



LANCASTER
CITY COUNCIL

Promoting City, Coast & Countryside

COUNCIL MEETING

Wednesday, 15 March 2023 - 6.00

p.m.

Morecambe Town Hall

Lancaster City Council welcomes members of the public to attend meetings. However, space in the public gallery is limited to 30 seats due to Fire Regulations. If you would like to watch the meeting and have access to Microsoft Teams, please click the link [HERE](#) to watch the live stream from 6pm on the date of the meeting. If you wish to register to speak or ask a question at the meeting, please email your name and address and a copy of your speech or question to democracy@lancaster.gov.uk no later than noon on Friday 10th March 2023.

Mark Davies,
Chief Executive,
Town Hall,
Dalton Square,
LANCASTER,
LA1 1PJ



LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

Sir/Madam,

You are hereby summoned to attend a meeting of the Lancaster City Council to be held in the Town Hall, Morecambe on Wednesday, 15 March 2023 commencing at 6.00 p.m. for the following purposes:

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

To receive as a correct record the Minutes of the Meeting of the City Council held on 22 February, 2023 (previously circulated).

3. **DECLARATIONS OF INTEREST**

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

Councillors 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, Councillors 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, Councillors 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.

4. **ITEMS OF URGENT BUSINESS**

5. **ANNOUNCEMENTS**

To receive any announcements which may be submitted by the Mayor or Chief Executive.

6. **QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11**

To receive questions in accordance with the provisions of Council Procedure Rules 11.1 and 11.3 which require members of the public to give at least 3 days' notice in writing of questions to a Member of Cabinet or Committee Chairman.

7. **PETITIONS AND ADDRESSES**

To receive any petitions and/or addresses from members of the public which have been notified to the Chief Executive in accordance with the Council's Constitution.

8. **LEADER'S REPORT** (Pages 5 - 7)

To receive the Cabinet Leader's report on proceedings since the last meeting of Council.

REPORTS REFERRED FROM CABINET, COMMITTEES OR OVERVIEW AND SCRUTINY

9. **COUNCIL TAX PREMIUMS ON SECOND HOMES AND EMPTY PROPERTIES** (Pages 8 - 13)

Report of Cabinet.

10. **FLEXIBLE USE OF CAPITAL RECEIPTS STRATEGY 2023-24** (Pages 14 - 21)

Report of Cabinet.

11. **COMMUNITY GOVERNANCE REVIEW - CREATION OF YEALANDS PARISH COUNCIL** (Pages 22 - 27)

Report of Council Business Committee.

12. **PAY POLICY STATEMENT 2023/24** (Pages 28 - 50)

Report of Personnel Committee.

Published 13 March 2023

MOTIONS ON NOTICE

13. **MOTION ON NOTICE - RULES REGARDING MOTIONS ON NOTICE** (Pages 51 - 52)

To consider a motion on notice submitted by Councillors Austen-Baker, Joan Jackson and Malcolm Thomas.

OTHER BUSINESS

14. **CARNFORTH NEIGHBOURHOOD PLAN - ADOPTION (MAKING) OF THE NEIGHBOURHOOD PLAN** (Pages 53 - 181)

Report of Head of Planning and Place.

15. **APPOINTMENTS AND CHANGES TO COMMITTEE MEMBERSHIP**

Group Administrators to report any changes to Committee Membership.

16. **QUESTIONS UNDER COUNCIL PROCEDURE RULE 12**

To receive questions in accordance with the provisions of Council Procedure Rules 12.2 and 12.4 which require a Member to give at least 3 working days' notice, in writing, of the question to the Chief Executive.

17. **MINUTES OF CABINET** (Pages 182 - 193)

To receive the Minutes of Meeting of Cabinet held 7 Feb 2023.



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Chief Executive

Town Hall,
Dalton Square,
LANCASTER,
LA1 1PJ

Published on 7 March 2023.



Leader's Report

22 February 2023

Report of the Leader of the Council

PURPOSE OF REPORT

To present the Leader's report to Council.

This report is public.

RECOMMENDATIONS

To receive the report of the Leader of Council.

REPORT

1.0 Cabinet

1.1 Information on Cabinet matters is provided in the minutes from the Cabinet meeting held 7 February, later in this agenda.

2.0 Decisions required to be taken urgently

2.1 No urgent Cabinet decisions had been taken in this period.

3.0 Leader's Comments

3.1 The interval between the last report and this has been very short. The last full council was disrupted by visitors and unfortunately impaired the ability of some of the public speakers to give their addresses: measures have been put in place to ensure the safety of everyone concerned, the public opportunity to contribute and to address the concerns of those who spoke through a private meeting.

General matters

3.2 Budget/OBR: the final budget repaid the rigorous work undertaken by office and members and met all councillors' approval in most respects. Since Budget Council follow up meetings have been held regarding the Platform and planned

- for the Museum. The paper will now be presented to 14 March cabinet to outline all the work to take place to ensure OBR continues through from March 2023 to autumn 2024.
- 3.3 The South Lancaster Growth Catalyst briefing outlined to members very clearly the current financial concerns over the project. Officers continue to work on a possible option for resolution. County members have now indicated an intention to meet with both officers and members from city together.
 - 3.4 Morecambe developments: the plans for the Morecambe Summit have progressed very rapidly and have been supported by all partners, local business, agencies, third sector and by residents. Excellent support from the Winter Gardens staff and council officers have made this happen. A number of us attended the Baylight festival organised by Morecambe Sparkle, which, apart from the rain, was innovative and enjoyable and gave a real feeling of confidence in the future.
 - 3.5 Eden have begun some site investigations although we understand work on the site will begin in earnest in the autumn.
 - 3.6 Canal Quarter: discussions with officers continue on the master planning. The matter of how traffic will flow through the area is still waiting on Lancashire's input. However, planning permission for the building of social and affordable housing on St Leonardgate is expected to go forward in autumn this year.
 - 3.7 Premises reorganisation: officers are now moving into Lancaster Town Hall accommodation on a phased basis. Accommodation has been improved, including a new "breakout room" on the ground floor. The members' room has also been re-organised so it is much more attractive to work in and has an area of comfortable seating for holding meetings.

New Matters

- 3.8 Communities Together: this year's Festival of Culture at the LICA building on 5th March was very well attended by over 300 people from many cultures represented in Lancaster and Morecambe, including asylum seekers who both sang and spoke. The event was a testament to organisers and partners, especially Lancaster University but Harsha Shukla gave special credit to former Chief Executive Mark Cullinan who in 2012 encouraged and supported her to organise the first festival.
- 3.9 The BID Breakfast discussed matters of safety and public perceptions of the city centre. There was general agreement on the improvements made over the 18 months. However, shoplifting, general disorder and traffic movements on Church St and in Market Sq. area were a concern. The Police and Crime Commissioner stated his commitment to PCSOs and ward members will be glad to hear that he reassured us they cannot be moved from their designated areas.
- 3.10 The Community Safety Partnership has met and reorganised its meeting schedule and operation to improve feedback between local partnership meetings and increase its focus on priorities, especially Anti-Social Behaviour.

3.11 Finally, it was wonderful to be reminded of Abbot Bryning's amazing service in our last Full Council and join together in congratulations as he nears the end of his term. This month in contrast, it is coming up to a year since Mark Davies became Chief Executive, but I am sure that members will wish to applaud him for all the hard work and skilful change he has brought about in such a short time.

Caroline Jackson

4.0 Decisions

The following decisions were scheduled to be considered by Cabinet on 28 February 2023:

Flexible Use of Capital Receipts Strategy
Council Tax Premiums on Second and Empty Homes & Empty Properties
Delivering Our Priorities: Performance, Projects and Resources, Q3 2022-23
Mainway Regeneration Next Steps

The following decisions are scheduled to be considered by Cabinet on 14 March 2023

Outcomes-Based Resourcing: Structure and Programme
Lancaster Canal Quarter - Early Phase Housing Regeneration Proposals - Update Report (Exempt)

There have been no Officer Delegated Key Decisions taken since the last Leaders report.

There have been no Individual Cabinet Member Decisions taken since the last Leader's report.

Background Papers

Cabinet agenda of the meetings held on 28 February 2023 and 14 March 2023.



**Council Tax Premiums on Second Homes and Empty Properties
15 March 2023**

Report of Cabinet

PURPOSE OF REPORT				
To determine options for proposed changes to Council Tax premiums as included within the Levelling Up and Regeneration Bill which, subject to this Bill receiving Royal Assent prior to 31 March 2023, are due to become effective from 1 April 2024.				
Key Decision		Non-Key Decision		Referral from Cabinet Member
				X
Date of notice of forthcoming key decision			N/A	
This report is public.				

RECOMMENDATIONS OF CABINET

1.0 That Full Council approves that the following additional Council Tax premiums be applied from 1 April 2024, or as soon as possible thereafter, subject to the required legislation being in place.

- 100% premium for dwellings occupied periodically.
- 100% premium for properties which have been empty and unfurnished for a period of between 1 (previously 2) and 5 years

1.0 INTRODUCTION

1.1 The Levelling Up and Regeneration Bill has an avowed aim to reverse geographical disparities between different parts of the UK. The Bill is wide-ranging, including provisions for more widespread devolution across England, changes to local planning and enhancing the ability of local authorities to take forward regeneration schemes. Additionally, the Bill will create a legal duty upon which the government must report on a number of missions for levelling up the country¹.

1.2 This report sets out the implications for a key element of the Bill; the proposed changes to allow councils to place a council tax premium on second homes and permit a 100% premium on empty properties at an earlier one-year commencement point as opposed to the current two-year commencement point, with a number of recommendations on next steps.

1.3 As billing authority, the Council is required to set the overall Council Tax for the following financial year. Council approved the net tax base on which the 2023/24 precept is in part based at its meeting on 25 January 2023; the remaining precept elements are set by other authorities and the Council acts as the collecting agent for those precepted sums.

- 1.4 Billing authorities that wish to adopt any changes arising from the Bill are required to make a Council resolution confirming their requirements at least 12 months prior to the financial year in which the changes will come into effect; meaning that the Bill will need to obtain Royal Assent prior to 31 March 2023 in order to adopt the changes for the year commencing 1 April 2024.
- 1.5 Cabinet met 28 February 2023 to consider this report and make its recommendation to Council.

2.0 LEVELLING UP AND REGENERATION BILL

2.1 The Government's Levelling Up and Regeneration Bill was published in May 2022 and includes further discretionary options for the application of Council Tax premiums on empty properties and second homes. Subject to the Bill receiving Royal Assent the proposed changes will come into effect on 1 April 2024. The aim of this draft legislation is primarily aimed to allow councils to raise additional revenue and to acknowledge the impact that second (referenced as 'dwellings occupied periodically' in the Bill) and empty homes can have on some communities. If the Bill receives royal assent, these options will become available to billing authorities with effect from 1 April 2024 at the earliest.

2.2 Through the Bill it is the Government's intention to:

- a. Reduce the minimum period for the implementation of a Council Tax premium for empty premises from two years to one year; and
- b. Allow Councils to introduce a Council Tax premium of up to 100% in respect of second homes.

3.0 APPLICATION OF THE BILL

3.1 Second home ownership across the county is significant and is recognised to have a negative impact on the supply of homes available to meet local housing need. There is no official planning definition of a second home, but the government's English Housing Survey³ does provide a logical definition, which is that: 'a second home is defined as a privately-owned habitable accommodation that is not occupied by anyone as their main residence. It may be occupied occasionally, for example as a holiday home or when working away from the household's main home.' As aforementioned, the terminology that is used in the Bill refers to 'dwellings occupied periodically'

3.2 From the Council's perspective, initial, high level, analysis shows that the application of a 100% premium on approximately 774 second homes and 223 empty homes within the District could generate in excess of £1.7M in additional Council Tax revenue. Income generated from the premiums would be shared across all preceptors (including Lancashire County Council, the Police and Fire Authority) although the Council's expected share of the additional revenue could exceed £0.190M.

3.3. It is recognised that the application of a second homes premium might encourage Council Tax avoidance, for example by second homeowners transferring properties to become liable to Business Rates. In addition, the application of a premium may prompt owners to reclassify properties for legitimate reasons; thereby reducing the potential additional revenue that might be generated. As such, our prudent assumption is in the range between £0.100M to £0.120M for potential additional revenue. However, this will be updated once the legislation is passed.

- 3.4 Under current legislation, a property which is available to let for more than 20 weeks (140 days) in a calendar year is assessed as liable to Business Rates by the Valuation Office Agency (VOA). To support this assessment, evidence of advertisement of the property to let must be submitted.
- 3.5 From April 2023, the assessment criteria will be strengthened to include an additional requirement for an applicant to demonstrate that the property was available to let for more than 20 weeks in prior year, with further evidence that the property was let for short periods totaling at least 70 days to be submitted. It will be the responsibility of homeowners to provide such evidence which will be verified by the council and reported to the VOA. These changes will ensure that applications to transfer properties from Council Tax to Business Rates are subject to appropriate control checks.
- 3.6 Where a second home is owned jointly, by couples, it is acknowledged that avoidance of the premium may be possible if individuals claim to live separately, as single occupants of each respective property. In such cases, controls are in place to verify circumstances which might give rise to discounts and exemptions claimed and the information to support such claims. It can be a criminal offence to dishonestly make false representations and that the Council has a Fraud Team and prosecution policy to deal with this and can result in financial penalties can be imposed
- 3.7 Legislation to apply a 100% premium on second homes was introduced in Wales in 2017/18 and the premium was paid on 24,873 properties in the 2021/22 year. This number had increased across Wales by 2,005 from the number recorded at the outset of the scheme in 2017-18. Some areas, which historically had the highest number of second homes (e.g. Gwynedd), have seen downward adjustments to the numbers of recorded second homes and the maximum recorded reduction in any area is 9%. It is uncertain whether these downward trends have been triggered by avoidance loopholes or are evidence that the premiums have achieved one of the intended outcomes of bringing second homes back into use as mainstream housing provision.
- 3.8 The second homes figures in Wales suggest that regardless of any avoidance activity that may occur as a result of the premium, there should still be sufficient incentive for the Council to consider a Council Tax premium on second homes in order to help address the issues caused by second home ownership within the area.

4.0 DETAILS OF CONSULTATION

- 4.1 No formal external consultation has been undertaken.

5.0 OPTIONS AND OPTIONS ANALYSIS (INCLUDING RISK ASSESSMENT)

	Option 1: Recommend to Council the approval of the additional Council Tax premiums	Option 2: Do not recommend to Council the approval of the additional Council Tax premiums
Advantages	Potential for additional Council Tax income to support services throughout the district	None.
Disadvantages	None	Potential for forgone revenue
Risks	<p><u>Risk</u> The Bill might not be enacted before the end of March</p> <p><u>Mitigation</u> Early recommendations from Cabinet will allow Full Council to make timely decisions if and when Royal Assent is attained.</p> <p><u>Risk</u> Charging of A Premium may encourage council tax “avoidance”.</p> <p><u>Mitigation</u> This risk should be reduced with the government also bringing in a requirement for people to evidence to the Valuation Office Agency that alongside having their property available for let for at least 20 weeks in a year, it must also have been actually let for at least 70 days. It is the Valuation Office that make the decision if a property (hereditament) is entered and remains on the Council Tax list or the Business Rates list</p>	Potential for forgone revenue

6.0 OFFICER PREFERRED OPTION (AND COMMENTS)

6.1 The preferred option is Option 1 as non-approval of the additional Council Tax premium may prevent the generation of additional potential Council Tax income for the Council. An early decision in principle, is recommended to allow timely decisions to be made if and when Royal Assent of the Bill is granted.

7.0 CONCLUSION

7.1 Subject to royal assent the Levelling Up and Regeneration Bill provides the Council with the opportunity to level premiums on Second Homes and Empty Properties. These levies should provide the Council with additional revenue to deliver its services.

RELATIONSHIP TO POLICY FRAMEWORK

The raising of revenue through Council Tax forms part of the Council's core funding and is part of its Budget & Policy Framework.

CONCLUSION OF IMPACT ASSESSMENT

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

There are no specific equalities issues that have emerged from the potential implementation of this policy, although subject to adoption there will be additional revenue for the Council to invest into services for the residents of the District.

LEGAL IMPLICATIONS

The recommendations set out within this report are subject to the Levelling Up and Regeneration Bill receiving Royal Assent.

FINANCIAL IMPLICATIONS

It is important to note that, given the uncertainty around the timings for royal assent of the Bill into law, that no provision has been made to factor the potential revenue into the medium-term financial planning assumptions. However, the proposal may generate significant additional work for the Council Tax team and the property inspectors in dealing with s13a applications, complaints, and appeals. As well as requiring changes to our Council Tax system that would be chargeable by our software supplier.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has authored this report.

However, he would wish to highlight the impact on the Council particularly as a social landlord. As noted in the report these premiums would only become applicable should a property be empty for a period exceeding 12 months, due to demand for housing and current average time taken to re-let Council Houses of 26.36 days (Delivering Our Priorities Q3 2022/23) the circumstances were the premium is levied would be limited.

In relation to any potential large scale developments which may result in properties being empty for a period exceeding 12 months. If planning orders are in place to prevent occupation, they would be exempt as occupation would be prohibited by law. If no planning order was in place depending on the condition of the properties an application may be made to the Valuation Office Agency (VoA) for the properties to be removed from the ratings list. In

addition, the Councils own Discretionary Relief Policy may be applicable.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and notes that any recommendations are subject to the legislation coming into force. Any changes to the Bill may therefore have implications which will need to be addressed.

BACKGROUND PAPERS

Cabinet 28 February 2023
[Agenda for Cabinet on Tuesday, 28th February 2023, 6.00 p.m. - Lancaster City Council](#)

Contact Officer: Paul Thompson
Telephone: 01524 582603
E-mail: pthompson@lancaster.gov.uk
Ref: N/A

COUNCIL

Flexible Use of Capital Receipts Strategy 2023-24 15 March 2023

Report of Cabinet

PURPOSE OF REPORT

Statutory guidance from the Department for Levelling Up, Homes and Communities (DLUHC) and the Chartered Institute of Public Finance and Accountancy (CIPFA) enables local authorities to make flexible use of capital receipts to fund projects which are likely to generate savings to the authority and / or other public bodies.

To make use of this provision, authorities must submit to the Secretary of State a Flexible Use of Capital Receipts Strategy setting out how the provision will be applied in the next financial year.

This report proposes a Flexible Use of Capital Receipts Strategy for 2023-24 to complement the Council's Outcomes-Based Resourcing programme.

This report is public.

RECOMMENDATION OF CABINET

- (1) That Full Council approves the Flexible Use of Capital Receipts Strategy 2023/24 set out in this report, in accordance with the relevant statutory guidance.

1.0 INTRODUCTION

- 1.1 All Councils are limited in their ability to utilise capital receipts, usually arising from the disposal proceeds from the sale of fixed assets. Statutory guidance issued under section 15(1) of the Local Government Act 2003 by the Ministry of Housing, Communities and Local Government (as amended) generally precludes capital receipts being used to fund revenue expenditure and requires them to be applied to either fund capital expenditure or repay debt. The Act also requires local authorities to have regard to other guidance as issued or directed by the Secretary of State – this currently includes the following guidance issued by the Chartered Institute of Public Finance and Accountancy [CIPFA]:

- The Prudential Code for Capital Finance in Local Authorities; and
- The Code of Practice on Local Authority Accounting.

- 1.2 The Government's Spending Review 2015 included a relaxation of these regulations allowing the use of capital receipts for a limited period, between 2016/17 and 2018/19, to fund revenue expenditure "***that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs or improve the quality-of-service delivery in future years***". This announcement was implemented by the issuing of regulations in March 2016. The period over which these amended regulations applied has continued to be extended.

- 1.3 In the 2022/23 Provisional Local Government Finance Settlement the following was announced and with it the extension of the flexibility to use capital receipts to fund transformation projects that produce long-term savings or reduce the costs of service delivery.
- 1.4 On 4 April 2022, the Department of Levelling Up, Housing, and Communities confirmed this extension and published Guidance and a Direction, which can be accessed online [here](#).
- 1.5 Cabinet met 28 February 2023 to consider this report and make its recommendation to Council.

