 - Extensive pavements; those present are confined to the village centre.
 - Dentist – the nearest is Bentham (3.4 miles accessible by rail / bus).
 - Place of worship – the nearest is St James the Less at Tatham (1.4 miles).
 - Community centre / Council chambers.
 - Public House - the nearest is The Bridge Inn (0.5 miles).
 - Shop / Post office - the nearest is at Wray (1.7 miles), the nearest multiple shops are at Bentham (3.4 miles accessible by rail / bus).
 - Public car parks; visitors typically parking on either the road or using the rail station car park.
 - Clubs and social facilities; the nearest Women's Institute is Wennington and District which meets in Wray (1.7 miles).

(All distances are from Wennington village green).

Transport and Accessibility

7.4 The main strategy for transport in Lancashire (and hence Wennington) is Lancashire County Council's Local Transport Plan for the period 2011 – 2021 and dated May 2011⁸. This document sets out the principles for the development of transportation in our area which may be summarised as below: -

- Improving access into areas of economic growth and regeneration.
- Providing better access to education and employment.
- Improving people's quality of life and well-being.
- Improving safety of our streets for our most vulnerable residents.
- Providing safe reliable, convenient and affordable transport alternatives to the car.
- Maintaining our assets.
- Reducing carbon emissions and its effects.

7.5 There is a hierarchy of plans that sit below the Local Transport Plan. The most relevant is the District of Lancaster Highways and Transport Masterplan 2016⁹. This document sets out the detailed proposals for implementing transport initiatives up to 2031. The document is primarily focussed on the urban areas of the district; particularly Lancaster and Morecambe. There is one chapter devoted to Rural Lancaster. The only specific mention of Wennington is in relation to Wennington Station and the possibility of establishing a rural transport hub at this location. Whilst, unsurprisingly, short on detail about Wennington the County Council's hierarchy of transport plans set the guiding principles which should be used in drafting the Neighbourhood Plan.

Statutory Footpaths and Footways

7.6 Wennington does not have a good network of pavements and footpaths to provide easy or safe pedestrian movement between most of the dwellings in the Parish. Only the core of the village has the benefit of a pavement to connect the dwellings on the north side of the village. This pavement extends from Nether View to the Narrows which, with some crossing of roads, also services the dwellings on the river side of the village.



The lack of a footway east of the village

Over the last twenty years, a footpath between the river and the road has been constructed and maintained by the village to afford safe access from the Narrows to the Waste - a short

⁸ <http://www.lancashire.gov.uk/council/strategies-policies-plans/roads-parking-and-travel/local-transport-plan.aspx>

⁹ <http://www.lancashire.gov.uk/media/899614/final-lancaster-highways-and-transport-master-plan.pdf>

riverside walk - and to Spout Lane – a hedge lined one track tarmac road, well liked and much used by villagers including walkers, dog-owners, joggers, cyclists and local farmers.

- 7.7 There are footways along some roads in the village. The Parish Council has, specifically, campaigned for footway provision on the B4680 between Spout Lane and Ravens Close and (whilst not in the parish) between Old Moor Road and the Bridge Inn. These routes, used by villagers and visitors, are dangerous stretches of road for walkers, and this was noted in the Inspector's report of the appeal case APP/A2335/W/15/3137256. There is an extensive statutory footpath network throughout the parish used by villagers and walkers for recreation purposes. There are two statutory footpaths in the parish used by villagers and walkers for recreation. (See paragraph 4.14 for details). Maintenance of these footpaths is important to preserve these facilities.
- 7.8 Spout Lane provides a relatively quiet access to Wrayton and to the track from Melling to Old Wennington. No pavement/footpath exists beyond Spout Lane. As such, safe access to the nine residences between Spout Lane and Ravensclose is by car only. A recent planning appeal decision, in relation to a development proposal for a property in this area, considered that this section of the road was not safe for pedestrian travel, especially on wet and dark days.
- 7.9 As the Planning Inspector observed after a site visit, *'in order to reach the bus stops and the train station, occupiers of the appeal proposal would be required to negotiate narrow country lanes for a considerable distance. Moreover, the lanes are largely unlit and without footpaths. The risks associated with travelling these routes, particularly during dark evenings or periods of inclement weather, would make it unlikely that future occupiers of the proposal would be receptive to doing so. Indeed, I consider it an unreasonable expectation to place upon them'*.

Highways and Road Network

- 7.10 In addition to the existing lack of safe pavements through and around the village, there is a need to ensure that development proposals take into consideration the rural road network within the Parish in terms of potential traffic volumes and vehicle types and sizes. The NPSG has identified the following as key issues which require consideration:
- 'The Narrows' within Wennington village and narrow country lanes elsewhere in the Parish.
 - The need for an adequate bus service from the village to nearby towns for shopping, leisure and community services; not available within the Parish.
 - Whilst not within the Parish Boundary; The NDP should recognise the benefit of having a railway station in the village which gives access to the main rail network and hence the rest of the country.
 - Surface water flooding is a significant issue on roads within the Parish, particularly Lodge Lane. There is a need to address this matter with the local highway authority.
 - There is a network of statutory footpaths throughout the Parish. These form an important leisure pursuit for local residents and need constant maintenance and improvement.
 - Cycling is also an important leisure pursuit within the Parish. The opportunity should be taken to provide safe and accessible routes for cyclists; encouraging the expansion of cycling to replace car journeys.

‘The Narrows’ (see picture at 7.0)

- 7.11 The main road through the village is the B4680; the main route from Bentham to Lancaster. The road narrows at one point between houses to 3.5 metres wide. There are speed limits on the B4680 through the parish of 50mph and 30mph. The ‘Narrows’ can have two effects. Firstly it can be seen as a means of calming traffic speeds through the village when converging vehicles meet. Conversely it can be seen as introducing noise and added pollution as vehicles queue to allow oncoming vehicles to pass. When there is no oncoming traffic vehicles speed through the gap creating a danger to pedestrians walking through the narrows. The latest traffic counts (September 2015) on the B4680 just east of Spout Lane show a 5 day average two way traffic flow of around 2900 vehicles per day; with around 11% heavy goods vehicles. The recorded mean vehicle speed at this location is 37mph with an 85%ile figure of 43mph. There are 4 recorded accidents in the Parish for the period 2010-14; the period most recently publicly available. This included 2 separate serious accidents in 2011; both on the B4680 east of the village. More recently there was a crash involving a lorry and a car in May 2018 when a driver was taken by air ambulance to Preston Hospital.
- 7.12 The Parish Council has campaigned for a number of years for measures to calm traffic speeds through the village. A number of options have been discussed but no solution delivered.

Country Lanes

- 7.13 The rural nature of the Parish means that there is a network of narrow lanes in the parish. These are historical routes inappropriate to the types of large agricultural, courier and delivery vehicles that now use these roads. As a result vehicles pass using the soft verges and causing damage. The nature of the lanes means that they are generally inappropriate for further housing development and hence additional traffic. Some properly constructed passing places would help deal with the present problem.

Bus Services

- 7.14 Bus Services through Wennington are operated by Stagecoach. They offer the following routes and services on weekdays (weekends are different): -
- Service 80 Lancaster – Ingleton (Lune Voyager) – 4 buses (each way per day).
 - Service 81 Lancaster – Kirkby Lonsdale – 1 bus (each way per day). This service whilst scheduled is dedicated to schoolchildren.
 - Service 833 Lancaster – Clitheroe – 1 bus (each way per day).
 - Service 881 Morecambe – Ingleton – 1 bus (each way per day)
- 7.15 It is not possible for the general public to get a bus direct to Kirkby Lonsdale from Wennington as the only service is dedicated to schoolchildren. Kirkby Lonsdale is a local centre which provides shopping and community services for many villagers (e.g. supermarket, doctors and dentist).
- 7.16 There are no known Community Transport services in the village; supporting those with special transport needs.

Rail Services

- 7.17 Wennington Station is not within the designated area for the neighbourhood plan but is a significant transport asset for the village.

- 7.18 From Carnforth the Bentham line runs eastwards to join the Settle – Carlisle line just south of Settle. The line continues onwards to Leeds. Wennington is just one of four stations between Carnforth and Settle. The line has low passenger numbers but potential for significant improved patronage. There were fewer than 3500 journeys (less than 10 per day) to and from Wennington in 2014/15. The present weekday timetable shows that there are 5 trains per day (each way) that stop at the station.
- 7.19 There is a Community Rail Partnership comprising local authorities, the train operator Arriva North, Network Rail plus community rail and station groups. They are seeking to make improvements on the line and hence increase patronage.
- 7.20 The District of Lancaster Highways and Transport Masterplan 2016¹⁰ states that the station has potential to become a rural transport hub. It is not clear what this entails as there is already connection between bus and rail at this location; with adequate car parking (also used by walkers visiting the area).

Road Surface Flooding

- 7.21 Over recent years there has been a serious road surface flooding problem on Lodge Lane near Wennington Hall School. This issue has been dealt with in more detail in 8.0 Flooding.

Cycling

- 7.22 There are no dedicated or designated cycle facilities within the Parish; although many cyclists use the lanes and roads with lighter traffic flows. The nearest designated route on the National Cycle Network is Route 69 which passes in an east west direction through Wray.

Traffic Management

- 7.23 Traffic management is not something the NDP can really address; campaigning for restrictions on traffic through the village or improvements to public transport services are considered to be actions for the Parish Council rather than planning policies.
- 7.24 The constraints of the local infrastructure and in particular the lack of pavements and narrow highways are significant however; the NDP could add local detail to Lancaster City and Lancashire County Council's strategic planning policies.
- 7.25 The results of the consultation on Issues and Options showed that a majority of respondents (80%) would like to see a policy in the Wennington NDP which addresses local transport and accessibility issues.

Policy WEN6 – Transport and Accessibility

The rail / bus interchange is a significant local asset and its role and function as a rural transport hub will be safeguarded. Sustainable development proposals which enhance the potential of Wennington Station as a rural transport hub will be supported.

Development proposals should be located in areas of the village where there is in existence, or where facilities can be achieved through the provisions of the development proposal, safe pedestrian access to public transport facilities such as bus

¹⁰ <http://www.lancashire.gov.uk/media/899614/final-lancaster-highways-and-transport-master-plan.pdf>

and rail services.

Support will be given to proposals which promote improvements to pavements and footpaths, and which maximise opportunities for walking and cycling.

Where relevant, proposals for new development will be required to demonstrate consideration of any potential adverse impacts on local highways from additional traffic, and to provide suitable mitigation measures appropriate to the rural road network.

Lancaster Planning Policies

Document	Policies
Lancaster City Council Core Strategy 2003 - 2021 Adopted 2008	Policy E2 Transportation Measures
Lancaster District Local Plan 2008 (Saved Policies)	Policy T9 Transport
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM20: Enhancing Accessibility and Transport Linkages Policy DM21: Walking & Cycling
A Local Plan for Lancaster District 2011 - 2031 Part One: Strategic Policies and Land Allocations DPD Publication Version February 2018	Policy SP10: Improving Transport Connectivity Policy T2: Cycling and Walking Network
A Local Plan for Lancaster District 2011 - 2031 Part Two: Review of the Development Management DPD Publication Version February 2018	Policy DM29: Key Design Principles Policy DM59: Enhancing Accessibility and Transport Linkages Policy DM60: Walking and Cycling

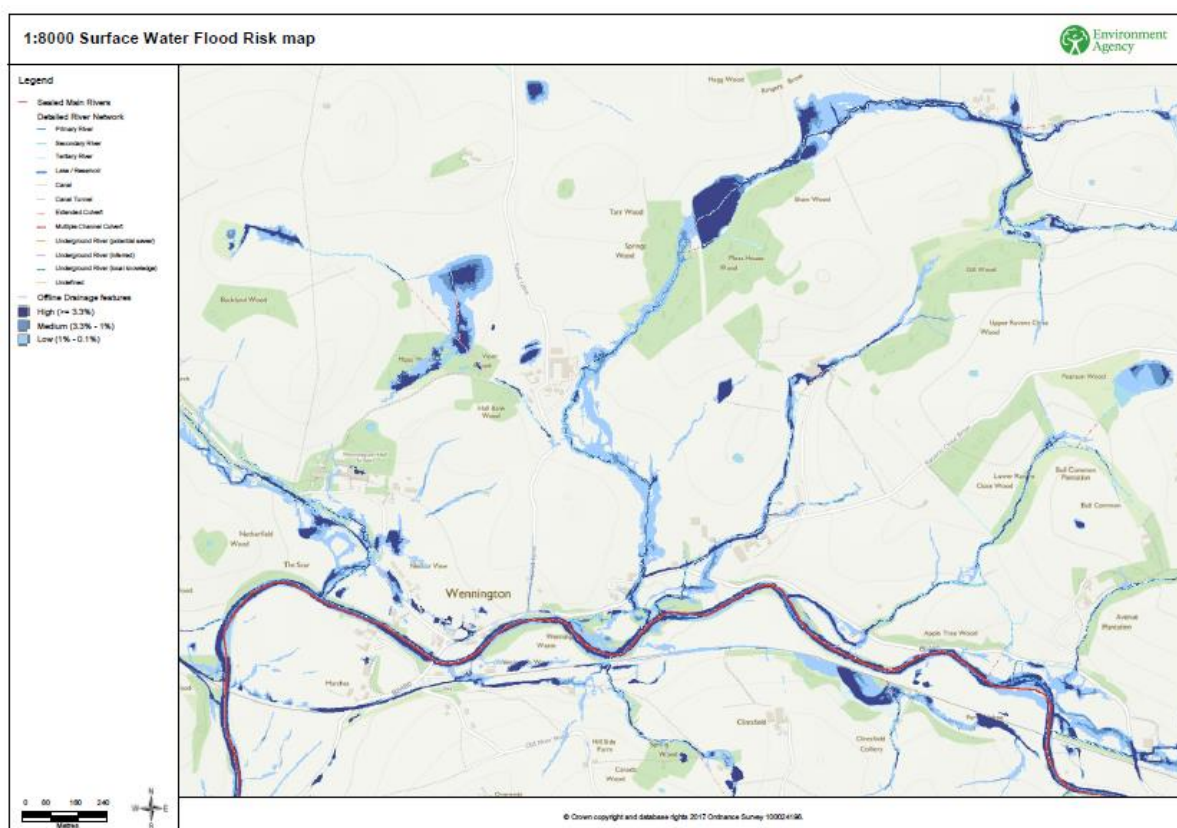
8.0 Flooding

- 8.1 The village of Wennington is located within the open countryside surrounded by gently sloping agricultural fields. There is a junction in the middle of the village that connects the B6480 running between Bentham to the East and Wray to the West. Lodge Lane runs in a North Westerly direction towards Melling.

Surface Water Flooding

- 8.2 The Environment Agency Flood maps for Planning provide information about areas at risk of flooding - see Map 6 below.

Map 6 Surface Water Flood Risk Map - Wennington

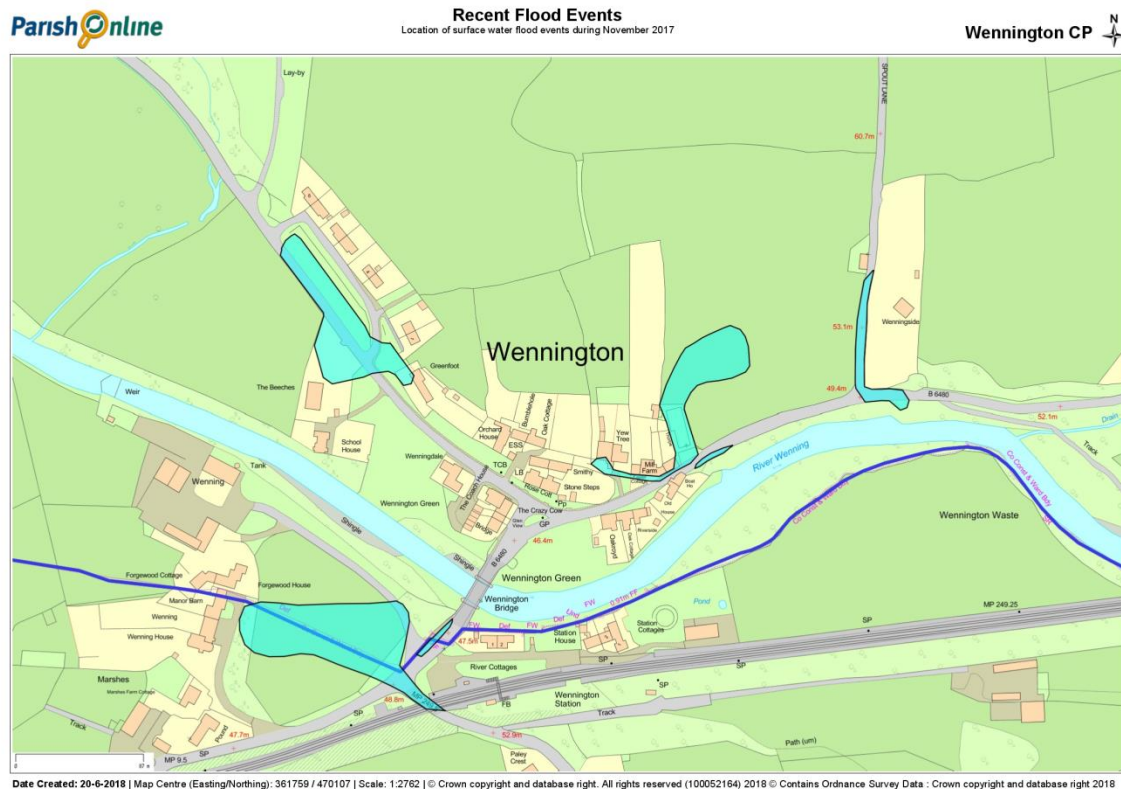


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- 8.3 Surface water flooding is influenced by features in the landscape, particularly buildings and roads and occurs when intense rainfall overwhelms the drainage systems. Whilst the gullies in Wennington appear to cope with normal levels of rainfall, there are times during extended periods of heavy rainfall when large areas of standing water appear.
- 8.4 There is emerging evidence that the frequency and extent of surface water flooding has increased since 2015 and Storm Desmond. Whilst acknowledging that climate change is a contributory factor, the lack of gully maintenance and poor land management has resulted in recent surface water flooding across the Parish of Wennington. In order to build on existing data, Wennington Parish Council has approved the collection of evidence in relation to surface water flooding. It is intended that this information will be shared with statutory authorities to

inform future planning processes. Figure 2 shows the extent of recent surface water flooding in Wennington Parish. There are numerous locations along the roads of Wennington that become heavily affected by flooding when surface water flows from the slopes, mainly to the North and East of the village. It is essential that the gullies and culverts are kept clear and free of debris.

Figure 2 Recent Flood Events (since November 2017)



a) Lodge Lane at the south east end of the village green at Nether View.

During 'Storm Desmond' in December 2015 there was considerable flooding at Nether View (Pictured). There was ingress of water to the garage building at The Beeches to the West side of Lodge Lane. At Greenfoot, on the East side, the septic tank flooded and backed up into the property. In November 2017, as this Neighbourhood Plan was being prepared, further flooding occurred on the Green at Nether View. Following prolonged rainfall, surface water from the Green ran into a nearby property causing considerable damage to the ground floor.



Nether View during Storm 'Desmond'

b) Mill Farm at 'The Narrows'.

Again 'Storm Desmond' caused the field next to Mill Farm to flood which then ran towards the house and flooded the cellar with 3' of water. Sand bags were positioned at the front door to divert water from the road. The cellar was flooded for a second time during the heavy rain in November 2017.

c) Spout Lane.

Rain that falls on the fields to the East of Spout Lane quickly drains onto the lane and down onto the B6480 Bentham Road. A large area of carriageway floods across the road towards the Waste. Two further flood sites regularly occur further up the lane at the corner before Mill Croft and the road depression before Spout Lane meets Back Lane.

d) B6480 adjacent to the Cravens.

Extensive localised flooding occurs across the carriageway on the bends of B6480 to the South of the entrance to the Cravens. The cause is partly due to the nearby little brook being unable to carry the volume of rain water.

e) Ravenclose Road.

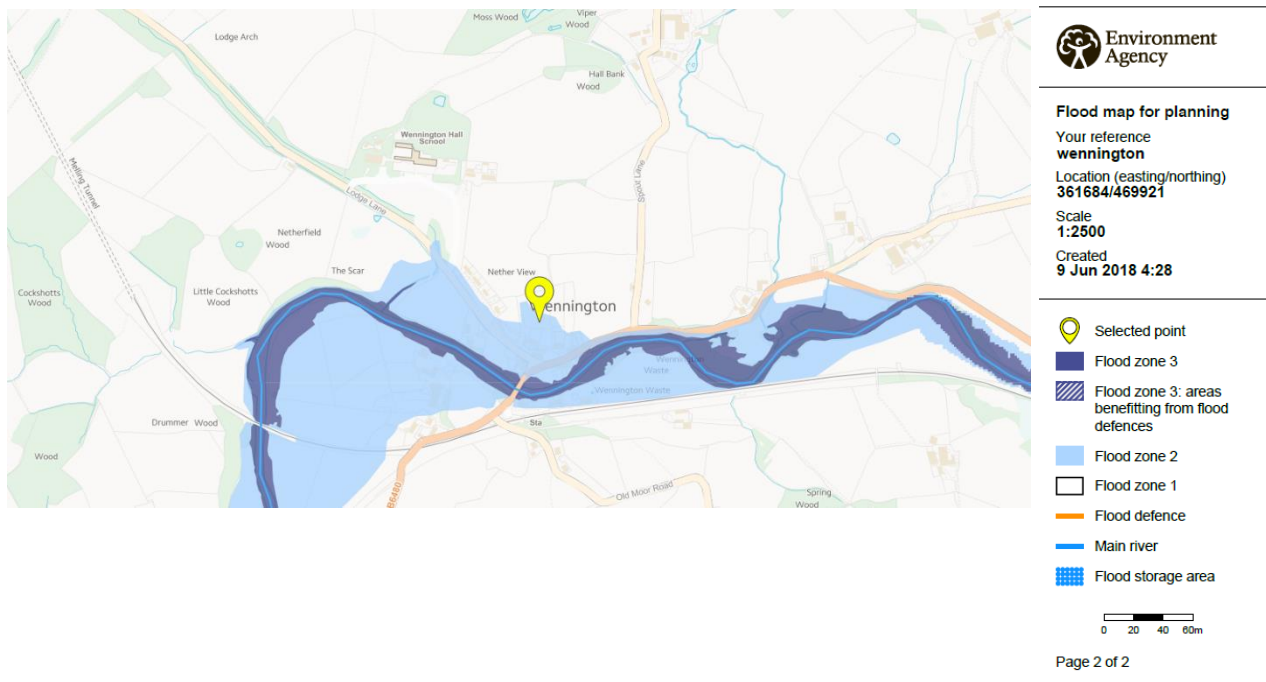
Extensive localised flooding occurs between Box Tree Farm and Ravenclose Farm, caused by the flow of water down the hill to the East from Ravenclose Brow.

Rivers

- 8.4 The primary watercourse is the River Wenning which is classified as a main river. It is a well-formed river, 15 metres wide. The water levels are monitored by the Environment Agency using a gauging station just 150 metres downstream from the main road bridge in the village. The Environment Agency map below indicates that 23 properties (43%) out of the 54 properties in the Designated Area fall within Flood Zone 2.
- 8.5 The Environment Agency Flood Map for Planning (Map 7) shows the flood zones associated with fluvial flooding from the River Wenning. A narrow zone of Flood zone 3 is closely

associated with the river and affects a very limited number of properties. This is defined as having a high probability of flooding (>1% annual probability of flooding, or 1 in every 100 years). Flood Zone 2 extends further out from the river, incorporating more of the village of Wennington. This is defined as having a medium probability of flooding (1%- 0.1% annual probability of flooding). The River Wenning at Wennington is included in an Environment Agency Flood Alert Area: Lower River Lune and Conder, allowing for residents to sign up to receiving flood alert messages.

Map 7 Flood Map for Planning



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Groundwater Flooding

- 8.6 Groundwater flooding is caused when water levels in the ground rise up above the natural surface. It will often occur when accumulated rainfall over a long period of weeks or months is significantly above normal and is most likely to occur in low-lying areas underlain by permeable strata.
- 8.7 The Environment Agency do not hold current data on groundwater flooding in the Wennington area, however, flooding in December 2015 occurred in the one of the lowest areas of the village (adjacent to Lodge Lane) where the underlying aquifers consist of permeable strata. Any new build in the low areas of Wennington should include a survey of the underlying strata to determine the likelihood of groundwater flooding.

Roles and Responsibilities

- 8.8 Under the Flood and Water Management Act 2010 flood risk management is delivered by Risk Management Authorities which include the Environment Agency, Lead Local Flood Authorities, Water and sewerage companies, and the highways authorities. The Environment Agency has a strategic overview of all sources of flooding and coastal erosion. It is also responsible for flood and coastal erosion risk management activities on main rivers,

regulating reservoir safety, and working in partnership with the Met Office to provide flood forecasts and warnings. It must also look for opportunities to maintain and improve the environment for people and wildlife while carrying out all of its duties. Lancashire County Council is the Lead Local Flood Authority. They lead in managing local flood risks (i.e. risks of flooding from surface water, ground water and ordinary (smaller) watercourses). This includes ensuring co-operation between the Risk Management Authorities in their area. In addition the Parish Council is working with Lancaster City Council in order to set up a Community Emergency Plan (CEP). The plan is on-going, but when initially suggested, it met with considerable support from villagers.

- 8.9 The results of the Housing Needs Survey showed that 95% of respondents did not support the development of new housing in recognised flood zones or areas prone to surface water flooding. The results of the consultation on Issues and Options showed that a majority of respondents (88%) supported a policy in the NDP to address surface water flooding.

Policy WEN7 – Reducing Surface Water Flooding

In areas where surface water flood risk is a known issue proposals will be resisted unless suitable mitigation can be provided which does not exacerbate run off elsewhere and wherever possible seeks to provide a betterment.

Development proposals will be required to provide effective surface water drainage measures to protect existing and future residential areas from flooding. New development should be designed to maximise the retention of surface water on the development site and to minimise runoff. Sustainable drainage systems (SuDS) should be implemented in accordance with the SuDS hierarchy unless deemed inappropriate.

Lancaster Planning Policies

Document	Policies
Lancaster City Council Core Strategy 2003 - 2021 Adopted 2008	Policy SC7 Development and the Risk of Flooding
Lancaster District Local Plan 2008 (Saved Policies)	<u>Policy E11</u>
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM38: Development & Flood Risk Policy DM39: Surface Water Run-Off & Sustainable Drainage
A Local Plan for Lancaster District 2011 - 2031 Part One: Strategic Policies and Land Allocations DPD Publication Version February 2018	Policy SP8: Protecting the Natural Environment
A Local Plan for Lancaster District 2011 - 2031 Part Two: Review of the Development	Policy DM29: Key Design Principles Policy DM33: Development and Flood Risk

Management DPD Publication Version February 2018	Policy DM34: Surface Water Run Off and Sustainable Drainage
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9.0 Next Steps

- 9.1 Following several further stages including another public consultation, examination and referendum the NDP will be made by Lancaster City Council and used to help determine planning applications.
- 9.4 The NDP policies will be monitored and reviewed at appropriate key stages such as following the adoption of the new Local Plan for Lancaster City Council.

Appendix I

Results of Biodiversity Audit, Spring 2018

Table 2 Lancashire Key Species recorded in 2018 field surveys

Common Name	Taxon group
Skylark	Bird
Long-stalked yellow sedge	Flowering plant
Melancholy Thistle	Flowering plant
Kestrel	Bird
Japanese knotweed	Flowering plant
Oystercatcher	Bird
Swallow	Bird
Bluebell	Flowering plant
Tutsan	Flowering plant
Indian balsam	Flowering plant
Blunt-flowered rush	Flowering plant
Brown Hare	Mammal
Welsh poppy	Flowering plant
Bogbean	Flowering plant
Grey Wagtail	Bird
Natterer's Bat	Mammal
Curlew	Bird
House Sparrow	Bird
Wood Warbler	Bird
Scots pine	Flowering plant
Pipistrelle	Mammal
Brown long-eared bat	Mammal
Solomons seal	Flowering plant
Duncock	Bird
Rhododendron	Flowering plant
Wood club-rush	Flowering plant
Starling	Bird
Song thrush	Bird
Mistle thrush	Bird
Lapwing	Bird

Table 3 Bird Species Recorded During 2018 Surveys

Common Name	Confirmed Breeding?
Great Titi	Yes
Blue Tit	Yes
Coal Tit	
Robin	
Wren	Yes
Chiff-chaff	
Long-tailed Tit	
Kingfisher	
Magpie	Yes
Black-headed Gull	
Pheasant	
Crow	
Jackdaw	Yes
Great spotted woodpecker	Yes
Jay	Yes
Willow Warbler	
Wood Warbler	
Woodpigeon	
Kestrel	
(French) Partridge	
Curlew	Yes
Oystercatcher	Yes
Grey Heron	
Buzzard	
Barn Owl*	
Little Owl*	
Tawny Owl*	
Sparrowhawk	
Swallow	Yes
Swift	
House Martin	
House Sparrow	Yes
Duncock	Yes
Lapwing	
Goldfinch	
Chaffinch	
Skylark	
Herring Gull	
Rook	
Dipper	
Nuthatch	
Blackbird	Yes
Song Thrush	Yes

Mallard	
Pied Wagtail	
Grey Wagtail	Yes
Blackcap	
Starling	Yes

* Reliable reports although not seen by surveyors

Table 4 Mammals Recorded in 2018 surveys

Common Name	Scientific Name
Brown Hare	<i>Lepus europaeus</i>
Mole	<i>Talpa europaea</i>
Roe Deer	<i>Capreolus capreolus</i>
Grey Squirrel	<i>Sciurus carolinensis</i>
Hedgehog	<i>Erinaceus europaeus</i>
Brown long-eared Bat	<i>Plecotus auritus</i>
Natterer's Bat	<i>Myotis nattereri</i>
Common Pipistrelle Bat	<i>Pipistrellus pipistrellus</i>
Noctule Bat	<i>Nyctalus noctula</i>
Otter*	<i>Lutra Lutra</i>

* Reliable reports although not seen by surveyors

Table 5 Invertebrates Recorded in 2018 surveys

Common Name	Scientific Name
Speckled Wood butterfly	<i>Pararge aegeria</i>
Peacock butterfly	<i>Aglaia io</i>
Common blue damselfly	<i>Enallagma cyathigerum</i>
Buff-tailed bumblebee	<i>Bombus terrestris</i>

Flowering Plants Recorded in the Parish of Wennington, 2018 (common names only)

Bramble
Elder
Red Campion
Rowan
Greater Stitchwort
Common Nettle
Violet
Sycamore
Ramsons
Alder
Wood Anemone
Lords-and-Ladies
Annual Meadow-grass
Brooklime
Dog's Mercury
Groundsel
Red Fescue
Spear thistle
Silver Birch
Ground elder
Cock's foot
Wild cherry
Daisy
Bluebell
Common Chickweed
Goat willow 34
False oat-grass
Hedge bindweed
Sticky mouse-ear
Creeping thistle
Hazel
Hawthorn
Red Campion
Russian comfrey
Dandelion
White clover
Red clover
Common sorrel
Bush vetch
Broad-leaved dock
Snowberry
Silverweed

Pineappleweed
Scented mayweed
Timothy
Blackthorn
Oak
Meadow buttercup
Curled Dock
Gorse
Bilberry
Sycamore
Common Ivy
Cleavers
Herb Robert 35
Wood avens
Perennial rye grass
Butterbur
Garlic mustard
Ramsons
Cow parsley
Welsh poppy
Wood sorrel
Meadowsweet
Himalayan
Honeysuckle
Hard rush
Soft rush
Horse chestnut
Common bent

Creeping bent
Beech
Hogweed
Creeping soft grass
Yorkshire fog
Beech
Alder
Cuckoo flower
Holly
Compact rush
Lesser celandine
Opposite-leaved golden saxifrage
Wood sedge
Hairy wood rush 36

Ash
Blackthorn
Foxglove
Ragged robin
Lesser burdock
Ribwort plantain
Greater plantain
Silverweed
Red dead-nettle
Yellow Iris

Appendix II

Acronyms

AONB	Area of Outstanding National Beauty
B4RN	Broadband for the Rural North
BHS	Biological Heritage Sites
CEP	Community Emergency Plan
CP	Community Parish
DPD	Development Plan Document
EU	European Union
GMEU	Greater Manchester Ecology Unit
NCA	National Character Area
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework
NPSG	Neighbourhood Plan Sub-Group



Wennington Parish Council

Summer 2018

WENNINGTON NEIGHBOURHOOD PLAN 2018-2031

SUBMISSION PLAN

A Report to Lancaster City Council of the Examination into the Wennington Neighbourhood Plan

by Independent Examiner,
Peter Biggers BSc Hons MRTPI

Argyle Planning Consultancy LTD
October 2018

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Summary and Overall Recommendation

0.1 Following my examination of the Wennington Neighbourhood Plan (WNP), including a site visit to the Neighbourhood Area on 13 September 2018, it is my view that, subject to modifications, the WNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 My report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the Basic Conditions.

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

0.4 In proposing the modifications I have tried to ensure that the integrity and value of the WNP and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured.

0.5 By its nature the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan meets the basic conditions and is as robust as possible and that it can play its part in planning decisions and managing change in Wennington Parish in the future in an effective way.

0.6 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing that will be needed as a result of making the modifications. It will also be necessary to ensure all document referencing and commentary about the neighbourhood planning process is up to date for example at section 9.0 of the plan on 'Next Steps'. I have not necessarily highlighted all such consequential changes.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that:

- 1) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- 2) the making of the neighbourhood plan contributes to the achievement of sustainable development;
- 3) the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- 4) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- 5) prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.8 The WNP also complies with the legal requirements set out in Section 61 and

Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act.

0.9 With the modifications in place the Wennington Neighbourhood Plan will meet the Basic Conditions and can proceed to a Referendum.

0.10 When that takes place I also recommend that the Wennington Neighbourhood Area which is synonymous with the Parish's administrative boundary is taken as the area for the Referendum.

Peter Biggers
19 October 2018
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

1.1.1 This Report provides the findings of the examination into the Wennington Neighbourhood Plan (referred to as the WNP throughout this report).

1.1.2 The WNP was produced by the Wennington Parish Council (WPC) and in consultation with interested parties and local stakeholders and residents.

1.1.3 The Wennington Neighbourhood Area equates to the administrative area of the parish.

1.1.4 Wennington Parish lies about 12 miles north east of the City of Lancaster within the district of Lancaster City Council. The area shares an eastern border with the county of North Yorkshire (Craven District) and lies just to the north of the Forest of Bowland Area of Outstanding Natural Beauty. The Parish is very rural in character and comprises the small village of Wennington and a number of scattered farms and individual dwellings in open countryside. The Parish extends across 395 hectares and had a population of 178 recorded in the 2011 Census. Today there are around 54 households.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the WNP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the WNP would be '**made**' by Lancaster City Council. In the event of a successful referendum result the WNP would immediately carry full weight in the determination of planning applications in the Neighbourhood Area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by Lancaster City Council, with the consent of WPC, to conduct the examination and provide this report as an Independent Examiner. I am independent of the qualifying body and the Local Authority. I do not have any interest in any land that may be affected by the WNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 37 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute and a member of the Neighbourhood Planning Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the "Basic Conditions." The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that * :

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition 5 above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA:

“The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.”

1.3.3 In examining the Plan, I have also considered whether the legislative requirements are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to ‘excluded development’, and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

1.3.4 I have examined the WNP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

** NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.*

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Wennington Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is expressly not to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing ie by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 With regard to the above and on consideration of all the evidence before me, I am satisfied that there is no need for a hearing in respect of the WNP and I confirm that all representations on the Neighbourhood Plan received at the Regulation 16 stage have been taken into account in undertaking this examination. Where appropriate I have made specific reference to the person's or organisation's comments in section 6 of this report.

2.3 I undertook an unaccompanied site visit around the Neighbourhood Area on 13 September 2018 during which I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. Subsequent to the site visit I asked a number of factual questions relating to the proposals of the plan of both the City Council and Parish Council as Qualifying Body. These questions and the responses received from the two councils are set out in Appendix 1. I am grateful to the City and Parish Councils for responding to my factual queries.

2.4 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the Wennington Neighbourhood Plan 2018-2031:

1. National Planning Policy Framework (NPPF) 2012 and 2018;
2. National Planning Practice Guidance 2014 (as amended);
3. Town and Country Planning Act 1990 (as amended);
4. Planning and Compulsory Purchase Act 2004 (as amended);

5. Localism Act 2011;
 6. Neighbourhood Planning Act 2017;
 7. Neighbourhood Planning (General) Regulations (2012) (as amended);
 8. Lancaster District Local Development Framework Core Strategy 2008 (LDCS);
 9. Local Plan for Lancaster District 2011-31 Development Management DPD (DMDPD);
 10. Saved Policies of the Lancaster Local Plan 2004 (LLP);
 11. Wennington Neighbourhood Plan Basic Conditions Statement;
 12. Wennington Neighbourhood Plan Consultation Statement and Appendices;
 13. Wennington Neighbourhood Plan 2018-2031 Strategic Environmental Assessment Screening Report;
 14. Wennington Parish Neighbourhood Area Designation Report - July 2017;
- Also:
15. Representations received during the Regulation 16 publicity period post submission ending 31 August 2018.

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 WPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to Lancaster City Council on 23 June 2018.

3.1.3 Public consultation on the WNP commenced with initial consultations in 2017. The initial consultation over 2017 was followed by various consultation stages, including:

- Issues and Options Consultation Oct 2017-Nov 2017;
- The First Draft Plan Consultation Dec 2017 – Jan 2018;
- The pre submission consultation from April 2018 - May 2018; and
- The formal, publicity stage, as required by Reg 16, (the consultation period post submission of the plan) from 20 July - 31 August 2018.

This last stage resulted in 12 consultation responses. These are considered as necessary within my assessment of the plan in section 6 below.

3.2 Wennington Neighbourhood Plan Consultation

3.2.1 The WNP Steering Group has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved neighbourhood planning pages on Parish and Lancaster City Council websites, email drops, parish noticeboards as well as community events. Copies of the Pre Submission Draft and Submission Plan were uploaded to the websites and links provided via email and social media as well as being available locally in hard copy.

3.2.2 The initial consultation stage of the plan sounding out the community on issues

started in February 2017 with a consultation event on 18 February 2017 and ran through to Summer 2017. A survey of housing need was carried out in June 2017 with 37 responses from the 54 households within the parish.

3.2.3 Based on the feedback from these early stages an issues and options document was prepared incorporating the vision and objectives for the plan and consulted on between October and November 2017 with a public consultation event on 28 October 2017. 25 comment forms were returned.

3.2.4 Drawing on this, a first draft plan was prepared and consulted on between 13 December 2017 and 12 January 2018. A covering letter was sent out to all households and residents in the parish and several events were held. Broad support for the draft policies was indicated from the residents. The draft plan was screened as to whether a Strategic Environmental Assessment was required.

3.2.5 The Consultation Statement sets out the detail of these early consultations and the findings and how the plan has responded to these. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the plan.

3.2.6 The pre-submission consultation as required by Regulation 14 involved an 8 week period from 2 April 2018 to 25 May 2018. The WNP was made available online on the Parish and LCC websites and hard copies were made available locally. Statutory consultees and other key community stakeholders were consulted by email with a link to the plan. The WPC decided not to host a further consultation drop-in event further to that hosted at the first draft plan stage as the plan was very little different to the earlier draft. In response to the consultation 20 representations were received including 13 from residents.

3.2.7 Following the pre-submission stage and the analysis of results the plan was finalised for submission.

3.2.8 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and its appendices I am satisfied that it is compliant with Reg 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. The extent of interest and participation by residents in the plan, although not substantial at the pre-submission draft stage, reflects a small resident population. Consultation has been maintained throughout the process at the various stages and I am satisfied from the evidence that the communication and consultation which took place provided full opportunity for the community's participation.

4. Preparation of the Plan and Legislative Requirements

4.0 In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are as follows:

4.1 Qualifying body

4.1.1 Wennington Parish Council, as the duly elected lower tier council, is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan area

4.2.1 The Wennington Neighbourhood Area, as designated, coincides with the boundaries of the Parish.

4.2.2 An application was made by the WPC on 13 September 2016 to designate the Wennington Neighbourhood Area. This was approved by Lancaster City Council on 24 November 2016 following consultation.

4.2.3 This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

4.3 Plan period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The WNP clearly states on its title page and in the introductory sections that it covers the period from 2018– 2031.

4.3.2 The plan period equates with the timescale of the emerging Lancaster Local Plan Part One – Strategic Policies and Land Allocations but extends beyond the time period of the current adopted development plan. The intended time period to 2031 satisfies the requirements of Section 38B of the PCPA as amended.

4.4 Excluded development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste

development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The WNP, as proposed to be modified in section 6 below, relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and use of land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the WNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land.

4.6 Plan Publication Following Submission

4.6.1 Lancaster City Council undertook a final validation check of the WNP on submission in June 2018 and was satisfied that the Plan could proceed to be publicised under Regulation 16. Officers confirmed in writing on 31 August 2018 that the content of the WNP was supported and the plan could proceed to this independent examination.

5. The Basic Conditions

5.1 National policy and advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF has just been published on 24 July 2018. For continuity purposes however and for neighbourhood plans already in the system the NPPF states at paragraph 214 that “*the policies in the previous Framework (dated 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019*”. I therefore have based my consideration of the extent to which the Wennington Neighbourhood Plan meets Basic Condition No 1 in section 6 below against the NPPF 2012.

5.1.2 The NPPF 2012 explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan.

5.1.3 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They cannot promote less development than that set out in the Development Plan or undermine its strategic policies.

5.1.4 The NPPF indicates that plans should provide a framework within which decisions

on planning applications can be made with a high degree of predictability and efficiency.

5.1.5 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans. The PPG has also been reviewed in tandem with the NPPF but again for the purposes of this examination the relevant advice is that in existence at the time the WNP was submitted.

5.1.6 The implication of the NPPF review and the advice in para 212 of the NPPF 2018 is that “*plans may also need to be revised to reflect policy changes which this replacement Framework has made*”. This would be carried out through a partial or complete review of the neighbourhood plan.

5.2 Sustainable development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: - economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However an SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.

5.2.3 In this case WPC has only carried out an exceedingly brief tabulation reviewing how the plan meets the 3 main sustainability references in the NPPF. This has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the WNP policies which would have been the more usual procedure. The tabulation assessment in the Basic Conditions Statement and the assessment of policies against the development plan that follows in the Basic Conditions Statement do however indicate that the policies will comply with sustainability principles in the NPPF and development plan.

5.2.4 I will consider detailed points regarding the plan’s ability to meet Basic Condition No 2 in section 6 below.

5.3 General Conformity with the Development Plan

5.3.1 The adopted development plan in force for Lancaster City is the Lancaster District Local Development Framework Core Strategy 2008 (LDCS), the Local Plan for Lancaster District 2011-31 Development Management DPD (DMDPD) and saved policies of the Lancaster Local Plan 2004 (LLP).

5.3.2 There is an emerging new Local Plan – A Local Plan for Lancaster District 2011-31 Part One: Strategic Policies and Land Allocations and Part Two: Development Management DPD. Parts One and Two have been submitted to the Planning

Inspectorate for Examination but have not yet been adopted. Whilst I understand why the Parish Council has referred to these documents in the WNP and in the Basic Conditions Statement in order to demonstrate that the neighbourhood plan will reflect the new plan, I cannot assess the WNP against these unadopted policies and my assessment in section 6.0 below will be carried out against the current adopted policies.

5.3.3 Lancaster City Council has confirmed in its Regulation 16 representation that in its opinion the WNP policies meet the Basic Conditions including being in general conformity with the strategic policies of the development plan which it takes to be principally contained within the Lancaster District Local Development Framework Core Strategy 2008 (LDCS) and saved policies of the Lancaster Local Plan 2004 (LLP).

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

Strategic Environment Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (LCC) that the plan is not likely to have 'significant effects.'

5.4.4 A screening opinion both in respect of the need for Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) was prepared by LCC in consultation with the statutory bodies in January 2018. The screening opinion notes that the WNP is being brought forward in advance of any higher level sustainability appraisal in association with the emerging Local Plan however future development likely to arise through the neighbourhood plan in Wennington is likely to be small scale and relatively unconstrained. The bulk of the plan policies seek to protect character, improve design, protect the natural environment and historic assets, and encourage sustainable growth and infrastructure improvements. As such the screening opinion determined that there would be no likely significant adverse effects and no significant environmental impacts and therefore no need to carry out either assessment. The SEA screening did however recommend that the plan should incorporate a monitoring and implementation framework in order that the effect of the plan policies can be monitored.

5.4.5 Regarding Habitats Regulations Assessment, the test in the additional Basic Condition is that the making of the neighbourhood development plan is “*not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.*”

5.4.6 No European sites are located within the Neighbourhood Area although there are 9 within 15 kilometres. However the screening opinion considered all policies could be screened out as having no potential impact pathways likely to lead to significant effects for the European sites. The screening opinion did however recommend that there was a need to cross refer to policy DM43* of the Local Plan which seeks the protection and enhancement of biodiversity. With this in place there was considered to be no direct individual or in combination effects of development arising through the WNP policies.

5.4.7 Neither the statutory environmental consultees nor anyone else has taken issue with the screening opinion findings and I have no reason to reach a different view regarding direct significant effects.

5.5 Other EU obligations

European Convention on Human Rights (ECHR)

5.5.1 The Human Rights Act 1998 encapsulates the Convention articles into UK Law.

5.5.2 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions; although the WNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.5.3 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the WNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.5.4 In respect of Article 14 of the Conventions Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the WNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.

5.5.5 The policies set out in the WNP would be unlikely to have any detrimental impact on most of the 'protected characteristics' set out in the Equality Act 2010 and generally the plan would bring positive benefits. It is recognised that whilst the plan does not directly address needs of specific groups neither do its policies expressly exclude any groups' needs.

*DM43 refers to the emerging local plan. The appropriate reference in the adopted *Local Plan for Lancaster District 2011-31 Development Management DPD* would be DM 27. See section 6.4.5.

5.5.6 No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the plan. I am satisfied on the basis of the above that, across the plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.5.7 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.5.8 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the WNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions Nos 4 (EU obligations) and 5 (Other prescribed conditions), this section largely focusses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

6.0 The General Form of the Plan

6.0.1 The structure of the WNP is generally logical and clear with early sections setting the context, vision and objectives and then policy sections. Each policy is accompanied by supporting text and the plan distinguishes between the policies themselves, which are emboldened and boxed, and their justification.

6.0.2 The Planning Practice Guidance (PPG) requires the plan to provide a clear and unambiguous guide to developers and in that respect I have two concerns with the general structure of the plan that raise issues in respect of Basic Condition No 1.

6.0.3 Whilst the WNP does not have a policies and proposals map as such because of the absence of allocations and the absence of policies with a specific spatial dimension, the plan does depend on a number of maps which are intended to help explain and justify the policies. The plan would be clearer if these and in particular Map 2, 3, 6 and 7 were enlarged. This would make it much clearer for users of the plan and decision makers.

6.0.4 Secondly, the inclusion of the related policies from the development plan after each

WNP policy, whilst a good idea in principle helping to identify the strategic policies to which the WNP policies relate, should not include policy references from the emerging Local Plan. These emerging policies may change in their scope and intent and in particular their numbering as Parts One and Two of the new Local Plan progress through their examination. Where that happens it will simply result in the WNP references being confusing and unclear.

6.0.5 In addition in respect of the general structure of the Plan, the conclusions of the SEA Screening Opinion that it was unlikely that the WNP would result in any significant environmental effects was subject to the inclusion of a monitoring and implementation framework within the plan to ensure the effects of the plan are properly monitored. This has not been included in the submission draft plan.

Recommendation 1 –

1A - Enlarge the detailed mapping included in the plan when producing the final version in particular Map 2, 3, 6 and 7.

1B – Delete the policy references to the emerging Local Plan for Lancaster District 2011-31 Parts One and Two from each of the Lancaster Planning Policies Tables that follow each WNP policy.

1C – Include a monitoring and implementation framework as an appendix to the plan indicating how the policies will be monitored and cross reference this from Section 9.0 ‘Next Steps’ by amending line 1 of paragraph 9.2 to read:

“The WNP policies will be monitored as set out in the monitoring and implementation framework in Appendix 1 and the plan reviewed....”

6.1 Section 1.0 – What is a Neighbourhood Development Plan?

6.1.1 This section of the WNP is largely factual describing the plan’s scope and the process involved in its preparation. However the text includes a number of statements where accuracy is an issue. These need to be corrected to ensure that the plan is clear and unambiguous as required by the PPG and therefore compliant with Basic Condition No 1.

6.1.2 Paragraph 1.4 does not include all the elements of the adopted Development Plan. It needs to include the Local Plan for Lancaster District 2011-31 adopted in 2014. Paragraph 1.4 also states that the WNP “*has to take into account*” the emerging new local Plan. This is not in fact correct. The WNP **can** take account of an emerging plan but the neighbourhood plan **has** to be based on the adopted elements of the Development Plan and thus a change of emphasis in the text is required.

6.1.3 Paragraph 1.5 picks up some of the other basic conditions in addition to being in general conformity with the strategic policies of the Development Plan but it is not entirely accurate and does not include all of them. For example it does not refer to the need to contribute to achieving sustainable development.

6.1.4 Finally the accuracy of the references to the referendum at the end of the process in paragraph 1.8 needs to be improved. The referendum must achieve **more than 50%** of the turnout being in support of the plan being used to determine planning decisions.

6.1.5 For these reasons I recommend the following modifications to the text.

Recommendation 2

2A – Reword the third sentence lines 4/5 of paragraph 1.4 to read:

“The local strategic planning policies are set out in the Lancaster Local Development Framework Core Strategy 2003-21, A Local Plan for Lancaster District 2011-31 and Saved Policies from the Lancaster District Local Plan 2008.”

2B – Reword the 4th sentence of paragraph 1.4 to start:

“The NDP has also taken into account....”

2C – Reword line 2 onwards of paragraph 1.5 to read:

....and other guidance), to contribute to achieving sustainable development and to comply with European Union obligations.”

2D - Reword Line 3 of paragraph 1.8 to read :

“...is a majority ‘Yes’ vote (i.e. more than 50% of the turnout)....

6.2 A Neighbourhood Development Plan for Wennington

6.2.1 This section again is largely factual, setting out the background context to preparing the plan. Paragraphs 2.9 and 2.10 both include references to consultation comments at the First Draft Plan stage and the Regulation 14 pre-submission draft stage. The inclusion of these summary comments is both confusing and unnecessary. The consultation statement is the document where comments are reported. Inclusion in the plan is confusing as it relates to comments on earlier versions which have now been resolved.

Recommendation 3

Delete the text in paragraphs 2.9 and 2.10 after first sentence.

6.3 Vision and Objectives

6.3.1 Section 3 of the WNP sets out the vision of the plan, and the objectives to deliver the vision and provides the basis for the policies.

6.3.2 The vision and objectives do appear to draw on the issues and matters of concern within the community that have emerged through the consultation stages of the plan and set out the wish to meet the local needs of the community without losing the rural character of the parish and the qualities of the natural and built environment.

6.3.3 The plan therefore has regard to the PPG advice in respect of neighbourhood plans that they “*provide the opportunity for communities to set out a positive vision for how they want their community to develop... in ways that meet identified local need and make sense for local people*”.

6.3.4 The vision and objectives also encapsulate and reflect the vision and objectives set out in section 3 of the LDCS, section 3 of the DMDPD and paragraphs 1.1.14 and 1.1.15 of the LLP and are set out in a way in which it is clear that they are likely to contribute to the achievement of sustainable development.

6.3.5 Accordingly, the Vision and Objectives meet Basic Conditions Nos 1, 2 and 3.

Policies of the Neighbourhood Development Plan

6.4 – The Natural Environment

6.4.1 The first policy of the plan WEN1 seeks to protect and enhance local wildlife assets. The policy has regard to section 12 of the NPPF in respect of the natural environment. However Gladman Developments Ltd, in their Reg 16 response, point out that the NPPF at paragraph 113 makes it clear that policies should reflect the hierarchy of importance of wildlife assets and apply protection commensurate with their importance. Policy WEN 1 in its first clause does not do this and seeks to apply a blanket protection to designated and non-designated sites. In this respect it is in conflict with Basic Condition No 1.

6.4.2 However, both the NPPF itself and policy 27 of the DMDPD apply a tiered protection and it is unnecessary for policy WEN1 to duplicate this. Accordingly, the first clause could simply be deleted leaving the rest of the policy to set out what is required of development proposals in the parish.

6.4.3 The final clause however referring to minimizing the loss of the most fertile soils is unrelated to the rest of the policy and is not supported by any justifying text. The PPG requires proportionate, robust evidence to support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the neighbourhood plan. This has not been done in this case and there is therefore a further conflict with Basic Condition No 1. Again the simplest solution as the requirement is already adequately covered in DMDPD policy DM27 would be to remove the clause.

6.4.4 The rest of the policy has regard to the NPPF and is in general conformity with LDCS policy SC1, DMDPD policy DM27 and LLP policy E12 and E17 and provides additional local guidance which is the purpose of neighbourhood plan policies. In protecting and enhancing biodiversity it is also likely to contribute to achieving sustainability.

6.4.5 A conclusion of the Habitats Regulations Screening Opinion was that policy WEN1 should be cross referenced to the requirements of policy DM27 of the DMDPD that relevant surveys and assessments should be carried out where the development has the potential to affect protected sites, habitats or species. However this requirement will apply as an adopted part of the development plan regardless whether it is cross referenced in policy WEN1 or not. Therefore rather than refer to the policy within the text of WEN1 which would simply result in the policy wording becoming time limited, it is sufficient that the

reference is made within the table of relevant Lancaster City Planning Policies following WEN1.

6.4.6 I recommend policy WEN1 is modified as follows and with this modification in place the policy meets Basic Conditions Nos 1, 2 and 3:

Recommendation 4

Remove the first and last clauses of policy WEN1 (i.e. the first line and the penultimate and last line of the policy).

6.4.7 Policy WEN2 looks to protect and enhance local landscape character and the principle of the policy has regard to section 11 of the NPPF and the LDCS policy E1 on environmental capital, LLP policy E4 and DMDPD policy DM28, the last of which sets out in considerable detail the approach to managing landscape impact of development.

6.4.8 Policy WEN2 adds local value to DM28 in focusing on the local landscape issues of concern.

6.4.9 However the NPPF indicates that plans should “*provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency*”. The PPG further requires that a policy in a neighbourhood plan “*should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications*”.

6.4.10 In order to meet these requirements, and therefore Basic Condition No 1, there are a number of points in the policy which need to be clarified.

First, the initial paragraph of the policy is not sufficiently clear where it states ‘suitable’ landscaping schemes’. In respect of materials it refers to ‘locally appropriate’ which is more precise because a developer can observe and apply what is local to the area. Removing the word ‘suitable’ is all that is needed because ‘locally appropriate’ would then apply to both ‘landscaping schemes’ and ‘boundary treatments’.

6.4.11 Secondly, the second paragraph of the policy appears to suggest that rural buildings can only be located on the mid slopes of drumlins which does not appear to be correct. The parish has confirmed that this is not what was intended and the main purpose of the clause is to restrict skyline development. Accordingly the clause needs to be modified.

6.4.12 Thirdly, in the third paragraph dealing with significant views, it is not clear from the use of the word ‘respect’ exactly what a developer would have to do. As the next paragraph refers to mitigation of impacts on significant views, the policy would be clearer if the second paragraph also talked in terms of ‘impact’.

6.4.13 Gladman Developments Ltd, in their Reg 16 response, also raise concerns about

the evidencing of significant views. The PPG requires proportionate, robust evidence to support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the neighbourhood plan.

6.4.14 Having reviewed the wording both in WEN2 and in the supporting text regarding these views, whilst more could be said about their significance I am of the opinion that enough is said for the developer and decision maker to understand the concept and allow the policy to operate. This is particularly the case as the policy does not preclude development within the vicinity of these significant views merely that it would require a Landscape and Visual Impact Assessment or similar to ensure development is proposed to be sited sensitively and appropriately.

6.4.15 Finally, policy WEN2 also seeks to control the impact of renewable energy installations on the landscape. Paragraph 4.20 in the supporting text talks about large scale renewable installations having a potential impact on the AONB and the local landscape character and gives the example of a solar array. However the policy itself only refers to wind turbines. Clarification sought from the Parish indicates that it is generally supportive of renewable energy of a domestic scale but it is the possibility of renewable energy projects having an adverse visual impact as set out in the supporting text that is the concern. The policy as currently worded does not reflect this and therefore it needs to be modified to apply to all renewable energy projects and deliver what is intended which, according to WNP paragraph 4.20, has been supported by the local community.

6.4.16 In this context the NPPF at paragraphs 93 and 97 requires planning to support the delivery of renewable energy and for all communities to contribute to energy generation from renewable sources. I do not consider that the negative wording of this part of policy WEN2 is framed in a way that has sufficient regard to national policy and therefore does not meet Basic Condition No 1. I acknowledge that one of the criteria in paragraph 97 does allow policies to ensure adverse impacts are addressed (including landscape impact) and, if this is the principal concern of the community in respect of renewable energy installations, it is acceptable for the policy to seek to control this. WEN2 only seeks to control landscape impact although other impacts are fully controlled through policy DM17 of the DMDPD. It would therefore make sense to cross refer to DM17 in the list of related development plan policies following WEN2 as it is not currently listed.

6.4.17 A resident at the Reg 16 stage expressed the view that common land should be referred to in paragraph 4.2 of the supporting text to policy WEN2 and identified on Map 2 showing protected open spaces in Wennington. In response to a question of fact to the City Council it has been confirmed that there are areas of common land particularly along the River Wenning east and south of the village. Whilst common land is already strictly controlled, I see no reason why to further clarify the supporting text at paragraph 4.2 this should not be referred to.

6.4.18 I recommend the following modifications.

Recommendation 5

5A Reword line 2 of policy to read:

“... locally appropriate materials, landscaping schemes and boundary treatments.”

5B Reword line 6 to read:

“...any new rural buildings should be located on sheltered sites below the skyline.”

5C Reword Line 10 to read:

“...proposals should not impact on these.....”

5D Reword Line 18 to read:

“Renewable energy projects in the rural area of Wennington Parish will only be supported where there would be no adverse impact on the setting of the Forest of Bowland AONB and the local landscape character of Wennington Parish.”

5E Add policy DM17 of the DMDPD to the list of Lancaster Planning Policies following policy WEN2.

5F Add to the end of the 3rd sentence in paragraph 4.2:

“...and areas of common land extend east and south of the village along the River Wenning.”

Once Map 2 is enlarged as per Recommendation No 1 the common land along the River Wenning should be shown.

6.4.19 With these modifications in place the policy will be clear and unambiguous thus meeting Basic Condition No 1. As above the policy is in general conformity with the LDCS and DMDPD and helps to deliver a sustainable future for the parish. Therefore Basic Conditions Nos 2 and 3 are also met.

6.5 - Built Environment and Housing

6.5.1 Policy WEN 3 seeks to encourage good design and in that respect has regard to the NPPF at section 7 seeking a high standard of design in all development.

6.5.2 The first part of the policy looks to ensure the design of development conserves the heritage assets of the parish. Gladman Developments Ltd in their Reg16 representation raise concerns regarding this first clause of the policy, firstly that for reasons of clarity it should form a separate policy and secondly that it should distinguish between the protection afforded to designated as opposed to non-designated heritage assets and set out the expectations in respect of each.

6.5.3 Whilst I agree that the heritage section of the policy might have been better separated, it is not open to me to recommend a modification to create a further policy in the plan. The test I must apply is whether the policy meets the Basic Conditions in its current form and there is no reason in these terms why policy WEN3 cannot deal with both aspects.

6.5.4 Regarding the approach to designated and non-designated heritage assets I acknowledge that the NPPF does distinguish in this way; however, I am satisfied that by the policy using the words '*conserved in a manner appropriate to their significance*' a developer would be clear that differing tests would be applied. I do however consider that closer regard would be seen to be had to the NPPF and to legislation if the statutory test wording of 'preserve or enhance' was used in place of 'conserve' in this clause. As the NPPF sets out at length how the tests will be applied in respect of designated and non-designated heritage assets and must be applied when considering development affecting heritage assets I do not consider that it is necessary to replicate the tests in respect of policy WEN3.

6.5.5 In the third clause dealing with development in conservation areas I have a concern whereby it is not immediately clear from the policy, or its supporting text, where one looks to understand the character of the conservation area. Normally a conservation area would have a conservation area appraisal (CAA) or a conservation area management plan (CAMP) in place but I understand from an answer to a question of fact put to the Council that neither has been prepared for Wennington. The policy is capable of being interpreted particularly if the clause referred to the character and appearance of the conservation area. However it would work better with a CAA in place and this cross referenced. If the Council is in a position to complete a CAA before the plan goes to referendum the reference could be added to the policy.

6.5.6 The second section of the policy deals with new buildings. My only comment in respect of this section is that clause 2 again is not sufficiently clear and unambiguous. Presenting the approach to building lines as an either or is not clear. The important issue is that new buildings are in keeping with the building lines established by nearby development. Accordingly a modification is needed to add this to clarify the policy.

6.5.7 Gladman Developments Ltd are also concerned with policy WEN3 generally that it is overly prescriptive and lacks flexibility and they quote from paragraph 60 of the NPPF to make their point. However they do not quote the end of that paragraph which states that: "*It is however proper to seek to promote or reinforce local distinctiveness*". This is what policy WEN 3 seeks to do. The criteria are not expressed in terms that are overly prescriptive. In each of the sections on new buildings, extensions and conversions the criteria use phrases such as "*should be consistent*"; "*should be chosen to complement*"; "*are compatible with*" etc. Moreover the policy does not rule out contemporary designs provided they "*contribute positively towards the visual interest of the local street scene*". In short, there is sufficient flexibility in the policy to ensure it has regard to the policies of section 7 of the NPPF.

6.5.8 In addition to these concerns with the policy there also needs to be a modification to the supporting text to ensure that it too is clear and unambiguous. As was the case with paragraphs 2.9 and 2.10 of the WNP paragraph 5.16 refers back to comments about

policy WEN3 at an earlier stage. As these comments have been acted on it is simply confusing to refer to the comment.

6.5.9 With the recommended modifications in place Basic Condition No 1 would be met. The policy would also be in general conformity with LDCS policy SC5 seeking to achieve quality in design, LLP policies H12 and E35 which seek to achieve and protect conservation areas respectively and DMDPD policy DM35 that sets out key design principles. The policy would also contribute to achieving a more sustainable form of development and therefore Basic Conditions Nos 2 and 3 would be met.

Recommendation 6

6A Reword Line 1 of policy WEN3 paragraph 1 to read:

“Both designated and non-designated heritage assets *will be preserved or enhanced* in a manner appropriate.....”

6B Reword Line 7 of WEN3 paragraph 3 to read:

“...materials and detailing to the character *and appearance* of the Conservation Area.”

6C Reword Clause 2 of the section of policy WEN3 on New Buildings to read:

“Building lines should *reflect adjacent development and either* come up to....”

6D Delete the second sentence of paragraph 5.16 of the supporting text to policy WEN3.

6.5.10 Policy WEN4 sets out the approach to housing development in the parish. As Wennington is not classed as a sustainable settlement, policy WEN4 limits future housing development to that which can be achieved through conversions of existing buildings or new build in response to local need, where the vitality of rural communities will be maintained or enhanced. In that respect the policy has regard to the NPPF at paragraph 55 regarding housing in rural areas and LDCS policy SC3, DMDPD policy DM42 managing rural housing growth and LLP policy H11 dealing with housing exceptions. The result of the Local Housing Needs Assessment carried out during the preparation of the WNP was that at the present time there is no local housing need and therefore the decision was taken that there was no need to allocate any site in the plan.

6.5.11 Again for the purposes of creating clear and unambiguous policies as required by the PPG the third paragraph of the policy should make it clear that this relates to newbuild housing.

6.5.12 In addition the wording of the introduction to the clauses in the policy and the clauses themselves do not make grammatical sense so I have included a modification in Appendix 2 listing typographical and formatting corrections see section 7.1 below.

6.5.13 Finally the wording of the supporting text at paragraph 5.18 refers to policy numbers

in the emerging *Local Plan for Lancaster District Part One*. As stated above at paragraph 6.0.4 of this report as the new local plan is only at submission stage and has still to complete examination it is not yet clear whether policies SP2 and 3 will remain or continue to carry this numbering. To avoid confusion in the WNP the reference to the emerging plan in paragraph 5.18 should be phrased in a more general way without referring to policy numbers.

Recommendation 7

7A Reword Line1 of paragraph 3 to policy WEN 4 to read:

“In respect of newbuild housing preference will be given to.....”

7B Reword Lines 2/3 of paragraph 5.18 of the supporting text to WEN4 to read:

“.....Wennington is identified as a Rural Village in the Lancaster District Settlement Hierarchy. The emerging local plan sets out that.....”

6.5.14 With the recommended modifications in place Basic Condition No 1 would be met. The policy would also be in general conformity with development plan policies as above and would also contribute to achieving a more sustainable form of development meeting local housing needs and therefore Basic Conditions Nos 2 and 3 would be met.

6.6 - Rural Economy

6.6.1 Policy WEN5 looks to encourage the rural economy by supporting small scale development to facilitate local economic growth. In principle the policy has regard to the NPPF at section 3 which supports a prosperous economy in all but one respect.

Clause 3 appears to limit the support to reuse or conversion of existing buildings whereas the NPPF at section 3 also allows for the development of well-designed new buildings.

Accordingly the policy as it is phrased at present does not meet Basic Condition No 1 and will need to be modified to allow for the construction of new buildings.

6.6.2 Again in respect of the requirement of the NPPF that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that a policy in a neighbourhood plan should be clear and unambiguous, policy WEN5 is insufficiently clear in the first paragraph in terms of what is meant by ‘small scale facilities’. The Parish Council has confirmed that what it was trying to convey was that Wennington, in the context of supporting the rural economy, would be receptive to small scale development. An illustrative example might be a small scale extension to a property (i.e. to create an office or workshop) that would enable home working. That being the case the text needs to be modified to meet Basic Condition No 1.