2.0 THE GUIDANCE / DIRECTIVE

2.1 The guidance on the use of capital receipts flexibility was issued by the Secretary of State under section 15(1) of the Local Government Act 2003, and authorities are therefore required to have regard to it. The Guidance specified that:

- Local authorities will only be able to use capital receipts from the sale of property, plant and equipment received in the years in which this flexibility is offered. They may not use their existing stock of capital receipts to finance the revenue costs of reform.
- Local authorities cannot borrow to finance the revenue costs of the service reforms.
- The expenditure for which the flexibility can be applied should be the up-front (set up or implementation) costs that will generate future ongoing savings and/or transform service delivery to reduce costs or to improve the quality-of-service delivery in future years. The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure.
- The key determining criteria to use when deciding whether expenditure can be funded by the new capital receipts flexibility is that it is forecast to generate ongoing savings to an authority's, or several authorities', and/or to another public sector body's net service expenditure net service expenditure.
- In using the flexibility, the Council will have due regard to the requirements of the Prudential Code, the CIPFA Local Authority Accounting Code of Practice and the current edition of the Treasury Management in Public Services Code of Practice.

3.0 REQUIREMENTS FOR THE STRATEGY

- 3.1 The guidance requires that authorities wishing to make use of this provision must submit their Strategy to the Secretary of State ahead of each financial year in which the provision is to be used; but that no approval or response is required from the Secretary of State for the Strategy to be implemented. Should Full Council approve the proposed Strategy, it will be submitted to the Secretary of State via the DELTA system.
- 3.2 The Strategy must as a minimum set out the projects which plan to make use of the provision, along with their projected savings and / or service transformation and a summary of the impact on the authority's Prudential Indicators for the forthcoming year and subsequent years. This information is set out in in sections 7 and 8.
- 3.3 The Strategy should also review use of any provision in previous years and report on the savings and / or transformation achieved through use of the provision so far. Lancaster City Council has not yet made use of the provision, and as such any benefits arising from this Strategy will be reported in subsequent years.
- 3.4 The Strategy can be updated at any time during the financial year and re-submitted to the Secretary of State. Authorities must not exceed the amounts stated in their Strategy without first submitting an updated Strategy to the Secretary of State.

- 3.5 The Strategy must be made available to the public free of charge. This report, which is public, sets out Lancaster City Council's Flexible Use of Capital Receipts Strategy for 2023-24 in fulfilment of the above requirements.

4.0 MONITORING AND UPDATING THE STRATEGY

- 4.1 It is intended that the flexibility will be used to support the actions arising from the Outcomes-Based Resourcing programme. The legitimacy of the use of capital receipts will be determined by the Section 151 Officer to ensure eligibility and compliance with the requirements set out by the Secretary of State. Progress on delivery of the programme, including financial implications and the realisation of benefits, will be reported through Delivering Our Priorities quarterly monitoring via Cabinet and Budget & Performance Panel.

- 4.2 The Strategy may be updated within the financial year. Any updates will be proposed to Cabinet and then Council via a report, which subject to approval would then be submitted to the Secretary of State.

- 4.3 Adoption of the Strategy does not necessarily oblige the Council to utilise capital receipts and initiatives may still be financed in whole or in part from other sources, e.g., revenue budgets. This recognises that not all capital receipts may be realised and that decisions need to be taken in the context of the Council's overall revenue and capital financing position,

- 4.4 Inclusion in the Strategy also does not constitute approval to progress a project.

- 4.5 Going forward the strategy will be presented with the budget annually to Full Council for approval.

5.0 WHICH CAPITAL RECEIPTS ARE ELIGIBLE?

- 5.1 The guidance sets out the criteria by which capital receipts are eligible for flexible use, summarised in the below excerpt from the guidance:

"...a qualifying disposal is an asset sale made within the period for which the direction applies, by the local authority to an entity outside the local authority's group structure..."

The intent of this condition is that capital receipts which are to be used by authorities under the flexibilities afforded by the direction should be from genuine disposals of assets by the authority. Where an authority retains some control of the assets, directly or indirectly, and retains exposure to the risks and rewards from those assets, the disposal does not give rise to a capital receipt that can be used in accordance with the direction."

- 5.2 It should be noted that the flexibility excludes Right-To-Buy capital receipts. It should also be noted that the Council's budget process has assumed that forecast capital receipts have not been relied upon to fund any future expenditure.

- 5.3 Forecast capital receipts from 2023/24 onwards have not been factored into the Council's Capital Financing Requirement (CFR) by way of either reducing debt or financing capital expenditure. The use of these receipts under this flexibility will, therefore, have no effect on the Council's Prudential Indicators.

6.0 WHICH EXPENDITURE IS ELIGIBLE?

- 6.1 The guidance also sets out the criteria by which expenditure would be considered eligible for flexible use of capital receipts. The guidance summarises as follows:

"Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs and/or transform service delivery in a way that reduces costs or demand for services in future years for any of the public sector delivery partners."

Set up and implementation costs of any new processes or arrangements can be classified as qualifying expenditure. The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure. In addition, one off costs, such as banking savings against temporary increases in costs/pay cannot be classified as qualifying expenditure. Under the direction the in force from April 2022, with respect to redundancy payments, qualifying expenditure will be limited to those amounts that are necessarily incurred as statutory redundancy payments provided the other requirements of qualifying expenditure are met. This restriction does not apply to other severance costs, including pension strain costs; the treatment of these costs remains unchanged from the previous direction.”

6.2 The guidance provides a range of examples of expenditure which could be considered eligible, although the list is intended to be neither prescriptive nor exhaustive; based on the principles above, it is intended for each individual authority to consider whether a project should be eligible under the provision. The examples from the guidance are summarised below:

- *Sharing back-office and administrative services with one or more other council or public sector bodies.*
- *Investment in service reform feasibility work, e.g., setting up pilot schemes.*
- *Collaboration between local authorities and central government departments to free up land for economic use.*
- *Funding the cost-of-service reconfiguration, restructuring or rationalisation where this leads to ongoing efficiency savings or service transformation.*
- *Driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible.*
- *Aggregating procurement on common goods and services where possible, either as part of local arrangements or using Crown Commercial Services or regional procurement hubs or Professional Buying Organisations.*
- *Improving systems and processes to tackle fraud and corruption in line with the Local Government Fraud and Corruption Strategy – this could include an element of staff training.*
- *Setting up commercial or alternative delivery models to deliver services more efficiently and bring in revenue (for example, through selling services to others); and*
- *Integrating public facing services across two or more public sector bodies (for example children’s social care or trading standards) to generate savings or to transform service delivery.*

7.0 THE COUNCIL’S PROPOSALS

7.1 The Council intends to use the capital receipts flexibility to fund or part fund savings connected to its Outcomes-Based Resourcing project with the aim of successfully delivering priority outcomes for the Lancaster district whilst at the same time achieving long-term sustainability of finance and resources.

Project	Description	Projected Savings
Service Levels & Efficiency	Revisions and rationalisation of levels of service offered efficiency measures and review of income streams	£1.661M
Alternative Delivery Models & Partnerships	Shared service savings, opportunities, contract reviews & alternative options for achieving outcomes	£0.148M
Organisational Structure & People	Senior leadership restructure, establishment review to ensure fitness for purpose, alignment with desired strategic outcomes, deletion of vacant posts	£0.448M
Strategic Asset Management Planning	Improved asset management planning, asset usage reviews, potential disposals, optimising use of operational assets and prospects for energy and carbon reduction measures.	£0.166M

8.0 IMPACT ON PRUDENTIAL INDICATORS

8.1 As referenced in paragraph 5.3, forecast capital receipts from 2023/24 onwards have not been factored into the Council's Capital Financing Requirement (CFR) by way of either reducing debt or financing capital expenditure. The use of these receipts under this flexibility will, therefore, have no effect on the Council's Prudential Indicators.

9.0 DETAILS OF CONSULTATION

9.1 The Council has undertaken substantial consultation including public briefings and a survey in establishing its overall budget proposals for 2023-24 onwards. This Strategy contributes to the delivery of those proposals by making use of the financial flexibility available to the Council in implementing its Outcomes-Based Resourcing approach.

10.0 OPTIONS AND OPTIONS ANALYSIS (including risk assessment)

Option 1: Adopt the Strategy
<p>Advantages The Council will be able to make use of the Flexible Capital Receipts provision in delivering its Outcomes-Based Resourcing programme.</p>
<p>Disadvantages None identified from this report.</p>
<p>Risks Capital receipts, savings and transformation benefits may not be realised as anticipated in the Strategy; the associated risks will be mitigated through the implementation of the Outcomes-Based Resourcing programme.</p>
Option 2: Do not adopt the Strategy
<p>Advantages None identified from this report.</p>
<p>Disadvantages The Council will be unable to consider funding savings initiatives and service transformation through use of capital receipts, and may therefore be unable to achieve the savings, outcomes and benefits anticipated from these projects.</p>
<p>Risks Not adopting a Flexible Use of Capital Receipts Strategy at this point would severely constrain the council's ability to deliver its Outcomes-Based Resourcing programme.</p>

12.0 OFFICER PREFERRED OPTION

- 12.1 The officer preferred option is Option 1, to enable the Council to make use of the Flexible Capital Receipts provision in supporting its savings and service transformation initiatives over the coming years.

13.0 CONCLUSION

- 13.1 This report, if approved, will enable the Council to use capital receipts to fund savings and service transformation initiatives. Failure to adopt a Flexible Use of Capital Receipts Strategy will severely constrain the council's ability to pursue these initiatives.

RELATIONSHIP TO POLICY FRAMEWORK

If adopted, the Flexible Use of Capital Receipts Strategy would form part of the council's Policy Framework. From a strategic perspective, enabling the use of capital receipts to deliver savings and service transformation initiatives will give the Council scope to pursue its Outcomes-Based Resourcing programme with greater flexibility and effectiveness.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability etc)

No direct impact arising from this report. All initiatives supported by flexible use of capital receipts will be considered for their impact as appropriate.

FINANCIAL IMPLICATIONS

As outlined in the report, forecast capital receipts generated during the year will be used flexibly in compliance with the requirements of the Secretary of State to support projected savings identified as part of the Outcomes-based resourcing programme. Use will be determined by the S151 officer to ensure both eligibility and the impact on the Council's overall revenue and capital financing position.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has contributed to the writing of this report, however, he wishes to draw Members attention to the following.

The Council's Constitution (Part 3 Section 5 – Budget & Policy Framework), where either a new or existing plan/strategy/budget is being considered, the Overview and Scrutiny Committee or Budget and Performance Panel will have an opportunity to comment. If it considers it appropriate, Cabinet may then amend its proposals before submitting them to Council for consideration.

Unfortunately, due a number of factors particularly the late conclusion of the budget process this strategy has not been considered by Budget & Performance Panel. As the approval of the strategy is a function of Full Council all Members, including those sitting on B&PP they may propose any changes, or amendments at that meeting.

LEGAL IMPLICATIONS

The Local Government Act 2003 ("the Act"), section 15(1) requires a local authority "... to have regard (a) to such guidance as the Secretary of State may issue, and (b) to such other guidance as the Secretary of State may by regulations specify ...

". Two codes of practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) contain guidance on capital receipts and local authority accounting that complement the Department for Levelling Up, Housing and Communities (DLUHC) guidance. These publications are:

- The Prudential Code for Capital Finance in Local Authorities
- The Code of Practice on Local Authority Accounting

Local authorities are required to have regard to the current edition of The Prudential Code for Capital Finance in Local Authorities by regulation 2 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 and to the Local Authority Accounting Code as proper practices for preparing accounts under section 21(2) of the Act.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

Council

[Agenda for Council on Wednesday, 22nd February 2023, 6.00 p.m. - Lancaster City Council](#)

Contact Officer: Paul Thompson

Telephone: 01524 582603

E-mail: pthompson@lancaster.gov.uk

Ref: N/A

COUNCIL**Community Governance Review – Creation of The
Yealands Parish Council
15 March 2023****Report of Council Business Committee****PURPOSE OF REPORT**

To allow Council to consider agreeing an Order for the creation of The Yealands Parish Council.

This report is public.

RECOMMENDATIONS

(1) To agree the attached Order for the creation of The Yealands Parish Council.

1.0 Background

1.1 Council, at its meeting on 27 July 2022, was advised that a valid petition had been received which would commence a Community Governance Review to consider the merging of Yealand Conyers and Yealand Redmayne Parish Councils into a new parish Council to be called The Yealands Parish Council. Full Council asked Council Business Committee to oversee and develop the process for the Community Governance Review to be concluded by July 2023.

2.0 Process

2.1 The first stage of the process was in September 2022 when Council Business Committee set a timetable for the Review and agreed draft terms of reference for the basis of consultation. The terms of reference were circulated by the Elections Manager to occupiers of all affected properties and other stakeholders as required by the Local Government and Public Involvement in Health Act 2007.

2.2 In October 2022 Council Business Committee agreed a slight revision to the terms of reference document and a second stage of consultation took place. The second stage of consultation closed on Friday 30 December 2022.

3.0 Consultation

3.1 Overwhelming support for the merging of the two existing parish councils into The Yealands Parish Council was demonstrated by both the number of signatures on the original petition and by the number of positive responses received during the consultation.

4.0 Draft Order for the creation of The Yealands Parish Council

4.1 Attached to this report is a draft Order which was agreed by Council Business Committee on 2 March 2023. Council’s approval of the Order will signify that there is agreement by Lancaster City Council to the creation of the new Parish Council and the order will be effective from 1 April 2024.

5.0 ‘Shadow’ Arrangements

5.1 It is proposed in the Order that the new Parish Council comprise seven Parish Councillors representing two Parish Wards; Conyers Ward will have 3 Parish Councillors and Redmayne will have 4 Parish Councillors.

5.2 Should there be a need for decisions to be made in the period between 1 April 2024 and the date of the elections in May 2024, the Order details transitional provisions to allow a ‘shadow’ Parish Council to meet to take those decisions. The ‘shadow’ Parish Council will be comprised of those persons who immediately before 1st April 2024 are the elected councillors for the Yealand Conyers and Yealand Redmayne Parish Councils as well as the Ward Councillors for the Silverdale and Warton Wards of the City Council.

6.0 Conclusion

6.1 Support for the creation of a new parish of The Yealands has been clearly demonstrated and Council is asked to approve the Order so that arrangements can be made for the first set of Parish Elections for The Yealands Parish Council in May 2024. The Yealands Parish Council will replace the existing Parish Councils of Yealand Conyers and Yealand Redmayne from 1 April 2024.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

None.

LEGAL IMPLICATIONS

Chapter 3 of Part 4 of The Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about such matters as the creation of parishes and their electoral arrangements to local government and local communities in England. Principal councils are required, by Section 100(4) of the 2007 Act to have regard to guidance issued by the Secretary of State when undertaking reviews and the guidance has been followed in drafting this report.

FINANCIAL IMPLICATIONS

The cost of the review will be met from existing budgets. As part of the preparation of their business plan for the merged parish consideration was given to the current precept rates which differ between Yealand Conyers and Yealand Redmayne Parish Councils. A joint single precept amount has been proposed and details will be included in the terms of reference document to allow transparency as part of the consultation. Timing considerations around precept and tax setting for the new parish must be taken into account, but as long as a decision is reached before December 2023 the new parish will benefit from the precept collected for

the financial year commencing 01 April 2024.

There are cost implications for the amendment of the Council Tax system provided by Capita, and this would be at an estimate of £6,500. This cannot be covered from the existing budget held by Democratic Services and would have to be built into future years budgets as part of the budget process.

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

Contact Officer: Lisa Vines
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Email: lvines@lancaster.gov.uk
Ref:

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Lancaster City Council (Reorganisation of Community Governance) Order 2023

Made this **date of signature**

Coming into force in accordance with article 1(2)

Lancaster City Council (“the council”), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) has undertaken a community governance review and made recommendations dated 15th March 2024.

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

Citation and Commencement

1. (1) This Order may be cited as the Lancaster City Council (Reorganisation of Community Governance) Order 2023.
- (2) This Order shall come into force on 1st April 2024.
- (3) Article 8 shall come into force on the ordinary day of election of parish councillors in 2024.
- (4) For the purposes of
 - (a) this article;
 - (b) article 5; and
 - (c) article 10 and all proceedings preliminary or relating to the election of parish councillors for the parish of The Yealands to be held on the ordinary day of election for councillors in 2024;

this order shall come into force on the day after which it is made.

Interpretation

2. In this order –

“City” means the City of Lancaster;

“map” means the map marked “Map referred to in the Lancaster City Council (Reorganisation of Community Governance) Order 2023” and deposited in accordance

with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“new parish” means the parish constituted by article 4;

“ordinary day of election of councillors” has the meaning given by section 37 and 37A of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of this order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Constitution of a new Parish

4. (1) A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the City outlined with a blue line on the map.
(2) The name of the new parish shall be The Yealands.

Parish Precept

5. (1) The parish precept for 2024 shall be £37 per Band D equivalent property in within the boundary of the new parish.
(2) The parish precept for 2025 onwards shall be determined by the new parish, once constituted.

Parish Council for the Parish of The Yealands

6. (1) There shall be a parish council for the parish of The Yealands.
(2) The name of that council shall be “The Parish Council of The Yealands”.

Elections for the parish of The Yealands

7. (1) Elections of all parish councillors for the parish of The Yealands shall be held on the ordinary day of election of councillors in 2024, 2027 and every four years thereafter.
(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2024 for the parish of The Yealands shall be three years.
(3) The term of office of every parish councillor elected on the ordinary day of election in 2027 and thereafter shall be four years.

Number of parish councillors

8. (1) The number of councillors to be elected to the new parish shall be 7.
(2) There shall be two Parish Wards. Conyers Ward will be represented by 3 councillors and Redmayne Ward will be represented by 4 councillors.
(3) The Parish Ward boundaries will be the boundaries of the former Yealand Conyers and Yealand Redmayne Parish councils.

Annual meeting of the parish council

- 9. The annual meeting of the new parish council in 2024 shall be convened by the Head of Democratic Services of the Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Electoral Register

- 10. The registration office for the City shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transfer of property, rights and liabilities

- 11. The Regulations shall apply unless varied by this or any subsequent Order made prior to 1st April 2024.

Transitional provision

- 12. Until the councillors elected to the council of the new parish of The Yealands at the elections to be held on the ordinary day of election of councillors in 2024 comes into force, the new parish shall be represented by those persons who immediately before 1st April 2024 are the elected councillors for the Yealand Conyers and Yealand Redmayne Parish Councils as well as the Ward Councillors for the Silverdale and Warton Wards of the City Council.

Order date

- 13. 1st April 2024 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

IN WITNESS whereof the Common Seal of)

Lancaster City Council was hereunto affixed)

in the presence of :-)

.....
Chief Executive

COUNCIL**Pay Policy Statement 2023/2024
Wednesday 15th March 2023****Referral from Personnel Committee****PURPOSE OF REPORT**

To ask that Council consider and agree the Personnel Committee's recommendation for the Pay Policy Statement for 2023-2024 as required by the Localism Act 2011

This report is public

RECOMMENDATIONS**(1) To consider and agree the Pay Policy Statement 2023-2024****1.0 Introduction**

1.1 Section 38 of the Localism Act 2011 places a requirement on local authorities to publish a Pay Policy Statement by the 31st March each year. This includes the remuneration of its Chief Officers. This Statement must be approved by resolution of Council, and this function may not be delegated.

1.2 The Statement sets out the Council's arrangements relating to:

- the remuneration of its Chief Officers;
- the remuneration of its lowest-paid employees, and
- the relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers.

1.3 The Pay Policy Statement has been prepared in accordance with the requirements of the Localism Act 2011 and having regard to the guidance issued by the Department for Communities and Local Government (DCLG) under Section 40 of the Act.

2.0 Proposal Details

2.1 During the course of the year, if the Authority makes any determination relating to the remuneration or any other terms and conditions of a Chief Officer, it must comply with its Pay Policy Statement

2.2 It is recommended that the revised Pay Policy Statement be effective from 1st April 2023.

3.0 Details of consultation

3.1 There has been no consultation, but in preparing the revised Statement, regard has

been made to Government guidance and national negotiations and consultations.

4.0 Options and options analysis (including risk assessment)

4.1 In order to comply with the Localism Act 2011, it is necessary for Council to approve a Pay Policy Statement.

5.0 Conclusion

5.1 Council is requested to approve and recommend to Full Council the Pay Policy Statement for 2023-2024

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

No notable impact.

LEGAL IMPLICATIONS

The Council has a statutory obligation, pursuant to s38 of the Localism Act 2011 to approve annually a Pay Policy Statement.

FINANCIAL IMPLICATIONS

2023/2024 pay agreement is pending.

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

The Pay Policy Statement 2023-2024 has been prepared by HR.

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

2023/2024 Pay Policy attached
JNC Conditions of Service Handbook

Contact Officer: Alex Kinch
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Lancaster City Council Pay Policy Statement 2023-24

1. Introduction and Purpose

- 1.1 In accordance with the requirements of Section 38 of the Localism Act 2011, this Pay Policy statement has been produced to reflect the Council's approach to pay policy for the year 2023/2024.
- 1.2 This statement sets out the Council's policies in relation to the remuneration of our Chief Officers and all other employees. It also clarifies the relationship between Chief Officer remuneration and the remuneration of our lowest paid employees.
- 1.3 The purpose of this statement is to demonstrate transparency with regards to setting the pay of Council employees.