Recommendation 8

8A Reword line 2 of policy WEN5 to read:

“...demonstrated for such accommodation, *small scale development in association with a local business* and facilities linked to the visitor economy....”

8B – Reword clause 3 of policy WEN5 to read:

“Proposals include the re-use or conversion of *existing buildings or well-designed new buildings.*”

6.6.3 The policy with these modifications would also be in general conformity with the LDCS policy ER6 on tourism and DMDPD policies DM7, 8 and 9 on economic development in rural areas, reuse and conversion of rural buildings and rural diversification. Policy WEN 5 focusses on the local matters of concern and seeks to enhance rural sustainability by supporting the economy. As such, as modified, the policy would also meet Basic Conditions Nos 2 and 3.

6.7 Local Infrastructure

6.7.1 Policy WEN6 seeks to secure improved transport and accessibility through development within the parish. The focus of the policy is to make provision for safe and more sustainable transport modes and therefore the principle of the policy has regard to the NPPF at section 4.

6.7.2 The rail station is undoubtedly an asset that specifically enables sustainable travel by residents of the parish. However it is just outside the Parish and therefore the neighbourhood plan, given the requirements of Section 38 of the PCPA (as amended), cannot include a policy that seeks to safeguard it. In order to meet Basic Condition No 1 therefore the first sentence of policy WEN6 will need to be removed from the policy. If the Parish Council wish to actively support the idea of the station as a rural transport hub it should do so through a community action project but this cannot be formally part of the WNP. I recommend that the first sentence of policy WEN6 is incorporated into the text at paragraph 7.17 and the second sentence of the policy makes it clear that it applies to development proposals within the parish.

6.7.3 The NPPF requires that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that a policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Given these requirements the fourth paragraph of policy WEN6 does not meet Basic Condition No 1. It is not at all clear from the policy when it will be **relevant** to apply this clause. Accordingly, the clause needs to be reworded to provide certainty.

6.7.4 A resident in their Reg 16 response suggests that rail and bus services should be classed as a significant asset in Paragraph 7.2 and that the figure of 5 trains per day is no longer correct in paragraph 7.18 and should be changed to 7. The value of the rail bus interchange is recognised as a significant asset in paragraph 7.17 as proposed to be

reworded so does not need to be repeated. If the number of trains has increased to 7 trains per day then the figure of '5' in paragraph 7.18 should be amended as a factual correction.

Recommendation 9 –

9A Remove the first sentence of policy WEN6 and reword the second sentence to read:

“Sustainable development proposals *within the parish which support and enhance the potential of Wennington Station.....*”

9B Reword the first sentence of paragraph 7.17 of the supporting text to read:

“ Wennington station *and the rail/bus interchange* is not within.....village *and its role and function as a rural transport hub will be encouraged.*”

9C Reword the 4th paragraph of policy WEN6 to read:

“Proposals for new development will be required to demonstrate that any potential adverse impacts on local highways from additional traffic can be resolved or suitable mitigation measures put in place appropriate to the rural road network.

9D Line 5 of paragraph 7.18 – change '5 trains' to '*7 trains*'.

6.7.5 With these modifications the policy will meet Basic Condition No 1, would be generally in conformity with LDCS policy E2 and LLP policy T9 on transportation measures and DMDPD policies DM20 and DM21 which seek to enhance accessibility and transport linkage and promote walking and cycling respectively. As the policy will also help to secure more sustainable transport it helps to achieve sustainable development. Thus basic Conditions Nos 2 and 3 are also met.

6.8 Flooding

6.8.1 The WNP identifies surface water flooding in Wennington as an issue and policy WEN7 seeks to ensure that any future development proposals do not worsen the current situation and ideally results in improvement. The policy in principle has regard to section 10 of the NPPF. However again there are issues with the policy with regard to the extent to which it is as clear and unambiguous as it can be.

6.8.2 First, the policy does not state where surface water flooding is known to be an issue and it should be cross referenced to Map 6 which sets out the areas of surface water flood risk. In order that this cross referencing is as clear as possible it is important that the enlarging of these maps as proposed in Recommendation 1 is carried out.

6.8.3 Secondly, the first clause of the policy is unclear in what it is seeking to achieve. Paragraph 2 of WEN7 looks to minimise run off and retain surface water on site. It is my understanding therefore that the mitigation referred to in paragraph 1 of the policy needs to ensure surface water flooding is not exacerbated beyond the site and wherever possible

provides betterment. This is not what the text currently states so it will be unclear for a developer what it is that the mitigation is intended to do.

6.8.4 Finally the Environment Agency has requested in its Reg 16 response a further clarification in respect of how the flood mapping is referred to in paragraph 8.2.

Recommendation 10

10A Reword line 1 of policy WEN7 to read:

“In areas where surface water flood risk is a known issue, *as identified on Map 6*, development proposals.....”

10B Reword line 2 to read:

“....can be provided which does not exacerbate *surface water flooding* beyond the site and wherever possible...”

10C Reword line 1 paragraph 8.2 of supporting text to policy WEN7 to read:

“The Environment Agency flood risk assessment mapping provides information about areas at risk of flooding from different sources – see Maps 6 and 7 below.”

6.8.5 With these modifications made the policy meets Basic Condition No1. DMDPD policies DM38 and 39 set out the requirements to minimise flood risk from development and control surface water run-off respectively. These are very detailed policies and therefore the WNP policy does not need to replicate these but can instead focus on how these issues are to be addressed locally. The policy is in general conformity with the DMDPD policies and, inasmuch as controlling and reducing flood risk also contributes to achieving sustainable development, the Basic Conditions Nos 2 and 3 are also met.

7. Other Matters

7.1 Typographical and Formatting Corrections

7.1.1 There are a number of typographical and formatting errors in the plan which ought to be corrected. In addition to proposing modifications to ensure the plan meets the basic conditions it is also open to me as the examiner to correct such errors. I have identified these in Appendix 2 and in modifying the plan as set out above and finalising for the referendum these typographical amendments should be made.

Recommendation 11 – Make typographical and formatting corrections as set out in Appendix 2 at the end of this report.

8. Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Wennington Neighbourhood Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Wennington Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area mirrors the boundaries of the parish. Given the scale and nature of the plan and the fact that the policies proposed would not affect residents in adjoining parishes I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any alternative approach.

Recommendation 12 - I recommend to Lancaster City Council that the Wennington Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Wennington Neighbourhood Area as approved by the City Council on 24 November 2016.

Peter D Biggers
19 October 2018
Independent Examiner
Argyle Planning Consultancy Ltd

Appendix 1 – Wennington Neighbourhood Plan Questions of Fact from the Examiner

For Lancaster City Council to answer

- What is the position with the Lancaster District Core Strategy 2008 as the Local Plan for Lancaster District 2011-31 Development Management DPD states that on its adoption (which happened in 2014) the Core Strategy will be withdrawn – or - is the intention that this will not happen until the site allocations part of the local plan is also adopted.

When the 2014 Development Management DPD was adopted, the intention was that this would be shortly followed by a Land Allocations DPD presenting revised strategic policies for the district. However, since this time, the position has moved on and the Council has now submitted two documents simultaneously to the Planning Inspectorate for Examination in Public, namely the Strategic Policies and Land Allocations DPD and a review of the Development Management DPD. As such policies within the 2004 Lancaster District Local Plan and the 2008 Lancaster District Core Strategy remain the current strategic component of the Local Plan for Lancaster District.

- Paragraph 1.4 of the WNP does not mention the Local Plan for Lancaster District 2011-31 - Development Management DPD adopted in 2014. Is this merely an oversight as presumably it is part of the adopted plan on which the WNP is based.

This is an oversight and should also refer to the 2011-31 - Development Management DPD adopted in 2014,

- What is the current position with the emerging Local Plan in terms of stage now reached?

On 15th May 2018 the Council submitted the Strategic Policies and Land Allocations DPD and a review of the Development Management DPD. An inspector has been appointed, Mr Richard McCoy and examination hearings are programmed to start on Tuesday 8th January 2019. Once adopted these documents will supersede saved policies in the 2004 Lancaster District Local Plan, the 2008 Lancaster District Core Strategy and the Development Management DPD 2014.

- Has a conservation area appraisal or conservation area management plan been prepared for Wennington CA?

The Council at this stage has not prepared a Conservation Area Appraisal or Management Plan for Wennington Conservation Area. However, it is intended that these will be prepared at a future date.

- A resident at Reg 16 stage proposed that common land should be referred to in para 4.2 of the plan and included in Map 2 . Am I right in assuming that the village greens are common land and are already identified on Map 2 ? Are there any other areas of common land in the parish?

Further to your query please find attached picture which identifies common land and village greens, these are two different classifications and are held on separate registers by Lancashire County Council.

For Wennington Parish Council to answer

- Is it just wind power where there is a need to apply control in WEN2 as the plan text refers to solar arrays?

The plan text refers to the (local) solar array farm as an example of a development that Wennington would wish to resist. The key principle and distinction that Wennington wish to promote is that it supports renewal energy schemes when considered in the context of domestic properties. However, large scale (e.g. commercial/industrial) renewal energy schemes, such as wind or solar farms, would have significant and detrimental impact within the landscape.

- What is intended to be covered by the reference to small scale facilities in the second line of policy WEN5?

What we were trying to convey was that Wennington, in the context of supporting the rural economy, would be receptive to small scale facilities. An illustrative example might be a small scale extension to a property (i.e. to create an office or workshop) that would enable home working.

However, we accept, this specific wording is open to misinterpretation and we would be comfortable for this particular phrase to be removed in order to avoid confusion.

In conclusion, presuming that our principle points are reasonable, we would be very happy to review the wording or receive a recommendation on how we might rephrase these policies to be more precise in their meaning and application.

- As currently worded WEN2 appears to suggest that any new rural buildings should be located on the mid slopes of drumlins (ie **only** being located there and **nowhere else**). This does not appear to be right. Is the important point the parish want to get across the last part of that clause ie that development should be below the skyline?

The examiner's instinct is correct... the important point the parish wishes to promote is that any development should, wherever possible, be below the skyline so as the help maintain the current landscape and protect the significant views which are highly valued by local people. As the policy goes on to explain, where "a development proposal impacts on an identified significant view, a landscape and visual impact assessment... must be carried out".

The parish is certainly not suggesting that any new building can only be located on the mid slopes of drumlins.

Appendix 2 - Recommendation 11–Table of Typographical and Formatting Corrections		
Para	Location	Correction
	Lancaster Planning Policies Tables (All tables)	Retitle reference to the Core Strategy as “ <i>Lancaster District Local Development Framework Core Strategy</i> ”
2.4	Second sentence - Line 2	Substitute ‘ <i>met</i> ’ for ‘meets’
4.2	Line 11	Missing word – insert “ <i>improving</i> ” after “There are some opportunities for”....
4.20		Insert new sub heading in bold “ <i>Renewable Energy Projects</i> ” At the start of para 4.20
WEN3	Car Parking – Line 1	Should read: “ <i>Lancaster District’s</i> most up to date....”
5.20	Line 7	Delete the word ‘in’ after ‘during’
WEN4	Line 2 and 3	Delete the word ‘proposals’ from line 2 and insert it at the beginning of clause 1.
WEN4	Clause 2 Line 1	Add the word ‘ <i>which</i> ’ after the word ‘development’.
8.7	Line 2	Delete ‘the’ after ‘occurred in’
9.4	Line 1	Delete paragraph reference number ‘9.4’ and replace with ‘9.2’.



Lancaster City Council WENNINGTON NEIGHBOURHOOD PLAN

Decision Statement: Wennington Neighbourhood Plan Proceeding to Referendum

1.0 Summary

- 1.1** In line with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (NPR) Lancaster City Council have produced this 'Decision Statement' in relation to the Wennington Neighbourhood Development Plan (the 'Plan') submitted to them by Wennington Parish Council.
- 1.2** The Plan sets out a vision for the Parish and establishes the type of development needed to help sustain the community. If made, it will become part of the development plan for land use and development proposals within the Parish until 2031.
- 1.3** Following an independent examination of written representations, Lancaster City Council now confirms that the Plan will proceed to a neighbourhood planning referendum subject to the modifications set out in the table below.
- 1.4** In accordance with the examiner's recommendation, the Wennington Neighbourhood Plan will proceed to a public referendum scheduled for Thursday 14th February 2019.
- 1.5** The decision statement and examiners report are posted on the District Council's website www.lancaster.gov.uk/neighbourwest-lindsey.gov.uk/neighbourhoodplans This Decision Statement, along with the independent examiners report and the plan documents can be inspected:
- 1.6** <https://www.lancaster.gov.uk/planning/planning-policy/community-rights/neighbourhood-planning>

2.0 Background

- 2.1** On 13th September 2016 Wennington Parish Council submitted an application to Lancaster City Council for the designation of the Parish as a Neighbourhood Area. The approval of the Neighbourhood Area Designation, for the Wennington Neighbourhood Plan, was made on the 24th November 2016.
- 2.2** The Parish Council subsequently prepared the Wennington Draft Neighbourhood Development Plan. The 6 week pre-submission consultation period ended on 25th May 2018.

2.3 The Submission version of the Neighbourhood Plan for Wennington was completed and submitted to Lancaster City Council on 22nd June 2018. Lancaster City Council held a 6 week consultation period on the submitted Plan from 20th July 2018 until 31st August 2018, in accordance with regulation 16 of the NPR.

2.4 An Independent Examiner (Mr. Peter Biggers) was appointed in September 2017 to undertake the examination of the Submission version of the Wennington Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 22nd October 2018.

3.0 Decisions and Reasons

3.1 The Examiner has concluded that, with certain modifications, the Plan meets the Basic Conditions and other relevant legal requirements. The Council's Cabinet concurs with this view and has determined that the modifications set out in the table attached to this Statement are in accordance with the examiner's recommendations.

3.2 The local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response. The table attached to this statement sets out the examiner's recommended modifications and the Council's decisions in respect of each of them.

3.3 Lancaster City Council is therefore satisfied that, subject to the modifications being made, the Draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation; thus the plan can proceed to referendum.

3.4 Therefore, to meet the requirements of the Localism Act 2011, a referendum which poses the question **"Do you want Lancaster City Council to use the Neighbourhood Plan for Wennington to help it decide planning applications in the neighbourhood area?"** will be held in the Parish of Wennington on Thursday 14th February 2019.

Examiner's Recommended Changes

Location of Change	Page of Change	Proposed Change	Commentary on examiner's view	Officer Recommendation
General	Numerous	1A - Enlarge the detailed mapping included in the plan when producing the final version in particular Map 2, 3, 6 and 7.	This change would improve clarity	Accept the change
General	Numerous	1B – Delete the policy references to the emerging Local Plan for Lancaster District 2011-31 Parts One and Two from each of the Lancaster Planning Policies Tables that follow each WNP policy.	This is the right approach given the stage of the emerging Local Plan	Accept the change
General	New Appendix 1	1C – Include a monitoring and implementation framework as an appendix to the plan indicating how the policies will be monitored and cross reference this from Section 9.0 'Next Steps' by amending line 1 of paragraph 9.2 to read: "The WNP policies will be monitored as set out in the monitoring and implementation framework in Appendix 1 and the plan reviewed...."	This is required in order that the Neighbourhood Plan can be satisfactorily monitored once made	Accept the change
Paragraph 1.4	5	2A – Reword the third sentence lines 4/5 of paragraph 1.4 to read: "The local strategic planning policies are set out in the Lancaster Local Development Framework Core Strategy 2003-21, A Local Plan for Lancaster District 2011-31 and Saved Policies from the Lancaster District Local Plan 2008."	For factual correctness this change needs to be made	Accept the change
1.4	5	2B – Reword the 4th sentence of paragraph 1.4 to start: "The NDP has also taken into account....."	For factual correctness this change needs to be made	Accept the change
1.5	5	2C – Reword line 2 onwards of paragraph 1.5 to read:and other guidance), to contribute to achieving sustainable development and	This change needs to be made in order that the Neighbourhood	Accept the change

		to comply with European Union obligations.”	Plan meets the Basic Conditions	
1.8	6	2D - Reword Line 3 of paragraph 1.8 to read : “...is a majority ‘Yes’ vote (i.e. more than 50% of the turnout)....	For clarity this change needs to be made	Accept the change
2.9-2.10		3 Delete the text in paragraphs 2.9 and 2.10 after first sentence.	Agree that the consultation statement is where reference should be made to comments made during consultation.	Accept the change
Policy WEN1	15	4 Remove the first and last clauses of policy WEN1 (i.e. the first line and the penultimate and last line of the policy).	Agree that the first line in the submitted version of the Neighbourhood Plan should not apply a blanket protection between designated and non designated wildlife sites. NPPF already outlines correct approach. Agree last clause is unnecessary.	Accept the change
WEN2	20	5A Reword line 2 of policy to read: “... locally appropriate materials, landscaping schemes and boundary treatments.”	Agree the removal of ‘suitable’ before landscaping schemes, in order that alongside materials it refers to ‘locally appropriate’ improves the clarity of the policy	Accept the change
WEN2	20	5B Reword line 6 to read: “...any new rural buildings should be located on sheltered sites below the skyline.”	This change is needed as the policy currently reads that new rural buildings	Accept the change

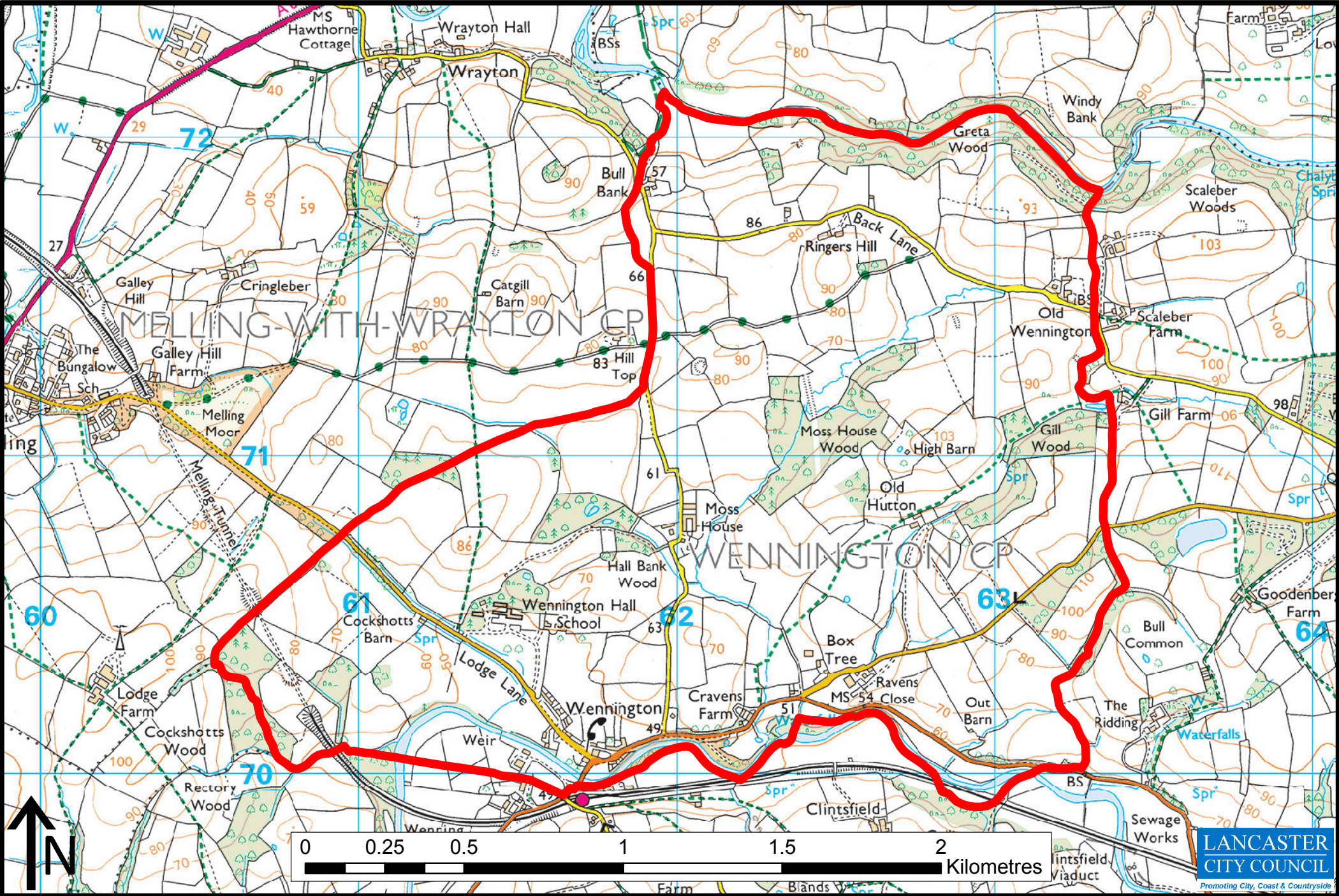
			should be located on the mid slopes of drumlins, this was run past the Qualifying Body and they have agreed	
WEN2	20	5C Reword Line 10 to read: "...proposals should not impact on these....."	Agree referring to impact rather than 'respect' improves clarity.	Accept the change
WEN2	21	5D Reword Line 18 to read: "Renewable energy projects in the rural area of Wennington Parish will only be supported where there would be no adverse impact on the setting of the Forest of Bowland AONB and the local landscape character of Wennington Parish."	It is agreed that this more closely reflects the intentions of the Qualifying Body in relation to how proposals concerning renewable energy development should be considered.	Accept the change
Lancaster Planning Policies after WEN2	21	5E Add policy DM17 of the DMDPD to the list of Lancaster Planning Policies following policy WEN2.	This policy within the Lancaster local plan concerns landscape impact and is relevant to policy WEN2.	Accept the change
4.2	11	5F Add to the end of the 3rd sentence in paragraph 4.2: "...and areas of common land extend east and south of the village along the River Wenning." Once Map 2 is enlarged as per Recommendation No 1 the common land along the River Wenning should be shown.	Amend, it is considered that this is better added to the second sentence rather than the third sentence.	Add to second sentence rather than third sentence of Paragraph 4.2.
WEN3	28	6A Reword Line 1 of policy WEN3 paragraph 1 to read: "Both designated and non-designated heritage assets will be preserved or enhanced in a manner appropriate....."	This would better align with the NPPF.	Accept the change.

WEN3	28	6B Reword Line 7 of WEN3 paragraph 3 to read: “...materials and detailing to the character and appearance of the Conservation Area.”	This change is needed in order to give due consideration to the Conservation Area.	Accept the change.
WEN3	28	6C Reword Clause 2 of the section of policy WEN3 on New Buildings to read: “Building lines should reflect adjacent development and either come up to...”	This change will ensure that buildings respect the surrounding context as required.	Accept the change
5.16	28	6D Delete the second sentence of paragraph 5.16 of the supporting text to policy WEN3.	Agree that this is not required and currently confuses the reader.	Accept the change
Policy WEN4	31	7A Reword Line1 of paragraph 3 to policy WEN 4 to read: “In respect of newbuild housing preference will be given to.....”	Agree better reflects Planning Practice Guidance	Accept the change
5.18	31	7B Reword Lines 2/3 of paragraph 5.18 of the supporting text to WEN4 to read: “.....Wennington is identified as a Rural Village in the Lancaster District Settlement Hierarchy. The emerging local plan sets out that.....”	Agree that this change helps ensure that Wennington’s status in the settlement hierarchy is reflective of adopted and emerging local plan policies.	Accept the change
Policy WEN5	34	8A Reword line 2 of policy WEN5 to read: “...demonstrated for such accommodation, small scale development in association with a local business and facilities linked to the visitor economy....”	Agree this change removes the ambiguity of the policy which currently reads ‘small scale facilities,’	Accept the change
Policy WEN5	34	8B – Reword clause 3 of policy WEN5 to read: “Proposals include the re-use or conversion of existing buildings or well-designed new buildings.”	Agree that this needs to be amended in order that the policy is reflective of the NPPF	Accept the change
Policy WEN6	40	9A Remove the first sentence of policy WEN6 and reword the second sentence to read:	Agree that the safeguarding of Wennington	Accept the change

		"Sustainable development proposals within the parish which support and enhance the potential of Wennington Station....."	Station cannot be fully ensured given that it lies outside of the parish boundary and therefore the Neighbourhood Plan designation area.	
7.17	39	9B Reword the first sentence of paragraph 7.17 of the supporting text to read: "Wennington station and the rail/bus interchange is not within.....village and its role and function as a rural transport hub will be encouraged."	The rewording of this sentence better reflects changes to policy WEN6.	Accept the change
Policy WEN6	41	9C Reword the 4th paragraph of policy WEN6 to read: "Proposals for new development will be required to demonstrate that any potential adverse impacts on local highways from additional traffic can be resolved or suitable mitigation measures put in place appropriate to the rural road network.	Rewording of this clause provides the certainty needed for a decision maker on any future relevant planning application.	Accept the change
7.18	40	9D Line 5 of paragraph 7.18 – change '5 trains' to '7 trains'.	This reflects the current frequency of service.	Accept the change.
Policy WEN7	46	10A Reword line 1 of policy WEN7 to read: "In areas where surface water flood risk is a known issue, as identified on Map 6, development proposals....."	This provides needed clarity.	Accept the change
Policy WEN7	46	10B Reword line 2 to read: ".....can be provided which does not exacerbate surface water flooding beyond the site and wherever possible..."	The amendment here from 'does not exacerbate run off elsewhere' provides needed clarity.	Accept the change
8.2	42	10C Reword line 1 paragraph 8.2 of supporting text to policy WEN7 to read:	This is needed in accordance with the Environment	Accept the change.

		"The Environment Agency flood risk assessment mapping provides information about areas at risk of flooding from different sources – see Maps 6 and 7 below."	Agency's requirements.	
General	Numerous	11 – Make typographical and formatting corrections as set out in Appendix 2 at the end of this report.	All of these typographical changes are needed.	Accept the change.
General	N/A	12 - I recommend to Lancaster City Council that the Wennington Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Wennington Neighbourhood Area as approved by the City Council on 24 November 2016.	This forms the basis of the Cabinet Report which seeks approval of the Neighbourhood Plan to proceed to referendum.	Does not require a change.

Wennington CP Neighbourhood Plan Area



Wennington
Neighbourhood Development Plan (NDP)
2018 - 2031
Referendum Plan



November 2018



Prepared by The Neighbourhood Plan Sub Group (NPSG) on behalf of the Parish Council

With the assistance of



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Welcome

Welcome to the Wennington Neighbourhood Development Plan (NDP).

This is the final, referendum version of the Plan and it includes the modifications recommended by the Examiner in his 'Report to Lancaster City Council of the Examination into the Wennington Neighbourhood Plan, October 2018'.

The NDP has been prepared by the Neighbourhood Plan Sub Group (NPSG) of local residents and parish councillors. Public consultation, including the referendum, is a very important part of preparing NDPs. An NDP gives local residents more say in the planning process, and the document as a whole should reflect the priorities and concerns of Wennington people.

1.0 What is a Neighbourhood Development Plan (NDP)?



Wenningdale - An example of recent residential development

- 1.1 Neighbourhood Development Plans (NDPs) are a new type of planning policy document, prepared by parish councils and some other bodies, to guide new development within a defined area, such as a parish. They are used alongside local authority (here, Lancaster City Council) and national planning policy documents, to help determine planning applications. NDPs are powerful tools and present significant opportunities for local people to have a real say in how, and where, development should happen within their local area.
- 1.2 An NDP can cover a range of planning related issues, or just have one, single policy. The Draft NDP for Wennington addresses the local planning issues identified through the extensive informal community consultation and engagement undertaken so far and sets out a total of 7 planning policies for addressing them.
- 1.3 NDPs cannot be prepared in isolation and all NDP planning policies and proposals have to be underpinned by a clear and robust evidence base of local opinion and technical resources.
- 1.4 Overall the Plan has to meet a set of “basic conditions” set out in national guidance and these will be tested through an examination at the end of the process. The basic conditions include the requirement that NDPs have to be in general conformity with local strategic planning policies. The local strategic planning policies are set out in the Lancaster District Local Development Framework Core Strategy 2003-2021, A Local Plan for Lancaster District 2011-2031 and Saved Policies from the Lancaster District Local Plan 2008. The NDP has also taken into account the emerging new Local Plan for Lancaster District 2011 – 2031, Part One: Strategic Policies and Land Allocations DPD and Part Two: Review of Development Management DPD.¹ These two documents have reached submission stage.
- 1.5 NDPs also are required to have regard to national planning policy (National Planning Policy Framework NPPF, 2012² and other guidance), to contribute to achieving sustainable development and to comply with European Union obligations.
- 1.6 Preparing an NDP is therefore a complex and lengthy process. The main steps are set out in Figure 1.

¹ See <http://www.lancaster.gov.uk/planning/planning-policy/about-the-local-plan>

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

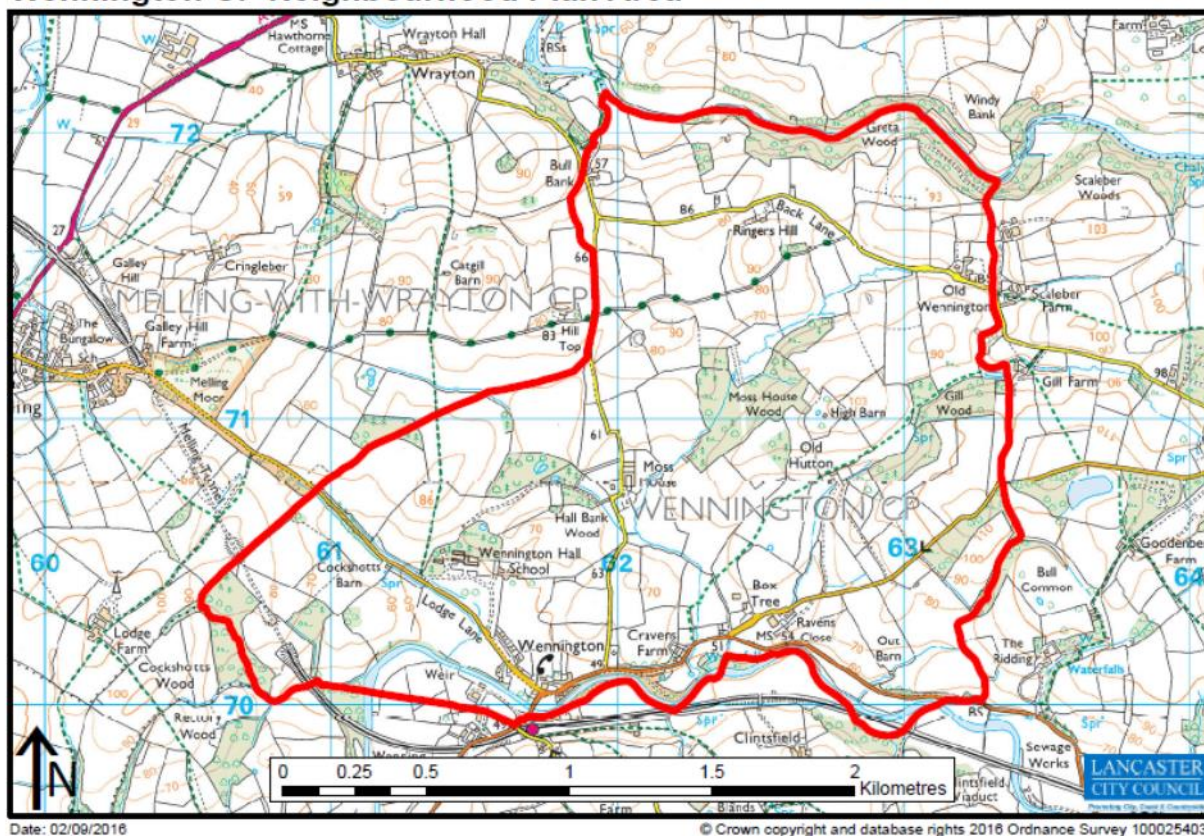
Figure 1 NDP Process

- 1.7 The Regulation 14 public consultation was undertaken in the spring of 2018. The NDP was published for another 6 weeks (Regulation 16) consultation by Lancaster City Council in summer 2018.
- 1.8 The Plan has been examined by an independent Examiner, who recommended further changes before the Plan is subjected to a local referendum within the Parish. If there is a majority Yes vote (i.e. more than 50% of the turnout), the Plan will be made by Lancaster City Council and used to help determine planning applications alongside Lancaster's own planning policies and national policy.
- 1.9 There are therefore several stages of public consultation and engagement throughout the process, and the Plan can only be made if, at the very end, local people support it.
- 1.10 We hope to achieve all this and have a Plan in place by the end of 2018 or early 2019. We need your help and ideas to do this.

2.0 An NDP for Wennington

Map 1 Wennington Parish and NDP Area

Wennington CP Neighbourhood Plan Area



Wennington Parish

- 2.1 The Parish of Wennington lies about 12 miles north east of the City of Lancaster within the district of Lancaster City Council. (Note - where the term "Parish" is used within the NDP document this also refers to the Neighbourhood Plan area.) The area shares an eastern border with the county of North Yorkshire (Craven District) and lies just to the north of the Forest of Bowland AONB. The Parish is very rural in character and comprises the small village of Wennington and a number of scattered farms and individual dwellings in open countryside. The Parish extends across 395 hectares and had a population of 178 recorded in the 2011 Census. Today there are around 54 households.
- 2.2 The Parish does not have a village hall, church or public house. Wennington rail station lies just outside the Parish with services to Morecambe and Leeds. The River Wenning runs east / west along the southern boundary and the Parish has many natural environmental assets including wildlife sites and ancient woodlands. A small corner in the south east of the Parish lies just within the Forest of Bowland AONB. Built heritage assets include a conservation area and 9 listed buildings including Wennington Hall School. Most buildings are constructed of traditional local materials, and the Parish has a distinctive and very attractive rural character typical of the Lune Valley area of Lancashire.

Neighbourhood Area Designation

- 2.3 Work began on the NDP for Wennington in June 2016 when the Parish Council made the decision to prepare a Plan. The Parish Council submitted an application to Lancaster City Council on 13th September 2016 to designate the neighbourhood plan area covering the whole of the Parish (see Map 1). Following consultation on the application for 4 weeks from 26th September 2016 to 24th October 2016, the City Council approved the designation on 24th November 2016.
- 2.4 The Neighbourhood Plan Sub Group (NPSG) of local residents and parish councillors was set up and met for the first time in August 2016. The Sub Group met approximately every month to two months to oversee the preparation of the NDP on behalf of the Parish Council. NDP progress is a standing agenda item at all Parish Council meetings and all Parish Council meetings are open to the public.
- 2.5 A dedicated web page for the NDP is available on the Parish Council website – see <https://wenningtonparishcouncil.wordpress.com/planning/>. The website includes minutes of the NPSG meetings, background documents / evidence for the NDP and links to other useful sites.

Community Engagement Event

- 2.6 An initial Community Engagement Event was held on Saturday 18th February 2017. Around 30 people came along to express their thoughts and suggestions regarding the future development of Wennington. All the information gathered during the engagement event is published on the website and is provided in the Consultation Statement.

Housing Needs Survey

- 2.7 As a first step in preparing local evidence to support the NDP, a local Housing Needs Survey was undertaken of all 54 Wennington households in June 2017. 37 questionnaires were returned (and a further one came in after the closing date) and these provided information about the age range of residents, occupations, types of development that would be supported and future housing needs. A summary of the Key Findings is provided in the Consultation Statement and the full data set and analysis can be accessed via the Parish Council website: <https://wenningtonparishcouncil.files.wordpress.com/2015/07/hns-analysis.pdf>. There was support for conversions and limited development on brownfield sites and concerns that development should not take place in areas at risk of flooding. Overall the responses to the survey demonstrated that there is no immediate requirement for the NDP to allocate land for housing (affordable or market housing).

Issues and Options

- 2.8 The NPSG published the Issues and Options document from October to November 2017. A public event was held on 28th October 2017 at the Melling Institute and comments forms were distributed to all households. The Issues and Options document and comments form were available on the NDP website to download. Completed comments forms could be returned at the public event or to a steering group member by 30th November 2017. Hard copies of the Issues and Options document were available to borrow on request from a NPSG member. There were 25 completed comment forms returned and these have been considered carefully and used to inform the First Draft Plan. The responses are provided in the Consultation Statement.

First Draft Plan

- 2.9 The First Draft Plan was published for further informal public consultation from 13th December 2017 until 12th January 2018.

Regulation 14 Public Consultation

- 2.10 The Draft Plan was published for formal public consultation from 2nd April 2018 until 25th May 2018.

Regulation 15 Submission

- 2.11 The Submission Plan was presented to Lancaster City Council on 22nd June 2018.

Regulation 16 Formal Consultation

- 2.12 Lancaster City Council published the Submission Plan for formal consultation from 20th July 2018 until 31st August 2018.

Biodiversity Audit

- 2.13 The Parish Council appointed Greater Manchester Ecology Unit (GMEU) in early 2018 to undertake an ecological (biodiversity) audit of the parish to support the evidence base for the NDP and to inform planning policies. The full report (A Biodiversity Audit of the Parish of Wennington in Lancashire, GMEU May 2018) is available under the evidence base section of the NDP website. Recommendations and extracts from the Report have been included in the Submission Plan where relevant and appropriate.

3.0 Vision Statement and Objectives

- 3.1 The NPSG has prepared the following Vision and Objectives for the NDP. The Issues and options consultation responses indicated that 80% of respondents supported the Draft Vision and Objectives and 20% did not answer.

Vision Statement (2018 – 2031)

Our vision for Wennington is one of a strong, cohesive and forward looking community. A community in which the natural landscape and rural character is celebrated and conserved. A community that will, in response to the needs of our residents, organically grow and develop in a sensitive and sustainable manner.

Objectives

In order to achieve our Vision the Neighbourhood Plan will work to the following objectives:

Objective 1 – To protect and enhance the beautiful and natural landscape, biodiversity and rural heritage for current and future generations.

(Through NDP Policies WEN1 and WEN2)

Objective 2 – To protect and maintain the Parish greens and woodlands as a valued and open resource for local residents and visitors to the Parish.

(Through Lancaster City Council Policies and WEN1)

Objective 3 – To ensure all new developments are designed and built to fit naturally and sensitively within and alongside the existing built environment.

(Through NDP Policy WEN3)

Objective 4 – To support incremental housing development which meets identified local needs.

(Through NDP Policy WEN4)

Objective 5 – To support and promote the rural economy including increased home working opportunities provided by our world class broadband infrastructure.

(Through Policy WEN5)

Objective 6 – To ensure that all new developments are accompanied by necessary infrastructure requirements and do not result in unacceptable impacts from increases in traffic and flooding.

(Through Policies WEN6 and WEN7)

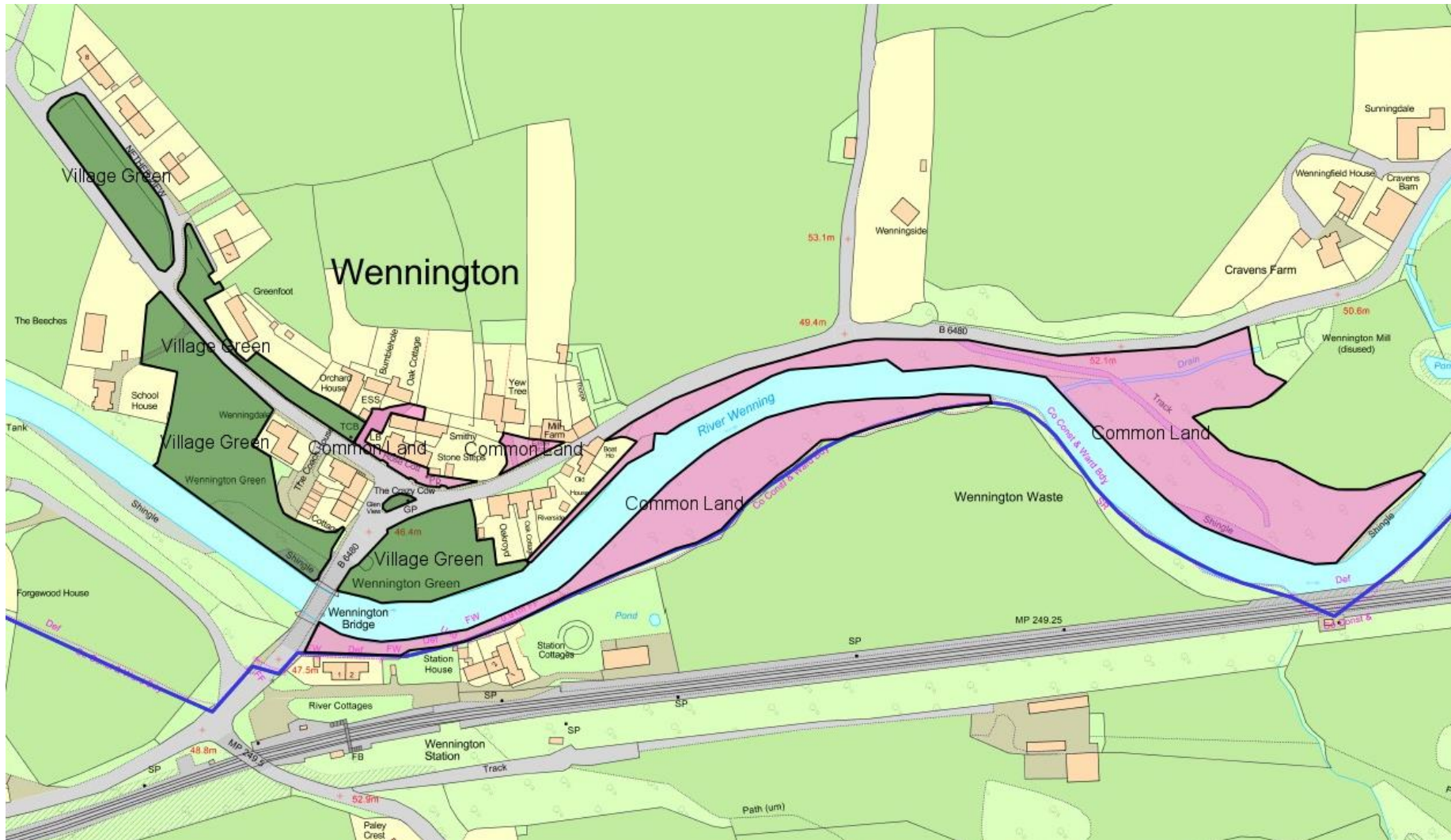
4.0 The Natural Environment



Wennington Hall School taken from Old Moor Road

- 4.1 The Parish of Wennington is located in the greater Lune Valley and hosts two tributaries of the Lune, the Wenning and the Greta, within its boundaries. The Parish lies immediately north of the Forest of Bowland AONB and contains several designated ancient woodlands and a number of other non-statutory wildlife sites. It is predominantly rural in character and is used mainly for agriculture. In consequence the Parish enjoys a wide variety of flora and fauna, a feature that is recognised and valued by the residents.
- 4.2 Visitors to Wennington will travel by rail or road alongside woodland and open fields, bounded by stonewalls and hedgerows, and will enjoy a rolling landscape. There are several areas of amenity open space and sports and recreation facilities in the parish. Wennington Amenity Greenspace (including the village greens) and Lodge Lane Amenity Greenspace are both owned and managed by Wennington Parish Council and areas of common land extend east and south of the village along the River Wenning. Wennington Hall School includes 1 adult football pitch and 1 junior football pitch as well extensive areas of amenity green space. These open spaces are all protected under adopted Lancaster District Local Development Framework Core Strategy Policy SC 8 Recreation and Open Space and Policy DM26: Open Space, Sports and Recreation Facilities in the adopted Local Plan for Lancaster 2011 - 2031 Development Management DPD. The Biodiversity Audit Report noted that species diversity in much of the grassland in the parish is disappointing. There are some opportunities for improving grassland diversity on the Village Greens and other green space within the village or around Wennington Hall and the Parish Council will encourage and support such improvements. Protected Open Spaces are shown on Map 2.

Map 2 Protected Open Spaces in Wennington

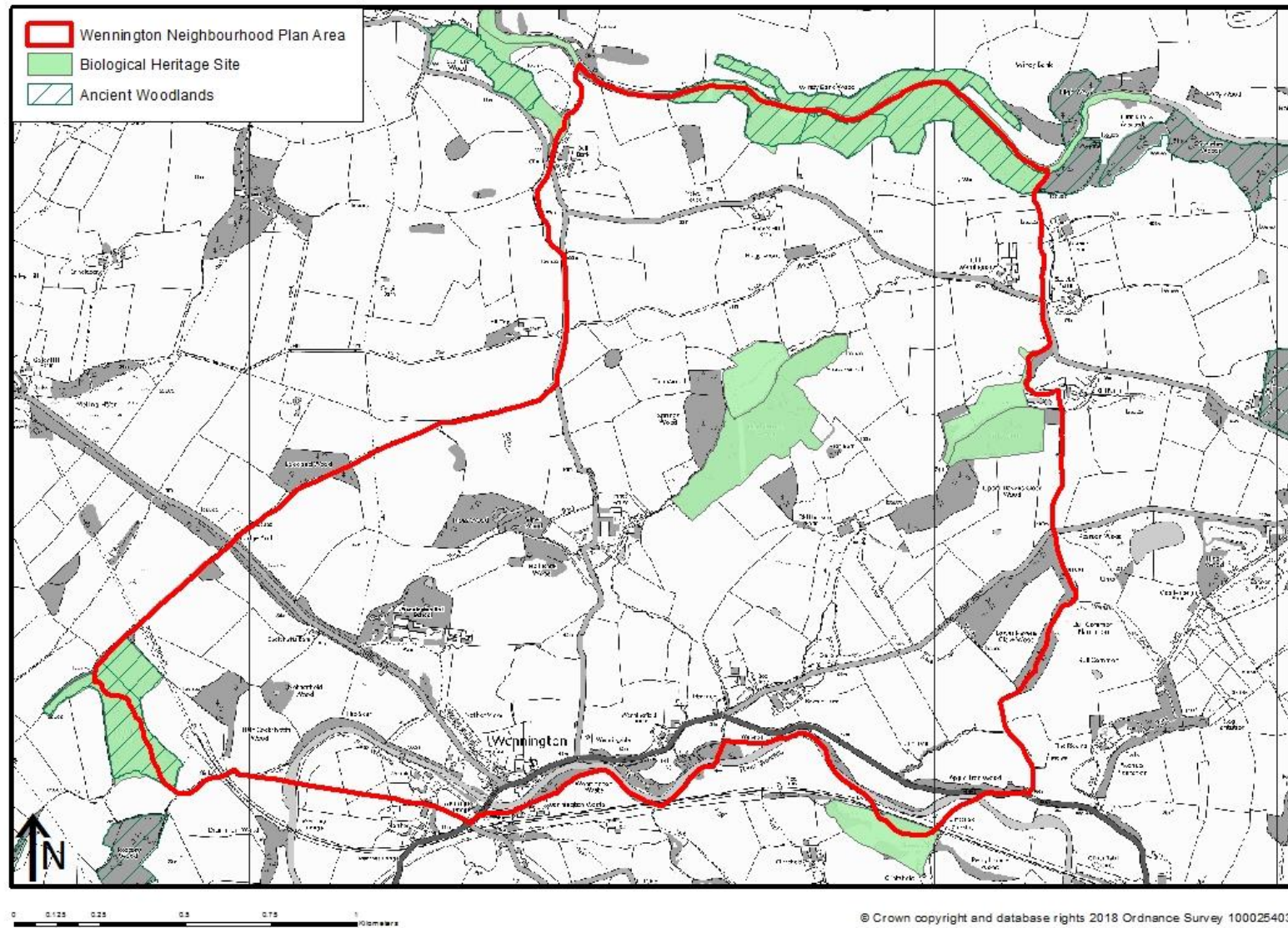


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Wildlife Sites

- 4.3 The boundaries of the Neighbourhood Plan area include several non-statutory wildlife sites. The woodlands are a particularly valuable asset with several being classified as Ancient Woodland. They include:
- Cockshotts Wood
 - Greta Wood
 - Windy Bank Wood
- 4.4 These sites are included on the Lancashire Inventory of Ancient Woodland, supporting semi-natural woodland vegetation and are also classified as Biological Heritage Sites. The Greta Wood and Windy Bank Wood also satisfy the guidelines for supporting flowering plants and ferns, and Mosses and Liverworts. Existing Biological Heritage Sites and Ancient Woodlands are shown on Map 3.
- 4.5 There are also several other Biological Heritage Sites which non-statutory wildlife sites in Wennington including the following:
- Old Wennington Mire, (Swamp and Fen semi-natural woodland)
 - Gill Wood, and Moss House and Shaw Woods (ancient in origin)
 - Bull Bank Meadow (Old established semi-natural grassland)
 - River Greta (The site meets the BHS selection guidelines for rivers and streams)
 - Clintsfield Wood.

Map 3 Biological Heritage Sites and Ancient Woodlands



Habitats

- 4.6 Whilst the Wennington Plan area is predominantly agriculturally-improved grassland the area also supports a variety of habitat types including semi natural broadleaved woodland, plantation woodland, hedgerows with and without trees, amenity grasslands, poor semi-improved grassland, neutral grassland, bog/mire and running water. Some of the habitat types in the Neighbourhood Plan area are Habitats of Principal Importance in England and these include:

- Lowland fens
- Lowland meadow
- Lowland mixed deciduous woodland
- Ponds

Rivers

- 4.7 The Rivers Wenning and Greta, both of which are relatively fast flowing, provide the main drainage channels for much of the southern and western areas of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Both comply with the EU Water Quality Framework criteria being classed as good, with the physical and chemical characteristics being classed as high. The Environment Agency has no quality issues with either river and consequently the frequency of sampling has been reduced in recent years particularly in the light of financial cutbacks.

Species

- 4.8 The Plan area also supports a variety of species including birds, bryophytes (mosses and liverworts), flowering plants, invertebrates-especially moths, and mammals.

Biodiversity Audit

- 4.9 The Parish Council appointed Greater Manchester Ecology Unit (GMEU) in early 2018 to undertake an ecological (biodiversity) audit of the parish to support the evidence base for the NDP and to inform planning policies. The full report (A Biodiversity Audit of the Parish of Wennington in Lancashire, GMEU May 2018) is available under the evidence base section of the NDP website.
- 4.10 The current ecological status of the parish is set out in para 5.1 of the report. This advises:

The Parish of Wennington is rich in wildlife, supporting designated (protected) sites, a range of specially protected and priority species and important habitats.

Habitats of particular note are the woodlands, the hedgerows and the rivers and associated river valleys. Much of the species diversity to be found in the Parish is associated with these habitats.

Species of particular note include otters, possibly breeding in the Parish or nearby. The dominant land-use is pastoral farming and the associated agricultural practices related to this land-use have led to large areas of generally species-poor pastoral grassland, probably best characterised as plant community type MG7 of the National Vegetation Classification. Modern farming practices have also likely led to a reduction in breeding success of some

ground nesting birds, including curlew, oystercatcher and lapwing, because of drainage of wet grassland and seeding, rolling and fertilising of the grass.

But the nature of the farming activity has meant that well-maintained hedgerows still separate many of the land parcels. The hedgerows, as well as being a valuable habitat in their own right, also provide a relatively high degree of landscape connectivity.

The influence of the old Wennington Hall Estate, which presumably owned and managed much of the local land in the past, is evident in the similar, distinct woodland planting schemes, incorporating both conifer plantations (including Scots pine and European larch) and mixed broadleaved trees of varying ages and variable structure.

In 2018 in some places the woodland understory appeared rather impoverished compared to what may have been expected from previous records, perhaps kept clear for sporting purposes. Bull Bank Meadow, a BHS site, appears to have been reduced in area. There are some very fine veteran trees, notably veteran oaks.

Tables of recorded species in the parish are provided in Appendix 2 of the NDP.

- 4.11 The Biodiversity Audit report included three recommendations for development proposals in the parish in paragraph 5.3. These were:
- Any building demolitions or conversions should be supported by bat surveys and barn owl surveys.
 - Development should avoid harm to any designated sites.
 - Developments should be required to contribute to biodiversity net gain.
- These recommendations have been incorporated into Policy WEN1.
- 4.12 The consultation on Issues and Options demonstrated a high level of support for including a local policy to protect wildlife in Wennington Parish with 88% of respondents supporting the inclusion of such a policy.

Policy WEN1 – Protecting and Enhancing Local Wildlife

The priority for new development should be to avoid direct and indirect impacts upon biodiversity and/or geodiversity. Where impacts cannot be avoided, mitigation and then compensation measures should be provided.

Development proposals should demonstrate how biodiversity and/or geodiversity will be protected and enhanced including the local wildlife, ecological networks, non-statutory locally designated wildlife sites and habitats, and how schemes contribute to biodiversity net gain.

Landscaping schemes should include wildlife enhancements wherever possible, for example incorporating ponds, and retaining existing, and planting new areas of trees, woodlands and hedgerows using locally appropriate native species.

Any building demolitions or conversions should be supported by bat surveys and barn owl surveys. Development should take into consideration the need to protect existing

wildlife which may be using the building(s) as habitats, such as little owls and barn owls which are known to nest locally. Buildings should incorporate bird nest boxes (including for swifts) and roosting opportunities for bats (such as bat roosting boxes) wherever possible.

Lighting schemes should be designed sensitively to reduce any adverse impacts on wildlife and to protect the dark skies which are characteristic of this rural area.

Lancaster Planning Policies

Local Plan Document	Relevant Policies
Lancaster District Local Development Framework Core Strategy 2003 - 2021 Adopted 2008	Policy SC1 Sustainable Development Policy E1 Environmental Capital
Lancaster District Local Plan 2008 (Saved Policies)	Policy E12 Protecting Wildlife and Habitats Policy E13 Trees and woodland Policy E17 Sites of County Conservation Importance
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM27: Protection & Enhancement of Biodiversity Policy DM29: Protection of Trees, Hedgerows & Woodland

Landscape Character

- 4.13 Wennington Parish lies within Natural England's National Character Area (NCA) 33 Bowland Fringe and Pendle Hill³ which is described as an undulating, rolling landscape with local variation created by numerous river valleys and moorland outliers. On the northern edge of the area, drumlins are characteristic and semi natural woodland occurs in the main valley bottoms, dominated by oak, ash and alder. Fields are small to medium sized and defined by hedgerows and drystone walls. At a more local level the Landscape Character Assessment for Lancashire 2000⁴ identifies the Parish as lying within Landscape Character Area 13 Drumlin Field. This is described as following:

"This distinctive landscape type is characterised by a 'field' of rolling drumlins. The consistent orientation of the hills gives the landscape a uniform grain, which is sometimes difficult to appreciate from within the field. The regular green hillocks are between about 100m and 200m high with steep sides and broad rounded tops. However, there are often solid rock outcrops within the field where the underlying bedrock is exposed, for example the reef knolls in the

³ <http://publications.naturalengland.org.uk/publication/3522238?category=587130>

⁴ <http://www.lancashire.gov.uk/media/152743/strategy.pdf>

Kellet area which have been quarried for limestone. The more elevated gritstone outcrops are sometimes covered in moor, for example at Docker Moor.

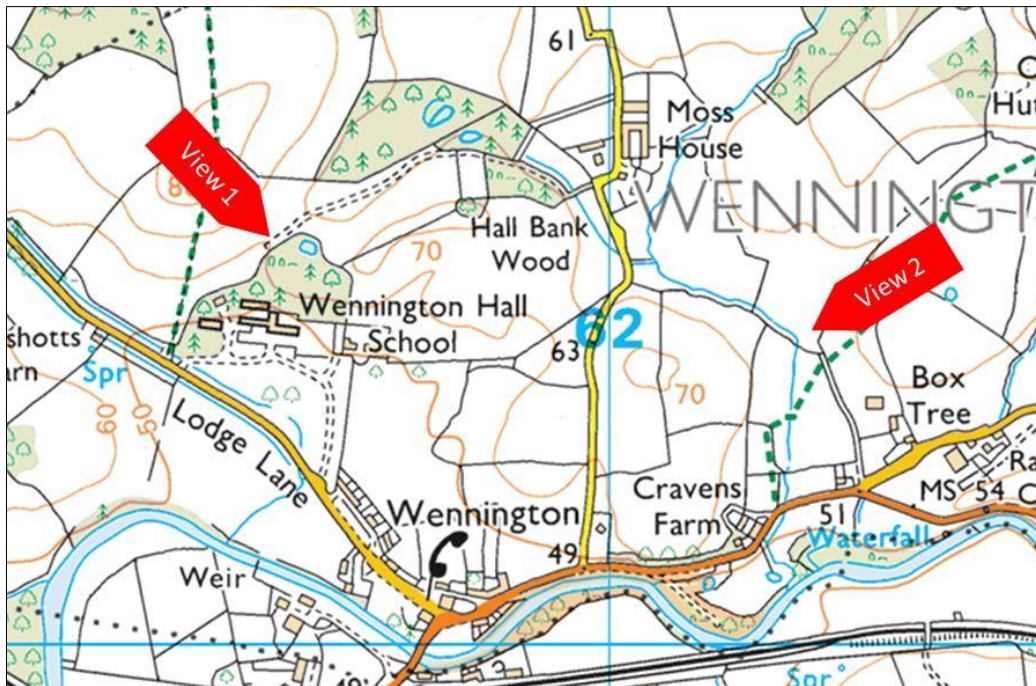
Pasture predominates and fields are bounded by clipped hedges or, more often, stone walls, which rise up over the hillocks accentuating the relief of the hills. Ridge and furrow patterns on drumlin sides reflect historic land uses. Narrow streams wind through the drumlins draining the field. Small mixed woodlands and the many designed landscapes associated with large country houses, for example Coniston Hall and Broughton Hall contribute to the rural wooded character.

Major roads often cross or skirt the edge of the drumlin fields; settlement is dispersed, with small hamlets and farmsteads in sheltered sites on the mid-slope of the drumlins."

- 4.14 The NDP has a role in protecting and enhancing the landscape character of Wennington Parish in terms of the distinctive local features that are highly valued by residents and visitors. The NPSG has identified several significant landscape features which contribute to the Parish's identity and which should be protected when planning proposals come forward.
- 4.15 Wennington village is an essentially agricultural settlement of long standing. The Parish is characterised by a number of ancient woodlands, well-trodden paths, long established hedge rows and stonewalls. Buildings in the village and wider Parish have been developed over a long period of time and there are a number of historic buildings (including one dating from 1684). This has resulted in a fairly dispersed form of settlement pattern with individual buildings scattered across a wide area.

Significant Views from Public Footpaths

- 4.16 Wennington is low-lying relative to its immediate surroundings. It has two public footpaths. The most accessible path is on the Melling side of Wennington Hall School. It is much as it was in 1859, when the Saunders family diverted the then existing path beyond the estate boundaries. It rises high and proceeds to the Melling-Old Wennington track, affording a spectacular long view of the area, with the village barely visible in the undulating folds of the landscape (View 1). The other footpath is located to the east of Cravens Farm and rises high over the Haweswater-Thirlmere pipe line and, although the village is not visible from this path, it affords pleasant long views of the surrounding areas (View 2). These views are shown on Map 4.

Map 4 Significant Views from Public Footpaths

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View 1 From Public Footpath Looking South East Down Towards Wennington Village

View 2 From Public Footpath Looking South West towards Wennington Village



Hedgerows

- 4.17 The village has plentiful hawthorn/hazel hedgerows. The Biodiversity Audit Report noted that although the parish supports significant lengths of hedgerows, some lengths have been lost or are unmanaged. Development may offer opportunities through new planting to restore hedgerows to the benefit of wildlife. Apart from the fields in the area which are delineated mainly by hedgerows, the bulk of the 'single' track road from Spout Lane to Wrayton enjoys well preserved and well maintained hedges on both sides. These hedges are primarily composed of hawthorn which is enhanced by a considerable variety of other plants. Given the number of woody species in these hedges, they are, on Hooper's rule⁵, of a considerable age. An OS map of the village dating from 1842 reveals much the same configuration of fields and lanes with 'hedge' symbols⁶. Given the low lying location of Wennington and its vulnerability to surface water at times of heavy rainfall, (see Section 8.0 Flooding below) this feature of the area is fortuitous. Hedgerows, apart from reducing wind and water erosion, are crucial in providing sustainable drainage and reducing the speed of water 'run-off', in the periods of heavy rainfall. In addition, this interlinking network of field and road hedgerows provides an important habitat for wildlife (see Habitats paragraph 4.6 above).
- 4.18 A Survey of the hedgerow species, from Spout Lane to Moss Farm, was conducted for the purposes of this plan and revealed the following:

⁵ According to this rule, the number of woody species (excluding ivy) in a 30 yard length of hedge is equivalent to the age of the hedge in centuries.

⁶ <http://maps.nls.uk/os/6inch-england-and-wales/index.html>

Location	Species
On each side of the lane, predominant species	Common Hazel (<i>Corylus avellana</i>) Hawthorn (<i>Crataegus monogyna</i>)
Other species, intermittent:	Blackthorn (<i>Prunus spinosa</i>) Common Ash (<i>Fraxinus excelsior</i>) Common Beech (<i>Fagus Sylvaticus</i>) Elder (<i>Sambucus nigra</i>) English Elm (<i>Ulmus procera</i>) English Oak (<i>Quercus robur</i>) Field maple (<i>Acer campestre</i>) Goat Willow (<i>Salix caprea</i>) Gelder Rose (<i>Viburnum opulus</i>) Holly (<i>Ilex aquifolium</i>) Sycamore (<i>Acer pseudoplatanus</i>)
Climbers, found intermittently:	Blackberry (<i>Rubus fruticosus</i>) Dog Rose (<i>Rosa canina</i>) Honeysuckle (<i>Lonicera periclymenum</i>) Ivy (<i>Hedera helix</i>)
Hedge bottoms	A rich mixture of grasses, ferns and wild flowers. None are particularly rare, but they provide cover and food for insects, small mammals and reptiles.
Trees incorporated into hedgerows:	Common Ash, Common Beech, English Elm, English Oak, various stages of maturity.

Dry Stone Walls and Lane Banks

- 4.19 Dry stone walls should not only be valued as landscape features but also serve to support wildlife. Much of Wennington's wildlife is restricted to wildlife sites which consist largely of natural habitats and it is held by experts that walls are valuable corridors because they link habitats. Conservation is keenly supported by the residents of Wennington and any application for new build must take into account the wildlife heritage of dry stone walls which are as important as hedgerows to the character of our countryside.

Renewable Energy Projects

- 4.20 In the consultation on Issues and Options 92% of respondents supported a policy to protect landscape character in Wennington NDP. There were concerns about potential impacts on landscape character from large scale renewable energy projects such as the major solar panel scheme in the neighbouring parish of Bentham. Such development in the Parish of Wennington could have an adverse impact on the setting of the Forest of Bowland AONB which lies to the south. Policy EN4 Areas of Outstanding Natural Beauty in the emerging Part

One: Strategic Policies and Land Allocations DPD seeks to protect and enhance the landscape and character of AONBs. Therefore large scale renewable energy projects in Wennington which would have an unacceptable adverse impact on the setting of the Forest of Bowland AONB and the local landscape character of Wennington will be resisted.

Policy WEN2 – Protecting and Enhancing Local Landscape Character

Development proposals should protect and enhance local landscape character by using locally appropriate materials, landscaping schemes and boundary treatments. Proposals should demonstrate how siting and design have taken into consideration local landscape character.

Outside the village, the Parish's dispersed settlement pattern should be maintained, and any new rural buildings should be located on sheltered sites below the skyline.

Significant Views

The identified Significant Views on Map 4 make an important contribution towards local visual amenity and the neighbourhood area's landscape character. Development proposals should not impact on these Significant Views which are locally valued.

Where a development proposal impacts on an identified Significant View, a Landscape and Visual Impact Assessment or similar study should be carried out to ensure that scheme is designed and sited sensitively and appropriately.

Hedgerows and Dry Stone Walls

Existing field boundaries such as hedgerows, dry stone walls and lane banks are important local landscape features and should be protected.

Landscaping schemes in areas where hedgerows have been lost or are unmanaged should restore hedgerows through new planting to benefit wildlife.

Renewable Energy Projects in the Open Countryside

Renewable energy projects in the rural area of Wennington Parish will only be supported where there would be no adverse impact on the setting of the Forest of Bowland AONB and the local landscape character of Wennington Parish.

Lancaster Planning Policies

Document	Policies
Lancaster District Local Development Framework Core Strategy 2003 - 2021 Adopted 2008	Policy E1 Environmental Capital
Lancaster District Local Plan 2008 (Saved Policies)	Policy E3 Policy E4
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM17: Renewable Energy Generation Policy DM28: Development & Landscape Impact

5.0 Built Environment and Housing



The 'Crazy Cow' complex which was re-developed in 2006 (see 5.5 below)

Wennington's Built Character

- 5.1 The Parish of Wennington is characterised by both domestic and agricultural buildings constructed of local stone and slate/stone roofs. The building stone is particularly strong and hard local sandstone of middle Carboniferous age (some 300+ million years old) which is very resistant to weathering. Its strength derives from the minerals which were deposited between the sand grains during its formation and which subsequently cemented the grains together. The original roofing was of local flagstones – thinly bedded sandstones which split easily – but in most cases these have been replaced, usually by slate, though a few examples still remain. More modern houses have mostly been faced with similar sandstone to blend in with the older dwellings.
- 5.2 Buildings in the village are largely concentrated around the village green areas in the centre of the village, and consist mainly of a mix of detached and terraced properties with garden areas.
- 5.3 The clustered form of properties set around the village green is illustrated in the following photos.