2. Setting Terms and Conditions

- 2.1 The Council's Chief Officers, including the Chief Executive, are employed under the nationally agreed Joint Negotiating Committee (JNC) terms and conditions. All other employees are employed under the nationally agreed National Joint Council (NJC) terms and conditions.
- 2.2 Pay increases relating to cost of living are agreed nationally by the NJC and JNC negotiating bodies.

3. Definitions of Chief Officers within Lancaster City Council

- 3.1 Chief Officers (in senior positions) within this Council are currently defined as the Chief Executive, and:
 - Senior Chief Officer
 - Chief Officer – Resources (S151)
 - Chief Officer – Governance (Monitoring Officer)
 - Chief Officer – People and Policy
 - Chief Officer – Planning and Climate Change
 - Chief Officer – Sustainable Growth
 - Chief Officer – Environment and Place
 - Chief Office – Housing and Property
- 3.2 In addition to the above, the Council has further posts which may fall into the wider statutory definition of Chief Officer posts via reporting lines, although they are not designated as such within this Council. These other posts are as follows
 - Senior Manager – Democratic Services
 - Senior Manager - ICT
 - Senior Manager – Community & Leisure
- 3.3 All the posts named at 3.2 above fall into a pay grade which currently starts from £55,558 up to a maximum pay point of £69,221 (grade 14). The terms of service for these posts are governed by the National Joint Council for Local Government National Agreement on Terms and Conditions of Service (the NJC Green Book) and accordance with the new pay and grading structure 2020.

- 3.4 The Monitoring Officer function attached to the Chief Officer – Governance post, and the Section 151 Officer role attached to the Chief Officer – Resources posts are paid an allowance for this responsibility.

An allowance of £9000 (per annum) is made for the Monitoring Officer and 151 Officer functions. An allowance of £6000 per annum is divided up and awarded pro rata to Deputies carrying out these statutory functions (e.g. 1 Deputy for each role would attract £6000, 2 Deputies £3000).

4. Remuneration of the Chief Executive

- 4.1 The post of Chief Executive (which also acts as Head of Paid Service) was paid on a fixed salary of £123,725 as at 1 April 2022. This currently remains the same in 2023-2024, pending any pay award agreement.

5. Remuneration of other Chief Officers

- 5.1 Chief Officers are paid within a band which starts from £71,070 up to a maximum of £77,985. There has not been an agreement of pay award for 2023/2024, therefore the salary will remain the same as 2022/2023, pending any national pay award agreement.

Statutory Chief Officers are remunerated in accordance with their technical expertise and background

6. Policy on Other Aspects of Chief Officer Remuneration

- 6.1 Aside from 'pay' there are other aspects of Chief Officer remuneration which are outlined below:

6.1.1 **Travel and other expenses:** reimbursed through normal Council policies and procedures in the same way for all staff.

6.1.2 **Bonuses:** The terms of employment do not provide for the payment of any bonuses.

6.1.3 **Honoraria:** through normal Council policies and procedures in the same way for all staff.

6.1.4 **Severance arrangements (for Chief Officers ceasing to hold office):**

The Council's normal policies in relation to redundancy and early retirement apply to these posts, in line with relevant regulations.

Any payments falling outside the provisions above or the relevant periods of notice within the contract of employment shall be subject to formal decision made by Personnel Committee, as per the constitution.

- 6.2 There are no provisions for any other increases or additions to Chief Officer remuneration, other than as outlined in this policy.

7. Returning Officer Fees

- 7.1 Fees for Returning Officers and other electoral duties are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda. As these relate to performance and delivery of specific election duties as and when they arise, they are distinct from the process for the determination of pay for Chief Officers.

8 Other Chief Officer Conditions of Service

- 8.1 The other terms and conditions of service are set out in the relevant conditions of service handbooks, as follows:

Chief Executive: The Joint Negotiating Committee for Local Authority Chief Executives – Conditions of Service

All other Chief Officers: The Joint Negotiating Committee for Chief Officers in Local Authorities – Conditions of Service

9. Pension Contributions

- 9.1 For all employees, including Chief Officers, where employees have exercised their right to be a member of the Local Government Pension Scheme, the Council will make contributions to the Pension Fund in line with the Employer contribution rates determined by the Actuary.

10. Recruitment of Chief Officers

- 10.1 The Council's policy and procedures in relation to the recruitment of Chief Officers is set out within the Council's Constitution.
- 10.2 When recruiting for all posts, the Council will take full and proper account of all provisions of employment legislation and its own agreed policies.
- 10.3 The remuneration offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment. New appointments for staff up to and including Chief Officers are normally made at the minimum of the grade for the post, although this can be varied if necessary, to ensure the best candidate can be appointed.
- 10.4 Where the Council is unable to recruit Chief Officers, or there is a need for interim support to provide cover for a substantive Chief Officer post, the Council will, where necessary, consider engaging individuals under a 'contract for service' (rather than them being direct employees of the Council). These will be sourced through a relevant recruitment process, under relevant Officer delegations, ensuring the Council is able to demonstrate the maximum value for money from securing the service.

11. Approval of Salary Packages in Excess of £100K

- 11.1 Before any offer of appointment is made, the Council will ensure that salary packages in excess of £100,000 will be considered by full Council. This salary package will be defined as base salary, bonuses, fees, routinely payable allowances and any benefits in kind which are due under the contract.

12. Re- Employment of Former Chief Officers

- 12.1 It is the Council's policy not to re-employ any chief officer who was previously made redundant from the authority / received any other severance payment, or later engage them under a contract for service or interim contract except under exceptional circumstances

13. Publication and Access to Information regarding Chief Officer Remuneration

- 13.1 Upon approval by Council, the Pay Policy Statement will be published on the Council's website. In addition, relevant information will be reported in the Council's

annual Statement of Accounts.

14. Payment of Lower Paid Employees within the Council

- 14.1 The Council uses the NJC negotiated pay spine (i.e. a nationally agreed and defined list of salary points) as the basis for its local pay structure, which determines the salaries for most of its workforce. The Council uses the NJC payspine SCP 3 - 49.
- 14.2 The Council operates a Job Evaluation Scheme to determine the pay grade for posts and uses the Willis Towers Watson Global Grading Scheme.
- 14.3 The Council ensures that all staff (aside from Apprentices) are paid at least the 'Real Living Wage' rate. Spinal Column Point (SCP) 3 automatically defaults to the Living Wage on 1st April each year and the Council uses this to define its 'lowest paid' employees.
- 14.4 The Council employs Apprentices who are not considered within the definition of 'lowest paid employees'. They are paid under the separate Apprentice Pay Rates, the highest of which equates to the real Living Wage rate.
- 14.5 The Council does not have a policy on maintaining a specific pay ratio between its Chief Officers and its lowest paid staff, although it is conscious of the need to ensure that Chief Officer salaries are not excessive.

15. Pension Contributions

- 15.1 Where employees have exercised their right to join the Local Government Pension Scheme, the Council agrees to contribute to the Scheme at rates set by Actuaries.

16. Payments on Termination

- 16.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, prior to retirement, is set out within its policy statement and in accordance with:
- Local Government (Early Termination of Employment Discretionary Compensation) (England and Wales) Regulations 2006.
 - Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.
 - Local Government Pension Scheme (Admin) Regulations 2008 (regulation 66).
 - The Local Government Pension Scheme Regulations 2013.
 - The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.

17. Changes to Pay Policy

- 17.1 Should any amendments be required to this policy during the year, then matters will be reported to the Personnel Committee for consideration, for subsequent referral to Council.

18. Accountability and Decision Making

- 18.1 In accordance with the Constitution of the Council, Personnel Committee are responsible for decision making in relation to policies for recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council.

JOINT NEGOTIATING COMMITTEE
for
LOCAL AUTHORITY CHIEF OFFICERS

CONDITIONS OF SERVICE
HANDBOOK

UPDATED 8 August 2017

Employers' Secretary:	Officers' Side Secretary:
<p>NAOMI COOKE Local Government Association 18 Smith Square London SW1P 3HZ</p> <p>Tel: 020 7187 7373 email: info@local.gov.uk</p>	<p>REHANA AZAM GMB Mary Turner House 22 Stephenson Way London NW1 2HD</p> <p>Tel: 020 7391 6700 email: info@gmb.org.uk</p>

The Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities is the national negotiating body for the pay and conditions of service of chief officers in England and Wales.

The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists representatives of GMB and UNISON.

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NB: All hyperlinks and email addresses contained in this Agreement are correct at the time of publication. Please notify the Joint Secretaries of any discrepancies by emailing them at the addresses shown on the cover page.

PART 1 - CONSTITUTION

TITLE

- 1 The Committee shall be known as the Joint Negotiating Committee for Chief Officers of Local Authorities (hereinafter referred to as “the Committee”).

SCOPE

- 2 The Committee shall have within their scope any officer of a local authority in England and Wales who
 - a is a chief officer designated by the employing authority as the administrative and executive head
 - either i* of a separate department
 - or ii* of a particular function or servicewhich in either case is regarded by the authority as important in relation to the total activities of the authority;
or
 - b is designated by the authority as a recognised deputy to any chief officer covered by (a) above including an officer of deputy status but whose post may carry a different title.

MEMBERSHIP

- 3 The Committee shall consist of 36 members, appointed as follows:-

Representing local authorities:

Local Government Association	9
Welsh Local Government Association	1

Representing officers:

GMB	23
Unison	3

- 4 If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the Constitution, such failure to appoint shall not vitiate the decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-

committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his/her place.

- 5 A member of the Committee shall automatically retire on ceasing to be a member of the organisation which he/she represents.
- 6 On the occurrence of a casual vacancy, a new member shall be appointed by the organisation in whose representation the vacancy occurs and shall sit until the end of the period for which his/her predecessor was appointed.

FUNCTIONS

- 7 The functions of the Committee shall be to secure the largest possible measure of joint action in respect of the salaries and service conditions of officers within the scope of the Committee; and to seek to resolve any differences between a local authority and its officers which may be referred to the Committee, in accordance with procedures to be determined by the committee from time to time.

PROCEDURE

- 8 **Sub-Committees** The Committee may appoint from their own members such sub-committees as they may consider necessary and with such authorities as they may from time to time determine. The reports of all sub-committees shall be submitted to the full Committee.
- 9 **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. When the Chair is a member of the Authorities' Side, the Vice-Chair shall be appointed from the Officers' Side and vice versa. The Chair shall be held in alternate years by a member of the Authorities' Side and a member of the Officers' Side. The Chair, or in his/her absence, the Vice-Chair, shall preside at all meetings of the Committee. In the absence of both the Chair and Vice-Chair at any meeting, a chair shall be elected to preside. In no case shall a Chair have a second or casting vote.
- 10 **Officers** The Committee shall appoint joint secretaries and a treasurer.
- 11 **Meetings** Meetings of the Committee shall be held as often as may be necessary, and the Chair shall call a special meeting if so requested by one-third of either side of the Committee. The notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat, and no other matters shall be discussed. A special meeting shall take place within fourteen days after the request has been received.

- 12 **Voting** Voting in the Committee and in sub-committees shall be by show of hands or otherwise as the Committee or sub-committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members entitled to vote present on each side of the Committee or sub-committee, as the case may be.
- 13 **Quorum** The quorum of the Committee shall be 10, consisting of 4 representatives of local authorities and 6 of the officers. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.
- 14 **Notices of meetings** All notices of meetings of the Committee and of any sub-committee thereof shall be sent to the respective members at least seven clear days before the date of the meeting.

FINANCE

- 15 The expenses of the Committee, excluding any necessary travelling or subsistence expenses incurred by the members, shall be shared equally by the two sides.

ARBITRATION

- 16 In the event of a dispute over terms and conditions of employment arising between the two sides of the Committee on any matter of general application to staff or of application to particular classes of staff, the dispute shall, at the request of either side, be reported to the Advisory, Conciliation and Arbitration Service by the Joint Secretaries with a request that the matter be referred for settlement by arbitration. The arbitration award shall be accepted by the two sides, and shall be treated as though it were an agreement between the two sides.

AMENDMENTS TO CONSTITUTION

- 17 Alterations in the Constitution of the Committee shall be made as follows:
 - a in paragraph 3 of this Constitution any change to the organisations represented on each Side, shall be a matter for each Side to determine.
 - b all other clauses can only be changed with the assent of both Sides.

PART 2 – CONDITIONS OF SERVICE

1. APPLICATION OF TERMS AND CONDITIONS GENERALLY

A chief officer shall enjoy terms and conditions in other respects not less favourable than those accorded to other employees of the local authority. Where terms and conditions are not specified locally, 'Green Book' provisions shall apply. Such terms and conditions may include:

- Adoption Scheme
- Car Allowances
- Continuous Service
- Grievance
- Health, Safety & Welfare
- Maternity / Paternity Scheme
- Reimbursement of Expenditure
- Sickness Scheme
- Training & Development

2. QUESTIONS OF INTERPRETATION

Any questions concerning the interpretation of the paragraphs of this booklet shall be referred to the Joint Secretaries who if necessary, may agree to refer it to the Joint Negotiating Committee for determination.

3. PERIODS OF NOTICE TO TERMINATE EMPLOYMENT

The period of notice on either side will normally be three months, but this can be changed by mutual agreement.

4. ANNUAL LEAVE

The chief officer shall be entitled to a minimum of 30 days' annual leave (in addition to statutory and other public holidays but inclusive of any long service leave, extra statutory and local holidays). In exceptional circumstances and by mutual agreement annual leave may be carried forward to the next leave year.

5. HONORARIUM PAYMENTS

A local authority may consider granting an honorarium (of an amount dependent upon the circumstances of each case) to an officer within purview of this Committee who performs duties outside the scope of his/her post over an extended period.

6. RELOCATION EXPENSES

In the case of officers being relocated it is the practice of some authorities to contribute towards the approved costs of removal

expenses and of other incidental expenses reasonably attributable to the removal; it would be in the best interests of local government and facilitate movement of officers if this practice were more widely followed.

7. SETTING REMUNERATION LEVELS

- 7.1 The Localism Act 2011 requires local authorities to produce and publish a pay policy statement. According to the Act and statutory guidance published in 2012 and 2013, the statement should include the local authority's policy on specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency arrangements. It should also set out the approach to be adopted towards pay dispersion, (i.e. differentials). In addition, the Local Government Transparency Code 2015 requires local authorities to publish the differential between the taxable benefits of senior managers and the median taxable earnings figure for the local authority's whole workforce, and details of senior employee salaries (above £50,000), names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.
- 7.2 In this context it is essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief officers have been made in an open and accountable way.
- 7.3 One option is for a local authority to establish a remuneration committee. The establishment of a remuneration committee is of course optional and different models may well suit individual authorities. What is clear though is that more than lip service must be paid to the notion of providing a verifiable and accountable process for recommending the remuneration level of the most highly-paid officials.
- 7.4 The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3** of the JNC Conditions of Service Handbook for local authority Chief Executives.

8. PERFORMANCE APPRAISAL

- 8.1 Chief officers' responsibilities and accountabilities should be set out in writing at the appointment stage. Where this has not been done at the appointment stage it should be agreed with the individual officer concerned prior to the implementation of the performance appraisal scheme. Subsequently, there should be an annual process of performance appraisal linked to those responsibilities and accountabilities.
- 8.2 The performance appraisal process is separate from any scheme relating to either pay or performance related pay.

- 8.3 The performance appraisal process should involve the setting of both general and specific objectives for the year ahead and the review of performance in achieving previously set objectives. The focus of the process should be on clarifying what the chief officer will be expected to achieve and on identifying any continuing personal development needs to maintain a high level of performance.
- 8.4 The authority will provide training for all parties involved in the process, including elected members if involved.
- 8.5 The setting of objectives should be by consensus between the chief officer and his/her line manager, and/or the chief executive, and if desired an appropriate elected member. The result of the performance appraisal process will be to identify agreed objectives that are relevant and challenging but achievable and realistic in the light of available resources and time. (Joint Secretaries guidance on appraisal of chief officers is set out in full at **Annex 1**)

9. RESTRICTIONS ON RE-EMPLOYMENT

- 9.1 After termination of the chief officer's employment he/she:
 - a will not divulge any information to any third party which is confidential to the authority.
 - b will not, without the consent of the authority, which will not unreasonably be withheld, within a period of 12 months take up employment with or provide services for reward to any body:
 - i if during the chief officer's last two years of employment with the authority the officer has been directly involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward
 - ii which is likely to benefit from commercially sensitive information which is known to the chief officer by virtue of his/her past employment by the authority.
- 9.2 These provisions would not apply if the termination of employment with the local authority arose as the result of redundancy or the externalisation of work and consequent transfer to a new employer.

10. SALARY

The salary paid to a chief officer will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 11** or the authority expressly agrees that they shall be

retained by the officer, shall be paid by the officer into the local authority's accounts.

11. RETURNING OFFICER FEES

The chief officer shall be entitled to receive and retain the personal fees arising from such of the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions as he or she performs subject to the payment of pension contributions thereon, where appropriate, unless a specific term has been included in the chief officer's contract referring to alternative arrangements.

12. OFFICIAL CONDUCT

12.1 The public is entitled to demand of a local government officer conduct of the highest standard.

12.2 An officer's off-duty hours are his/her personal concern but he/she should not subordinate his/her duty to his/her private interests nor put himself/herself in a position where his/her duty and his/her private interests conflict, or where public confidence in the conduct of the authority's business would be weakened.

12.3 Officers within purview of this Committee shall devote their whole-time service to the work of the local authority and shall not engage in any other business or take up any other additional appointment without the express consent of the local authority.

12.4 An officer shall not be required to advise any political group of the local authority, either as to the work of the group or as to the work of the local authority, neither shall he/she be required to attend any meetings of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with any officer and which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the local authority.

12.5 No officer shall communicate to the public the proceedings of any committee meeting nor the contents of any document relating to the authority which in either case is regarded by the authority as confidential unless required by law or expressly authorised to do so.

12.6 If it comes to the knowledge of an officer that a contract in which he/she has any pecuniary interest, whether direct or indirect (not being a contract to which he/she is himself/herself a party), has been or is proposed to be, entered into by the authority, he/she shall, as soon as practicable, given notice in writing to the chief executive of the authority of the fact that he/she is interested therein. (Attention is

drawn to the provisions of the Local Government Act 1972 Section117).

- 12.7 Information concerning an officer's private affairs shall not be supplied to any person unless the consent of such officer is first obtained.

PART 3 - DISCIPLINE, CAPABILITY AND REDUNDANCY

1. SPECIFIC STATUTORY OFFICERS

- 1.1 Where disciplinary action against the Monitoring Officer or s151 Officer or, in Wales, the Head of Democratic Services is contemplated, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) in England, and the Local Authorities Standing Orders (Wales) Regulations 2006 in Wales, provide a degree of protection for these officers against unwarranted political interference in their statutory role within local authorities.
- 1.2 **(England)** Paragraph 13 and 13A and Appendix 5A of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Monitoring Officer or s151 Officer is contemplated.
- 1.3 **(Wales)** Paragraph 13 and 13B and Appendix 5B of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Head of Democratic Services is contemplated.

2. CHIEF OFFICERS OTHER THAN SPECIFIC STATUTORY OFFICERS

- 2.1 The size and structure of local authorities varies greatly and it is therefore difficult to set out single disciplinary and capability procedures which would fit all authorities. However, authorities will have local procedures to deal with such issues.
- 2.2 In general, informal conciliation is to be preferred to formal disciplinary and capability procedures if it can bring about a mutually agreed solution to the problems that have arisen. Such solutions should make it clear what specific changes in behaviour and/or performance are expected and within what timescales. However, provision is required to undertake more formal action where necessary.
- 2.3 The principles of natural justice and good management practice must govern the conduct of any proceedings against a chief officer on the grounds of either alleged misconduct (i.e. 'discipline') or an alleged inability to carry out their role (i.e. 'capability'). Authorities should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

- 2.4 A particular consideration for Chief Officers is that the procedures must take account of an officer's position in the hierarchy when determining who conducts investigations, undertakes disciplinary/capability hearings taking any appropriate action and who hears appeals. Depending on the structure of the authority and the circumstances of the case these functions should normally be undertaken by officers as appropriate but in some cases may require a committee of members to be involved in hearings or appeals.
- 2.5 Where the chief officer's continuing presence at work compromises an investigation or impairs the efficient exercise of the local authority's functions, the chief officer may (subject to whatever consultation or approval may be required under the authority's standing orders) be suspended from duty. The Council, or appropriate committee or senior officer, acting under delegated powers, may carry out such suspension on full pay. Written notice stating the reasons for any such suspension shall be given at the earliest opportunity possible.
- 2.6 Suspension protocols regarding communication and matters such as annual leave and sickness should be agreed. The necessity for the chief officer to remain suspended should be reviewed at regular intervals and where possible lengthy periods of suspension should be avoided.
- 2.7 In England, where an authority operates a mayor or leader cabinet executive system and as a result of disciplinary proceedings there is a recommendation to dismiss, they should check whether the executive objections procedure set out in schedule 1, part I, paragraph 6 and part II, paragraph 6 of the Local Authorities (Standing Orders) (England) Regulations 2001 applies, and if so ensure it is followed before the chief officer is dismissed.
- 2.8 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, [Directors of Public Health in Local Government: Roles, responsibilities and context](#).
- 2.9 The Joint Secretaries (or their representatives) are available to act in an impartial conciliation role, whether formal or informal if required to do so by the local parties.