Clustered form of buildings around the village green and centre

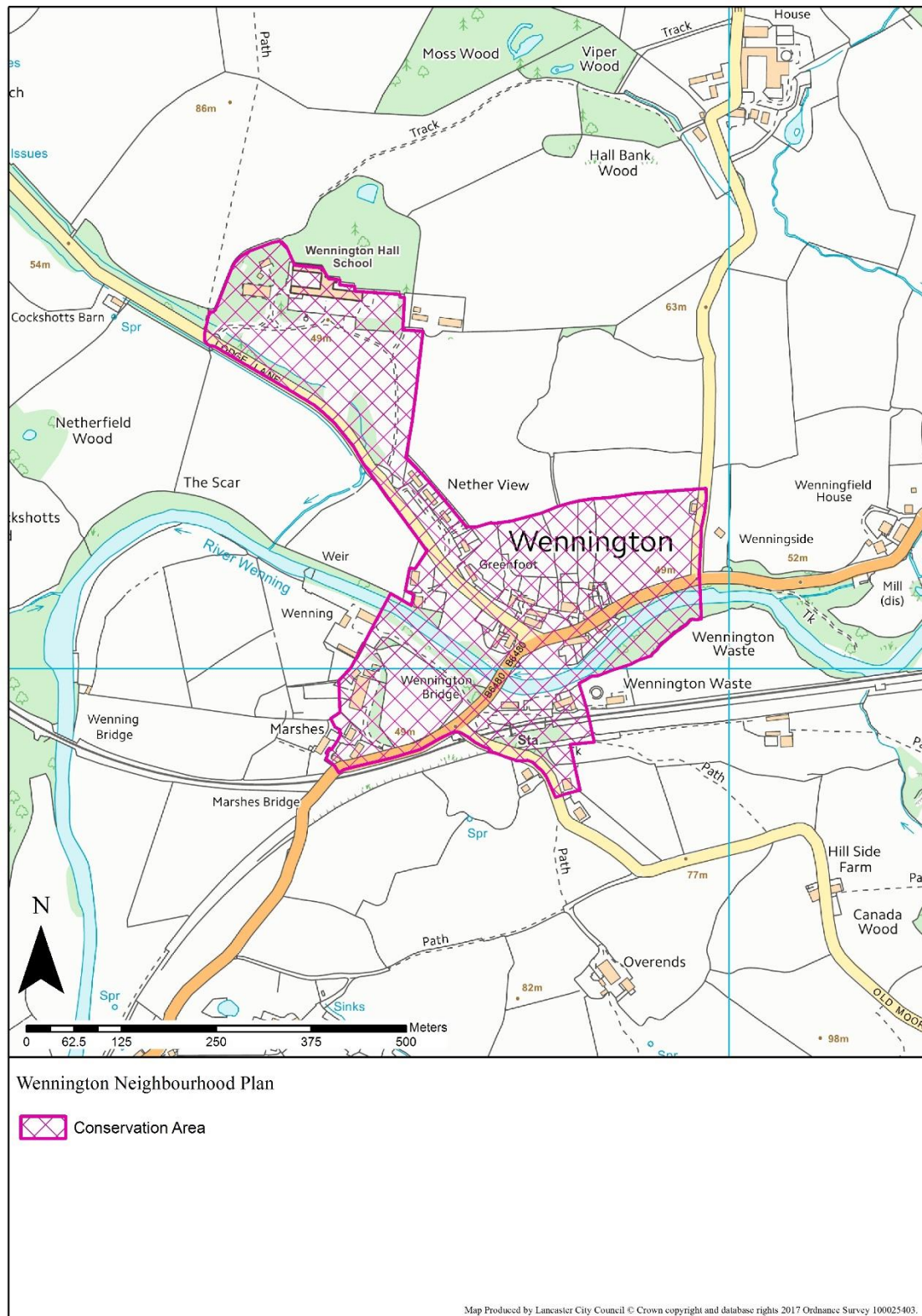
- 5.4 The housing is predominantly historic in character, the earliest dating from the late 17th century. Date stones are provided above the front door on some properties – see photos below.



Some of the older date stones in the Parish

- 5.5 In terms of more recent development, a single new build property was recently completed in 2017 (Wenningdale), and restoration and reconfiguration of the largest single building (The Crazy Cow) in the village centre into several separate residences was completed in 2006.
- 5.6 The centre of the village is a designated conservation area. The extent of the conservation area is shown on Map 5 below.

Map 5 Wennington Conservation Area



- 5.7 There are a series of eight semi-detached residences set back from one of the village greens. These differ from the other properties by their original construction. Numbers 1 to 4 are known as 'Airey' houses (see picture), they are a post-war prefabricated concrete structure

formed from closely spaced storey-height columns of steel tube reinforced concrete columns to which thin concrete cladding panels are fastened with copper wire. Formerly council housing they are all now in private ownership. One of the houses remains in its original form whereas all the others have since been modified to include rendered walls. Numbers 5 to 8 are of Claughton brick construction with slate roofs.



The only original 'Airey' house in Wennington (right). The house next door has clearly since been renovated.

- 5.8 Buildings are predominantly of two storeys, with a smaller number of single storey dwellings. The largest single building in the village centre is three storeys.
- 5.9 There are two identified properties that are currently disused / uninhabited within the neighbourhood, both privately owned, the former Village Hall and Moss House Mill.



Former Village Hall



Moss House Mill

- 5.10 In the wider rural area there are several farmsteads, constructed of stone and slate/stone roofs, but with some additional modern farm buildings. There have been several residential conversions from some former agricultural buildings (barns) or from a larger single property. In addition, there are a number of current barns with planning permission for development into residential dwellings (for instance at Ravensclose, Lodge Lane and Back Lane).



Ravensclose



Lodge Lane



Back Lane

- 5.11 Wennington Hall School, the largest property within the neighbourhood, retains its character and dominance in appearance as a grand residence. The building is Grade II listed. There are records of possession of the manor and estate dating to before the time of Edward II (1307) and the main building has undergone many changes over the centuries. Much of it was rebuilt in the Tudor style in 1856.



Wennington Hall School

Today the building is used as Lancashire Education Authority administered day and residential school.

- 5.12 In total there are nine Listed Buildings in the Parish – all Grade II. In addition to Wennington Hall School these include the Former Corn, Saw Mill and Cattle Pens at Moss House, Wennington Bridge, Pinfold on North East Side of Wennington Bridge, 'Beckside' at Old

Wennington, Boundary Stone, Oak Cottage (B6480) and Garden Cottage and Former Barn adjoining at The Green.



Pound on North East Side of Wennington Bridge



Wennington Bridge



Boundary Stone

- 5.13 There is also a plague stone on Spout Lane, which can only just be made out due to the heavy covering of moss. During the mid-17th Century, these plague stones would typically be filled with vinegar in order to disinfect coins left as payments for goods.



Plague Stone, Spout Lane

- 5.14 It is proposed that during the Plan period the Parish Council will undertake work to prepare a list of locally important non-designated built heritage assets, in consultation with local residents and Lancaster City Council.

- 5.15 Bearing in mind the distinctive and historic character of Wennington village and the wider rural area, new development and conversions of existing buildings should be sympathetic in terms of scale, height and materials. Contemporary designs in new buildings would be supported, providing due regard was made to the local context and setting.
- 5.16 The results of the consultation on Issues and Options showed that 92% of respondents would like to see a locally specific policy in the NDP which encourages good design.

Policy WEN3 – Encouraging Good Design

Heritage and Design

Both designated and non-designated heritage assets will be preserved or enhanced in a manner appropriate to their significance.

Development proposals for new buildings, extensions and conversions of existing buildings will be supported where designs enhance and reinforce the local distinctive character and historic context of Wennington.

In the Conservation Area, all proposals should demonstrate how the design is appropriate in terms of scale, height, materials and detailing to the character and appearance of the Conservation Area.

New Buildings

New buildings should be of a scale and height which respond to the characteristics of the site and its setting. New buildings should be:

- 1. Modest in scale, of one, two or three storeys in height (depending on the context) and either detached or grouped in small terraces.**
- 2. Building lines should reflect adjacent development and either come up to the road frontage or be set slightly back behind footways or low boundary walls.**
- 3. Rooflines should be consistent in single properties or slightly varied where buildings are developed in small terraces.**
- 4. Materials should be chosen to complement the design of a development and add to the quality or character of the surrounding environment. Where possible locally appropriate natural materials should be used such as local sandstone for elevations, and split stone flag stones and slate for roofing.**
- 5. Contemporary designs which contribute positively towards the visual interest of the local street scene also will be supported. Such proposals are encouraged to use high quality traditional materials such as local stone in innovative ways.**

In all new development the residential amenity of adjoining occupiers should be safeguarded.

Extensions

Extensions to existing properties will be supported where they meet the following criteria:

- 1. The scale, height and form are subordinate in scale to the existing building and the character of the street scene is protected.**
- 2. Materials are compatible with the materials of the original building.**
- 3. Traditional boundary treatments are retained.**

Conversions

Proposals for conversions will be supported where buildings are capable of conversion without complete rebuilding, and where proposals do not detract from the character of the original building.

Car Parking

Development should provide on-site parking in line with Lancaster District's most up to date adopted parking standards⁷.

Cumulative Impacts

The cumulative impacts of development proposals should be assessed in any planning applications.

Lancaster Planning Policies

Document	Policies
Lancaster District Local Development Framework Core Strategy 2003 - 2021 Adopted 2008	Policy SC5 Achieving Quality in Design Policy E1 Environmental Capital
Lancaster District Local Plan 2008 (Saved Policies)	Policy H12 Layout, Design and the Use of Materials Policy E35 Conservation Areas and their Surroundings
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM35: Key Design Principles

⁷ See Policy DM22: Vehicle Parking Provision, A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014, Appendix B Car Parking Standards, and Policy 7 Parking, Joint Lancashire Structure Plan, adopted March 2005
<http://www.lancashire.gov.uk/media/297246/LCC15-Joint-Lancashire-Structure-Plan-2001-2016-adopted-March-2005.pdf>

Housing

- 5.17 Under Policy DM42 of the 2014 Development Management DPD, Wennington is not identified as a sustainable rural settlement. New housing in Wennington which is now classed as an 'other rural settlement' will only be considered acceptable where it can be demonstrated that development will enhance or maintain the vitality of the local community. Proposals lacking a sufficient justification will be considered using Rural Exceptions criteria.
- 5.18 In the emerging New Local Plan Part One: Strategic Policies and Land Allocations DPD Wennington is identified as a Rural Village in the Lancaster District Settlement Hierarchy. The emerging Local Plan sets out that in these settlements new development will only be supported where it is clearly demonstrated that they are meeting proven local needs.
- 5.19 With this in mind, the Wennington Parish Housing Needs Survey was undertaken in summer 2017 to establish whether there are any local housing needs which should be addressed through the NDP. The results of the Survey showed that none of the households which returned a completed questionnaire were in need of a separate home in the next 5 years.
- 5.20 Therefore it is proposed that the NDP does not include a site allocation relating to local needs housing at this time. The Parish Council may re-run a Local Housing Needs Survey in a few years' time, and it is possible that a planning application could come forward at any time if a local resident's housing need changed. If over the plan period such a need is identified, proposals would be considered against other policies in the NDP (such as those relating to design), alongside national and Lancaster City Council's planning policies. This approach was supported by a majority of respondents during the consultation on Issues and Options with 68% of respondents agreeing that the NDP should not include any site allocations although 20% ticked No to this proposal, and 12% did not answer the question.
- 5.21 However, the responses to the Issues and Options consultation did suggest a majority of respondents (76%) would support a local criteria based policy to guide any speculative housing development that may come forward over the plan period. The Parish Council has a history of supporting conversions of redundant and disused buildings for residential development and it is appropriate that the NDP should continue to reflect this approach by providing a positive planning framework to support future proposals.

Policy WEN4 - New Housing

Minor development for housing in or adjoining the settlement of Wennington will be supported where:

- 1. Proposals involve the sensitive conversion of existing redundant and vacant former agricultural or other buildings subject to criteria in Policy WEN3 - Encouraging Good Design; or**
- 2. Schemes are for new housing and development which would maintain and enhance the vitality of the local community and meet a proven local need in respect of type, size and tenure as identified in the most up to date Strategic Housing Market Assessment, supporting evidence for the Neighbourhood Plan, or other up to date and robust local housing needs evidence.**
- 3. Development is located in areas which are not at risk of flooding and would not exacerbate existing problems of surface water flooding (see Policy WEN7).**

Housing proposals should not lead to a detrimental impact on the character of the village, and should demonstrate that appropriate access and car parking can be achieved and that residential amenity of neighbouring occupiers is protected.

In respect of newbuild housing preference will be given to proposals which are located on previously developed (brownfield) land and/or involve the infilling of small sites within the existing built up area of the village.

Affordable Housing

Proposals will be required to provide on-site affordable housing in accordance with adopted policies of the Lancaster Local Plan.

Lancaster Planning Policies

Document	Policies
Lancaster District Local Development Framework Core Strategy 2003 - 2021 Adopted 2008	Policy SC 3 Rural Communities
Lancaster District Local Plan 2008 (Saved Policies)	Policy H11
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM42 Managing Rural Housing Growth Sustainable Rural Settlements

6.0 Rural Economy

Historical Development

- 6.1 The Parish of Wennington has a long history of rural enterprise. The houses in the village were and are, occupied by those working in the immediate locality. For example, the 1806 - 1807 register shows 20 tradesmen living in the Parish, including farmers, miller, carpenter, blacksmith, silkcomber, shop-keeper, shoemaker, labourer and house servants. An extract from the revised 1894 Ordnance Survey plan shows Wennington (railway) Junction, Fosters Arms Hotel, Smithy, Post Office, Wennington (Corn) Mill and sites of quarries.
- 6.2 At the start of the Second World War Wennington Hall was let to the South East Lancashire Association for Mental Welfare (through the Grey Court Fellowship). About 45 children and 10 staff were 'received' from Manchester. During the war its use changed to 'Community School Education' with about 50 pupils in residence. This came to an end on 21 July 1945. Wennington Hall is still a school and continues with its community benefits.
- 6.3 The Wennington Hall Estate extended over much of the Parish but part of this was sold by public auction in 1961. The sale included Wenning Cottage, 325 acres of in hand farm, bailiff's house, 130 acres of sporting woodland, estate sawmill, fishing rights, 4 let dairy/stock rearing farms (total rent of £1,351 per annum), and pheasant shoot – in all 911 acres.
- 6.4 At some stage a village school was built and later the village institute, but neither facility remains today.

Land and Business Uses Today

- 6.5 Agriculture is the dominant land use in the Parish today. The main uses are dairy and sheep rearing, with some arable farming. Some areas of land form part of larger farm holdings held outside the Parish. Approximately 5% of the Parish is woodland with limited commercial use, however there are pheasant pens (for approximately 3,500 birds) producing game for sport. There are no commercial fisheries within the Parish.
- 6.6 There is one small/medium sized agricultural building construction company located on the brown field site adjacent the River Wenning.
- 6.7 There are no renewable energy projects within the Parish. A Solar Panel Farm is located just outside the Parish, due east of Goodenbergh Country Holiday Park on Ravensclose Road (see photograph below).



Solar Farm, Ravensclose Road

- 6.8 A recent planning application for a single wind turbine was robustly opposed and subsequently refused. There is a small business providing fuel for biomass boilers.
- 6.9 There is a small seasonal holiday park at Box Tree Farm Glamping (10 Cabins), Ravensclose Road, and one 'Air BnB' property. There is only one property used as a second home.
- 6.10 The evidence from the Housing Needs Survey showed that 7 households (19%) work from home. With Broadband for the Rural North (B4RN) available to all households in the Parish, the number of those working from home is likely to increase. Most proposals for conversions of residential accommodation to support homeworking do not require planning permission. However if planning permission is required such proposals should be supported provided that they are sympathetic to Wennington's local character.
- 6.11 The results of the consultation on Issues and Options showed that 84% of respondents would like to see a policy in the Wennington NDP to support the rural economy.

Policy WEN5 – Supporting the Rural Economy

Development proposals for live / work units where a genuine need has been demonstrated for such accommodation, small scale development in association with a local business and facilities linked to the visitor economy, will be supported where:

- 1. Development minimises any adverse impacts on landscape character, the natural environment and wider countryside and is appropriate to Wennington Parish's rural location, setting and historic character and surrounding land uses in terms of design, scale and materials; and**
- 2. Proposals incorporate appropriate suitable mitigation measures to minimise any adverse impacts on the local road network, and adequate car, other motor vehicle and cycle parking is provided on site for employees and visitors; and**
- 3. Proposals include the re-use or conversion of existing buildings or well-designed new buildings.**

Proposals for homeworking which require planning consent will be supported where they re-use or bring back into use an existing building, or part of an existing building, and where such development would not have an adverse impact on residential amenity, village or landscape and historic character. Where extensions to residential properties are proposed they should be subservient in scale in relation to the main building.

Lancaster Planning Policies

Document	Policies
Lancaster District Local Development Framework Core Strategy 2003 - 2021 Adopted 2008	Policy ER6 Developing Tourism
Lancaster District Local Plan 2008 (Saved Policies)	Policy TO3 Rural Tourism
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM7: Economic Development in Rural Areas Policy DM8: The Re-use & Conversion of Rural Buildings Policy DM9: Diversification of the Rural Economy

7.0 Local Infrastructure



A bus negotiating 'The Narrows'

7.1 Wennington is a small village and existing infrastructure is limited.

7.2 In terms of local facilities and services a significant asset is B4RN, a hyper-fast broadband, which facilitates businesses working from home. Other local facilities and services identified by the NPSG include:

- Picturesque village green with seating overlooking the River Wenning, plus a number of rural walks within the parish boundary
- Fishing rights on the River Wenning, for all residents
- Mobile library.

7.3 Wennington **does not have the following:**

- A doctor's surgery – the nearest is at Hornby, (2.3 miles accessible by bus).
- Mains sewage system.
- Extensive pavements; those present are confined to the village centre.
- Dentist – the nearest is Bentham (3.4 miles accessible by rail / bus).
- Place of worship – the nearest is St James the Less at Tatham (1.4 miles).
- Community centre / Council chambers.
- Public House - the nearest is The Bridge Inn (0.5 miles).
- Shop / Post office - the nearest is at Wray (1.7 miles), the nearest multiple shops are at Bentham (3.4 miles accessible by rail / bus).
- Public car parks; visitors typically parking on either the road or using the rail station car park.
- Clubs and social facilities; the nearest Women's Institute is Wennington and District which meets in Wray (1.7 miles).

(All distances are from Wennington village green).

Transport and Accessibility

7.4 The main strategy for transport in Lancashire (and hence Wennington) is Lancashire County Council's Local Transport Plan for the period 2011 – 2021 and dated May 2011⁸. This document sets out the principles for the development of transportation in our area which may be summarised as below: -

- Improving access into areas of economic growth and regeneration.
- Providing better access to education and employment.
- Improving people's quality of life and well-being.
- Improving safety of our streets for our most vulnerable residents.
- Providing safe reliable, convenient and affordable transport alternatives to the car.
- Maintaining our assets.
- Reducing carbon emissions and its effects.

7.5 There is a hierarchy of plans that sit below the Local Transport Plan. The most relevant is the District of Lancaster Highways and Transport Masterplan 2016⁹. This document sets out the detailed proposals for implementing transport initiatives up to 2031. The document is primarily focussed on the urban areas of the district; particularly Lancaster and Morecambe. There is one chapter devoted to Rural Lancaster. The only specific mention of Wennington is in relation to Wennington Station and the possibility of establishing a rural transport hub at this location. Whilst, unsurprisingly, short on detail about Wennington the County Council's hierarchy of transport plans set the guiding principles which should be used in drafting the Neighbourhood Plan.

Statutory Footpaths and Footways

7.6 Wennington does not have a good network of pavements and footpaths to provide easy or safe pedestrian movement between most of the dwellings in the Parish. Only the core of the village has the benefit of a pavement to connect the dwellings on the north side of the village. This pavement extends from Nether View to the Narrows which, with some crossing of roads, also services the dwellings on the river side of the village.



The lack of a footway east of the village

Over the last twenty years, a footpath between the river and the road has been constructed and maintained by the village to afford safe access from the Narrows to the Waste - a short

⁸ <http://www.lancashire.gov.uk/council/strategies-policies-plans/roads-parking-and-travel/local-transport-plan.aspx>

⁹ <http://www.lancashire.gov.uk/media/899614/final-lancaster-highways-and-transport-master-plan.pdf>

riverside walk - and to Spout Lane – a hedge lined one track tarmac road, well liked and much used by villagers including walkers, dog-owners, joggers, cyclists and local farmers.

- 7.7 There are footways along some roads in the village. The Parish Council has, specifically, campaigned for footway provision on the B4680 between Spout Lane and Ravens Close and (whilst not in the parish) between Old Moor Road and the Bridge Inn. These routes, used by villagers and visitors, are dangerous stretches of road for walkers, and this was noted in the Inspector's report of the appeal case APP/A2335/W/15/3137256. There is an extensive statutory footpath network throughout the parish used by villagers and walkers for recreation purposes. There are two statutory footpaths in the parish used by villagers and walkers for recreation. (See paragraph 4.14 for details). Maintenance of these footpaths is important to preserve these facilities.
- 7.8 Spout Lane provides a relatively quiet access to Wrayton and to the track from Melling to Old Wennington. No pavement/footpath exists beyond Spout Lane. As such, safe access to the nine residences between Spout Lane and Ravensclose is by car only. A recent planning appeal decision, in relation to a development proposal for a property in this area, considered that this section of the road was not safe for pedestrian travel, especially on wet and dark days.
- 7.9 As the Planning Inspector observed after a site visit, *'in order to reach the bus stops and the train station, occupiers of the appeal proposal would be required to negotiate narrow country lanes for a considerable distance. Moreover, the lanes are largely unlit and without footpaths. The risks associated with travelling these routes, particularly during dark evenings or periods of inclement weather, would make it unlikely that future occupiers of the proposal would be receptive to doing so. Indeed, I consider it an unreasonable expectation to place upon them'*.

Highways and Road Network

- 7.10 In addition to the existing lack of safe pavements through and around the village, there is a need to ensure that development proposals take into consideration the rural road network within the Parish in terms of potential traffic volumes and vehicle types and sizes. The NPSG has identified the following as key issues which require consideration:
- 'The Narrows' within Wennington village and narrow country lanes elsewhere in the Parish.
 - The need for an adequate bus service from the village to nearby towns for shopping, leisure and community services; not available within the Parish.
 - Whilst not within the Parish Boundary; The NDP should recognise the benefit of having a railway station in the village which gives access to the main rail network and hence the rest of the country.
 - Surface water flooding is a significant issue on roads within the Parish, particularly Lodge Lane. There is a need to address this matter with the local highway authority.
 - There is a network of statutory footpaths throughout the Parish. These form an important leisure pursuit for local residents and need constant maintenance and improvement.
 - Cycling is also an important leisure pursuit within the Parish. The opportunity should be taken to provide safe and accessible routes for cyclists; encouraging the expansion of cycling to replace car journeys.

‘The Narrows’ (see picture at 7.0)

- 7.11 The main road through the village is the B4680; the main route from Bentham to Lancaster. The road narrows at one point between houses to 3.5 metres wide. There are speed limits on the B4680 through the parish of 50mph and 30mph. The ‘Narrows’ can have two effects. Firstly it can be seen as a means of calming traffic speeds through the village when converging vehicles meet. Conversely it can be seen as introducing noise and added pollution as vehicles queue to allow oncoming vehicles to pass. When there is no oncoming traffic vehicles speed through the gap creating a danger to pedestrians walking through the narrows. The latest traffic counts (September 2015) on the B4680 just east of Spout Lane show a 5 day average two way traffic flow of around 2900 vehicles per day; with around 11% heavy goods vehicles. The recorded mean vehicle speed at this location is 37mph with an 85%ile figure of 43mph. There are 4 recorded accidents in the Parish for the period 2010-14; the period most recently publicly available. This included 2 separate serious accidents in 2011; both on the B4680 east of the village. More recently there was a crash involving a lorry and a car in May 2018 when a driver was taken by air ambulance to Preston Hospital.
- 7.12 The Parish Council has campaigned for a number of years for measures to calm traffic speeds through the village. A number of options have been discussed but no solution delivered.

Country Lanes

- 7.13 The rural nature of the Parish means that there is a network of narrow lanes in the parish. These are historical routes inappropriate to the types of large agricultural, courier and delivery vehicles that now use these roads. As a result vehicles pass using the soft verges and causing damage. The nature of the lanes means that they are generally inappropriate for further housing development and hence additional traffic. Some properly constructed passing places would help deal with the present problem.

Bus Services

- 7.14 Bus Services through Wennington are operated by Stagecoach. They offer the following routes and services on weekdays (weekends are different): -
- Service 80 Lancaster – Ingleton (Lune Voyager) – 4 buses (each way per day).
 - Service 81 Lancaster – Kirkby Lonsdale – 1 bus (each way per day). This service whilst scheduled is dedicated to schoolchildren.
 - Service 833 Lancaster – Clitheroe – 1 bus (each way per day).
 - Service 881 Morecambe – Ingleton – 1 bus (each way per day)
- 7.15 It is not possible for the general public to get a bus direct to Kirkby Lonsdale from Wennington as the only service is dedicated to schoolchildren. Kirkby Lonsdale is a local centre which provides shopping and community services for many villagers (e.g. supermarket, doctors and dentist).
- 7.16 There are no known Community Transport services in the village; supporting those with special transport needs.

Rail Services

- 7.17 Wennington Station and the rail/bus interchange is not within the designated area for the neighbourhood plan, but it is a significant transport asset for the village and its role and function as a rural transport hub will be encouraged.

- 7.18 From Carnforth the Bentham line runs eastwards to join the Settle – Carlisle line just south of Settle. The line continues onwards to Leeds. Wennington is just one of four stations between Carnforth and Settle. The line has low passenger numbers but potential for significant improved patronage. There were fewer than 3500 journeys (less than 10 per day) to and from Wennington in 2014/15. The present weekday timetable shows that there are 7 trains per day (each way) that stop at the station.
- 7.19 There is a Community Rail Partnership comprising local authorities, the train operator Arriva North, Network Rail plus community rail and station groups. They are seeking to make improvements on the line and hence increase patronage.
- 7.20 The District of Lancaster Highways and Transport Masterplan 2016¹⁰ states that the station has potential to become a rural transport hub. It is not clear what this entails as there is already connection between bus and rail at this location; with adequate car parking (also used by walkers visiting the area).

Road Surface Flooding

- 7.21 Over recent years there has been a serious road surface flooding problem on Lodge Lane near Wennington Hall School. This issue has been dealt with in more detail in 8.0 Flooding.

Cycling

- 7.22 There are no dedicated or designated cycle facilities within the Parish; although many cyclists use the lanes and roads with lighter traffic flows. The nearest designated route on the National Cycle Network is Route 69 which passes in an east west direction through Wray.

Traffic Management

- 7.23 Traffic management is not something the NDP can really address; campaigning for restrictions on traffic through the village or improvements to public transport services are considered to be actions for the Parish Council rather than planning policies.
- 7.24 The constraints of the local infrastructure and in particular the lack of pavements and narrow highways are significant however; the NDP could add local detail to Lancaster City and Lancashire County Council's strategic planning policies.
- 7.25 The results of the consultation on Issues and Options showed that a majority of respondents (80%) would like to see a policy in the Wennington NDP which addresses local transport and accessibility issues.

Policy WEN6 – Transport and Accessibility

Sustainable development proposals within the Parish which support and enhance the potential of Wennington Station as a rural transport hub will be supported.

Development proposals should be located in areas of the village where there is in existence, or where facilities can be achieved through the provisions of the development proposal, safe pedestrian access to public transport facilities such as bus and rail services.

¹⁰ <http://www.lancashire.gov.uk/media/899614/final-lancaster-highways-and-transport-master-plan.pdf>

Support will be given to proposals which promote improvements to pavements and footpaths, and which maximise opportunities for walking and cycling.

Proposals for new development will be required to demonstrate that any potential adverse impacts on local highways from additional traffic can be resolved or suitable mitigation measures put in place appropriate to the rural road network.

Lancaster Planning Policies

Document	Policies
Lancaster District Local Development Framework Core Strategy 2003 - 2021 Adopted 2008	Policy E2 Transportation Measures
Lancaster District Local Plan 2008 (Saved Policies)	Policy T9 Transport
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM20: Enhancing Accessibility and Transport Linkages Policy DM21: Walking & Cycling

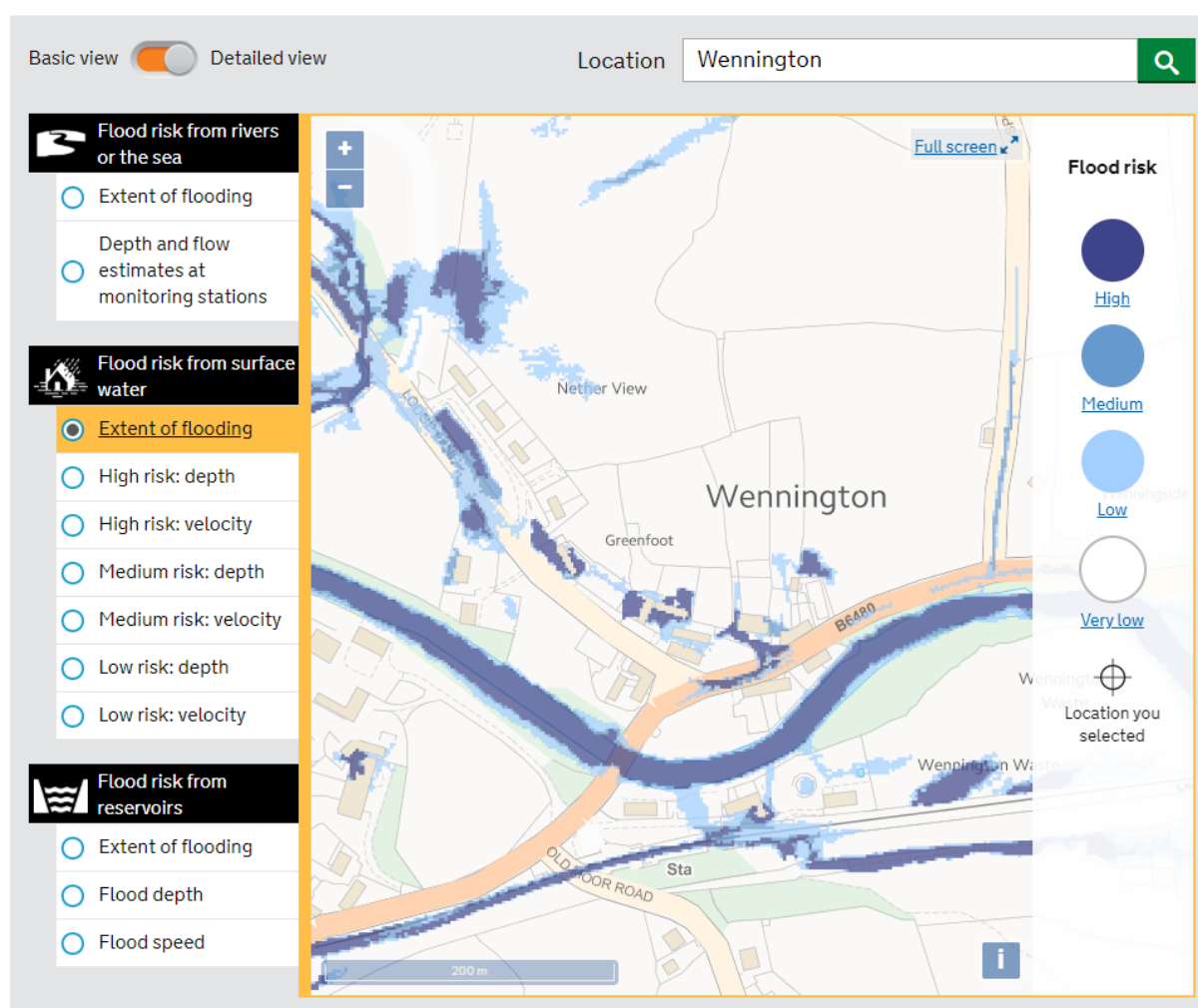
8.0 Flooding

- 8.1 The village of Wennington is located within the open countryside surrounded by gently sloping agricultural fields. There is a junction in the middle of the village that connects the B6480 running between Bentham to the East and Wray to the West. Lodge Lane runs in a North Westerly direction towards Melling.

Surface Water Flooding

- 8.2 The Environment Agency flood risk assessment mapping provides information about areas at risk of flooding from different sources – see Maps 6 and 7 below.

Map 6 Surface Water Flood Risk Map – Wennington

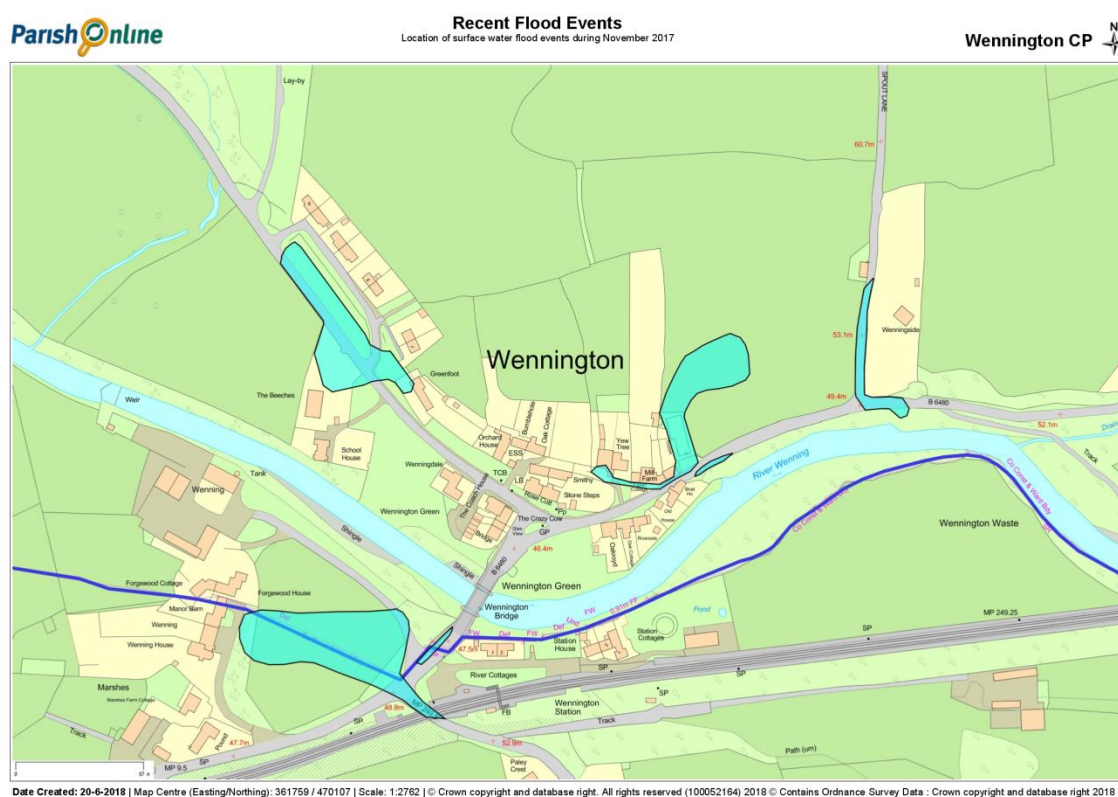


Source: <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

- 8.3 Surface water flooding is influenced by features in the landscape, particularly buildings and roads and occurs when intense rainfall overwhelms the drainage systems. Whilst the gullies in Wennington appear to cope with normal levels of rainfall, there are times during extended periods of heavy rainfall when large areas of standing water appear.

- 8.4 There is emerging evidence that the frequency and extent of surface water flooding has increased since 2015 and Storm Desmond. Whilst acknowledging that climate change is a contributory factor, the lack of gully maintenance and poor land management has resulted in recent surface water flooding across the Parish of Wennington. In order to build on existing data, Wennington Parish Council has approved the collection of evidence in relation to surface water flooding. It is intended that this information will be shared with statutory authorities to inform future planning processes. Figure 2 shows the extent of recent surface water flooding in Wennington Parish. There are numerous locations along the roads of Wennington that become heavily affected by flooding when surface water flows from the slopes, mainly to the North and East of the village. It is essential that the gullies and culverts are kept clear and free of debris.

Figure 2 Recent Surface Water Flood Events (since November 2017)



a) Lodge Lane at the south east end of the village green at Nether View.

During 'Storm Desmond' in December 2015 there was considerable flooding at Nether View (Pictured). There was ingress of water to the garage building at The Beeches to the West side of Lodge Lane. At Greenfoot, on the East side, the septic tank flooded and backed up into the property. In November 2017, as this Neighbourhood Plan was being prepared, further flooding occurred on the Green at Nether View. Following prolonged rainfall, surface water from the Green ran into a nearby property causing considerable damage to the ground floor.



Nether View during Storm 'Desmond'

b) Mill Farm at 'The Narrows'.

Again 'Storm Desmond' caused the field next to Mill Farm to flood which then ran towards the house and flooded the cellar with 3' of water. Sand bags were positioned at the front door to divert water from the road. The cellar was flooded for a second time during the heavy rain in November 2017.

c) Spout Lane.

Rain that falls on the fields to the East of Spout Lane quickly drains onto the lane and down onto the B6480 Bentham Road. A large area of carriageway floods across the road towards the Waste. Two further flood sites regularly occur further up the lane at the corner before Mill Croft and the road depression before Spout Lane meets Back Lane.

d) B6480 adjacent to the Cravens.

Extensive localised flooding occurs across the carriageway on the bends of B6480 to the South of the entrance to the Cravens. The cause is partly due to the nearby little brook being unable to carry the volume of rain water.

e) Ravenclose Road.

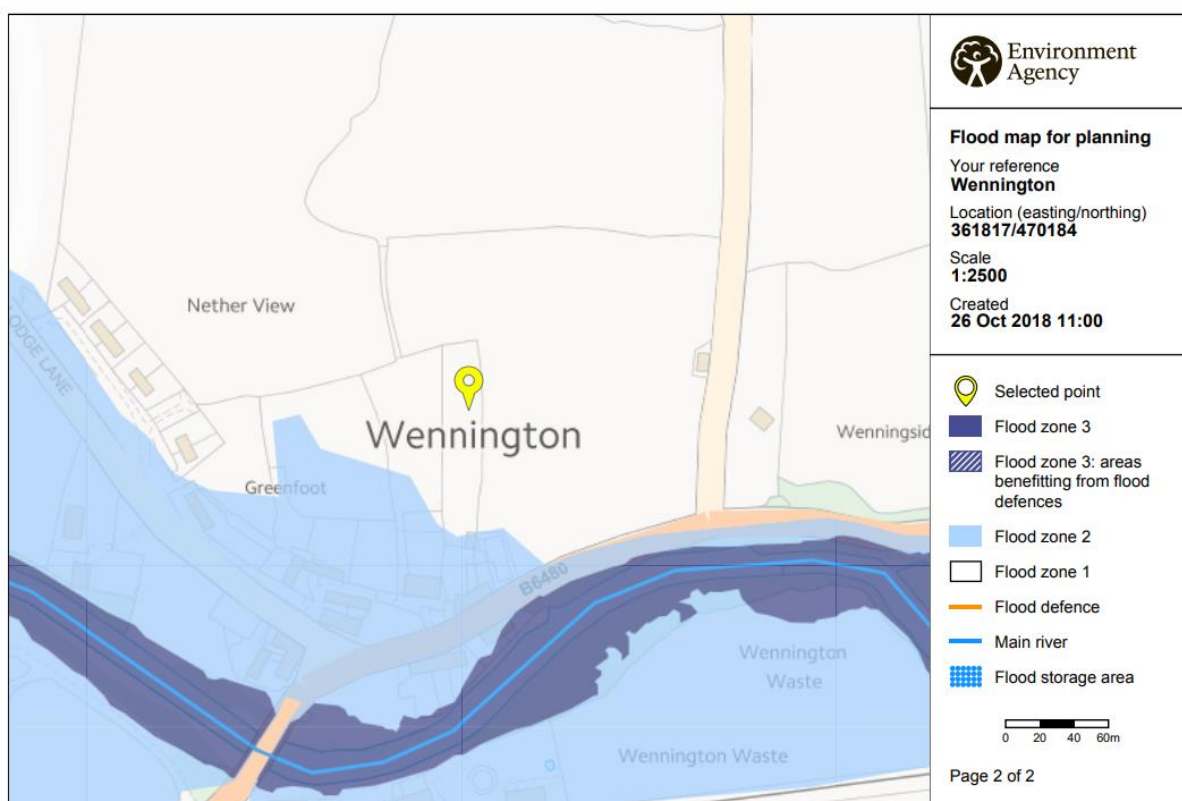
Extensive localised flooding occurs between Box Tree Farm and Ravenclose Farm, caused by the flow of water down the hill to the East from Ravenclose Brow.

Rivers

- 8.4 The primary watercourse is the River Wenning which is classified as a main river. It is a well-formed river, 15 metres wide. The water levels are monitored by the Environment Agency using a gauging station just 150 metres downstream from the main road bridge in the village. The Environment Agency map below indicates that 23 properties (43%) out of the 54 properties in the Designated Area fall within Flood Zone 2.
- 8.5 The Environment Agency Flood Map for Planning (Map 7) shows the flood zones associated with fluvial flooding from the River Wenning. A narrow zone of Flood zone 3 is closely

associated with the river and affects a very limited number of properties. This is defined as having a high probability of flooding (>1% annual probability of flooding, or 1 in every 100 years). Flood Zone 2 extends further out from the river, incorporating more of the village of Wennington. This is defined as having a medium probability of flooding (1%- 0.1% annual probability of flooding). The River Wenning at Wennington is included in an Environment Agency Flood Alert Area: Lower River Lune and Conder, allowing for residents to sign up to receiving flood alert messages.

Map 7 Flood Map for Planning - Wennington



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Groundwater Flooding

- 8.6 Groundwater flooding is caused when water levels in the ground rise up above the natural surface. It will often occur when accumulated rainfall over a long period of weeks or months is significantly above normal and is most likely to occur in low-lying areas underlain by permeable strata.
- 8.7 The Environment Agency do not hold current data on groundwater flooding in the Wennington area, however, flooding in December 2015 occurred in one of the lowest areas of the village (adjacent to Lodge Lane) where the underlying aquifers consist of permeable strata. Any new build in the low areas of Wennington should include a survey of the underlying strata to determine the likelihood of groundwater flooding.

Roles and Responsibilities

- 8.8 Under the Flood and Water Management Act 2010 flood risk management is delivered by Risk Management Authorities which include the Environment Agency, Lead Local Flood Authorities, Water and sewerage companies, and the highways authorities. The Environment

Agency has a strategic overview of all sources of flooding and coastal erosion. It is also responsible for flood and coastal erosion risk management activities on main rivers, regulating reservoir safety, and working in partnership with the Met Office to provide flood forecasts and warnings. It must also look for opportunities to maintain and improve the environment for people and wildlife while carrying out all of its duties. Lancashire County Council is the Lead Local Flood Authority. They lead in managing local flood risks (i.e. risks of flooding from surface water, ground water and ordinary (smaller) watercourses). This includes ensuring co-operation between the Risk Management Authorities in their area. In addition the Parish Council is working with Lancaster City Council in order to set up a Community Emergency Plan (CEP). The plan is on-going, but when initially suggested, it met with considerable support from villagers.

- 8.9 The results of the Housing Needs Survey showed that 95% of respondents did not support the development of new housing in recognised flood zones or areas prone to surface water flooding. The results of the consultation on Issues and Options showed that a majority of respondents (88%) supported a policy in the NDP to address surface water flooding.

Policy WEN7 – Reducing Surface Water Flooding

In areas where surface water flood risk is a known issue, as identified on Map 6, development proposals will be resisted unless suitable mitigation can be provided which does not exacerbate surface water flooding beyond the site and wherever possible seeks to provide a betterment.

Development proposals will be required to provide effective surface water drainage measures to protect existing and future residential areas from flooding. New development should be designed to maximise the retention of surface water on the development site and to minimise runoff. Sustainable drainage systems (SuDS) should be implemented in accordance with the SuDS hierarchy unless deemed inappropriate.

Lancaster Planning Policies

Document	Policies
Lancaster District Local Development Framework Core Strategy 2003 - 2021 Adopted 2008	Policy SC7 Development and the Risk of Flooding
Lancaster District Local Plan 2008 (Saved Policies)	<u>Policy E11</u>
A Local Plan for Lancaster District 2011-2031 Development Management DPD Adopted December 2014	Policy DM38: Development & Flood Risk Policy DM39: Surface Water Run-Off & Sustainable Drainage

9.0 Next Steps

- 9.1 This is the Referendum version of the NDP. If more than 50% of the turnout in the local referendum are in support of the NDP, then the NDP will be made by Lancaster City Council and used to help determine planning applications.
- 9.2 The Wennington NDP Policies will be monitored as set out in the monitoring and implementation framework in Appendix 1 and the Plan reviewed at appropriate key stages such as following the adoption of the new Local Plan for Lancaster City Council.

Appendix 1 Monitoring and Implementation Framework

Policy Number	Policy Title	Monitoring Process	Monitoring Data
Policy WEN1	Protecting and Enhancing Local Wildlife	Review of planning applications	The extent to which successful planning applications enhance the overall opportunity for biodiversity (Target = 75%)
Policy WEN1	Protecting and Enhancing Local Wildlife	Review of planning applications	No net loss (n) of sites designated for their nature conservation value or ancient woodland over the Plan period (Target = 100%)
Policy WEN1	Protecting and Enhancing Local Wildlife	Review of planning applications	Proportion (%) of local wildlife sites (biological heritage sites) where monitoring and/or positive conservation management has been or is being implemented, over a 5 year period. (Target = 80%)
Policy WEN1	Protecting and Enhancing Local Wildlife	Review of planning applications	Number of planning permissions resulting in net gain to wildlife habitats (e.g. new planting, bird boxes, bat boxes) over the plan period (Target = 75%)
Policy WEN1	Protecting and Enhancing Local Wildlife	Review of planning applications	Length of new hedgerow planted and/or numbers of new trees planted over the plan period (Target = 1km hedge/50 trees)
Action: Based on the above monitoring data, over a 5 year period (2019-2024), discuss & agree with GMEU an appropriately focused follow up biodiversity audit			
Policy WEN2	Protecting and Enhancing Local Landscape Character	Review of planning applications	Applications refused/approved on landscape grounds where policy WEN2 of the Wennington Neighbourhood Plan is cited as a reason for decision
Policy WEN3	Encouraging Good Design	Review of planning applications	The numbers of locally listed buildings, buildings on the heritage at risk register as published by Historic England, applications refused/approved on heritage or design grounds where policy WEN3 of the Wennington Neighbourhood Plan is cited as a reason for decision
Action: Work with Lancaster City Council to bring forward a Conservation Area Character Appraisal for Wennington Conservation Area when capacity allows			

WEN4	New Housing	Review of planning applications	The numbers of affordable houses delivered in Wennington, the number of vacant or redundant buildings converted to residential use with planning permission
WEN5	Supporting the Rural Economy	Review of planning applications	The extent to which successful planning applications will provide demonstrable benefits to the local economy
WEN6	Transport and Accessibility	Review of Network Rail passenger information	The number of bus and rail services per day, passenger numbers at Wennington Station, applications refused/approved on highways grounds where policy WEN6 of the Wennington Neighbourhood Plan is cited as a reason for decision
WEN7	Reducing Surface Water Flooding	Review of planning applications	Applications determined against the advice of the Environment Agency or Lead Local Flood Authority (Lancashire County Council)

Appendix 2 Results of Biodiversity Audit, Spring 2018

Table 2 Lancashire Key Species recorded in 2018 field surveys

Common Name	Taxon group
Skylark	Bird
Long-stalked yellow sedge	Flowering plant
Melancholy Thistle	Flowering plant
Kestrel	Bird
Japanese knotweed	Flowering plant
Oystercatcher	Bird
Swallow	Bird
Bluebell	Flowering plant
Tutsan	Flowering plant
Indian balsam	Flowering plant
Blunt-flowered rush	Flowering plant
Brown Hare	Mammal
Welsh poppy	Flowering plant
Bogbean	Flowering plant
Grey Wagtail	Bird
Natterer's Bat	Mammal
Curlew	Bird
House Sparrow	Bird
Wood Warbler	Bird
Scots pine	Flowering plant
Pipistrelle	Mammal
Brown long-eared bat	Mammal
Solomons seal	Flowering plant
Dunnock	Bird
Rhododendron	Flowering plant
Wood club-rush	Flowering plant
Starling	Bird
Song thrush	Bird
Mistle thrush	Bird
Lapwing	Bird

Table 3 Bird Species Recorded During 2018 Surveys

Common Name	Confirmed Breeding?
Great Titi	Yes
Blue Tit	Yes
Coal Tit	
Robin	
Wren	Yes
Chiff-chaff	
Long-tailed Tit	
Kingfisher	
Magpie	Yes
Black-headed Gull	
Pheasant	
Crow	
Jackdaw	Yes
Great spotted woodpecker	Yes
Jay	Yes
Willow Warbler	
Wood Warbler	
Woodpigeon	
Kestrel	
(French) Partridge	
Curlew	Yes
Oystercatcher	Yes
Grey Heron	
Buzzard	
Barn Owl*	
Little Owl*	
Tawny Owl*	
Sparrowhawk	
Swallow	Yes
Swift	
House Martin	
House Sparrow	Yes
Duncock	Yes
Lapwing	
Goldfinch	
Chaffinch	
Skylark	
Herring Gull	
Rook	
Dipper	
Nuthatch	
Blackbird	Yes
Song Thrush	Yes

Mallard	
Pied Wagtail	
Grey Wagtail	Yes
Blackcap	
Starling	Yes

* Reliable reports although not seen by surveyors

Table 4 Mammals Recorded in 2018 surveys

Common Name	Scientific Name
Brown Hare	<i>Lepus europaeus</i>
Mole	<i>Talpa europaea</i>
Roe Deer	<i>Capreolus capreolus</i>
Grey Squirrel	<i>Sciurus carolinensis</i>
Hedgehog	<i>Erinaceus europaeus</i>
Brown long-eared Bat	<i>Plecotus auritus</i>
Natterer's Bat	<i>Myotis nattereri</i>
Common Pipistrelle Bat	<i>Pipistrellus pipistrellus</i>
Noctule Bat	<i>Nyctalus noctula</i>
Otter*	<i>Lutra Lutra</i>

* Reliable reports although not seen by surveyors

Table 5 Invertebrates Recorded in 2018 surveys

Common Name	Scientific Name
Speckled Wood butterfly	<i>Pararge aegeria</i>
Peacock butterfly	<i>Aglaia io</i>
Common blue damselfly	<i>Enallagma cyathigerum</i>
Buff-tailed bumblebee	<i>Bombus terrestris</i>

Flowering Plants Recorded in the Parish of Wennington, 2018 (common names only)

Bramble	Bush vetch	Alder
Elder	Broad-leaved dock	Cuckoo flower
Red Campion	Snowberry	Holly
Rowan	Silverweed	Compact rush
Greater Stitchwort	Pineappleweed	Lesser celandine
Common Nettle	Scented mayweed	Opposite-leaved golden saxifrage
Violet	Timothy	Wood sedge
Sycamore	Blackthorn	Hairy wood rush 36
Ramsons	Oak	Ash
Alder	Meadow buttercup	Blackthorn
Wood Anemone	Curled Dock	Foxglove
Lords-and-Ladies	Gorse	Ragged robin
Annual Meadow-grass	Bilberry	Lesser burdock
Brooklime	Sycamore	Ribwort plantain
Dog's Mercury	Common Ivy	Greater plantain
Groundsel	Cleavers	Silverweed
Red Fescue	Herb Robert 35	Red dead-nettle
Spear thistle	Wood avens	Yellow Iris
Silver Birch	Perennial rye grass	
Ground elder	Butterbur	
Cock's foot	Garlic mustard	
Wild cherry	Ramsons	
Daisy	Cow parsley	
Bluebell	Welsh poppy	
Common Chickweed	Wood sorrel	
Goat willow 34	Meadowsweet	
False oat-grass	Himalayan	
Hedge bindweed	Honeysuckle	
Sticky mouse-ear	Hard rush	
Creeping thistle	Soft rush	
Hazel	Horse chestnut	
Hawthorn	Common bent	
Red Campion	Creeping bent	
Russian comfrey	Beech	
Dandelion	Hogweed	
White clover	Creeping soft grass	
Red clover	Yorkshire fog	
Common sorrel	Beech	

Appendix 3 Acronyms

AONB	Area of Outstanding National Beauty
DPD	Development Plan Document
GMEU	Greater Manchester Ecology Unit
NCA	National Character Area
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework
NPSG	Neighbourhood Plan Sub-Group



Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

Service Regeneration & Planning

Title of policy, service, function, project or strategy

Wennington Neighbourhood Plan Referendum

Type of policy, service, function, project or strategy: Existing ☐ New/Proposed ☒

Lead Officer Henry Cumbers

People involved with completing the EIA

Henry Cumbers

Step 1.1: Make sure you have clear aims and objectives

Q1. What is the aim of your policy, service, function, project or strategy?

Wennington Neighbourhood Plan has been developed by the local community and has given them a greater ownership of the plans and policies that affect their community. The Vision Statement of the NDP is for a strong, cohesive and forward looking community. A community that will in response to the needs of residents, organically grow and develop in a sensitive and sustainable manner. Objective 4 of the NPD is to support incremental housing development which meets identified local needs. The aim of the referendum is to give the Wennington community a vote on whether they support the Neighbourhood Plan. If the referendum results in a majority Yes vote (over 50% plus 1), the Council must 'make' the neighbourhood plan as soon as reasonably practical. The plan will then become part of the Lancaster District Local Plan.

Q2.

Who is intended to benefit or have a detrimental effect on and how?

The Wennington Neighbourhood Plan should lead to a balanced approach to development in the next 13 years that meets current needs whilst protecting the interests of future generations. The policies and proposals of the WNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible. The policies set out in the WNP would be unlikely to have any detrimental impact on most of the 'protected characteristics' set out in the Equality Act 2010 and generally the plan would bring positive benefits. It is recognised that whilst the plan does not directly address needs of specific groups neither do its policies expressly exclude any groups' needs. The purpose of the referendum is to give everyone who is eligible to vote in the Parish of Wennington the opportunity to determine whether the NP should be used in determining planning applications in the future. It is a requirement of the Localism Act 2011 that a standard question is posed in the referendum which asks 'Do you want Lancaster City Council to use the Neighbourhood Plan for Wennington to help it decide planning applications in the neighbourhood area?'

Step 1.2: Collecting your information

Q3. Using existing data (if available) and thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on the groups below?

Equality Impact Assessment

Group	Negative	Positive/No Impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faith, religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including marriage, pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation including civic partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups such as carers, areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Step 1.3 – Now you need to consult!

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

Wennington Parish Council have consulted with their community throughout the Neighbourhood Plan process, this has been detailed in their Consultation Statement which has been submitted as part of their Neighbourhood Plan. Prior to the preparation of the Issues and Options consultation, a housing needs survey was prepared which involved a survey being given to all 54 households within the Parish.

Informal consultations were undertaken at through an Issues and Options Consultation between October and November 2017. This included comments forms being distributed to all households. A public consultation event was also held at Melling Institute. A first draft plan was then published for further consultation for a six week period from 13th December 2017 until 12th January 2018. Under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 an 8 week consultation was held from 2nd April 2018 until 25th May 2018. This included a covering letter being sent to all parishioners.

The Neighbourhood Plan was then submitted by the Parish Council. A statutory consultation was then held by the Council prior to the Examination, for a period of six weeks, from 20th July 2018 to 31st August 2018. Targeted consultation has not taken place with the specific groups, however this was distributed via the Council's Planning Policy Consultation List and widely publicised by Wennington Parish Council.

In respect of the referendum as per Regulation 18 of the Neighbourhood Planning (General) Regulations, a Decision Statement will be issued which will explain the Decision of the Council upon the outcomes of the Examination including reasons, details of where and when the decision statement may be inspected and bring the decision statement and, as the case may be, the report to the attention of people who live, work or carry on business in Wennington. An Information Statement will also be issued (the same Statement as the Decision Statement), which will publicise that a referendum will be held, the date of 14th February upon which it will be held, the question to be asked in the referendum, a map of the referendum area, and where documents may be inspected.

Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

Equality Impact Assessment

Age: The housing needs survey was issued to all households in the Parish. However, the age distribution of returnees peaked between 60 and 69. This corresponds with the Upper Lune Valley ward which has an older age structure than is the national or district average. Whilst the NP does not specifically promote the needs of older people, where a local housing need is identified policy WEN4 seeks to promote small scale opportunities this may in the future include opportunities for older people.

Disability: The NP has a neutral impact as neither does it provide specific positive or negative policies in relation to faith, religion or belief. All households were distributed with a housing needs survey as part of the preparation of the NP. However, no specific need was identified. The proposed referendum would take place on 14th February 2019 and anyone eligible to vote within Wennington will have the opportunity to register a vote. There are regulations within the Neighbourhood Planning (Referendum) Regulations that require the referendum to be accessible to those with disabilities.

Faith, Religion or Belief: The NP has a neutral impact as neither does it provide specific positive or negative policies in relation to faith, religion or belief. All households were distributed with a housing needs survey as part of the preparation of the NP. However, no specific need was identified.

Gender including Marriage, Pregnancy and Maternity: The Neighbourhood Plan has a very limited role in the context of gender, marriage, pregnancy and maternity.

Gender Reassignment: The Neighbourhood Plan and referendum has a very limited role in the context of gender reassignment

Race: The Parish of Wennington was 98.9% white at the time of 2011 Census. However, in general the Neighbourhood Plan has a very limited role in the context of race, policies have a neutral impact. As part of the referendum there are requirements of legislation which require inclusivity for those without English as a main language.

Sexual Orientation including Civic Partnership: The 2011 Census did not have a specific question regarding sexual orientation. Estimates of the prevalence and incidence of transgender people are difficult to quantify due to the lack of robust national data.

Rural Communities: Wennington is a rural community which has been fully involved in developing a Neighbourhood Plan for the area. The Plan provides policies which seek to promote the qualities of rural communities including jobs, housing and access to public transport. The Consultation Statement details this involvement. The referendum will take place on 14th February 2019 which although is not within the parish, it is the venue that has been used for Neighbourhood Plan consultation events. There are also opportunities for people to undertake a postal vote.

Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

There are no policies which will directly or indirectly lead to discrimination within the NDP. The referendum will take place in a way that does not discriminate people.

Q7. Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

None required.

Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

Equality Impact Assessment

None required

Q9. If you are not in a position to go ahead, what actions are you going to take?

None required

Q10. How do you plan to monitor the impact and effectiveness of this change or decision?

The NP will be monitored including policies on housing and the rural economy. A framework has been proposed as part of proposed modifications.

Step 1.7 – Publish your results

This EIA has been approved by:

Maurice Brophy

Contact Number:

01524 582383

Date

21/11/2018

CABINET

Bailrigg Garden Village Cabinet Liaison Group 8 November 2018

Report of Interim Regeneration Manager

PURPOSE OF REPORT				
To seek Cabinet's approval for the Terms of Reference for the Bailrigg Garden Village Cabinet Liaison Group.				
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.				

RECOMMENDATIONS OF THE INTERIM REGENERATION MANAGER

- 1) Agree the creation of the Bailrigg Garden Village Cabinet Liaison Group
- 2) Approve the terms of reference (appendix 1)

1.0 Report

- 1.1 Following the granting of Garden Village (GV) status early in 2016. The regeneration and planning team have,

- Identified all land ownerships that could be included within the GV,
- Via the appointed consultants (GVA), held meetings with most stakeholders, including directly affected landowners, residents, developers, Homes England, Lancashire Enterprise Partnership, Lancaster University and County Highways,
- The concept of bringing development forward in the South Lancaster Area is enabled by an increase in the capacity of the local transport infrastructure. Capacity will be increased by a remodelling of J33 of the M6 motorway, the provision of a Bus Rapid Transport system and a Cycle Super Highway. To this end County Highways are preparing a Housing Infrastructure Fund (HIF) bid. Which is to be deposited by the end of February 2018, County Highways have appointed Genecon as their bid consultant and Genecon have commenced the bid preparation.
- The HIF bid is prepared to identify the number of new houses, commercial space and University accommodation, which can

only be constructed following the provision of the infrastructure improvements. The bid will also set out the economic benefits of the new infrastructure. The bid process is competitive, as the fund is finite, we understand that it is currently oversubscribed by approximately 20%.

- At the same time as this work, the local plan team are preparing for the Enquiry in Public (EIP) of the local plan, which describes the South Lancaster Growth Area (SLGA). Which is further defined by an Area Action Plan (AAP), which the GV forms part of. As such, the delivery of the GV is vital for the success of the EIP of the local plan.
- To commence stakeholder engagement, 3 options for the GV were offered for consideration and feedback was received in various forms, including written and verbal. This was collated into an options plan, which will be shared with all stakeholders.
- GVA and Hyas planning have now been instructed to undertake phase 2 of the engagement and design process for the GV. The output of this phase will be a defined boundary for the GV, design concepts for house types, public open space and separation from the south side of Scotforth. As part of this process various public events, workshops and one to one meetings will be held.
- The future work will feed into the AAP and Local Plan process in order that there is continuity in each document.
- Due to the complex nature of the GV master planning exercise it is necessary to have a board structure to project manage and deliver the master planning exercise.
- The Liaison Group is not an executive group it is not set up to make decisions.
- This process of developing a master plan is a long and complicated exercise with differing tensions. Therefore, communication and engagement with elected members is essential. The Regeneration Portfolio holder will be assisted by other councillors to challenge and understand the outputs of the various boards and consultant's findings and disseminate this information to other elected members. This inclusive approach adds value to the process, as the local stakeholder needs and wishes can be discussed and challenged to create achievable and sustainable outputs.
- At appendix 2 is a diagram showing how the boards interrelate and who the main board members are.

1.2 Terms of Reference for the CLG have are at Appendix 1, for Cabinet's consideration.

2.0 Details of Consultation

2.1 None at this stage.

3.0 Options and Options Analysis (including risk assessment)

3.1 The options are essentially to agree to the Terms of Reference as attached, or propose alternatives, subject to Cabinet's desired focus for the CLG. As long as any terms fit with the Constitution, there is no Officer preferred option.

RELATIONSHIP TO POLICY FRAMEWORK

The aims and objectives of the Bailrigg Garden Village Cabinet Liaison Group will be aligned to support the Council Plan to develop the concept of the GV.

CONCLUSION OF IMPACT ASSESSMENT

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

None directly arising at this stage.

LEGAL IMPLICATIONS

None directly arising at this stage.

FINANCIAL IMPLICATIONS

None directly arising at this stage.

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

None directly arising at this stage.

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted in the drafting of this report and has no further comments. Cabinet Liaison Groups are set out in the constitution, Part 4, Rules of Procedure, Section 4 Cabinet at paragraph 29.

Cabinet Liaison Groups

(a) Cabinet Liaison Groups are not an essential body but may be created to take forward business. However, they are purely consultative and not decision-making. They will be chaired by a member of Cabinet and there is no restriction on size although the group must be limited to what is manageable and effective for their purpose. They may be time limited or of longer standing, again depending on their purpose.

(b) The participants in the Group will be by invitation of the Chairman and can be made up from any or all of the following:

- Other members of Cabinet - Others from outside the Council
- Other members of Council not on Cabinet - Council officers

(c) Terms of Reference: Their Terms of Reference are to share information about a particular topic, e.g. e-government and develop effective consultation and communication links with community groups and other bodies with an interest in the subject area. In this way, individual Cabinet members will have a wider information and advisory platform to inform executive decision-making and policy effectiveness.

(d) Specific outcomes from their meetings may generate requests for pieces of work to be undertaken by officers or partner bodies. Alternatively, it could be a request to Overview and Scrutiny to set up a Task Group to undertake a specific piece of work. There could also be specific reports to Cabinet, Committees of Cabinet, individual Cabinet members, or other Committees of Council recommending action for determination.

(e) Each Liaison Group will have their terms of reference and expected outputs approved by Cabinet before they meet

BACKGROUND PAPERS

Contact Officer: Richard Crompton

Telephone: 01524 582331

E-mail: rcrompton@lancaster.gov.uk

Ref: BGV 03.03

Bailrigg Garden Village

Cabinet Liaison Group

Composition

Composition of the group is proposed as follows:

- Up to 20 Members
- Open invitation to all Councillors from all political groups and such other persons that the cabinet member sees fit
- No substitute members attending
- Any member missing three meetings without a reasonable excuse will be deemed to have resigned
- Agreement to the non-disclosure agreement in relation to any commercially sensitive information.
- The meetings will be minuted.

Purpose

The Bailrigg Garden Village Cabinet Liaison Group is a cross-party, informal group that will provide input to the master planning and delivery of the Garden Village. Its role is as follows:

- To input and provide challenge to the vision for the Bailrigg Garden Village
- To receive good practice examples from developments across the country, to inform the potential content, quality and function of the Garden Village
- To advise the cabinet member, inform the evolution of a concept plan and masterplan for Bailrigg Garden Village
- To consider options for the delivery of the project and consider appropriate delivery mechanisms as required
- To be advised of progress on the project in accordance with the agreed project plan and its key milestones
- To champion the work being undertaken towards the delivery of the Garden Village to the wider member forum.

Terms of Reference

- To advise the Cabinet member and Cabinet on the setting of objectives for Bailrigg Garden Village.
- To assist the Cabinet member and Cabinet to ensure the development is of the highest standard and uses best practice in the development and inform the potential content, quality and function of the Garden Village.
- To advise the Cabinet member and Cabinet on the evolution of a concept plan and masterplan for Bailrigg Garden Village
- To provide a public written report each quarter summarising the discussions and recommendations made to the Cabinet member.
- To invite and consider reports from the Councils Officers and agents on the development.
- To invite and consider third party presentations and proposals, and if required to summarise the information in a recommendation to the Cabinet member.
- To monitor and advise the Cabinet Member on the progress of the development of options for the delivery of the project, to consider appropriate delivery mechanisms as required and to advise of progress on the project in accordance with the agreed project plan and its key milestones.
- To advise, facilitate and assist in the expeditious progress of the development.
- To advise, facilitate and assist in the progress of consultations, contribute to the community engagement and to champion the work being undertaken towards the delivery of the Garden Village to the public and wider member forum.

Membership

Membership will comprise elected Members of the City Council and will be cross party and such other persons the Cabinet member sees fit. The core members and roles are as follows:-

Councillor/Name	Organisation	Role

The BVCLG may consider it appropriate to extend the membership as required and from time to time invite representatives from other partner organisations or external bodies to present or contribute to relevant topics and issues.