3. REDUNDANCY

- 3.1 Employing authorities should consult with any chief officer affected at the earliest possible stage when there is a suggestion that the chief officer's post might be abolished or proposed for abolition.

- 3.2 If after such consultation a proposal is formulated to abolish the chief officer's post, and that is part of a proposal to dismiss 20 or more employees from one establishment within 90 days the procedure of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, requiring consultation with trade unions, should be followed, the required statutory information being sent to the chief officer and to each independent trade union recognised by the employers for collective bargaining purposes for the chief officer. Where the provisions of the Act do not apply in any event a period of not less than twenty-eight days should be allowed for the individual consultation process. The chief officer and a trade union representative should also be afforded an opportunity of making oral representations to the Committee or Council meeting concerned before a final decision is made.
- 3.3 If following such consultations the authority decide that the post must nevertheless be abolished, the officer should be offered any suitable alternative employment that may be available or which may become available in consequence of the re-organisation giving rise to the abolition of the chief officer's post.
- 3.4 The authority should also bear in mind the possible application of discretionary powers of premature retirement, and permissible enhancement of benefits or redundancy payments, and the possibilities of providing an alternative post or of extending the period of notice to assist the chief officer in finding other employment.
- 3.5 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, [Directors of Public Health in Local Government: Roles, responsibilities and context](#).

JOINT GUIDANCE ON APPRAISAL OF THE CHIEF OFFICER**1. INTRODUCTION**

- 1.1 This guidance is intended for use by senior officers, elected members and the chief executive when agreeing a process for appraising the performance of the chief officer. The focus of this process should be on clarifying what the chief officer is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.
- 1.2 The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief officer's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

2. RESPONSIBILITY FOR APPRAISAL

- 2.1 The responsibility for appraising a chief officer lies primarily with their line manager and/or chief executive. It is a contractual obligation on the part of both the chief officer and the employing local authority to engage in a regular process of appraisal.
- 2.2 It will be for local decision in the light of local circumstances whether the appraisal should include any input from elected members representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief officer is employed by the local authority as a whole, not by the controlling group, and is therefore required to serve all of the local authority.

3. AIMS OF APPRAISAL

- To identify and clarify the key objectives, priorities and targets of the local authority and appropriate timescales for their achievement over the next (e.g. twelve) months
- Agree what the chief officer should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to help deliver the local authority's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively

- Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance
- Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals
- Discuss developmental requirements. The chief officer will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief officer with the requisite skills to meet the local authority's objectives. The parties should be proactive and anticipate future developmental needs in the context of the local authority's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between the chief officer and the chief executive. It should not be assumed that it is only the chief officer who may need to adjust his / her approach to the working relationship

3.1 Appraisal should be set in the context of the local authority's objectives, priorities and targets, generally expressed in corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the local authority as a whole.

4. THE APPRAISAL CYCLE

Appraisal should take place on a predetermined date, **at least annually**, backed up by regular monitoring meetings at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

5. KEY ELEMENTS OF THE APPRAISAL PROCESS

- Continuous two-way monitoring of performance against objectives
- Preparation for an appraisal interview
- An appraisal interview where recent and current performance, future objectives and development needs are discussed
- Agreement on action required from either party to ensure required performance is achievable
- A continuing process of informal discussion regarding performance

6. THE APPRAISAL INTERVIEW AND AFTERWARDS

- Both parties should be well informed and prepared for the interview
- The process should be two-way
- The interview should be free from interruptions, and notes should be taken when necessary
- The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions
- Targets which are realistic and capable of being monitored should be agreed
- Any agreed personal development plans should be implemented within the agreed timescale
- The chief officer should be given a reasonable opportunity to correct any shortfalls in performance
- A date for the next review should be agreed

7. OTHER MATTERS

The detailed content of appraisal interviews should normally be treated as confidential to the participants, unless both parties agree that it would be helpful for the targets agreed for the ensuing period to be shared more widely. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.

BRIEFING NOTE**MOTION: RULES REGARDING MOTIONS ON NOTICE**

The Council notes that:

- (a) A number of debates at full Council concern matters irrelevant to the business of a district council (such as nuclear warheads, foreign policy, the mode of conducting parliamentary elections), usually brought tenuously within the ambit of the Council's Constitution by including a resolution that the Chief Executive write a letter to some external authority or body reflecting the outcome of the debate.
- (b) Although the financial cost to the Council of writing such letters is confined to the cost of the paper, envelope and postage, the debates themselves take up the time of councillors and officers, and also delay other Council personnel staffing the building leaving for the day.
- (c) The debates also involve the use of energy for lighting and heating in the Council chamber and other parts of Morecambe Town Hall, beyond what would be necessary if the debates did not occur, thus also generating concomitant carbon dioxide emissions, contrary to the purposes of the Council's declaration of a Climate Emergency.
- (d) Debates the substantive content of which is beyond the competence of a District Council are apt to bring local government into disrepute.

It is therefore RESOLVED that:

- (1) Save as provided in paragraph (2), below, the Chief Executive shall rule out of order (in accordance with clause 15.4 of the Constitution of Lancaster City Council) any motion on notice for an ordinary meeting of the Council, the substantive content of which does not, in his reasonable opinion, fall within the scope of district council responsibilities, notwithstanding that the notice includes a resolution technically within the power of the Council to carry into effect.
- (2) Notwithstanding paragraph (1), above, the Chief Executive may allow a motion on notice which, whilst falling to be ruled out of order under paragraph (1), above, falls within the terms of clause 15.4 of the Council Constitution, only provided that the matter so raised affects "the area or residents, workers or visitors to the District" in a degree significantly greater than it affects residents, workers or visitors to other districts in England, so making its discussion of particular pertinence to Lancaster City Council.
- (3) The Monitoring Officer be authorized to make such amendment to the Constitution of the Council as is required to give effect to the above resolutions.

PROPOSER:

Councillor Austen-Baker, seconders Councillors Jackson (Joan) and Thomas.

OFFICER BRIEFING NOTE

Council Procedure Rule 15 in Part 3, Section 1 of the Council's Constitution sets out the requirements for Motions on Notice. Rule 15.4 is concerned with the Scope of motions and, as quoted in motion, this currently states that "Motions must be about matters for which the Council has a responsibility or which affect the area of residents, workers or visitors to the District."

Should the motion above be passed by Council, the Monitoring Officer would make the required amendments to Council Procedure Rule 15.

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 involved in the drafting of this briefing note.

COUNCIL**Carnforth Neighbourhood Plan – Adoption (Making) of the
Neighbourhood Plan
15 March 2023****Report of Head of Planning and Place****PURPOSE OF REPORT**

To formally “make” the Carnforth Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area.

This report is public.

RECOMMENDATIONS

- (1) **That Lancaster City Council, under section 38A(4) of the Planning and Compulsory Purchase Act 2004, formally make the Carnforth Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area.**

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. The preparation of a neighbourhood plan provides a powerful tool for local people to directly influence the development of their local community.
- 1.2 Carnforth Town Council (the ‘Town Council’) was designated as a Neighbourhood Plan Area on 8th May 2018 and since then has worked towards drafting the Neighbourhood Plan (the Plan) (Appendix A of this report) which will meet the needs and aspirations of the residents and businesses within the Town Council boundary. The process has included various informal consultation events, statutory consultations and collating evidence to support the policies in the Plan. An independent Examination took place last year with the Examiner finding that the Plan, subject to recommended modifications, met the Basic Conditions a plan must pass. These modifications were made allowing the Plan to advance to the referendum stage.
- 1.3 Following a positive referendum result on the 26 January 2023, this report recommends that the Carnforth Neighbourhood Plan is ‘made’ by Lancaster City Council (the Council) and becomes part of the statutory Development Plan for the area. Where planning applications come forward within the boundary of Carnforth Town Council, the Plan will form an important basis for making decisions alongside other relevant local and national planning policy and guidance.

- 1.4 Preparing a plan is a complex process and the ‘making’ of this Plan marks the culmination of several years of challenging work by the Town Council, which is to be commended.

2.0 Proposal Details

- 2.1 The content of the plan seeks to address a range of issues including heritage, the economy, access and movement, housing scale, type and mix, the environment, and the community. It contains a range of objectives and policies which seek to address issues which are important to the community. The following paragraphs outline the policies.
- 2.2 The Plan contains three policies (CNDP HD1, HD2 & HD3) which expand upon national and adopted Local Plan policies when addressing the conservation of the historic environment and design. It includes a list of non-designated heritage assets and a Design Code which seek to protect and enhance the significance of the historic environment and influence the design of development to ensure it responds to the existing built form and achieves high quality design.
- 2.3 It includes a policy (CNDP E1) which supports improvements to the quality and diversity of existing and new leisure and tourism subject to criteria in relation to design, impacts on amenity, public transport links and traffic impacts. The policy also recognises the Carnforth Community Pool as an important community and leisure asset to be retained.
- 2.4 The Plan (policy CNDP HD2) supports employment uses in established employment areas, in particular small start-up units and flexible working, and encourages opportunities for employment diversity. Outside established areas, it seeks to ensure employment uses should be compatible with the area and proposals should consider accessibility via active travel and sustainable transport.
- 2.5 A policy (CNDP E3) specific to the town centre is included. The policy supports development which falls within Use Class E¹, where they improve diversity and footfall, and employment proposals which will generate employment and develop local businesses/services in the town centre. It sets out criteria for this support relating to amenity, local and rural character, and traffic issues. It also supports redevelopment within the Regeneration Priority Area of Central Carnforth (designated by policy EC5 of the SPLA DPD). A policy (CNDP E4) supports well designed shop fronts.
- 2.6 The plan (policy CNDP AM1) supports active travel and the improvement of footpaths and cycle paths. It sets out criteria including, paths should be direct, safe to use and use natural surveillance, non-residential development should support and enable active travel by including cycle parking and changing facilities. It also states that proposals which would reduce the capacity or safety of active travel will not be considered favourably.
- 2.7 A policy (CNDP AM2) encourages public parking to include a proportion of spaces with EV charging stations, the provision of infrastructure which will enable expansion of EV

¹ Class E, Part 1, Schedule 2 of the Town and Country Planning (Use Classes) (Amendments) (England) Regulations 2020 includes shops, offices/services principally for visiting members of the public, offices and Research and Development for operational and administration purposes, indoor sport recreation and fitness, medical and health services, creche, nurseries and day centres, and any industrial process that can be carried out in a residential area without detriment to amenity.

charging stations and requires new houses and flats with an allocated parking space to be provided within at least one EV charging point. It seeks to ensure charging points are sensitively sited and do not have harmful impacts on pedestrian circulation.

- 2.8 The Plan includes two policies (CNDP H1 & H2) in respect of new residential development. A policy supports proposals within the urban boundary (the policies map includes a boundary) which meet the need identified in the Carnforth Housing Needs Assessment. The policy sets out criteria which will be looked upon favourably when considering proposals. The criterion includes development which is on infill sites or previously developed land, development which reflects the existing scale and density, responds to the design code, is well-integrated within built form, laid out with good connections for walking/cycling and avoids cul-de-sacs.
- 2.9 A policy (CNDP EC1) reflects national and local plan policy with regard to the conservation and enhancement of local biodiversity, landscape and character. The plan (policy CNDP EC2) aims to ensure that development adjacent to parks respond positively towards them.
- 2.10 The last policy (CNDP EC3) encourages high standards of sustainability in new development and accordance with BREEAM or Passivhaus standards or the Home Quality Mark. It also requires proposals to show how they incorporate resource efficiencies and climate change adaptation measures.
- 2.8 The Town Council has fulfilled the statutory requirements of the neighbourhood plan-making process by undertaking engagement on the vision, values and objectives through newsletters and then drop in events in September 2019. A four week informal consultation took place from the end of September through October 2019. The Town Council then carried out the statutory Regulation 14 consultation, in accordance with the Neighbourhood Planning (General) Regulations 2012, on the draft plan in the summer of 2021 between 26th July and 20th September. The Council carried out the Regulation 16 consultation on the finalised Plan between 4th February and 18th March 2022.
- 2.9 Following the publication of the final version of the Plan, the Plan and the supporting evidence was scrutinised by an independent Examiner. The Examiner was appointed jointly between the Council and the Town 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 Examiner's Report was received at the beginning of October 2022. The Examiner concluded that subject to a series of recommended modifications, the Plan would meet the Basic Conditions and the legal requirements for neighbourhood plans and could proceed to referendum. The Examiner's Report can be found In Appendix B of this report.
- 2.10 An Individual Cabinet Member Decision Report was subsequently submitted and on 17th November 2022, the Cabinet Member decided to endorse the modifications recommended by the Examiner and to progress the Plan to referendum. Notice of the referendum was given and it was held on the 26th January 2023. The referendum was held in accordance with the Neighbourhood Planning (Referendums) Regulations 2012 (as amended in 2013). There was a turnout of 13.04% of eligible voters at the referendum, equating to 547 voters (electorate of 4195). Of the votes received 476 voted yes in response to the referendum question, *"Do you want Lancaster City Council to use the Neighbourhood Plan for Carnforth to help it decide planning applications in the neighbourhood area?"*

- 2.11 The Planning and Compulsory Purchase Act 2004 (as amended) by virtue of Section 38A(4) requires the Council to ‘make’, a neighbourhood plan if more than 50% of those voting at a referendum vote in support of the neighbourhood plan. It is therefore a legal requirement that the Council ‘make’ a plan following a positive outcome at referendum, the exception being where making the plan would breach, or otherwise be incompatible with, any EU or human rights obligations. The Council have assessed and concluded that the Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1988). The Examiner’s Report also states that the Plan does not breach the European Convention on Human Rights obligations. The Council agrees with this conclusion. Therefore, the Council is now under a statutory duty to ‘make’ the Carnforth Neighbourhood Plan.
- 2.12 Under Regulation 19 of Neighbourhood Planning (General) Regulations 2012 the Council will publish a decision statement (in draft form at Appendix C to this report) on its website setting out the reasons for making the Plan, where it may be inspected and send a copy of that statement to the Town Council.
- 2.13 The Plan runs between the period 2020-2031 to align with the adopted Local Plan and will be used in the determination of planning applications that fall within the boundary of Carnforth Town Council. Its effectiveness will be monitored annually, and the Town Council will need to review the Plan in due course as part of this process.

3.0 Details of Consultation

- 3.1 The Town Council and Council have carried out informal and statutory consultation as outlined in paragraph 2.8.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: ‘Make’ the Carnforth Neighbourhood Plan	Option 2: Do not ‘make’ the Carnforth Neighbourhood Plan
Advantages	The ‘making’ of the Plan is mandatory given the outcome of the referendum and legislative assessment, and therefore options in this regard are limited.	No advantages.
Disadvantages	No disadvantages.	The making of the Plan is mandatory given the outcome of the referendum and legislative assessment. By not ‘making’ the Plan the Council would be in breach of the regulations.
Risks	It is possible that a legal challenge, by way of a judicial review, can be brought against the Council’s decision to ‘make’ the Plan. The time	A legal challenge could be brought against the Council by way of judicial review if the Council does not ‘make’ the

	<p>period for court challenge would be six weeks from the decision. All reasonable measures have been taken to ensure procedural compliance and minimise risk for the Council.</p>	<p>Plan.</p>
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5.0 Officer Preferred Option (and comments)

5.1 As outlined in this report, the making of the Plan is mandatory given the outcome of the referendum and legislative assessment, and therefore the options in this regard are limited. The preferred option is for the Plan to be ‘made’.

6.0 Conclusion

6.1 In conclusion, following a positive outcome of the referendum on the Carnforth Neighbourhood Plan, and subsequent conclusion that the Neighbourhood Plan accords with the Basic Conditions for Neighbourhood Plans and does not breach, or is incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1988), the Carnforth Neighbourhood Plan should be ‘made’ and, as such become part of the statutory Development Plan for the area.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

The Examiner has confirmed that the 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 the modifications made, 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 Section 38A(4) and Section 38A(6) of the Planning and Compulsory Purchase Act 2004, this requires:

- (4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made—
- (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those

voting have voted in favour of the plan, and

(b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held [and, in any event, by such date as may be prescribed].

(6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

Given the above, in the case of Carnforth where;

- a) there was significant positive vote in favour of 'making' the Plan (more than 50% of the turnout); and
- b) it is concluded that the 'making' of the plan would not breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998),

there is a legal requirement for the plan to be made.

Upon being 'made', the Plan will be subject to a statutory period of time (six weeks) within which a legal challenge can be lodged.

FINANCIAL IMPLICATIONS

Once the Plan is 'made', should the Council seek to bring forward a Community Infrastructure Levy within the district in the future, 25% of any receipts generated from development within the boundary of Carnforth Town Council will be passed to the Town Council.

There may be a requirement for additional staff resources, but these are expected to be minimal and manageable within the resources available.

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

The Economic Growth and Regeneration Service is adequately resourced to advance neighbourhood plans and consider the policies when making planning decisions. There are no other direct implications.

SECTION 151 OFFICER'S COMMENTS

S151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

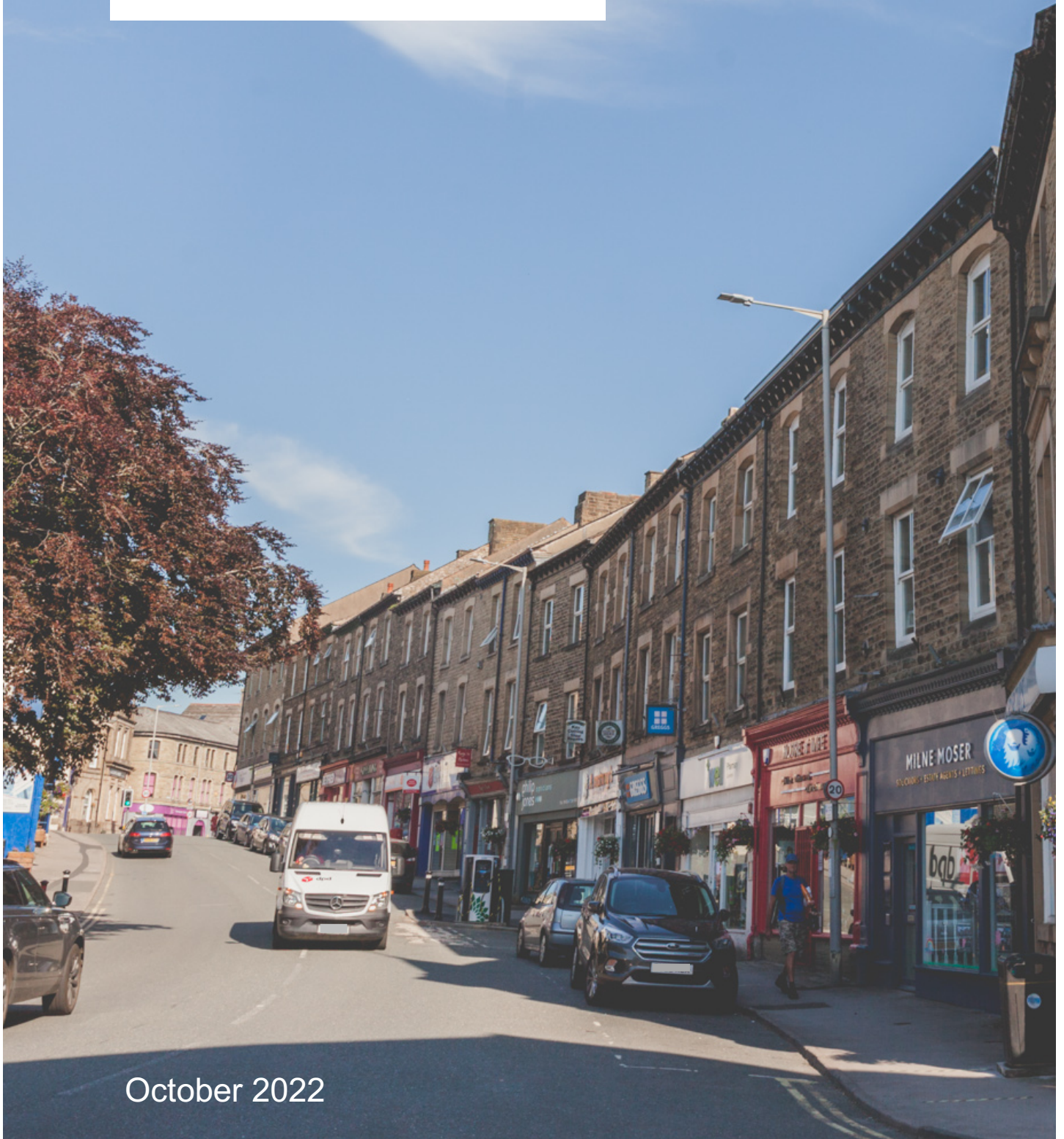
Appendix A – Carnforth Neighbourhood Plan
Appendix B - Examiners Report on Carnforth Neighbourhood Plan
Appendix C - Draft Regulation 19 Decision Statement

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CARNFORTH TOWN COUNCIL
NEIGHBOURHOOD PLAN

2020 – 2031



October 2022



**CARNFORTH TOWN COUNCIL
NEIGHBOURHOOD PLAN
2020 – 2031**

**FOR FURTHER INFORMATION PLEASE VISIT THE
CARNFORTH TOWN COUNCIL WEBSITE**

<https://carnforthtowncouncil.org/neighbourhood-planning/>

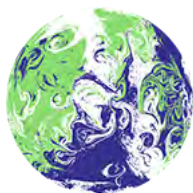
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IN PARTNERSHIP WITH ITALY

The draft Carnforth Neighbourhood Plan was showcased at COP26, having been selected as an example of how local communities can lead the way in working towards carbon neutrality. It formed part of a set of 'carbon stories' from across the north west region presented at the climate change conference.