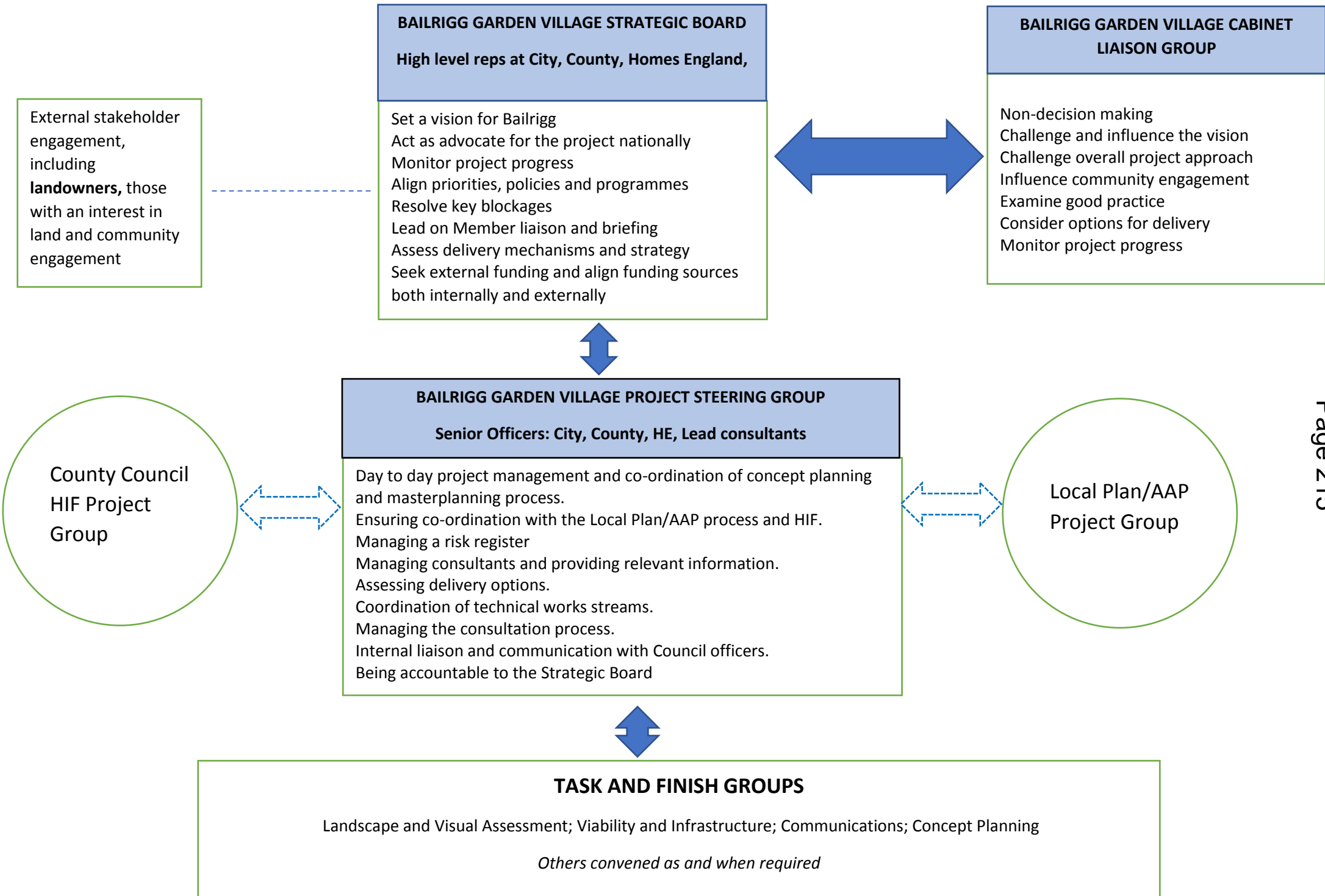
Governance and Reporting

The Group will need to meet in response to progress and key issues on the project. The group will receive project reports from Senior Officers relating to (amongst other items), project progress, concept and masterplan content and delivery implications and options of the project.

The Group will operate on the following principles:

- The. Group is not a decision making body, but will act in an advisory capacity to the project, in the interests of informing its progression towards delivery. Recommendations can however be made to the relevant decision making body/ies of the Council
- The Group will seek to agree actions on a consensus basis.
- The Group will keep minutes of its key discussions and actions
- Members of the Group will commit to the project and ensure an appropriate level of engagement.

Bailrigg Draft Project Management Structure – October 2018



CABINET

Budget and Policy Framework Update 2019/20 to 2023/24 4 December 2018

Report of Interim Head of Financial Services

PURPOSE OF REPORT			
This report provides an update on the Council's budget strategy for 2019/20 and financial outlook up to 2023/24, to help inform development of Cabinet's corporate planning and budget proposals and the development of a revised Medium Term Financial Strategy.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/> Referral from Officer
Date of notice of forthcoming key decision			
This report is public.			

RECOMMENDATIONS OF COUNCILLOR WHITEHEAD:

- i. That the draft budgetary position for current and future years be noted, accepting that this is an interim update.
- ii. That Cabinet agree the approach and timetable in respect of the 2019/20 budget as set out in Section 3 of the report.
- iii. That Cabinet agree the approach to updating the Medium Term Financial Strategy set out in Section 4 of the report.
- iv. That the Treasury Management Mid-Year Review attached at Appendix A be noted and referred to Council for information.

1 INTRODUCTION

1.1 Under the Constitution, Cabinet has responsibility for developing corporate planning proposals and a balanced budget for Council's consideration.

1.2 This report sets out:

- Updated estimates in respect of Council funding including Revenues Support Grant, Retained Business Rates, New Homes Bonus and Council Tax and the corresponding impact on the budget gap. (section 2)

- A summary of the strategy and timetable for balancing the 2019/20 revenue budget and capital programme. (section 3)
- A summary of the revisions to be made to the Medium Term Financial Strategy to ensure that the Council pro-actively addresses financial challenges in a way which protects services and focusses on the Council's ambitions. (section 4)

2 FUNDING UPDATE

2.1 The Council's net revenue expenditure is funded from the following sources:

- Settlement Funding Assessment which is divided into Revenue Support Grant and Localised Business Rates
- New Homes Bonus
- Council Tax

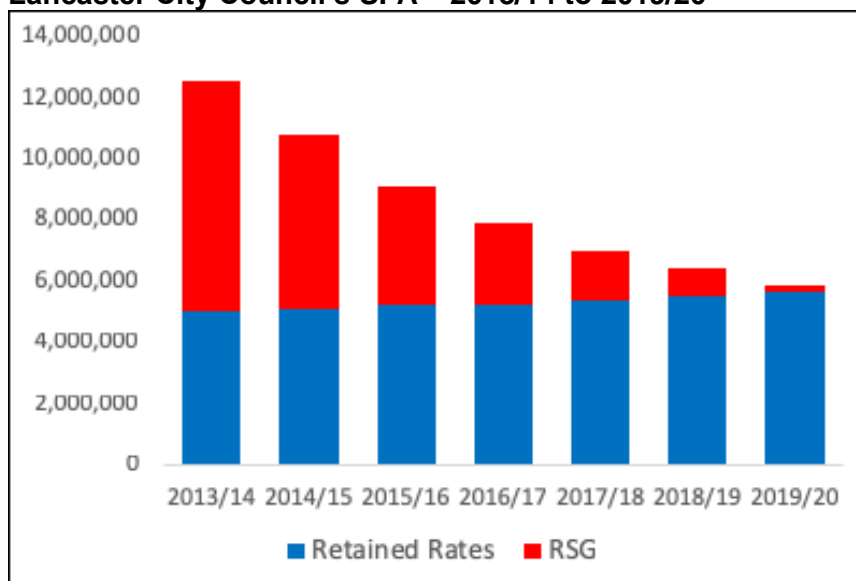
2.2 Next year, 2019/20, is the final year of the Government's four-year settlement and the Council has received provisional allocations for Settlement Funding Assessment and estimates for New Homes Bonus. These figures will be confirmed, and estimates updated, on 6 December 2018 when MHCLG announces the provisional Local Government Finance Settlement.

2.3 The Government is currently undertaking a Fair Funding review which will look at how Government Funding is distributed from 2020/21 onwards. This review will calculate assessed needs for all authorities for the first time since 2013/14 and will also incorporate progression to a 75% business rates retention scheme. These reviews will have significant consequences for the Council's funding from 2020/21.

Settlement Funding Assessment

2.4 Settlement Funding Assessment (SFA) is the amount that the authority receives in Government Funding. It is based on the assessed relative needs of each authority and is made up of Revenue Support Grant (RSG) and Localised Business Rates. Lancaster City Council's SFA since 2013/14 is shown in the graph below.

Lancaster City Council's SFA – 2013/14 to 2019/20



- 2.5 The Council's Settlement Funding Assessment has reduced by £6.704m (53.44%) between 2013/14 and 2019/20 with the Revenue Support Grant reducing from £7.533m in 2013/14 to just £200k in 2019/20.
- 2.6 Settlement Funding Assessment will be reviewed as part of the Government's Fair Funding review and this will determine grant allocations from 2020/21 onwards. Although the Government hasn't yet released definitive control totals for Local Government funding from 2020/21, the 29 October budget indicated modest planned increases in public spending. However, significant increases in NHS and Defence spending are likely to mean that Local Government might expect a 'cash flat' settlement. Furthermore, it is probable that district councils will receive a decreased share of Local Government funding as social care pressures are prioritised over other areas of Local Government expenditure.
- 2.7 For the purposes of forecasting funding from 2020/21 onwards, although speculative, it is not unreasonable to plan for a 10% reduction in Settlement Funding Assessment for district councils in 2020/21. If a reduction in funding of this magnitude was to be implemented this would result in a £478k widening of the Council's budget gap.

New Homes Bonus

- 2.8 Since the implementation of New Homes Bonus in 2013/14, the Government has reduced the reward grant to cover only 4 years (down from 6) and has introduced a threshold below which no reward grant is paid. This has had the effect of reducing the Council's level of grant over the past two years as shown in the table below.

Year	MTFS estimate	Revised estimate	Difference
2018/19	£1.650m	£1.650m	£0
2019/20	£1.805m	£1.650m	-£155k
2020/21	£1.372m	£1.372m	£0
2021/22	£1.172m	£1.172m	£0
2022/23	No estimate	£1.172m	£0
2023/24	No estimate	£1.172m	£0

- 2.9 The revised estimate for 2019/20 is £155k lower than the MTFS forecast which is based on Government estimates. However, new homes growth in 2019/20 appears to be significantly lower than Government estimates.
- 2.10 The future of New Homes Bonus is uncertain with reports that Treasury Ministers are unsatisfied that the reward grant has been effective. Looking to 2020/21 and beyond, there are a number of threats to this funding income. These uncertainties, which will be modelled in more detail in the Medium Term Financial Strategy, include:
- The Government scrapping or significantly reducing New Homes Bonus
 - The Government changing the way the reward is shared between districts and counties. The current 80/20 split in favour of districts might be deemed unfair to County Councils which appear to have more significant problems with respect to financial resilience
 - The Government increases the threshold, the minimum amount of housing growth which is disregarded before paying grant, resulting in reduced allocations
 - The Council's housing growth slows down reducing the level of grant

Council Tax

- 2.11 As part of the provisional Local Government Financial Settlement, Government is expected to confirm its proposals regarding council tax referendum thresholds. It is expected that district councils will be permitted to increase their Band D tax rates year on year by the higher of £5 or 2.99% without reference to a referendum - the Medium Term Financial Strategy and budget forecasts will continue to base forecasts on the higher allowed increase. Forecasts for Council Tax are shown in the table below.

Year	Taxbase (Annual Increase)	Band D Council Tax (annual 2.99% increase)	Council Tax Income
2018/19	41,200 (2.23%)	220.36	9,078,832
2019/20	41,400 (0.49%)	226.95	9,395,679
2020/21	41,814 (1.00%)	233.73	9,773,376
2021/22	42,232 (1.00%)	240.72	10,166,256
2022/23	42,654 (1.00%)	247.92	10,574,929
2023/24	43,081 (1.00%)	255.33	11,000,031

- 2.12 The 2019/20 taxbase of 41,400 is lower, by 400, than anticipated in the Medium Term Financial Strategy which was agreed by Members in February 2018. This means that the revised forecast for Council Tax is £91k lower than previously calculated.
- 2.13 Government has not signalled any intention to introduce referendum thresholds for parish and town councils, but asserts that it is reviewing evidence of whether such councils are applying restraint, if/when setting increases that are not as a result of taking on additional responsibilities. Government has previously indicated it “wishes to ensure that parishes continue to have the flexibility to take on responsibilities from other tiers of government without being unduly constrained by council tax referendum principles”.

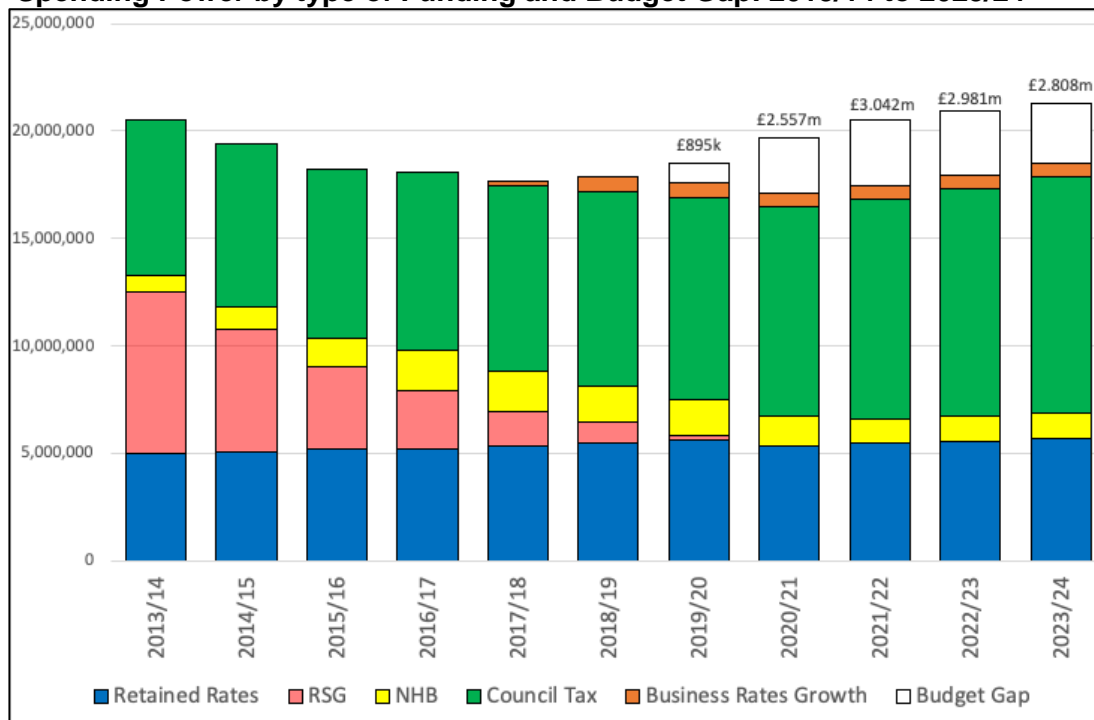
Business Rates Growth

- 2.14 In addition to the business rates income retained as part of Settlement Funding Assessment, Councils benefit from growth above a business rates baseline which was set in 2013/14. This continues to be a complex and uncertain calculation for the Council due to the risks associated with Heysham Power Station. The Council manages the fluctuations associated with these risks through a Business Rates Equalisation Reserve which as at 31 March 2018 had a value of £4.602m.
- 2.15 For budgeting purposes, forecasts will continue to budget a small inflationary increase in business rates income with growth or rates decline managed through the equalisation reserve. However, as part of the Medium Term Financial Strategy, a review of reserves will consider the balance of the Business Rates Equalisation Reserve and the levels required to support business rates income in the medium term. It is anticipated that this review might identify an opportunity for a proportion of the reserve to be available for other purposes.

Spending Power

- 2.16 The elements of Spending Power covered above, when taken together, show the financial difficulties which the Council has faced since 2013/14 as illustrated in the graph below.

Spending Power by type of Funding and Budget Gap: 2013/14 to 2023/24



The graph above shows a number of things in respect of the Council's financial position.

- Government funding has decreased, in money terms, by £6.704m (53.44%) between 2013/14 and 2019/20
 - Consequently, Council Tax is now the main source of funding for the Council.
 - Based upon the current understanding of budgets and Government funding arrangements, the Council has a budget gap in 2019/20 of £895k rising significantly in 2020/21 and 2021/22 to £2.557m and £3.042m respectively
- 2.17 The provisional Local Government Finance Settlement to be issued on 6 December 2019 will provide further clarification with respect to Government funding including provisional New Homes Bonus allocations for 2019/20. It will also provide an indication of the Government's capping criteria for Council Tax.
- 2.18 The table below updates the revenue budget gap for the next five years from that which was reported in the previous Medium Term Financial Strategy approved by Council in February 2018. The revised figures are based upon latest estimates as covered earlier in this section. The figures in the table do not take account of growth bids, savings and changes to fees and charges which are currently being considered as part of this year's budget process covered in section 3.

	2019/20	2020/21	2021/22	2022/23	2023/24
Budget Gap per MTFS agreed by Council Feb 2018	£0.649m	£1.942m	£2.403m	No estimate	No estimate
Reduced Council Tax Income (para. 2.12)	£0.091m	£0.137m	£0.161m		
Estimated reduction in Baseline Funding following Fair Funding Review (para. 2.7)		£0.478m	£0.478m		
Estimated reduction in New Homes Bonus (para. 2.9)	£0.155m				
Revised Draft Budget Gap	£0.895m	£2.557m	£3.042m	£2.981m	£2.808m

- 2.19 The above analysis reveals the continuing financial challenge faced by the Council. Following years of funding reductions, it is becoming increasingly difficult for the Council to identify further savings without impacting on services. The Medium Term Financial Strategy will be constructed to support an alternative approach to balancing future budgets as set out in the *Funding the Future Strategy* which is considered separately on this Cabinet agenda. This is explored in more detail in section 4. The more immediate priority of setting a balanced budget for 2019/20 is covered in section 3 below.

3. BUDGET 2019/20

Revenue Budget

- 3.1 Work is currently underway in respect of the 2019/20 revenue budget. In terms of approach the following is proposed:
- Continued focus on efficiency, income generation and minimisation of growth
 - Closer scrutiny of budget changes made during 2018/19 to ensure that increased budgets are subject to the same process as growth bids and where savings/increased income is sustainable and has potential for continued improvement in future years
 - Consideration of all inflation allowances and removal of inflation where it is deemed that services can manage with 'cash flat' budgets
 - Review of past budget performance and challenge in respect of those budget lines where budget has been underspent by more than £1,000 in each of the last three years
 - Review of incomes to ensure that stretching though realistic targets are pursued
 - Consideration of whole authority spend in areas where a procurement exercise may drive further authority wide savings
 - Consideration of savings which will arise from early adoption in 2019/20 of *Funding the Future* projects and reorganisation reviews

Capital Programme

- 3.2 A full review of the Capital Programme is being undertaken as part of the budget setting process. A capital bidding process has been introduced which requires all new and existing bids to be assessed and scored against corporate ambitions.

Housing Revenue Account

- 3.3 A full update on the HRA budget and financial outlook will be considered alongside the revenue budget, in January, including options to ensure that the service's 30-year business plan is viable and that its ongoing budget is balanced, whilst delivering value for money to tenants.

Budget Timetable

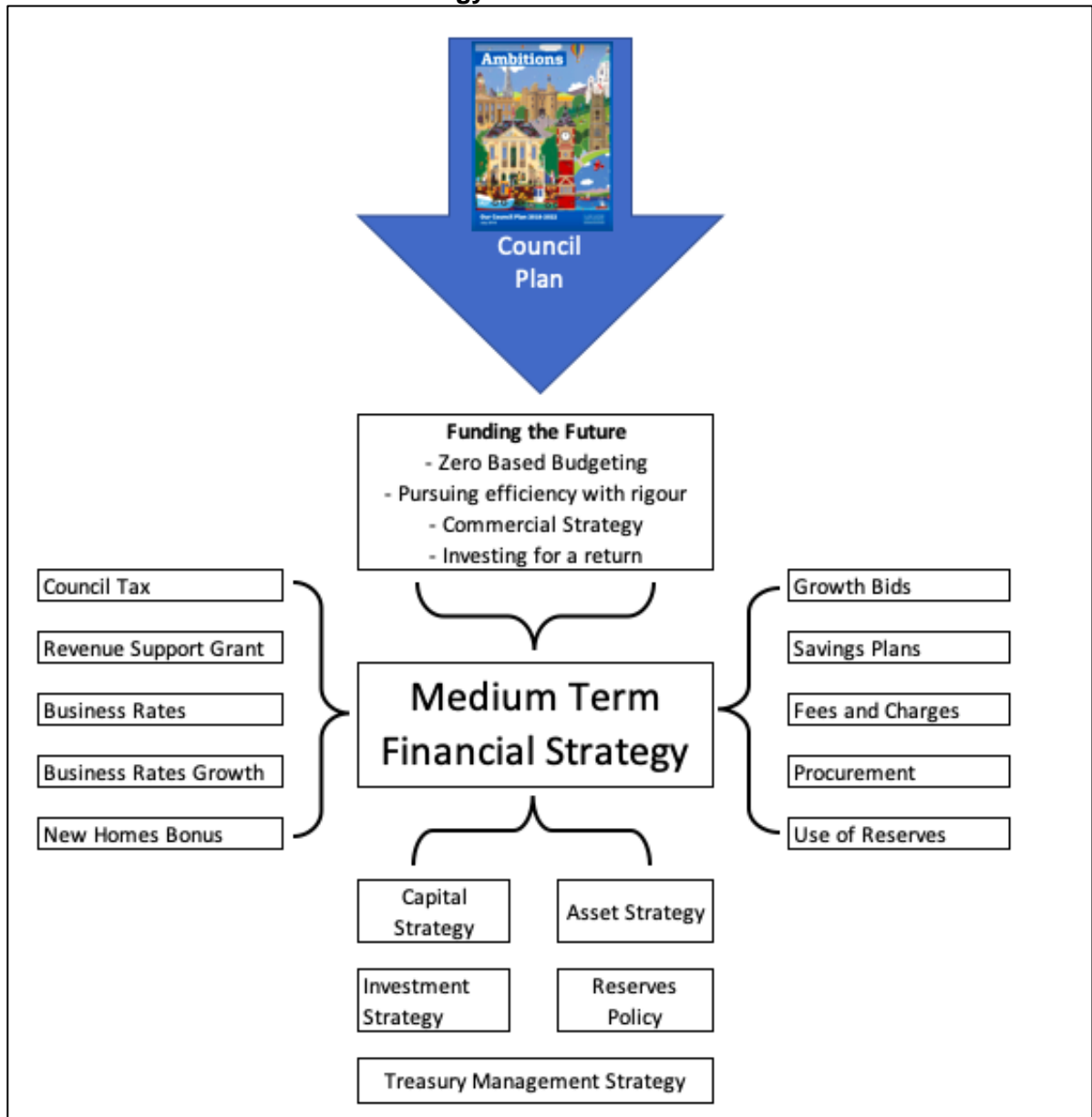
- 3.4 A summary of the budget approach and timetable is detailed below.

Date	Action
End of November	Budgetholders to have completed all growth bids, savings plans and income proposals
4 December	Cabinet to receive position statement with respect to all options for growth, savings and other budget adjustments
6 December	Provisional Local Government Finance Settlement will confirm funding allocations and Council Tax referendum limits
w/c 17 December	Political Groups to receive briefings on options for balancing budgets including summary of all growth bids, saving plans, income options and other budget adjustments
15 January	Cabinet to determine preferred option for 2019/20 budget and capital programme
February	Council to approve 2019/20 budget, capital programme and updated Medium Term Financial Strategy

4 MEDIUM TERM FINANCIAL STRATEGY UPDATE

- 4.1 The Council Plan sets out ambitious plans for enhancing the economy, wellbeing and presence of Lancaster City and District. However, as the previous sections have covered, the Council continues to operate with significant financial challenges. In order to deliver its priorities with lower levels of funding, the Council has developed *Funding the Future* which is considered as a separate item on this Cabinet agenda.
- 4.2 *Funding the Future* takes a pro-active approach to balancing future budgets without reducing services by focusing efforts around efficiency, increasing income from commercialism and investment and taking a zero based outcomes approach to budgeting.
- 4.3 In order to support the Council's ambitions, it is necessary that the Medium Term Financial Strategy is fit for purpose and capable of developing plans and processes for identifying and measuring improvement projects. Additionally, the Strategy needs to develop the building blocks to support new projects whilst having regard to good financial control, risk management and governance. The update will develop key strategies in order that the council can follow good practice in pursuing the *Funding the Future* strategy.
- 4.4 The key elements of the Medium Term Financial Strategy are set out in the figure below.

The Medium Term Financial Strategy



- 4.5 It is essential that the Medium Term Financial Strategy underpins the Council Plan and that financial resources, revenue and capital, as well as property holdings are deployed in pursuit of the Council's ambitions. In order to achieve this, the following key documents will be updated and/or developed.

Capital Strategy

- 4.6 Having regard to CIPFA's recently revised Prudential Code, the Capital Strategy will set out how the Council makes capital expenditure in support of its ambitions whilst having regard to other key matters such as stewardship, value for money, prudence, sustainability and affordability. The Strategy will underpin a longer term view of capital expenditure, asset management and investment set out in the strategies outlined below.

Treasury Management Strategy

- 4.7 Closely linked to the Capital Strategy, the Treasury Management Strategy sets out the plans and processes for the optimum management of the Council's cashflows, its banking, borrowing and investing activities, the risks associated with those activities and the pursuit of optimum performance consistent with those risks.
- 4.8 As the Council starts to consider investing in property to make a return it will need to ensure that the funding of the associated capital expenditure is affordable, prudent and sustainable and that when making investment decisions adequate provision is made for the servicing of interest payments as well as the repayment of debt.
- 4.9 Members are requested to note the Treasury Management Mid-Year Review for 2018/19 attached at Appendix A and refer on to Council for information. This is a requirement of the Council's existing Treasury Management Strategy which is in accordance with CIPFA's Prudential Code.

Asset Strategy

- 4.10 The Asset Strategy will aim to ensure that the Council's property holdings are managed strategically and in accordance with the Council's ambitions and property needs. The Strategy will ensure that the best use is made of all Council assets both financially and with respect to outcomes and seek to establish a sound purpose for each property holding. The Strategy will incorporate an Asset Management Plan which will aim to ensure that revenue and capital expenditure and income is optimised in respect of all assets.

Investment Strategy

- 4.11 The Investment Strategy will ensure that where the Council makes property investments with a view to making a return, that it does so having regard to financial yield, sound risk management, good governance and delivery of Council ambitions particularly in respect of community wealth building.

Reserves Policy

- 4.12 The Reserves Policy will ensure that the Council is making the best use of its limited financial reserves by understanding the minimum level required to ensure ongoing financial resilience whilst earmarking the use of reserves for 'one-off' investment designed to make a positive financial return or/and in terms of ambitions.

5 DETAILS OF CONSULTATION

- 5.1 As in previous years, planned public drop-in events, the usual high level consultation with relevant stakeholders on the budget will be undertaken prior to Budget Council in February. More specific consultation may be required depending on the budget savings options being considered. Consultation on council housing matters will be undertaken through the District Wide Tenants' Forum.

6 OPTIONS AND OPTIONS ANALYSIS (INCLUDING RISK ASSESSMENT)

- 6.1 Regarding the budget strategy, Cabinet may approve the proposals as set out, or require changes to be made to the suggested approach. The overriding aim of any

budget setting process is to approve a balanced budget by statutory deadlines, allocating resources to help ensure delivery of the Council's corporate and service objectives. The proposed approach is in line with that broad aim, drawing on various strategic matters. Any changes that Cabinet puts forward should also be framed in that context.

- 6.2 In term of the actual budget position, this report is primarily for information, to assist Cabinet in its budget deliberations. No specific decisions are sought at this time.

RELATIONSHIP TO POLICY FRAMEWORK The budget should represent, in financial terms, what the Council is seeking to achieve through its Policy Framework.	
CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability etc) None directly arising in terms of the corporate nature of this report – any implications would be as a result of specific decisions on budget proposals affecting service delivery, etc.	
FINANCIAL IMPLICATIONS As set out in the report.	
SECTION 151 OFFICER'S COMMENTS The section 151 Officer (as Interim Head of Financial Services) has produced this report as part of his responsibilities.	
LEGAL IMPLICATIONS Legal Services have been consulted, but at this stage there are no legal implications arising.	
MONITORING OFFICER'S COMMENTS The Monitoring Officer has been consulted and has no comments to add.	
BACKGROUND PAPERS None.	Contact Officer: Daniel Bates Telephone: 01524 582117 E-mail: dbates@lancaster.gov.uk

Treasury Management Strategy Mid-Year Review

Report of Interim Head of Financial Services

Treasury Management Strategy Mid-Year Review

1. Background

Capital Strategy

In December 2017 CIPFA (Chartered Institute of Public Finance and Accountancy) issued revised Prudential and Treasury Management codes. As from 2019/20, all local authorities will be required to prepare a Capital Strategy which is intend to provide:

- a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
- an overview of how the associated risk is managed
- the implications for future financial sustainability

A report setting out our Capital Strategy will be taken to Council before 31 March 2019.

Treasury Management

The Council operates a balanced budget, which broadly means that cash raised during the year will meet its cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the treasury management services is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and, on occasion, any debt previously drawn may be restructure to meet Council risk or cost objectives.

Accordingly, treasury management is defined as:

“the management of the local authority's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

2. Introduction

This report has been written in accordance with the requirements of CIPFA's Code of Practice for Treasury Management recommends that members be updated on treasury management activities regularly (through the reporting of the Treasury Management Strategy, and annual and mid-year reports). This report is in line with best practice in accordance with that Code.

3. Economic Background (provided by Link Asset Services)

The first half of 2018/19 has seen UK economic growth after a modest performance, but sufficiently robust for the Monetary Policy Committee, (MPC), to unanimously (9-0) vote to increase the Bank Rate on 2nd August from 0.5% to 0.75%. Although growth looks as if it will only be modest at around 1.5% in 2018, the Bank of England's August Quarterly Inflation Report forecast that growth will pick up to 1.8% in 2019, albeit there were several caveats – mainly related to whether or not the UK achieves an orderly withdrawal from the European Union in March 2019.

Some MPC members have expressed concerns about a build-up of inflationary pressures, particularly with the pound falling in value again against both the US dollar and the Euro. The Consumer Price Index (CPI) measure of inflation rose unexpectedly from 2.4% in June to 2.7% in August due to increases in volatile components, but is expected to fall back to the 2% inflation target over the next two years given a scenario of minimal increases in the Bank Rate. The MPC has indicated that the Bank Rate would need to be in the region of 1.5% by March 2021 for inflation to stay on track. Financial markets are currently pricing in the next increase in Bank Rate for the second half of 2019.

As for the labour market, unemployment has continued at a 43 year low of 4% on the Independent Labour Organisation measure. A combination of job vacancies hitting an all-time high in July, together with negligible growth in total employment numbers, indicates that employers are now having major difficulties filling job vacancies with suitable staff. It was therefore unsurprising that wage inflation picked up to 2.9%, (3 month average regular pay, excluding bonuses) and to a one month figure in July of 3.1%. This meant that in real terms, (i.e. wage rates higher than CPI inflation), earnings grew by about 0.4%, near to the joint high of 0.5% since 2009. (The previous high point was in July 2015.) Given the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months. This tends to confirm that the MPC were right to start on a cautious increase in Bank Rate in August as it views wage inflation in excess of 3% as increasing inflationary pressures within the UK economy. However, the MPC will need to tread cautiously before increasing Bank Rate again, especially given all the uncertainties around Brexit.

In the political arena, there is a risk that the current Conservative minority government may be unable to muster a majority in the Commons over Brexit. However, our central position is that Prime Minister May's government will endure, despite various setbacks, along the route to Brexit in March 2019. If, however, the UK faces a general election in the next 12 months, this could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up.

4. Interest Rate Forecast

The Council's treasury advisor, Link Asset Services, has provided the following forecast:

Link Asset Services Interest Rate View											
	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21
Bank Rate View	0.75%	0.75%	0.75%	0.75%	1.00%	1.00%	1.00%	1.25%	1.25%	1.50%	1.50%
3 Month LIBID	0.75%	0.80%	0.80%	0.90%	1.10%	1.10%	1.20%	1.40%	1.50%	1.60%	1.60%
6 Month LIBID	0.85%	0.90%	0.90%	1.00%	1.20%	1.20%	1.30%	1.50%	1.60%	1.70%	1.70%
12 Month LIBID	1.00%	1.00%	1.00%	1.10%	1.30%	1.30%	1.40%	1.60%	1.70%	1.80%	1.80%
5yr PWLB Rate	2.00%	2.00%	2.10%	2.20%	2.20%	2.30%	2.30%	2.40%	2.50%	2.50%	2.60%
10yr PWLB Rate	2.40%	2.50%	2.50%	2.60%	2.70%	2.70%	2.80%	2.90%	2.90%	3.00%	3.10%
25yr PWLB Rate	2.80%	2.90%	3.00%	3.10%	3.10%	3.20%	3.30%	3.30%	3.40%	3.50%	3.50%
50yr PWLB Rate	2.60%	2.70%	2.80%	2.90%	2.90%	3.00%	3.10%	3.10%	3.20%	3.30%	3.30%

The flow of generally positive economic statistics after the end of the quarter ended 30 June meant that it came as no surprise that the MPC came to a decision on 2 August to make the first increase in Bank Rate above 0.5% since the financial crash, to 0.75%. However, the MPC emphasised again, that future Bank Rate increases would be gradual and would rise to a much lower equilibrium rate, (where monetary policy is neither expansionary nor contractionary), than before the crash; indeed they gave a figure for this of around 2.5% in ten years' time but they declined to give a medium term forecast. We do not think that the MPC will increase Bank Rate in February 2019, ahead of the deadline in March for Brexit. We also feel that the MPC is more likely to wait until August 2019 rather than May 2019, before the next increase, to be followed by further increases of 0.25% in May and November 2020 to reach 1.5%. However, the cautious pace of even these limited increases is dependent on a reasonably orderly Brexit.