Foreword

Welcome to the Carnforth Neighbourhood Plan (CNP). The CNP has been prepared by the CNP Steering Group comprising Carnforth Town Councillors, including Councillor Malcolm Watkins who chaired the Group, Bob Bailey, Town Clerk, and representatives from our local community.

Following extensive consultation, the 'Submission' version of the CNP was examined from August to October 2022 by an independent examiner who concluded that '..subject to modifications, the CNP reflects the views of the community and will set out a clear vision and suite of policies for the neighbourhood area'. The CNP has since been amended to incorporate these recommended changes.

We are immensely proud of our Town and this Plan provides the means for a new approach to its development providing our community with greater control over the type and scale of development and land use and also over the policies and projects needed to protect and enhance our beautiful local environment, heritage and economy.

The CNP has been prepared during a time of unprecedented, extraordinary and rapid change, locally and globally.

There is increased awareness of the climate emergency and the need for plans to promote more sustainable development which minimises resource consumption and carbon emissions and is climate resilient.

In addition, the Covid-19 pandemic has led to new ways of thinking about our homes, working and leisure environments, and highlighted the importance of our Town and surrounding area to the wider Lancaster community.

Our sincere thanks go to the Carnforth Neighbourhood Plan Steering Group, our planning consultants, Troy Planning & Design, Lancaster City Council and all those who live and work in the town who have played their part in shaping the long-term future of our Town.



**Councillor Chris Smith
Town Mayor**



1. Introduction

A new plan for Carnforth

- 1.1 This is the Neighbourhood Plan for Carnforth. It covers the entire Town Council area, as illustrated in Figure 1. It sets out the local community's aspirations for Carnforth over the period to 2031¹ and establishes policies relating to land use and development. These are policies that will influence future planning applications and decisions in the area. But the Neighbourhood Plan is much more than this. It represents the community's manifesto for Carnforth, bringing together more than just traditional planning matters.
- 1.2 The purpose of neighbourhood planning is to give local people and businesses a much greater say in how the places where they live and work should change and develop over time. Neighbourhood planning is designed to give local people a very real voice in shaping the look and feel of an area.
- 1.3 Carnforth was formally designated as an area for neighbourhood planning purposes in 25 April 2018². The Neighbourhood Plan Steering Committee has surveyed, spoken to and listened to members of the community, and has used the issues, and opportunities raised during that process to help inform production of the policies and projects now presented in this Neighbourhood Plan.
- 1.4 There are a number of stages involved in preparing a Neighbourhood Plan. Following a period of formal consultation the Plan was submitted for independent examination in February 2022. The Examiner recommended that, subject to modifications, the Plan proceed to Referendum.

¹ This aligns with the period covered by the Lancaster District Local Plan.

² The Localism Act 2011 (<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>) gave communities the power to develop neighbourhood plans, to be progressed by Town and Parish councils, or neighbourhood forums, as opposed to the local authority.

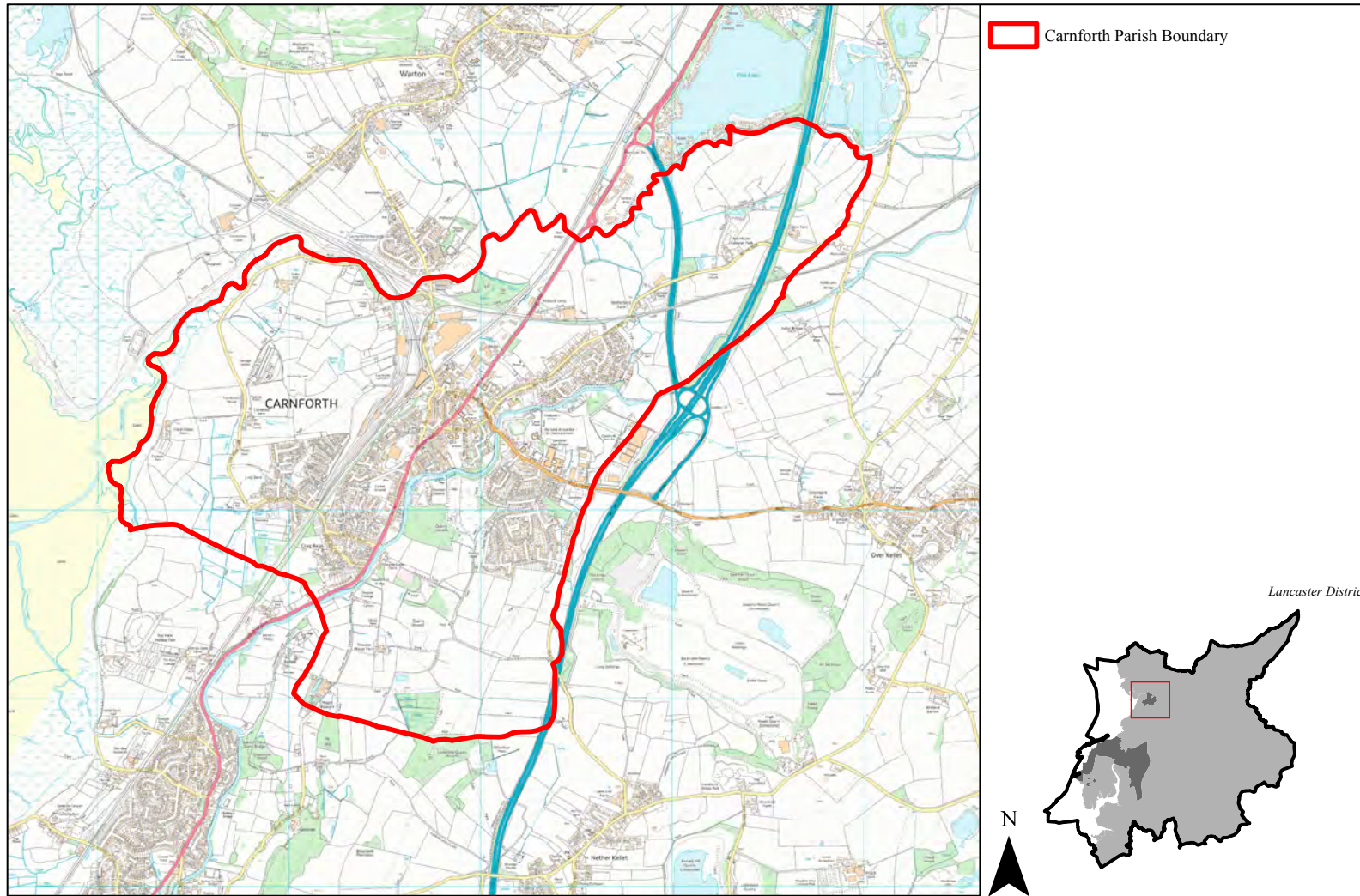


Figure 1: The designated Neighbourhood Plan area for Carnforth - Map produced by Lancaster City Council © Crown Copyright and database right 2018 OS 100025403

Structure of the plan

- 1.5 Following this introduction, the Neighbourhood Plan comprises seven further sections. These are:
- Section 2: 'Carnforth today', presents an overview of the area covered by the draft Neighbourhood Plan, what existing planning policy says for the area, and key issues and comments raised during consultation.
 - Section 3: 'Carnforth tomorrow', presents the vision and objectives for the Plan area.
 - Sections 4 – 8: These sections present the policies and associated projects for Carnforth. These are grouped and based upon the objectives outlined in Section 3.
- 1.6 Within sections 4 – 8, each topic area includes some introductory and explanatory text followed by a policy as follows:

Policy Box

The Neighbourhood Plan establishes land use and development management policies for Carnforth. These are contained in green shaded policy boxes, like this one.

- 1.7 The Town Council, in preparing the Plan, has identified a number of Town Projects and community aspirations in response to issues identified which relate to specific projects in the Neighbourhood Plan and whilst these are not formally part of the Plan itself they are identified as follows and set out in detail in Appendix 1 to the Plan:

Project / Aspiration Box

The Neighbourhood Plan covers more than just traditional planning matters as it presents the community's vision for the area. Items that the community are seeking, but that cannot be delivered through planning policy, are identified and contained in blue shaded project and aspiration boxes, like this one.

2. Carnforth 'today'

The neighbourhood plan area

- 2.1 The Neighbourhood Plan area covers the entire area within the Town Council boundary.
- 2.2 Carnforth is in the district of Lancaster in the Northwest of England. It is 9.24km to the north of Lancaster and bordered roughly by the A6 and local country roads to the south, the M6 to the east, the River Keer to the north, and Morecambe Bay to the west. A good proportion of the built form in the designated neighbourhood area is concentrated along the A6, which runs parallel to the M6, east of the town, though other less connected housing developments are located to the South West off Crag Bank Road, to the north east off North Road, and to the South off Kellet Road. It is noted that part of the Carnforth Business Park is within the Carnforth Neighbourhood Plan area.
- 2.3 The rail corridor and Lancaster canal act as constraints to Carnforth's development by preventing linkages from the main corridor to these less connected housing developments, as well as preventing general connectivity within the area. The canal is crossed over only once by a single-track road bridge, while the rail corridor splits the neighbourhood area east and west.
- 2.4 Despite the impact of the rail corridor, Carnforth railway station and town centre acts as a hub for the area, with retail offerings, public space, and other amenities available within a five-minute walk from the station. The railway station offers services to Barrow in Furness, Carlisle and the Cumbrian Coast to the north and west, Lancaster, Preston and Greater Manchester to the south, and Leeds and West Yorkshire in the East.

What you told us

- 2.5 The consultation exercises undertaken by the Neighbourhood Plan Steering Committee, on behalf of the Town Council, identified a range of issues of importance for addressing in the Neighbourhood Plan.
- 2.6 These included a lack of affordable housing, a lack of retail opportunities, traffic congestion and the need for improvements to existing parks and leisure facilities. Opportunities identified included the potential for greater pedestrianisation, heritage retention, potential for increase in leisure and tourism opportunities, and an increased frequency and quality of community events.

- 2.7 As part of the consultation exercises, a series of drop in events were held by Carnforth Town Council on 30th September 2019, from 2:00pm – 4:00pm and 5:00pm – 7:00pm at Carnforth Civic Hall, North Road. Visitors attended the drop-in events, where documents making up the Plan’s evidence base were on display for review by the public, including a draft version of the list of identified locally important heritage buildings. Members of the steering group were on hand to address any questions or feedback from the public, and this informed some further additions to the evidence base for the plan, including review of Lancaster City Councils self-build and custom-build register, review of the Scotland Road planning application, identification of locally important greenspaces, and the assessment of several small buildings within the local list.
- 2.8 A Business Survey (Appendix 2) was also distributed to understand the type of existing businesses and enterprises that operate within the Neighbourhood Area, their constraints, the state of physical and digital infrastructure within the town, and future issues and aspirations.
- 2.9 The results of the business survey established parking and traffic management as key issues to be improved, with 100% of respondents agreeing that more (or better managed) parking infrastructure would assist their business. Improvement of rail services and providing better walking and cycling linkages were also identified as areas for potential improvement.
- 2.10 It was identified that the majority of business customers are located outside of Carnforth and travel from surrounding areas (58.3%). This indicates one focus of the Neighbourhood Plan may be providing strategies for more local use of businesses, or to attract tourists from further afield who are visiting the nearby Lake District.
- 2.11 Affordability, and the need for smaller business start-up units were also identified as key priorities. Two thirds of respondents believed there was a need for additional business space in Carnforth, while half of respondents believed there was demand for the creation of low-cost flexible workspaces.
- 2.12 Although not all of these are ‘land-use planning policy’ matters, they do reflect the community’s concerns and hopes for the area and are thus embedded in this Neighbourhood Plan through a combination of the vision, objectives and supporting projects.

The development plan

- 2.13 Neighbourhood Plans must be prepared having regard to national guidance and legislation including the Localism Act (2011), the Neighbourhood Planning (General) Regulations (2012)³, the Neighbourhood Planning Act, the National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance (NPPG).
- 2.14 Neighbourhood Plans must be in general conformity with the strategic policies of the development plan. The development plan for Carnforth is the Local Plan for Lancaster District which includes a Strategic Policies & Land Allocations Development Plan Document (DPD) and a reviewed Development Management DPD. This was adopted by Lancaster City Council in July 2020. This presents the planning strategy for the District for the years up to 2031. A partial review of the Local Plan is now underway, responding to the declaration of a climate emergency and how mitigation and adaption measures might be incorporated in the Local Plan in response to this. The Neighbourhood Plan is cognisant of these changes and has been prepared in response to this and adopted policy against which the tests of the Basic Conditions are considered⁴.
- 2.15 The Local Plan includes a number of strategic policies of relevance to Carnforth. These include:
- **Policy SP2:** which sets out a settlement hierarchy and identifies Carnforth as a 'market town'.
 - **Policy SP3:** which states that future development should be focused on urban areas.
 - **Policies SP7 and SP8:** which seek to maintain the unique heritage and protect the natural environment.
- 2.16 Further information of relevance to Carnforth in other Local Plan policies include:
- **Policy TC1** (The Retail Hierarchy for Lancaster District) identifies Carnforth as a Market Town. As such it *'will maintain its role providing town services both to the residents of the town and a wider rural hinterland in the North of the district. It will enhance its role as a tourist destination drawing on its proximity to the Area of Outstanding Natural Beauty (AONB) and its cultural heritage'*.
 - **Policy TC2** (Town Centre Designations) notes that given the scale and role of Carnforth (as set out in TC1), the council has not sought to identify a Primary

³ Updated in 2015 and 2016

⁴ The Basic Conditions for a successful Neighbourhood Plan are required to demonstrate, amongst other matters, that the Plan is in general conformity with the strategic policies of the Local Plan.

Shopping Area or designate retail frontages. However, proposals for main town centre uses *'that are appropriate in scale, role and function for Carnforth will be expected to be located within the town centre boundary and in accordance with Policy DM16 of the Development Management DPD'*.

According to the Strategic Policies and Land Allocations DPD, *'retail growth in Carnforth and any other local centre within the district, should be commensurate with the role and function of the existing centre. Proposals should seek to maintain the vitality and viability of the existing centre but not seek to expand the role and function of the centre'*.

- **Policy EN2** (Areas of Outstanding Natural Beauty), which seeks to conserve and enhance the landscape character and visual amenity of such areas, as well as their setting. This is relevant given the proximity of the Arnside and Silverdale Area of Outstanding Natural Beauty to the urban area of Carnforth.
- **Policy EN4** (Green Belt) and associated **Policy DM50** (Green Belt) which notes that the North Lancashire Green Belt is identified as being between Lancaster, Morecambe and Carnforth, and where future growth in such areas should not result in the coalescence of these settlements. Inappropriate development will be restricted in line with national planning policy.
- **Policy EN5** (Local Landscape Designations) which seeks to conserve and safeguard important natural features identified in the urban landscape and the setting of urban areas, with the Local Plan noting that the landscape around Carnforth plays an important role in maintaining a distinction between town and country, providing a rural backdrop and setting to the urban area.
- **Policy DM27** (Open Space, Sports and Recreational Facilities) seeks to *'protect and enhance existing designated open spaces, sports and recreational facilities'*. This includes local green spaces. The Local Plan Policies Map – Inset 3 (see Figure 2) identifies the existing open space designations within Carnforth. Of particular note is the Lancaster Canal which forms part of the Green Space Network (SC4). A number of Open, leisure or recreational spaces exist within the neighbourhood plan area (SC3) but there are no designated local green spaces (SC2).
- **Policy DM37 – DM39 and DM41** (Historic Environment) which seek to conserve and enhance heritage assets and their setting.
- **Policy T3** (Lancaster Canal) which provides a robust and comprehensive mechanism to manage development adjacent to waterways.

- 2.17 There is one Strategic Housing Allocation within the Carnforth Neighbourhood Area, being, **Policy SG11: Land at Lundsfield Quarry, South Carnforth**, which is *'allocated as a site for residential-led development. The Council expects that once fully developed that this brownfield site will accommodate approximately 250 dwellings'*.
- 2.18 Land to the south of Windermere Road was allocated for development in the draft version of the Local Plan but was subsequently removed following examination. It is possible that this site may be promoted for development again in future reviews of the Local Plan, as may other sites. The Town Council will monitor the position and consider as appropriate in future updates to the Neighbourhood Plan.
- 2.19 **Land at the former TDG Depot, Warton Road, Carnforth** has also been designated as a Development Opportunity Site (**Policy DOS7**). Identified as such because of its need for regeneration and improvement, the TDG site is designated for a mixture of uses that are appropriate and suitable for the *unique position of the site*. Proposals that seek to generate significant levels of traffic will not be supported.
- 2.20 In addition to the above, permission has been granted for development of land at Scotland Road.
- 2.21 Other relevant policy documents prepared by Lancaster City Council include:
- Employment and Skills Supplementary Planning Document 2011-2031 (published February 2018)
 - Shopfront and Advertisements Supplementary Planning Document 2011-2031 (published November 2016)
- 2.22 In addition, the 'Meeting Housing Needs' Supplementary Planning Document was published in February 2013 but has subsequently been withdrawn with productions of an updated version of this now underway.
- 2.23 This Neighbourhood Plan has been informed by the Local Plan documents and the suite of supporting material providing evidence to this, all of which can be accessed via the Lancaster City Council website⁵.
- 2.24 At the wider sub-regional level, the draft North West Marine Plan (Marine Management Organisation, 2020) presents an approach to planning within the inshore and offshore waters between Scotland and Wales. It aims to enhance and protect vulnerable habitats and species, and natural defences, against climate change and flooding, as well as improving the well-being of coastal communities. This is particularly relevant given the sensitive environment of the Carnforth Coast.

⁵ See: <http://www.lancaster.gov.uk/planning>

Climate Change

- 2.25 This Neighbourhood Plan is also set in the context of the 'Climate Emergency' declared by Lancaster City Council in January 2019. The City Council has pledged to reduce its own carbon emissions to net zero by 2030 and to encourage others to do the same. An action plan has been agreed by the City Council, with other initiatives, such as a tree planting project, launched.
- 2.26 To ensure the Local Plan adequately reflects the new climate commitments, an immediate review has commenced. Consultation took place on this between September and November 2020. Carnforth Town Council responded to the consultation, highlighting the need for a greater focus on air quality and traffic control, protecting our heritage and environment, and promoting sustainable, affordable and self-sufficient housing.
- 2.27 Indeed, this Neighbourhood Plan seeks to promote high quality, eco-friendly design, that respects the environmental qualities and landscape setting of Carnforth (Policy E2). It promotes walking and cycling (Policy AM1), seeks to protect and enhance green infrastructure (Policies EN1 & EN3), and strives to protect and support the full range of facilities that make Carnforth a vibrant and attractive place (Policies E1, E2 & E3), reducing the need to travel, promoting social cohesion, health and wellbeing.
- 2.28 As the City Council reviews and updates policies in response to the Climate Emergency, so this Neighbourhood Plan will be reviewed.

Reviewing the Neighbourhood Plan

- 2.29 Notwithstanding the current defined period of the Neighbourhood Plan to 2031, it is recognised that, with further changes to and review of the Local Plan now well advanced, triggered by the declaration of the climate emergency, that the Neighbourhood Plan will likely be reviewed early.
- 2.30 Regular reviews of the Neighbourhood Plan against the evolving policy framework will enable the Neighbourhood Plan to remain 'current' and in conformity with the Local Plan and national policy. The Town Council will monitor the use and effectiveness of policies in the Plan to support a review. A monitoring framework is included in Appendix 4.

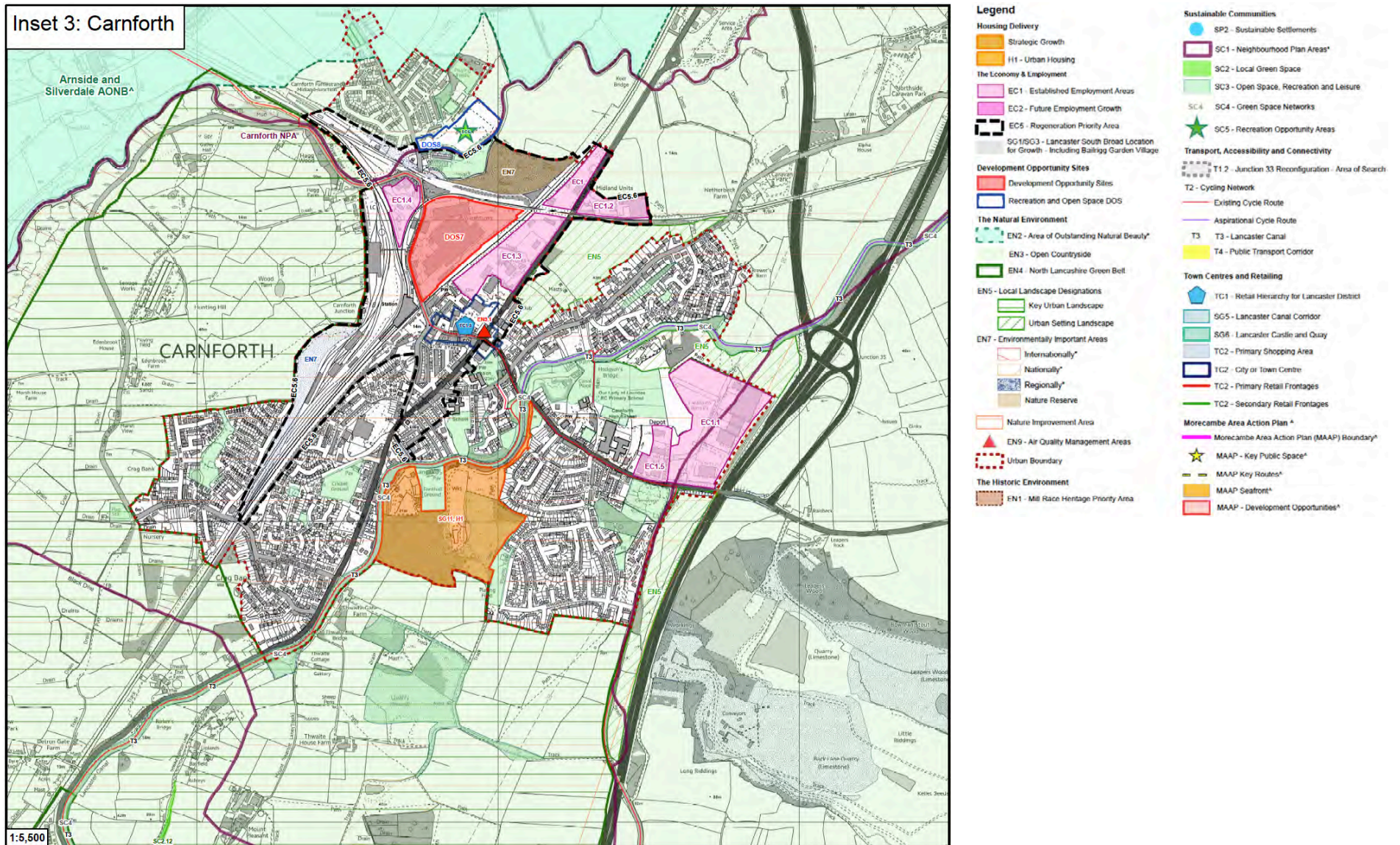


Figure 2: Lancaster District Local Plan - Policies Map Inset 3 (Carnforth)

3. Carnforth 'tomorrow'

Introduction

- 3.1 This section of the Neighbourhood Plan sets out the vision and objectives for Carnforth. It has been informed through consultation and establishes the community's aspirations for the future of the area.
- 3.2 It is set in the context of and builds upon the vision for Carnforth set out in the Lancaster Local Plan. This states that Carnforth will be:
- 'a successful and growing market town that has further developed its transport links and promoted its significant transport heritage to achieve and enhance its role as a busy centre for the rural areas of north Lancashire and south Cumbria'.*
- 3.3 The vision established in the Neighbourhood Plan is more locally specific than that in the Local Plan. It aspires to creating more integrated and cohesive communities, allowing people to shop and work locally, where the conditions have been created that allow people to walk and cycle around town, and where new development and changes to existing buildings, streets and spaces help create a more environmentally friendly future.
- 3.4 Alongside the vision a set of objectives have been established. The policies and projects that follow within this Neighbourhood Plan intend to deliver on these objectives. The next five sections of the Neighbourhood Plan present these, ordered in response to the objectives.
- 3.5 **It is important that the Neighbourhood Plan is read as a whole. All policies should be viewed together in the preparation and consideration of planning applications.**
- 3.6 A Neighbourhood Plan policies map has been prepared to provide clarity on areas referenced within policies in the Plan, including the extent of the built-up area, the Town Centre boundary, Conservation Area and the Central Carnforth Regeneration Priority Area. This is presented at the end of this section in Figure 3. It needs to be read in conjunction with the Lancaster City Council Local Plan Policies Map.

Vision

Our vision for Carnforth is that it becomes the vibrant and successful core of the area, where issues of poor air quality and traffic noise have been tackled.

Over the plan period, Carnforth will maintain sustainable patterns of development through conserving and enhancing the qualities of the built, natural and historic environment, by promoting development which reflects its distinct character areas, and encouraging well connected green infrastructure networks. New development will be well connected into the existing urban fabric.

Cohesive, sustainable transport links will have helped to reduce air pollution in the area supporting active and healthy communities. Together with improvements to pedestrian and cycling links in the area, many more residents, visitors and people working in Carnforth will benefit from an efficient alternative to car-based travel, and will work to transition to a net-zero carbon transport network, with any vehicle in the central area being of an ultra-low emission character.

New growth will meet local needs and will allow Carnforth to become more self-sufficient; with increased support of local tourism, enterprise and community lead events. Because of its heritage and development the town will become an even more attractive destination for visitors, including those visiting because of the town's transport links to the Eden of the North.

Objectives

3.7 The objectives below provide a framework for the Neighbourhood Plan policies.

Objective 01:

To ensure the character and significance of Carnforth's conservation area and heritage assets are protected, and to foster high-quality design which promotes architectural innovation and reinforces the distinct local character areas of Carnforth.

Objective 02:

To support initiatives that encourage tourism which will enhance the local economy and seek to retain and create local enterprises.

Objective 03:

To retain, enhance and provide new pedestrian and cycling facilities within Carnforth and the surrounding area, to provide seamless integration with the existing urban areas, public transport links and green spaces to encourage a reduction in vehicular travel, heavy vehicle movement and associated air pollution.

Objective 04:

To support sustainable development which reflects housing needs and preferences of the local community—considering affordability, type and mix and the use of previously developed land. The size, density and design of these dwellings should reflect the character of Carnforth.

Objective 05:

To support the growth of employment uses within Carnforth, including supporting diversification of employment types within Carnforth.

Objective 06:

To protect and enhance existing habitats and green infrastructure networks through sensitive development and to encourage local habitat improvement and creation.

Objective 07:

To promote development that is responsive and resilient to flood risk and climate change.

Objective 08:

To promote, preserve and support community facilities and opportunities for their development.

Objective 09:

To ensure that the desired pedestrian access to all retail space in the Town Centre is given top priority.

Objective 10:

To ensure that the rich heritage assets of the town can be appreciated by residents and visitors with public access, better public realm and less traffic impact.

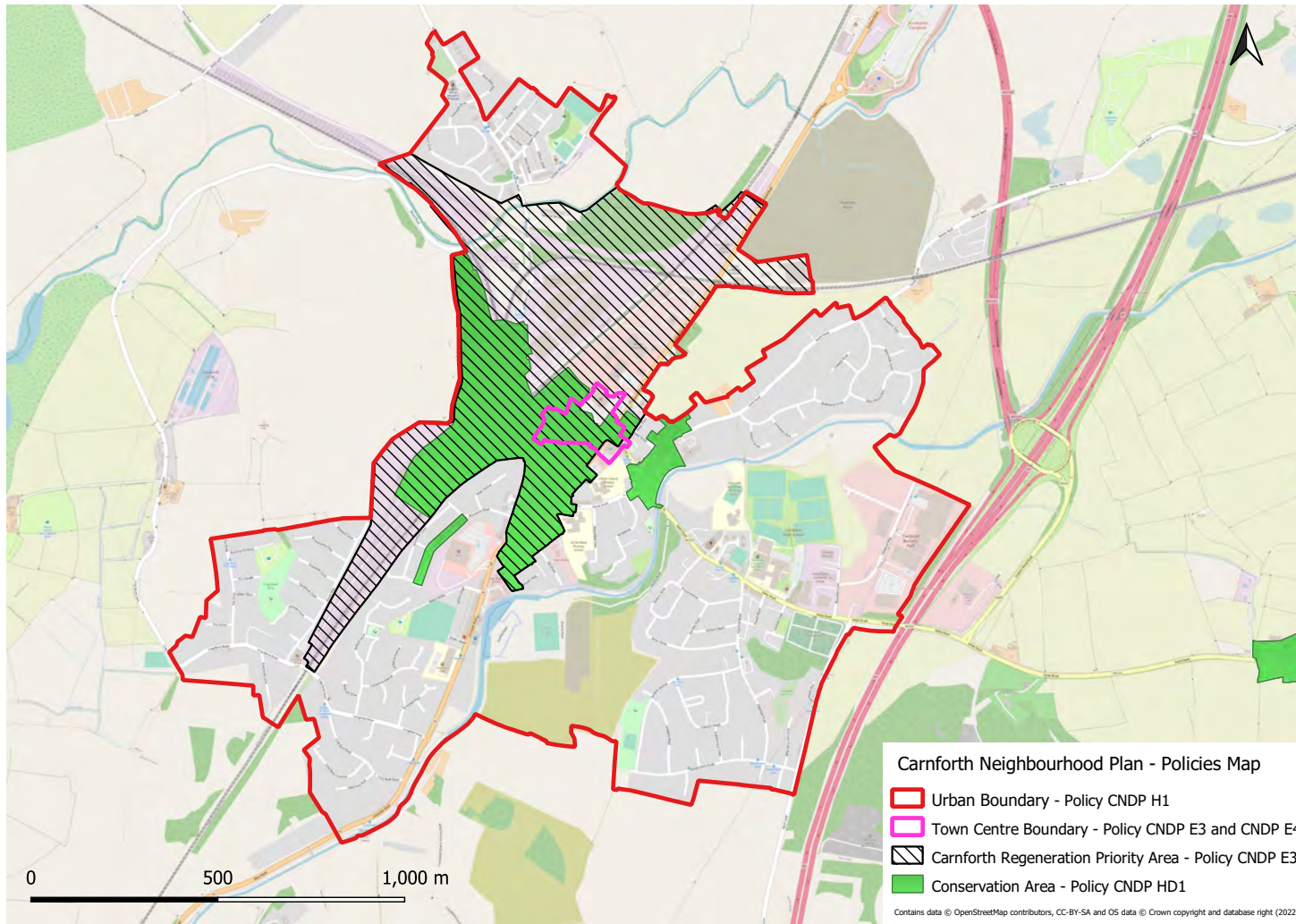


Figure 3: Carnforth Neighbourhood Plan Policies Map (to be read alongside the Local Plan Policies Map)

4. Heritage & design

Objective 01:

To ensure the character and significance of Carnforth's conservation area and heritage assets are protected, and to foster high-quality design which promotes architectural innovation and reinforces the distinct local character areas of Carnforth.

Objective 10:

To ensure that the rich heritage assets of the town can be appreciated by residents and visitors with public access, better public realm and less traffic impact.

Heritage

- 4.1 The development of Carnforth has been shaped by its location as a natural junction, initially and most recently for roads both large and small and for a hundred years or more from the mid 19th century, for railways. Its historic core, centred around Market Street, Lancaster Road and Scotland Road, has been in existence for nearly two centuries, prior to the advent of private motor vehicles. Therefore, the core of the town has not been built to accommodate the private motor vehicle.
- 4.2 A Conservation Area Appraisal (CAA) was adopted for Carnforth in June 2014. The Conservation Area is focused on the town centre, but also includes peripheral areas including the railway station and corridor. The railway area was included within the Conservation Area designation 'because of its special importance in railway history, and as a key driver for the growth of the town after the 1840s' (Architectural History Practice and Taylor Young, 2012).
- 4.3 Heritage assets in the Conservation Area include Victorian era houses, shops and banks, canal bridges, and historic churches. The CAA divides Carnforth into four distinct character areas.
- 4.4 Within the Carnforth designated neighbourhood area itself, there are 26 Listed Buildings. Of these, there are 12 Listed Buildings within the Conservation Area, 8 of which are railway structures located near Carnforth Station. Three of these railway structures are listed as Grade II*, while the other five are listed as Grade II. The CAA is particularly concerned with the degradation of these railway structures.
- 4.5 The CAA notes that most of the Conservation Area's other buildings appear to be in good condition, in active use, and well maintained. According to the CAA, development within other parts of the Conservation Area should be resisted in most cases, with appropriate change taking the form of refurbishment to restore and

enhance the character of the areas. The Neighbourhood Plan should help conserve and enhance the significance of these heritage assets.

- 4.6 This is particularly pertinent in light of the allocated employment sites and Development Opportunity Site – Land at Former TDG Depot, Warton Road, Carnforth (DOS7) as proposed in the emerging Local Plan that abuts the Conservation Area. The proximity of these sites present a risk to the Conservation Area’s preservation and the Neighbourhood Plan seeks additional protections to guide the scale or type of employment allowed in these areas.

Policy CNDP HD1: Conserving the historic environment

1. Proposals relating to designated and non-designated heritage assets will be supported where they:
 - a) Take account of the most up-to-date assessment of the significance of the heritage asset and the impact of the development upon that significance;
 - b) Take account of the need to sustain and enhance the significance of heritage assets; and
 - c) Avoid the total loss of significance and avoid or minimise harm to heritage assets through alterations or new developments (including in their setting) except where this accords with National and Local Plan requirements.
2. Proposals for new development should demonstrate how they respond to the local character and built form. As set out in the Design Code (Appendix 2):
 - a) within the Conservation Area, any development should respect the character of the surrounding built form, in terms of design, scale, massing, material and height;
 - b) within the Conservation Area, any development must create areas of positive character by retaining as much historic fabric as possible and responding to prevailing characteristics in terms of street patterns, density and layout, built form, materials and details; and
 - c) where developments would affect a heritage asset, either directly or via its setting, the choice of materials and architectural styles should be respectful of its significance.

- 4.7 The CAA also identifies buildings which have a positive contribution on the Conservation Area but are not designated. The Neighbourhood Plan looks to ensure protection of these assets by incorporating them into a list of Locally Designated Heritage Assets. These are set out in Appendix 2 (Carnforth Local List). The selection criteria and methodology used is consistent with that used by the City Council and identification of these assets is supported by Lancaster City Council.

Policy CNDP HD2: Locally Designated Heritage Assets

1. The following assets are designated as locally designated heritage buildings (see Appendix 2).

Pre-Industrial Assets

- a) 114 North Road, House and Barn
- b) Hall Croft Barn, North Road
- c) Two Barns formerly associated with Plane Tree House, North Road
- d) 133a & 133b North Road
- e) Barn at Hodgsons Croft, North Road

Canal Assets

- a) Canal Cottage / Canal Turn Public House
- b) Kellet Road Canal bridge

Post-Industrial

- a) Carnforth Station (1880)
- b) Police Station, Lancaster Road (1880)
- c) Former National Westminster Bank, corner Market Street, Scotland Road (1889)
- d) Hawk Street Congregational Chapel (1897)
- e) Royal Station Hotel, Market Street
- f) Roxy cinema, Market Street – currently occupied by the Co-op (1912)
- g) Carnforth War Memorial
- h) Civic Hall, North Road
- i) Former Co-op, New Street (1885)
- j) Former Morphy's Mill at Travis Perkins
- k) Lancashire County Library, Lancaster Road (1936)
- l) The Haws, Private School for Girls, Haws Hill
- m) Carnforth Inn, Lancaster Road and Market Street
- n) Coke Ovens, Thwaite End
- o) Station House, Station Masters House, Haws Hill
- p) Thwaite Gate Farm
- q) WWII Pill Box, Cemetery Woods

2. Development proposals affecting non-designated heritage assets and their settings within the Plan Area shall be permitted only if, having regard to the scale of any harm or loss and the significance of the heritage asset, the balanced judgement is that they would preserve the historic or architectural interest of the asset.

High-quality design

- 4.8 The NPPF emphasises the importance of high-quality design and the role that Neighbourhood Plans can play in setting design expectations. It states, at para 127:
- ‘Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.’*
- 4.9 A design code (Appendix 2) has been prepared in support of this Neighbourhood Plan. This establishes key design principles across four topics: Heritage Assets; Urban Structure and Built Form; Movement; and Green Infrastructure. These principles should be reflected in all new development proposals.
- 4.10 The design code identifies five Focus Areas (A – E) based on townscape and local character (Figure 4). A Matrix (Figure 5) outlines which part of the code relates to which Focus Areas, providing a useful guide as to how development proposals can respond to local character through design, layout, materials and landscape. The Neighbourhood Plan strongly encourages developers to make use of this tool.