The balance of risks to the UK

- The overall balance of risks to economic growth in the UK is probably neutral.*
- The balance of risks to increases in Bank Rate and shorter term PWLB rates, are probably also even and are broadly dependent on how strong GDP growth turns out, how slowly inflation pressures subside, and how quickly the Brexit negotiations move forward positively.*

5. Treasury Management Strategy Statement and Annual Investment Strategy Update

The Treasury Management Strategy (TMS) for 2018/19, which includes the Annual Investment Strategy, was approved by the Council on 28 February 2018. The underlying TMS requires revision in light of Council's decision on 18 July to increase the capital financing requirement to facilitate investment in Canal Quarter. This change is set out in **Annex A** as appended.

6. Investment Portfolio

The Council aims to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short to cover cash flow needs, but also if and where appropriate, to seek out value available in periods up to 12 months with highly credit rated financial institutions, using the adopted creditworthiness approach, including minimum sovereign credit ratings and Credit Default Swap (CDS) overlay information.

Officers confirm that the approved limits within the Annual Investment Strategy were not breached during the quarter ended 30 September 2018.

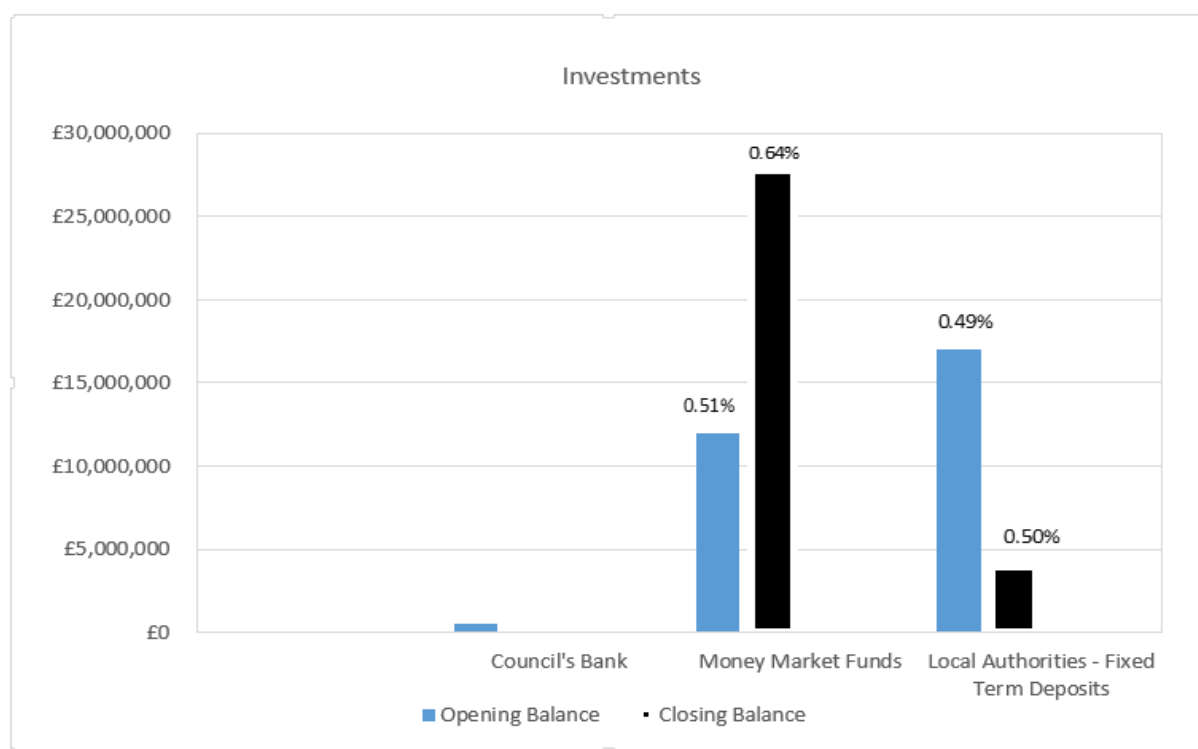
The average level of funds available for investment purposes during the quarter was **£30.4M**. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept and business rate related payments, the receipt of grants and progress on the Capital Programme.

In terms of performance against external benchmarks, the return on investments compared to the 7 day LIBID and bank rates at the end of the period is as follows. This is viewed as reasonable performance, given the need to prioritise security of investments, and liquidity (i.e. making sure that the Council's cashflow meets its needs):

Base Rate	0.75%
7 day LIBID	0.59%
Lancaster City Council investments	0.62%

Investment Balances – quarter ended 30 September 2018

At the start of the quarter investments totalled £29m rising to £31m by 30 September. Fixed term investments with local authorities fell to £4m whilst Money Market Fund balances increased to £27m.



Other Investments	Term	Maturity Date	Opening £	Closing £	Indicative Rate (YTD)	Current Fixed Rate	Interest to Date £
Call Accounts							
Natwest (Cash Manager Plus)			527,634	8,312		0.01%	47
Money Market Funds							
Blackrock Sterling Liquidity First Fund			6,000,000	6,000,000	0.66%		14,052
Blackrock Sterling Government Liquidity Fund			0	0	0.57%		2,005
LGIM			0	6,000,000	0.67%		12,961
Ignis			6,000,000	6,000,000	0.65%		16,633
Insight			0	6,000,000	0.62%		4,659
Goldman Sachs			0	3,800,000	0.57%		2,158
Fixed Term Deposits							
Guildford Borough Council	364 days	17/07/2018	5,000,000	0		0.53%	7,768
Rugby Borough Council	11 months	29/06/2018	0	0		0.35%	853
Antrim & Newtown Abbey BC	364 days	06/08/2018	3,000,000	0		0.37%	3,862
Broxtowe Borough Council	364 days	28/09/2018	1,000,000	0		0.40%	1,973
London Borough of Islington	364 days	01/10/2018	2,000,000	2,000,000		0.40%	4,011
Surrey Heath Borough Council	183 days	16/11/2018	1,000,000	1,000,000		0.75%	5,829
Northamptonshire County Council	363 days	01/04/2019	1,000,000	1,000,000		0.70%	3,471
Telford & Wrekin Council	123 days	25/09/2018	4,000,000	0		0.55%	7,414
Sub-total			29,527,634	31,808,312			87,696
Budgeted income							119,500
							(31,804)

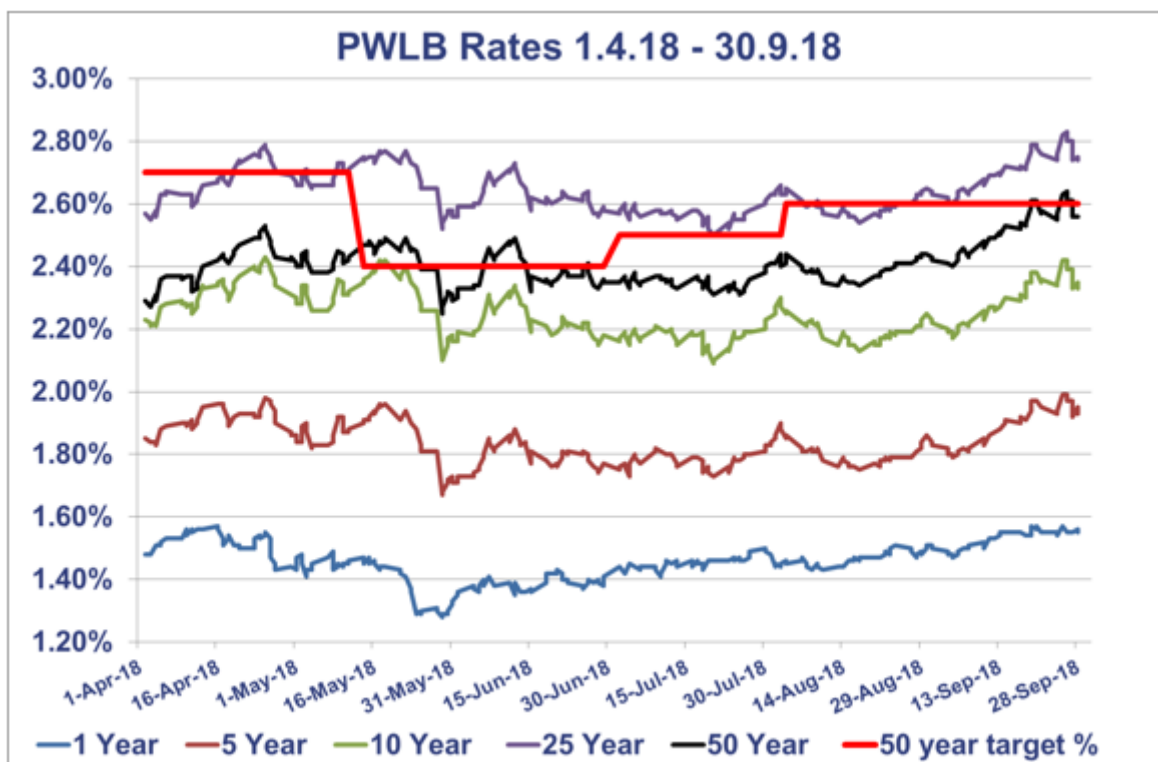
Investment Counterparty criteria

The current investment counterparty criteria selection approved in the TMS is meeting the requirement of the treasury management function.

7. Borrowing

Council agreed on 18 July 2018 that the underlying need to borrow for capital purposes (the Capital Financing Requirement – CFR) be increased by £2m to facilitate subsequent investment decisions in respect of the Canal Quarter. No capital expenditure has yet been incurred relating to this scheme and, therefore, no new borrowing has been undertaken.

The graph below shows the movement in PWLB certainty rates for the first six months of the year to date.



8. Debt Rescheduling

Debt rescheduling opportunities have been limited in the current economic climate and following the increase in the margin added to gilt yields which has impacted PWLB new borrowing rates since October 2010. No debt rescheduling has therefore been undertaken to date in the current financial year.

9. Compliance with Treasury and Prudential Limits

During the financial year to date the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy and in compliance with the Council's Treasury Management Practices.

It is a statutory duty for the Council to determine and keep under review its affordable borrowing limits. The mid-year position in respect of the Council's approved Treasury and Prudential Indicators (affordability limits) is appended **at Annex A**.

10. Risk Management (Key Aspects)

Investment Security:

There is still significant inherent risk generally affecting counterparties (i.e. who investments are placed with). These are considered to be managed effectively through the creditworthiness framework currently applied.

Liquidity:

Liquidity risks are considered to be managed effectively, through cash flow monitoring arrangements and the periods chosen for investment, to help ensure that the Council will have sufficient cash available to meet its payment obligations and deal with the resulting impact on its cash flow.

Interest Risk:

Investment Returns are inevitably low. The Council has risk exposure because all of its borrowings are long-term/fixed, and inevitably its investments are shorter term, meaning that generally they are more affected or influenced by the Bank Rate. There is little that can be done to mitigate this risk at this point.

11. Other Issues

Changes in risk appetite

The 2018 CIPFA Codes and guidance notes have placed enhanced importance on risk management. Where an authority changes its risk appetite e.g. for moving surplus cash into or out of certain types of investment funds or to other types of investment instruments this change in risk appetite and policy should be brought to members' attention in treasury management update reports.

PRUDENTIAL INDICATORS - MID YEAR REVIEW

There are no policy changes required to the Treasury Management Strategy; the details in this annex provisionally updates relevant prudential indicators in light of capital expenditure and financing changes to date.

Prudential Indicator for Capital Expenditure

This table shows the current estimates for the General Fund and Housing Revenue Account capital programmes, compared to the original estimates.

Capital Expenditure by Service	2018/19	
	Original Estimate £m	Quarter 2 Position £m
Environmental Services	1.44	1.53
Health & Housing	3.18	3.44
Regeneration & Planning	3.32	6.59
Resources	3.46	3.69
Total for General Fund	11.40	15.25
Council Housing (HRA)	4.42	4.48
Total Capital Expenditure	15.82	19.73

Changes to the Financing of the Capital Programmes

This table shows the changes in the financing of the capital programmes, and the level of borrowing required. The latter has increased following Council's decision to facilitate £2m investment in the Canal Quarter financed by unsupported borrowing.

Capital Expenditure	2018/19	
	Original Estimate £m	Quarter 2 Position £m
Total capital expenditure	15.82	19.73
Financed by:		
Capital receipts	0.88	1.34
Capital grants	5.06	6.33
Capital reserves	4.99	5.38
Revenue	0.00	0.00
Total Financing	10.93	13.05
Borrowing Requirement	4.89	6.68

Changes to the Capital Financing Requirement

The following table shows that the capital financing requirement (CFR) is £1.93m higher than the original estimate due to Council's decision in respect of the Canal Quarter outlined above.

Capital Financing Requirement	2018/19	
	Original Estimate £m	Quarter 2 Position £m
General Fund	46.69	48.61
HRA	39.37	39.37
Total Capital Financing Requirement	86.06	87.99
Net movement in CFR	2.08	1.93

Limits to Borrowing Activity

A key control over treasury management activity is to ensure that over the medium term, net borrowing (borrowings less investments) will only be for capital purposes. Gross external borrowing should not, except in the short term, exceed the total capital financing requirement.

The tables below shows that no extra debt is being taken on, and therefore total debt will not exceed borrowing need (CFR), the operational boundary or authorised external debt limit. As a result, there are no formal changes being recommended to the original approved indicators.

External Debt v Borrowing Need (CFR)	2018/19	
	Original Estimate £m	Quarter 2 Position £m
External Debt	64.17	64.17
Other long term liabilities	-1.04	-1.04
Total Debt	63.13	63.13
Compared to current approved:		
Capital Financing Requirement	86.06	86.06
Operational Boundary	86.06	86.06
Authorised Limit	102.00	102.00

Definitions:

Operational Boundary

The limit beyond which external debt is not normally expected to exceed is known as the operational boundary.

Authorised Limit for External Debt

A further prudential indicator controls the overall level of borrowing. This is the authorised limit which represents the limit beyond which borrowing is prohibited. It reflects the level of borrowing which, whilst not desired, could be afforded in the short term, but it is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. There are no proposals to change the limit.

CABINET

**Funding the Future: Financial Sustainability Strategy
4 December 2018**

Report of Assistant Chief Executive

PURPOSE OF REPORT				
The purpose of this report is to seek Cabinet’s approval to the adoption of an overarching strategy for building financial resilience strategy; “Funding the Future”.				
Key Decision	X	Non-Key Decision		Referral from Cabinet Member
Date of notice of forthcoming key decision		22.11.18		
This report is public				

RECOMMENDATIONS OF COUNCILLOR ANNE WHITEHEAD

- (1) Cabinet approve the principles of the overarching financial resilience strategy.
- (2) Cabinet agree the incorporation of the key principles of the strategy within the MTFS.

1.0 Introduction

- 1.1 The Council has developed highly ambitious plans for enhancing the economy, wellbeing and presence of Lancaster City and District; setting out its priorities and vision for the district to thrive as a vibrant regional centre in the north west of England in its recently published Council Plan.
- 1.2 Currently and for the foreseeable future, central government funding is and will be reducing, whilst costs and demand (including additional channels for demand such as social media) continues to increase, all of which impact on local services and local communities. Looking at these issues in terms of what it means for Lancaster City Council, the current projected budget deficits for the next few years (subject to the Government's Fair Funding Review of grant allocations from 2020/21 onwards) are:-

	2019/20	2020/21	2021/22	2022/23	2023/24
Budget Gap	0.895m	2.557m	3.042m	2.981m	2.808m

- 1.3 The Council is tackling these issues and taking steps to significantly improve its financial resilience by means of a strategy which has four key elements or pillars, which, taken together, will deliver a really significant difference to viability, these being:-

- ***Developing proposals for revisiting and effectively zero basing the budget using an outcomes-based approach.***
- ***Pursuing efficiency with rigour right across the Council.***
- ***Developing and implementing a Commercial Strategy***
- ***Investing for a return or to save on cost whilst adding to wealth building in the area.***

- 1.4 The detail of this approach under each of the four headings is set out fully within the strategy document attached at Appendix 1.

2.0 Options and Options Analysis (including risk assessment)

- 2.1 Option 1 is to adopt the strategy.

- 2.2 Option 2 is to maintain the status quo and address deficits through reduced budgets and service cuts.

	Option 1: Adopt the strategy	Option 2: Do not adopt the strategy
Advantages	The prospect of long term financial resilience to help maintain the provision of good quality council services	None
Disadvantages	New ways of working and adapting reasonably quickly to new approaches.	A series of unpalatable decisions will need to be taken on cuts and service reductions.
Risks	A manageable level of commercial risk in terms of trading and investment. degree of financial risk	Potential financial instability delivery of services being reduced. A deteriorating reputation.

3.0 Officer Preferred Option

- 3.1 This officer preferred option is Option 1 for the reasons set out in the document attached at Appendix 1.

RELATIONSHIP TO POLICY FRAMEWORK

This strategy will influence the reshaping of the MTFS.

CONCLUSION OF IMPACT ASSESSMENT

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

No identified impacts at this stage

LEGAL IMPLICATIONS

The strategic approach must be approved by Cabinet to inform the development of the financial resilience strategy, the medium term financial strategy and the future budgets. On completion, and after approval by full council, these documents will form part of financial and policy framework of the authority. Each sub strategy will be informed by appropriate legal advice as each element is progressed.

FINANCIAL IMPLICATIONS

The Councils current projected funding gaps (para 1.2) reveals the continuing financial challenge faced by the Council. Following years of government funding reductions, it is becoming increasingly difficult for the Council to identify further savings without significantly impacting on services.

The proposals put forward within the Funding the Future strategy provide a combination of short, medium and longer term solutions, aligned with the Councils Medium Term Financial Strategy to bridging the funding gaps and building financial resilience within the Council.

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

Each element of activity will have its individual resource plans through further individual proposals or business cases or being met through existing.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to make

MONITORING OFFICER'S COMMENTS

The Monitoring officer has been consulted and has no further comments.

BACKGROUND PAPERS

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CABINET

Funding the Future: Financial Sustainability Strategy 4 December 2018

Report of Assistant Chief Executive

PURPOSE OF REPORT				
The purpose of this report is to seek Cabinet's approval to the adoption of an overarching strategy for building financial resilience strategy; "Funding the Future".				
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Date of notice of forthcoming key decision				
This report is public				

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- (1) Cabinet approve the principles of the overarching financial resilience strategy.
- (2) Cabinet agree the incorporation of the key principles of the strategy within the MTFS.

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- 1.2 Currently and for the foreseeable future, central government funding is and will be reducing, whilst costs and demand (including additional channels for demand such as social media) continues to increase, all of which impact on local services and local communities. Looking at these issues in terms of what it means for Lancaster City Council, the current projected budget deficits for the next few years are:-

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- 1.3 The Council is tackling these issues and taking steps to significantly improve its financial resilience by means of a strategy which has four key elements or pillars, which, taken together, will deliver a really significant difference to viability, these being:-

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

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LEGAL IMPLICATIONS

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Each element of activity will have its individual resource plans through further individual proposals or business cases or being met through existing.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to make

MONITORING OFFICER'S COMMENTS

The Monitoring officer has been consulted and has no further comments.

BACKGROUND PAPERS

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Funding the Future

-A Strategy for Building Financial Resilience

Draft for discussion

Background and Context

- 1.1 The Council has developed highly ambitious plans for enhancing the economy, wellbeing and presence of Lancaster City and District; setting out its priorities and vision for the district to thrive as a vibrant regional centre in the north west of England in its recently published Council Plan.
- 1.2 The Council is committed to making the most of the district's many attributes as a great place to live, work and visit.
- 1.3 The Council Plan sets out our four Ambitions for 2018-22:
- *A Thriving and Prosperous Economy*
 - *Clean and Safe Neighbourhoods*
 - *Healthy and Happy Communities*
 - *A Smart and Forward-Thinking Council*
- 1.4 The Council has also identified four principles which describe the approach it aims to take in delivering on its ambitions; these are:
- *Community Leadership*
 - *Shaping the Place*
 - *A Business-Like Approach*
 - *Valuing Distinctiveness*
- 1.5 Currently and for the foreseeable future, central government funding is and will be reducing, whilst costs and demand (including additional channels for demand such as social media) continues to increase, all of which impact on local services and local communities. Looking at these issues in terms of what it means for Lancaster City Council, the projected budget deficits for the next few years are:-

19/20	20/21	21/22	22/23
(£0.6)	(£2.0)	(£2.4)	(£2.6)

- 1.6 In the event that the Council managed to restrict the degree of impact by taking other measures there remains the certainty that this would result in significant service reductions if other solutions are not found.
- 1.7 If the Council cut services that might reduce the deficit but *it won't solve the problem* as it would still have a demanding workload but with fewer people to resource it and that, inevitably, will give rise greater problems in terms of

stakeholder dissatisfaction and frustration compounded by lower morale and uncertainty within the workforce. Finding ways through this and finding answers that drive longer-term solutions are paramount and being enterprising is now more vital than ever.

1.8 The Council is tackling these issues and taking steps to significantly improve its financial resilience by means of a strategy which has four key elements or *pillars*, which, taken together, will deliver a really significant difference to viability, these being:-

- *Developing proposals for revisiting and effectively zero basing the budget using an outcomes based approach.*
- *Pursuing efficiency with rigour right across the Council.*
- *Developing and implementing a Commercial Strategy*
- *Investing for a return or to save on cost whilst adding to wealth building in the area.*



- 1.9 It must be emphasised that it will be only a combination of these actions that will build financial resilience. Each element complements the others and actually taking these steps will help instil new, innovative and creative culture that can provide the basis for a positive step change often referred to in text books as a ‘paradigm shift’ in relation to the Council’s thinking, its strategies and how it operates.
- 1.10 It would be naive to suggest that this shift in thinking will not be without its problems; there will be tensions and some failure but with the right backing, the right approaches and an unwavering determination, there is every probability that this strategy will deliver a much improved level of financial resilience thereby enabling the Council to continue to deliver high quality services to its citizens.
- 1.11 What is certain is that maintaining the status quo is not, as explained above, in any sense a risk-free position, and moving forward on a number of fronts to tackle these challenges is both crucial and urgent. Notwithstanding the scale of the challenge, it presents a positive, exciting and aspirational alternative to managing decline.

The Four Pillars

- 2.1 Paragraph 1.4 above refers to the four pillars of a financial resilience strategy. Rather than selective or phased approach or seeking only to tackle specific areas of cost, this is a universal approach where unnecessary costs are driven out, efficiency is driven up and significant new income streams and surpluses are created through the combination of commercial and investment approaches.
- 2.2 As referred to above, these elements are not alternatives; each must be delivered upon and it would not be acceptable or appropriate for new income streams to subsidise or “prop up” inefficient service delivery or to cushion the cost of poor decision making.
- 2.3 Taking each of the elements in turn, the following section looks at typical actions and initiatives that would be taken in relation to each of them:-

A Zero Based Budgetary Strategy

- 3.1 Over time budgets become extremely complex and cluttered as growth requests, political decisions, government policy or internal changes in approach give rise to increases in budgets. Given the relative lack of analytical capability within the current financial system, there is a danger that the level of spending and the evidence base that supports it has become disconnected. In addition, it is rare for budgets to be voluntarily cut or for new budgetary expenditure to be funded by reduction on other lines.

- 3.2 In building the budget for 2019-20, given the timetable, a top down challenge has been undertaken seeking to confirm or justify expenditure and challenge the continuing need for expenditure on some areas. This can have a positive effect on budgets but it tends to elicit opportunistic rather than rationally-based savings or the “offering up” of items which then shield other more fruitful areas from challenge.
- 3.3 Once the budgeting process for 2019-20 is substantially complete, an immediate start will be made on taking a “zero based” approach to major budgets. Given this approach can be intensive it is proposed that the exercise would initially focus on larger budgets and would not be repeated annually but at longer intervals.
- 3.4 Zero Based Budgeting is a technique which complements and links to existing planning, budgeting and review processes. It identifies alternative and efficient methods of using limited resources. It is a flexible management approach which requires a rationale for allocating resources by focusing on a systematic review and justification of the funding and performance levels of current service provision.
- 3.5 Pure zero based budgeting of repeating the process every year is not really feasible for the Council. What is becoming more prevalent, however, is focusing on creating a budget that ensures money is spent appropriately and is well thought through rather than simply adding say 2% to last year’s figures.
- 3.6 A number of local authorities have adopted elements of zero-based budgeting, to balance benefits and effort for the best results. The focus has shifted from reviewing budgets in an overly detailed manner, to a more conceptual discussion about service delivery. Clarity will need to be established as to what services needed to be delivered what level of service was wanted and where changes could be made, to best match the budget to the needs. The approach applied would not be wholly zero-based in its true form, but would apply some of the concepts in a way that delivered much of the benefits of the approach.

Pursuing efficiency with rigour right across the Council

- 4.1 Any organisation finds that its systems and procedures become, over time, less than efficient. This may be due to too much paper, excessive bureaucracy, changing needs or the underutilisation of technology. The cumulative effect of such is known as “systems waste” and can cost organisations a considerable sum.
- 4.2 This is best addressed by a rigorous programme of “Lean Reviews” which, through well proven approaches, re-engineers activities so that costs are reduced and productivity improved. A recent pilot lean review on voids management has been the main contributor to a reduction from 68 days to fewer than 30 days to turn round a void property.

- 4.3 It is planned that a number of key processes will be subject to review in 2019-20 including Invoices processing, procurement to pay and HR processes. The intention is that all key service processes will be subject to review over a three year period.

Developing and implementing a Commercial Strategy

- 5.1 During these challenging times, interest in commercial activity – both improving internally delivered services and establishing new delivery models – continues to grow. The diversification of funding through income and trade would allow the Council to have greater control, balancing increased risk with the potential for substantial rewards. With financial austerity set to continue, it is vital that the Council continue to innovate and evolve if they it is to remain financially resilient and still deliver quality services at reduced cost.
- 5.2 In addressing these challenges at one level it is about being more commercially astute in relation to income generation; at a more structured level, the sector has adopted a number of approaches collectively known as “Alternative Service Delivery Models”, the main ones being:-
- ***Contracts and partnerships with other public bodies, for example, shared service arrangements.***
 - ***Contracts and joint ventures with the private sector e.g. joint ventures, outsourcing, public-private partnerships.***
 - ***New public sector and non-public entities e.g. joint commissioning boards and companies limited by shares or guarantees.***
- 5.3 Each of these approaches will be explored further below and all take into account the cross cutting theme of a generally much more focussed approach to the commerciality of non-statutory services and the further opportunities that may arise. 5.4 In addition, all service delivery can potentially be managed better by taking a more business-like approach and looking at innovative and enabling structures to deliver these services more cost effectively.
- 5.5 The term income generation is often used in discussing this topic. This can be a little misleading. If we are to address budget shortfalls in future and avoid cutting services we need to begin to trade for a surplus or profit.

Contracts and partnerships with other public bodies, for example, shared service arrangements

- 5.6 Clear financial benefits can be made from sharing services. Savings are achieved through consolidating organisation structures, integrating information technology, reducing accommodation, and improving procurement.

- 5.7 Early savings are made by reducing staff – removing duplication and management posts. These initial benefits are typically delivered rapidly with strong top-down leadership. As shared services mature and evolve they are able to benefit from wider business transformation – such as better use of IT and assets, improved processes and cultural change programmes.
- 5.8 The set up and integration costs for merging services are modest, with, on average, less than a two year payback period for all the shared service arrangements. It appears that the shared service arrangements have succeeded in providing the same or better levels of performance at less cost.
- 5.9 Good performance against an organisation's key performance indicators are complemented by good staff indicators – such as high staff morale, low staff sickness and low turnover rates – and rapid implementation of shared service arrangements helps build momentum for change.
- 5.10 Expanding established shared services to provide services for other public sector partners in a locality is a useful way to generate income and ensure efficiencies through greater economies of scale. A positive example already exists in the joint operation of Revenues and Benefits with Preston City Council. It is also possible to buy into other local authorities' services simply as a client without being one of the provider partners.
- 5.11 It is possible to set up entities that supply services back to the Council in a more efficient and economical way, whilst trading would apply to commercial non statutory / discretionary services e.g. trade waste services to business or customers buying from a catering outlet. While the Council already operates a number of these activities as quasi-businesses, it would be the legal vehicle through which these services are delivered that would change. Profits generated would flow back to the Council to offset budgetary pressure elsewhere.
- 5.12 Whilst the local Government Act 2003 restricts local authorities from making a profit, the Localism Act 2011 allowed local authorities to undertake activities to make a profit but only if delivered within a company. The rationale therefore for creating Local Authority trading co(s) as an integral part of the Commercial Strategy is as follows:-
- The challenge of continuing budgetary pressures can be mitigated and ultimately eliminated, by developing profit sources.
 - To develop profit sources there is a need to trade commercially.
 - To trade commercially and make a profit requires the creation one or more trading companies.

- 5.13 If a LATCo is set up and at least 80% turnover relates to in house contracts then the company can operate as a “Teckal” company named after the relevant law case. Under this exemption, no procurement exercise is required and a clear commissioner/provider split exists, meaning that the council can incentivise the LATC to realise efficiencies and develop service offerings. In other situation for non-statutory services, where work is sought and bid for, a straightforward limited company arrangement would be the most suitable.
- 5.14 Whilst this document is a strategy setting out the Council’s aims and ambitions, it would be useful to illustrate the range and scale of commercial activity that might be undertaken, particularly using newly established legal frameworks as described above to enable delivery. The following illustrates what may be possible and is not exhaustive.

Waste Services	CCTV	Property Development
Leisure Services	Venue Hire	Shared Services
Environmental Health	Catering Services	Location Hire
Arboriculture Services	Planning Consultancy	Commercial Letting
Housing Development		

Investing for a Return or to Reduce Costs

- 6.1 A number of authorities have, as part of their commercial approach, begun to develop commercial asset portfolios which, through judicious investment, can deliver significant investment returns year on year. For example, in 2010, Sevenoaks District Council recognised that in order to retain the range and quality of their services they would need more than the traditional approach of finding efficiencies and savings. It took the decision to explore different income streams which resulted in them becoming financially self-sufficient in 2016.
- 6.2 A number of councils have a property investment strategy that allows them to buy and build assets. These range from office blocks to petrol stations and hotels adding significant capital and rental value. These strategies, when new opportunities arise, pose the question; will it offer a return that will enable us to deliver and maintain the range and quality of services our residents need at an acceptable level of risk.

- 6.3 The key premise is a simple one: the returns from a sound investment can well exceed the cost of borrowing, and generate long term income streams that bring a degree of certainty especially when assets are pre-let on long-term leases. Returns can often be between 6 and 10%. Success is predicated on the right choice of investment, an accurate appraisal and a sound business case. Clearly, and this is an opportunity for Lancaster, where the Council is already the owner of the land then a reasonable rate of return is more easily obtained.
- 6.4 In building an investment portfolio, risk can be balanced by spreading expenditure over different types of activity: for example, commercial space, leisure, food and beverage and possibly retail in the right circumstances.
- 6.6 An investment strategy should also take account of the need to acquire assets where income streams are more immediate. For example if significant deficits are predicted in the near future then a case could be made for acquiring an immediate income stream through purchasing a built asset with an existing lease income.
- 6.7 It is envisaged that an investment strategy would look to make initial investments that would generate in the region of £500k to £1m, with investment building over time to income levels of approximately £2.5m. Any such activity would be supported by high quality property and legal advice.
- 6.8 One challenge that has been recognised by pioneering Councils in this area is that existing decision-making processes were not agile enough for the market that they were competing in; putting every purchasing decision through the traditional council process put them at a significant disadvantage. As an alternative, frameworks were created that would allow delegated decision-making in accordance with criteria on spend, expected return and geographic parameters set and agreed to by the council.
- 6.9 It is clear that an investment strategy could not work efficiently without the design and implementation of a scheme of delegation that was appropriate to this activity. This narrative is an overview of the sorts of activity that might take place. A more detailed narrative will be set out in a sub-strategy on investment that will be presented to Council shortly.
- 6.10 On a more practical level, there will also be many opportunities to invest to be more efficient with resulting revenue improvements and or cost reductions. These opportunities arise particularly in the IT and digital arena but will also be found in vehicle utilisation, asset utilisation and other general efficiencies.

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