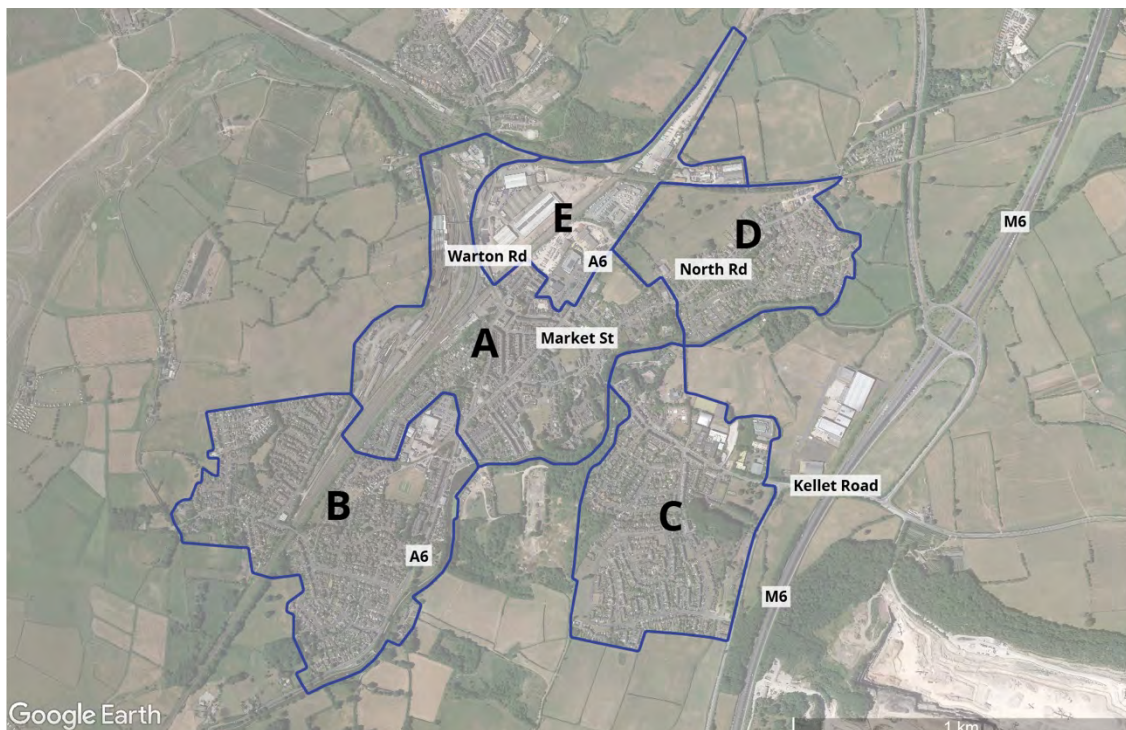


Figure 4: Focus areas identified in the Carnforth Design Code (map source: Google Earth)

Focus Area	Heritage Assets			Urban Structure and Built Form								Movement							Green Infrastructure					
	Conservation Area	Listed Building	Other historic features	Building Blocks and Building Line			Building Heights and Skylines		Architectural Style	Density and Housing Layout			Street Typology					Non-Vehicular Route	Parking Typology			Statutory and Non-Statutory	Open Space	Trees, Hedgerows, Woodland
				Informal	Formal	Linked Buildings	Uniform Roofline	Varied Roofline		Low Density	Medium Density	High Density	Primary Street	High Street	Secondary Street	Town Street	Internal Street		Garage and On-Plot Parking	On-Street Parking	Courtyard Parking			
A	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B		●		●	●		●	●	●	●	●				●	●	●	●		●	●	●	●	●
C					●	●	●	●	●		●			●	●	●	●	●			●	●	●	●
D		●		●			●	●	●	●				●	●	●	●	●		●	●	●	●	●
E												●			●									

Figure 5: Design Code Matrix

Policy CNDP HD3: Design

1. Proposals for new development should demonstrate how they respond to the local character and built form expressed through scale and massing of development as well as use of materials and landscaping. The height and density of new development will reflect the existing built form. New development should help contribute to an improved quality of place with provision of good walking and cycling routes, building frontages that align with the existing built form and overlook the street clearly defining public and private realm.
2. The Carnforth Design Code sets out in detail how development can achieve high-quality design. Proposals for new development must use these codes as a guide to help support and enhance Carnforth's existing character. In particular:
 - a) Developers should give careful consideration to any potential impacts brought by development on Carnforth's historic assets (Design Codes HA1 – HA3).
 - b) Any development should pay attention to the 'building lines' which characterise the area and respond accordingly (Design Codes BL-I, BL-F and BL-L).
 - c) New buildings should be sympathetic to the height and roofline design of nearby development (Design Codes BH-UR and BH-RD).
 - d) Future development should use the 'materials palette' when detailing house designs and respond to the street-setting appropriately (Design Code ASM).
 - e) Parking provisions should provide a balanced mix of parking solutions that are integrated into the design and layout of proposal to support its appearance without cars becoming visually dominant (Design Codes Mo-OPP, Mo-OSP and Mo-CP).
 - f) Any development should retain and enhance existing open space, woodland, trees and hedgerows (Design Codes GI-ED, GI-OS and GI-WTH).
 - g) Any development must use appropriate and sympathetic materials in both new shop fronts and the renovation of existing shop fronts that respect the historic setting of the area (Design Code section 5.2).

5. Economy

Objective 02:

To support initiatives that encourage tourism which will enhance the local economy and seek to retain and create local enterprises.

Objective 05:

To support the growth of employment uses within Carnforth, including supporting diversification of employment types within Carnforth.

Leisure and tourism

- 5.1 Carnforth is a town rich in rail heritage. Headlined by the Carnforth Station and Visitor Centre, this heritage has become a draw for tourists. One of the few examples of a working rail station on the national network also being a tourist attraction, its connection with the classic film Brief Encounter sees 50,000 people visit each year⁶. 75 years on from the film's release, visitors can watch it in the award-winning Visitor Centre and take a picture under the iconic clock⁷.
- 5.2 Carnforth is also an important gateway for exploring the varied and attractive valleys, moors and undeveloped coastline that characterises the surrounding landscape. This includes Warton Crag which overlooks Carnforth and is a popular hiking, climbing and abseiling destination⁸. The Lancaster Canal also has an important leisure and tourism role in Carnforth and the wider area.
- 5.3 To support this recreational and industrial tourism, Carnforth has three hotels and a number of caravan parks in and around the neighbourhood area. Other sites, such as Carnforth Bookshop, which stocks more than 100,000 second-hand and antiquarian books, benefits greatly from the increased footfall⁹.
- 5.4 The success of the visitor centre demonstrates that the town is an important destination for visitors to both Carnforth and the wider area. Applications for uses and interventions that seek to strengthen this role are welcome. This includes

⁶ Visitor attendance in Lancashire 2018 and 2019/20

⁷ <https://www.visitlancashire.com/explore/carnforth>

⁸ *ibid*

⁹ *ibid*

promoting leisure and cultural uses within the town, strengthening the retail offer and enhancing the quality of the public realm and visitor experience.

- 5.5 Carnforth also has an important role to play in support of the proposed Eden of the North Project in Morecambe. Its location close to major transport links would provide visitors with a convenient northerly route to the project, with the town becoming a sustainable point of access, not only for the project but also for the wider area. The Town Council is keen to facilitate this role by ensuring that the town's tourist facilities and services leave a lasting impression on visitors. In association with the Carnforth Business Network and Lancaster City Council, the Town Council has prepared a brochure exploring the role Carnforth can play in supporting the Eden of the North project and how it might capture the economic benefits of the project. This is included within the appendix to the Neighbourhood Plan.
- 5.6 Opportunities that strengthen the Rail Station and Visitor Centre's offering will be welcomed, providing tourists with another wet weather visitor attraction that enables them to prolong their stay, while the development of linkages that connect outdoor recreational areas and the Eden Project North with the town centre through active mobility and public transport connections will also be sought. It is important that visitors experience a good sense of welcome to Carnforth. Improvements to the gateways into the town should thus be made, making this an attractive place for people to visit and come back to.
- 5.7 Both the Bay Cycle Way, a popular cycling path that runs along the coast for 80 miles from Barrow-in-Furness to the canal port of Glasson Dock, and the Lancaster Coastal Way, a 66-mile-long coastal footpath between Merseyside and Cumbria, pass through Carnforth. The town is one of many stop-offs where cyclists and ramblers might rest and explore, providing economic opportunities for cycle servicing and tourism accommodation. The English Coastal Path, when completed, will also go through Carnforth, likely increasing the number of visitors the town receives. Schemes that maximise the relationship with the waterfront should be explored as an important part of the town's offer. This includes access to and along the waterfront for walking and cycling, but could extend to boating and other leisure-based activities.
- 5.8 The Carnforth Community Pool is also an important community asset. It is well used by the Carnforth community but also has a large catchment, being used by many schools. The Pool was previously at risk of closure and is on a long lease from Lancaster Council. It shall be retained and preserved.

Policy CNDP E1: Leisure and Tourism

1. Sustainable development that improves the quality and diversity of existing tourist facilities, attractions, accommodation and infrastructure, including green infrastructure, will be viewed favourably. The development of existing facilities will be required to demonstrate that:
 - a) the siting, scale and design has strong regard to the local character, historic and natural assets of the surrounding area; and
 - b) the design and materials are in keeping with the local style and reinforce local distinctiveness and a strong sense of place.
2. Proposals for the development of new leisure and tourism facilities will be supported providing that:
 - a) The scale, massing and design reflects the existing character of the area;
 - b) There is no unacceptable harm to the amenity of residents; and
 - c) It is well connected to public transport links and the traffic impact is not significant.
3. Tourist development outside the built-up area will also be assessed in terms of its visual, landscape and transport impacts, and long-term measures to encourage sustainable travel, environmental stewardship and overall good site management will be required.
4. Carnforth Community Pool is an important community and leisure asset and shall be retained. The loss of the Pool or other leisure and tourist facilities in Carnforth, including the change of use of these facilities, will only be considered where:
 - a) It can be demonstrated that the facility is no longer viable, having been actively marketed for a period of twelve months; or
 - b) The proposed alternative use would provide equal or greater benefits for the local economy and community.

Project/Aspiration CNDP E(a): Carnforth Gateways Public Realm Improvements

See detail at Appendix 1 Ref: CNDP E(a).

Project/Aspiration CNDP E(b): Marina

See detail at Appendix 1 Ref: CNDP E(b)

Employment

- 5.9 There are 78,100¹⁰ economically active people within the Lancaster District. The Local Plan recognises the need to deliver greater employment opportunities and investment in the district to support economic growth.
- 5.10 Findings from the Business Survey (Appendix 2) carried out in consultation for this Neighbourhood Plan highlighted that traffic management, parking and access were key constraints to businesses in Carnforth. A need for smaller business start-up units, flexible working spaces and improved digital capabilities were also identified as potential areas of opportunity to uplift business in Carnforth. These issues are particularly pertinent given the importance of digital capacity and flexible working spaces during the Coronavirus pandemic.

Policy CNDP E2: Employment

1. Applications for employment uses in established employment areas should be supported. In particular, applications for small start-up units and flexible working spaces are encouraged to meet the employment needs of the local community.
2. Opportunities that diversify the employment offer should be encouraged.
3. Outside established employment areas, applications for employment uses should demonstrate that they are compatible with neighbouring uses and do not cause harm to residential amenity and conform with the policies in this Plan.
4. Proposals for employment uses should consider the accessibility of the site. Proposals that are supported with a Travel Plan will be favoured, especially those that provide accessibility via active travel and other sustainable transport modes.

¹⁰ Employment Land Review (Turley Economics 2015). See:
<https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information>

Town centre

- 5.11 Successful places benefit from the presence of local centres that comprise a range of services and facilities to cater for day-to-day needs, which allow people to shop within walking distance of the home, and to engage in other social activities and events. The Coronavirus pandemic has highlighted the importance of facilities that allow people to live locally, creating strong, resilient and inclusive communities.
- 5.12 The District Local Plan Settlement Hierarchy identifies Carnforth as a Market Town, the role of which is to *'maintain its role providing town services both to the residents of the town and a wider rural hinterland in the North of the district. It will enhance its role as a tourist destination drawing on its proximity to the [Lake District] AONB and its cultural heritage'*.
- 5.13 As a Market Town, the Local Plan does not identify a Primary Shopping Area within Carnforth. As such, guidance on retail development in the town centre is limited. The Neighbourhood Plan therefore provides extended guidance on employment and business development within Carnforth's town centre.

Policy CNDP E3: Town Centre

1. Proposals for Use Class E development, including retail uses, will be supported if they will improve the diversity and footfall in the area.
2. Proposals which generate employment and develop local businesses / services through the extension, conversion or replacement of existing buildings or provision of new buildings within the Town Centre will be supported.
3. Support for proposed new development in the central area is subject to that development avoiding significant adverse effects in terms of:
 - a) Impact on neighbouring properties, or the locality in general in terms of noise, fumes, odour or other nuisances;
 - b) Impact on local and rural character in terms of scale, visual impact and nature of operations; and
 - c) Traffic generation, congestion and other traffic related nuisance.
4. Proposed new development in the Town Centre shall support appropriate redevelopment within the Regeneration Priority Area of Central Carnforth identified in the Lancaster Local Plan.

5.14 There are a wide range of commercial business premises operating in the town centre. These include shops and offices, bars, cafes and restaurants and clubs. Inevitably, the quality of design of their frontages and associated signage varies considerably.

5.15 The Design Code notes that:

Within Carnforth, the town centre and most shops sit within the conservation area, however, new construction methods and materials have led to a diffusion of the “standard” modern shop front within shopping streets. This type of shop front is usually characterised by aluminium or plastic framework, with a large area of plate glass, often incorporating a doorway.

5.16 Poor quality shop fronts undermine the visual quality of the town centre and its historic qualities that the District Council is seeking to preserve and enhance through the conservation area designation. It is thus considered important that shopfronts respond better to local character and bring a consistency of style to the town centre.

Policy CNDP E4: Shopfront design

1. Well-designed improvements to existing shopfronts and other commercial properties in the town centre are welcomed.
2. Proposals for new shopfronts and commercial properties should be designed such that they are well proportioned, taking into account the age and architectural detail of the building, the wider Conservation Area and the town centre as a whole.
3. As per the Carnforth Design Code (Section 5.2), special attention should be paid to the following elements:
 - a) Windows
 - b) Recessed doorways
 - c) Materials
 - d) Signs and advertising
 - e) Stall Riser
 - f) Security

6 Access & movement

Objective 03:

To retain, enhance and provide new pedestrian and cycling facilities within Carnforth and the surrounding area, to provide seamless integration with the existing urban areas, public transport links and green spaces to encourage a reduction in vehicular travel, heavy vehicle movement and associated air pollution.

Objective 09:

To ensure that the desired pedestrian access to all retail space in the Town Centre is given top priority.

Walking and cycling

- 6.1 Carnforth sits to the west side of the M6 motorway, which connects the town with the wider region. The Design Code outlines a hierarchy of streets in Carnforth which provide vehicular access throughout the town (see Design Codes ST1 – ST5).
- 6.2 Primary streets provide access in and out of the town, with the A6 acting as the primary distributor and spine to which the wider network connects; secondary streets, such as the B6254, connect Carnforth's town centre to the motorway and to Warton / Silverdale; town streets connect up the residential areas; and Market Street is the 'primary movement corridor' within these areas.
- 6.3 Driving is the most popular mode of transport in Carnforth, particularly for those commuting. Likely due to the geographical distances that those in Carnforth travel to work, there is a higher number of cars and vans per household in Carnforth than in the wider Lancaster district.
- 6.4 Given the high levels of car dependency and single occupancy vehicle trips within the area, the Neighbourhood Plan can help to encourage active transportation options for those working in Carnforth, while encouraging more efficient modes of transportation for those working outside of it.

- 6.5 Alongside the Neighbourhood Plan, research has been undertaken through the 'DecarboN8' programme¹¹ to explore the case for walking and cycling measures (see Appendix 2), investigating how these can contribute towards better health, social and environmental outcomes. This includes design and placemaking measures, traffic management and public realm schemes.
- 6.6 All walking and cycling routes should reflect the 'Five Cs':
- **Connected:** good pedestrian routes which link the places where people want to go, and these should form a network
 - **Convenient:** direct routes following desire lines, with easy-to-use crossings
 - **Comfortable:** good quality footways, with adequate widths and without obstructions
 - **Convivial:** attractive well-lit and safe, and with variety along the route
 - **Conspicuous:** legible routes easy to find and follow, with surface treatments and signs to guide pedestrians
- 6.7 Important existing routes for walking and cycling in Carnforth include the Bay Cycle Way and the Lancaster Canal. The Bay Cycle route is well promoted by Sustrans and provides a long-distance touring route around Morecambe Bay. As well as being an important amenity for local residents it also attracts visitors to the area and has the potential to support local businesses.
- 6.8 New or improved walking and cycling infrastructure should reflect best practice principles, drawing on the summary principles for cycle infrastructure design as laid out in the Department for Transport's 'Gear Change' strategy¹². This includes:
- treating cyclists as vehicles, not pedestrians;
 - physically separating cyclists from high volume motor traffic; and
 - joining cycling infrastructure together to create a seamless network between nodes.
- 6.9 Local Transport Note 1/20 published by the Department for Transport¹³ sets out standards for design of new infrastructure which should be followed by local authorities and developers.

¹¹ DecarboN8 is funded through the Engineering and Physical Sciences Research Council to research design, trial and help adopt low carbon transport solutions in response to climate change. The ideas and solutions are 'place-based', recognising that different solutions might be needed in different areas. The University of Manchester was awarded funding to explore the case for walking and cycling interventions.

¹² Gear Change: A bold vision for cycling and walking. Department for Transport, 2020.

¹³ <https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

- 6.10 Alongside provision of safe street conditions and junctions for walking and cycling is a need to increase the provision of cycle parking in Carnforth, particularly within the town centre. Safe and secure parking facilities should be accommodated within the public realm, though designed such that provision responds positively to the character and quality of the built environment. Covered cycle parking is also encouraged, particularly within new commercial development, which should also provide shower and locker facilities for cyclists.
- 6.11 In light of the COVID-19 pandemic, cycling and walking infrastructure has become more important than ever, providing a way for people to travel and exercise whilst maintaining social distance from others. In line with *Traffic Management Act 2004: network management in response to COVID-19*¹⁴, this neighbourhood plan should look to take advantage of this opportunity to deliver “transformative change” and fundamentally alter the travel habits of Carnforth residents.

Policy CNDP AM1: Active travel

1. Support will be given to proposals for development that incorporate improved and extended footpaths and cycle paths. Paths provided should be direct, convenient and safe to use.
2. Proposed new development should provide a safe pedestrian and cycle environment. Including by natural surveillance of public spaces and routes.
3. Proposals for non-residential use should support and enable active travel through inclusion of safe, secure and convenient cycle parking as well as changing facilities.
4. Proposals for development that reduce the capacity or safety of existing active travel infrastructure, including footpath or cycle space, will not be considered favourably.

Project/Aspiration CNDP AM(a): Cycle infrastructure

See detail at Appendix 1 Ref: CNDP AM(a)

¹⁴ See: <https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities/traffic-management-act-2004-network-management-in-response-to-covid-19>

Air quality

- 6.12 In 2018, the Department for Transport and Office for Low Emission Vehicles (OLEV) published their Road to Zero Strategy, setting out their ambition for at least 50% of new car sales to be ultra-low emission by 2030¹⁵. The use of electric vehicles is an important measure in reducing emissions locally with provision of necessary infrastructure essential. It is therefore important that new development responds to these changes.
- 6.13 Paragraph 105 of the NPPF notes the importance of managing development to reduce emissions and improve air quality and paragraph 107 notes that parking spaces for electric charging and other ultra-low emission vehicles should be provided.

Policy CNDP AM2: Charging points for electric vehicles

1. Where public parking is provided in new development encouragement should be given to a proportion of spaces being equipped to provide charging stations ready for immediate use by electric cars and vans.
2. Public EV charging infrastructure, such as cabling, should be provided such that it can be expanded to provide additional charging stations for future use.
3. EV charging points should be positioned sensitively to ensure that there are no harmful impacts upon pedestrian circulation or the immediate appearance of the street scene and wider townscape.
4. New housing development should provide electric vehicle charging points. There should be at least one charging point per dwelling for houses and for flats which have an allocated car parking space. For flats which don't have an allocated parking space, provision should be made for a shared communal charging point.

- 6.14 Planning policies should be in compliance with and contribute towards EU limit values and national objectives for pollutants, taking account of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites.
- 6.15 Carnforth's development to the west has been constrained by limited and outdated access routes. This has exacerbated air quality problems in the town centre, with all east-to-west traffic, including HGVs, forced to use Market Street, the town's main shopping area.

¹⁵ See: <https://www.gov.uk/government/news/government-launches-road-to-zero-strategy-to-lead-the-world-in-zero-emission-vehicle-technology>

- 6.16 Consequently, an AQMA was declared in the town centre in 2007. Though emissions have since dropped below the threshold required to implement an AQMA, Lancaster District continues to monitor the levels. With Carnforth's housing allocations under the Local Plan, growth is expected to further increase the number of vehicles on the road. The AQMA is located at the intersection of the A6 and Market Street, the two busiest roads in Carnforth. The intersection of these roads is often a bottleneck for traffic, thus worsening the air quality, and creating noise disturbances from the number of cars and HGVs. To counter these effects, it is imperative to reduce the number of cars and HGVs on this segment of the road and shift to alternative modes of transport alongside providing infrastructure for EVs.
- 6.17 The Neighbourhood Plan aims, through new and sustainable transport links, to support active and healthy communities. Market street, being the main retail area in Carnforth, provides an opportunity to support a more pedestrian friendly area, while enhancing the market character of the town through placemaking interventions. Currently, the pavement on this road is very narrow, creating barriers for users with physical disabilities, those hoping to social-distance in the time of COVID-19, or to expanded business uses.
- 6.18 There is an identified need for programming in public spaces to ensure that organisations including Carnforth Town Council and the Carnforth Business Network can utilise areas around town for successful events and activities that are open to the public. Currently, the Carnforth Cenotaph is used for events on Remembrance Day, and to occasionally host public markets, however, other public spaces are less programmed. Part of this comes down to the design of spaces, and the need to ensure they can support such programming. Improvements to the quality of the public realm in the town centre, including Market Street, are central to this.

Project/Aspiration CNDP AM(b): Market Street and town centre public realm improvements

Enhancing the quality of the town centre and Market Street in particular is a key priority for the Town Council and cuts across all of the objectives identified in the Neighbourhood Plan.

See detail at Appendix 1 Ref: CNDP AM(b).

Town-wide connectivity

- 6.19 Carnforth's development to the west has been constrained by limited and outdated access routes. In turn this has exacerbated air quality problems in the town centre as all east – west vehicular traffic, including HGVs, has been forced to use Market Street, the main shopping area.
- 6.20 To support improvements in air quality as well as the retail and visitor experience of the town centre, a wider range of town-wide connections and projects should be explored.
- 6.21 The building of a new road from the A6 at Truckhaven over the West Coast mainline and the River Keer would provide direct access to the former Iron Works site, now a developing industrial park. Not only would this create a direct route to the M6 for the majority of HGVs using Carnforth but it would also have the added benefits of enabling through traffic from Silverdale and Warton to by-pass Carnforth town centre and of allowing the introduction of a more environmentally friendly traffic management system in the centre itself.
- 6.22 The Town Council is keen to ensure that the allocated development at Lundsfield Quarry for 250 dwellings does not exacerbate existing pressures on Carnforth's road network. As such, the Town Council encourages development of a new road link across the Lancaster – Kendal Canal, allowing for the new development to be better integrated with the town centre.
- 6.23 Access to Lundsfield Quarry development would be further improved by the future development of the Land to the south of Windermere Road, the proposal for which originally included a new route between Back Lane and the A6 at Crag Bank. The Council supports its inclusion in future iterations of the Local Plan, particularly if the site were designated to support leisure and sporting facilities.

Project/Aspiration CNDP AM(c): Improving town-wide accessibility

See detail at Appendix 1 Ref: CNDP AM(c).

7 Housing

Objective 04:

To support sustainable development which reflects housing needs and preferences of the local community—considering affordability, type and mix and the use of previously developed land. The size, density and design of these dwellings should reflect the character of Carnforth

Housing development

- 7.1 The Lancaster District Local Plan 2011-2031 identifies Carnforth as sustainable location for future development growth:

'Carnforth is the third largest settlement within the district, identified as a Market Town within the settlement hierarchy, and is considered to be the northern hub of the district, providing key services to the rural communities in the north of the district. It also has strong public transport links that may be further enhanced via the delivery of the Lancaster District Transport and Highways Masterplan. As a result, Carnforth is considered to be a highly sustainable location for future development growth, which can build on its strong and improving transport links within the wider region.'

- 7.2 Due to Carnforth seeing low levels of development growth over recent decades, largely because of the constrained nature of the town's surroundings – to the north and west is the Arnside and Silverdale AONB, to the east the M6 creates a barrier to growth, and to the south and west is North Lancashire Green Belt – the Local Plan is now seeking to provide opportunities for expansion within the town.
- 7.3 Through Local Plan policy H1 (Residential Development in Urban Areas), the Lancaster District Local Plan 2011-2031 allocates approximately 250 dwellings to the Carnforth Neighbourhood Area. These dwellings are part of the Strategic Growth Allocation SG11 - Lundsfield Quarry, South Carnforth.
- 7.4 Though not allocated in the Local Plan, development of land adjacent to Scotland Road has progressed since receiving planning permission in 2019 for 213 dwellings with associated vehicular and cycle/pedestrian access to Scotland Road and cycle/pedestrian access to Carnforth Brow/Netherbeck.
- 7.5 The Town Council acknowledges that new housing development will take place over the life of the Neighbourhood Plan. The Neighbourhood Plan does not allocate sites, nor establish its own housing target for the Neighbourhood Area, but it does provide general guidance as to the mix and location of any proposed new development.

Policy CNDP H1: Housing

1. In addition to the strategic growth locations set out in the Local Plan, proposals for new housing located within the Urban Boundary of Carnforth which meet housing needs (including affordable housing, as set out in the Housing Needs Assessment in Appendix 2) will be supported subject to the other policies in the Neighbourhood Plan and wider Development Plan. Proposals will be looked on favourably where:
 - a) The proposed development is for an infill gap, or on previously developed land, within the continuity of existing buildings.
 - b) The proposed development reflects the scale and density of existing development in the local area, as set out in the character areas identified in the Carnforth Design Code.
 - c) The proposed development responds positively to the Carnforth Neighbourhood Plan Design Code.
 - d) The proposed development is well integrated with the existing built form, and is laid out with good connections that encourage people to walk and cycle. Cul-de-sac layouts shall generally be avoided.

Housing type and mix

- 7.6 Building for a Healthy Life, the latest edition of Building for Life – a design tool to guide authorities and developers in creating better places for people and nature – emphasises the need for a mix of housing types that meet the needs of the local community¹⁶.
- 7.7 Their guidance includes promoting the following¹⁷:
- A range of housing typologies supported by local housing needs and policies to help create a broad-based community;
 - homes with the flexibility to meet changing needs;
 - affordable homes that are distributed across a development; and
 - homes should also be designed to make it difficult to determine the tenure of properties through architectural, landscape or other differences. This is often called ‘tenure blind’.

¹⁶ Building for a Healthy Life: A Design Toolkit for neighbourhoods, streets, homes and public spaces [ONLINE]. Available at: <https://www.designforhomes.org/project/building-for-life/>

¹⁷ ibid

- 7.8 As part of this Neighbourhood Plan, a Housing Needs Assessment (HNA) (Appendix 2) has been prepared to help identify the appropriate housing mix for development proposals that come forward in the future. This provides a more granular and locally-specific assessment of housing needs for Carnforth than prepared on a district wide basis by Lancaster City Council.
- 7.9 The result of the life-stage modelling exercise undertaken through the HNA is that to minimise misalignments between supply and demand, new development should prioritise the provision of smaller homes; 43% of dwellings in new developments should have 1 bedroom, 38% should have two bedrooms, 0% should have three bedrooms, 1% should have four bedrooms and 18% should be of 5 bedrooms or more.
- 7.10 The HNA also notes that the income required to buy an average market home is higher than that available to median household incomes, and the income required to buy an average entry-level home for sale is higher than that available to those on lower quartile earnings, even where two members of the household are earning.
- 7.11 As such, and in line with Government Policy aimed at tackling the housing crisis by focusing on those with modest incomes and young buyers, the HNA identifies the most appropriate tenure split for Carnforth would be 70:30 affordable rented to intermediate tenures, recognising the priority in delivering affordable rented homes for those with limited resources. The most appropriate tenure would be shared ownership which, at a 25% or a 50% share, remains significantly more affordable than starter homes.

Policy CNDP H2: Housing Mix

1. Proposals for new residential development that maximise the delivery of affordable housing in line with the recommendations of the Housing Needs Assessment at Appendix 2, and which provide for the size, type and tenure of homes to meet local needs, will be encouraged and supported, provided they comply with other relevant policies.
2. The unit mix in new residential development should prioritise the provision of smaller homes, in particular one and two bed dwellings, subject to viability.
3. The size (number of bedrooms), type (flat, house, extra care etc) and tenure (social and affordable rented, intermediate, shared ownership or other) of affordable homes for each proposal will be based on up-to-date evidence of local needs.
4. Proposals that include affordable housing should ensure that the design is tenure blind.

8 Environment & community

Objective 06:

To protect and enhance existing habitats and green infrastructure networks through sensitive development and to encourage local habitat improvement and creation.

Objective 07:

To promote development that is responsive and resilient to flood risk and climate change.

Objective 08:

To promote, preserve and support community facilities and opportunities for their development.

Natural Environment and Setting

- 8.1 Carnforth is surrounded by many areas of significant biodiversity and green infrastructure (Figure 6). To the south west is the North Lancashire Green Belt. The Green Belt contains sites of Special Scientific Interest, as well as nationally identified “environmentally important areas”. The Carnforth coast, which abuts the west of the designated neighbourhood area, is a designated RAMSAR site and an Area of Outstanding Natural Beauty. If any development is proposed here, it will need to consider the impacts on the Arnside and Silverdale AONB to the North and the designated areas of Urban Landscape Setting around the edge of the urban area. Furthermore, the Lancaster Canal is a designated Biological Heritage Site and functions as an important part of the green and blue infrastructure network in Carnforth as well as a wildlife corridor within the Plan area.
- 8.2 Any development proposed within Carnforth will need to clearly indicate how the impacts of development on landscape and biodiversity have been considered, with biodiversity net gain developed, as demonstrated through use of the Defra Biodiversity Metric. Wherever possible, net-gain should be delivered on site. This could take a variety of forms and include the use of landscaping, green roofs, walls and sustainable drainage systems, increasing biodiversity value and augmenting existing habitats.

- 8.3 Proposals for biodiversity net gain that are offsite will need to be shown to be deliverable by the applicant and where it involves the use of land outside the control of the applicant will need to be agreed by the relevant parties. This could potentially involve the greening of existing streets and spaces where appropriate and subject to maintenance and management with the highway authority. Any proposals shall reflect good practice advice¹⁸.
- 8.4 Lancaster City Council has indicated that, as part of the review of the Local Plan, a 'Green and Blue Infrastructure Strategy' will be prepared, and which may indicate how existing networks may be improved. This will help inform an approach to the monitoring of net gain as well as helping to inform potential locations for offsite delivery. However, until such time as this is prepared it will be for the applicant to identify deliverable locations for biodiversity net gain.

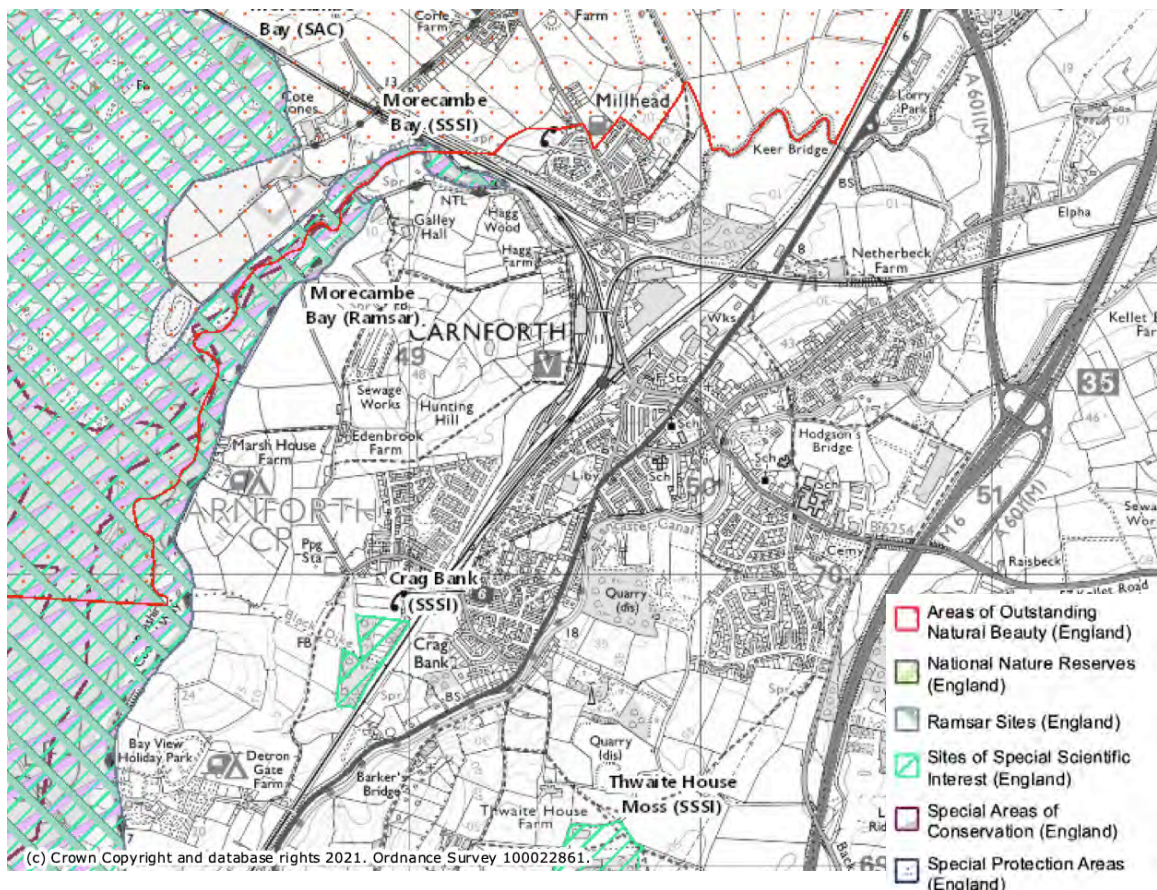


Figure 6: Environmental designations in and adjacent to Carnforth. Source: Magic (Defra)

¹⁸ See: Ciria, 2019, Biodiversity net gain, Good practice principles for development: A practical guide. <https://cieem.net/wp-content/uploads/2019/02/C776a-Biodiversity-net-gain.-Good-practice-principles-for-development.-A-practical-guide-web.pdf>

Policy CNDP EC1: Local Biodiversity, Landscape and Character

1. Development either supported or proposed by policies or projects contained within the Carnforth Neighbourhood Plan, or any other development that may come forward in the Neighbourhood Plan area, may only be permitted if it can be concluded that the proposals, either alone or in combination with other plans or projects, will not adversely affect the integrity of any European designated sites. Any proposals must be accompanied by information to allow the competent authority to consider the impacts of development.
2. Development should not result in any significant loss of natural assets, and should seek to enhance the existing. Where there is unavoidable loss or damage to habitats, sites or features because of exceptional circumstances, mitigation and compensation will be required. Development which causes loss of trees, hedgerows and woodland should include replacement of those assets within the site or, where this is demonstrated to not be practical, contribute to off-site provision.
3. Development proposals should conserve or enhance biodiversity in the Neighbourhood area, and aim to achieve a biodiversity net gain of 10%, as demonstrated through use of the most up-to-date version of the Defra biodiversity metric at the time of application. Biodiversity net gain should be delivered onsite unless undeliverable, in which case proposals for net gain will be sought off-site within the Neighbourhood Plan area.
4. Design guidance set out in the Carnforth Design Guide should be referenced in new development with applicants demonstrating how they have responded to landscape character and green infrastructure. Development proposals should consider open spaces as an integral aspect of the development form, retaining and enhancing existing open space. The siting and spacing of development should reflect the landscape character and setting, allowing for the retention of long distance views of the surrounding countryside from the public realm, with trees and landscaping incorporated into the design. On sites on the edge of Carnforth and adjacent to the surrounding countryside, development should preserve the landscape character of roads and lanes, including retention of grass verges, hedgerows and trees.

Local Green Spaces

- 8.5 In the Lancaster District Local Plan, the Council retains a presumption towards the retention and protection of green spaces and green corridors:

'Particularly where it can be demonstrated that they provide value, either economically, environmentally or socially, to the community they serve. Opportunities to enhance and extend these natural assets should also be sought and will be supported by the council.'

- 8.6 Within Carnforth's Designated Neighbourhood Area, a number of sites have been designated as Open Space, Leisure and Recreational spaces, which through Local Plan Policy SC3 are protected from *"inappropriate development"*. The Lancaster Canal, along which the majority of these spaces are found, is designated as a Green Space Network (SC4). This will be protected from development which would *"cause inappropriate harm and damage to their value and integrity"*.

- 8.7 Through consultation on the Neighbourhood Plan, attention was drawn towards the protection of green spaces within Carnforth. Under the NPPF, potential exists for local communities, through Neighbourhood Plans, to identify and designate Local Green Spaces for protection and which are of importance to the local community. The NPPF states that Local Green Spaces should only be designated where the green space is:

- a) *in reasonably close proximity to the community it serves;*
- b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) *local in character and is not an extensive tract of land.*

- 8.8 Many of the green spaces in Carnforth already benefit from some form of policy protection as established through the NPPF or through the Local Plan. However, it is clear that the local community would support designation of green spaces in Carnforth. Through a review of the Neighbourhood Plan, and reflecting any changes proposed through the review of the Local Plan, the Town Council will seek to consult with the community and landowners to identify suitable green spaces for designation and how they satisfy the criteria.

Project/Aspiration CNDP EC(a): Local Green Spaces

See detail at Appendix 1 Ref: CNDP EC(a).

Improving parks and spaces

- 8.9 The Disused Tip Adjacent to Midland Terrace is the site of the old Carnforth Ironworks and is currently protected under Lancaster Local Plan policy EN7 – Environmentally Important Areas as a Biological Heritage Site. During its occupation by the Carnforth Ironworks, waste material was for many years dumped on the shore on what is known as the slag tip. Given the identified potential to leverage Carnforth’s historic assets for increased tourism, as well as the need for remediation on this site and the importance of biodiversity to balance against the threats of climate change, the Town Council has identified this as an aspirational project for the future of the town.

Project/Aspiration CNDP EC(b): Remediation of disused tip adjacent to Midland Terrace

See detail at Appendix 1 Ref: CNDP EC(b)

- 8.12 The Town Council recognises that the physical presence of public spaces alone is not enough to ensure their frequent use, or the success of these spaces. Where development is proposed adjacent to a green space it should respond positively to that space, creating, where appropriate, active new fronts that overlook and create natural surveillance of the space, making it safer for all to enjoy. Schemes should avoid creating hidden corners and ‘left over space’.

Policy CNDP EC2: Development adjacent to parks

1. With the exception of floodlit sports pitches, where planning applications are submitted for land adjacent to parks, open spaces, and locally designated greenspaces, development proposals should be designed to respond positively to the green space through the arrangement of buildings that front onto and overlook the green space, providing natural surveillance, and which help create new routes and entrances to the space.

Sustainable housing standards

- 8.10 A high proportion of carbon dioxide emissions come from heating, cooling and powering buildings. Reducing carbon dioxide emissions and other air pollutants will contribute to objectives to reduce greenhouse gas emissions and tackle the effects of man-made climate change.
- 8.11 Growth in population and employment is likely to make it challenging to reduce emissions. However, growth also provides a number of opportunities for securing reduced emissions, including the construction of highly energy efficient homes.
- 8.12 All development in Carnforth will be expected to make use of the best available sustainable design and technology. Proposals for development are expected to minimise the use of resources, mitigate against and be resilient to the impact of climate change.
- 8.13 The Home Quality Mark¹⁹ has been developed by BREEAM to provide an indication of the quality and environmental performance of a new home. Housebuilders are encouraged to use this assessment method.
- 8.14 Similarly, Passivhaus standards are encouraged²⁰. Passivhaus is *"a building in which thermal comfort can be achieved solely by post-heating or post-cooling the fresh air flow required for a good indoor air quality, without the need for additional recirculation of air."* In doing so, the building uses very little energy, depending on the following elements:
- High levels of insulation.
 - High performance windows with insulated frames.
 - Airtight building fabric.
 - A mechanical ventilation system with highly efficient heat recovery.
 - Carefully positioned windows and doors to moderate sun exposure in summer.
- 8.15 Development should be encouraged to meet high standards of sustainability through consideration of the highest 'BREEAM' standards, Home Quality Mark and 'Passivhaus' standards.

¹⁹ See: <https://www.homequalitymark.com/>

²⁰ See: <https://www.passivhaustrust.org.uk/>

Policy CNDP EC3: Sustainable Housing

1. New housing developments are encouraged to meet high standards of sustainability and accord with one or more of the following standards or their successor standards at the design and completion stages:
 - a) BREEAM Standards.
 - b) Passivhaus Standards.
 - c) Home Quality Mark.
2. Housing proposals should show how resource efficiencies and climate change adaptation measures will be incorporated through aspects such as the layout of the proposed development, orientation, massing, landscaping, sustainably sourced building materials, water efficiency measures and foul and surface water management utilising sustainable drainage systems.

Dark skies

- 8.13 The CPRE Night Blight Map indicates that much of Carnforth has light levels above 16 nanowatts/cm²/sr⁴, including those areas on the outskirts of the built-up area of the town.
- 8.14 The Town Council supports measures to protect and enhance the dark night sky throughout the Neighbourhood Plan Area, recognising the benefits it brings in terms of health and well-being for residents and wildlife. Meanwhile, excessive lighting (security lights, floodlights, streetlights) wastes energy whilst disrupting the behaviour patterns of people and wildlife.²¹
- 8.15 The National Planning Policy Framework (2021) states that planning policies and conditions should “limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. This is supported by National Planning Practice Guidance on Light Pollution (2019) which states that local planning authorities need to be aware of “*where the light shines; when the light shines and how much the light shines*”²² as it can be a “*a source of annoyance to people, harmful to wildlife and undermine enjoyment of the countryside or the night sky*”²³.

²¹ CPRE Night Blight. See: <https://www.nightblight.cpre.org.uk/>

²² NPPG Paragraph: 002 Reference ID: 31-002-20191101

²³ NPPG Paragraph: 001 Reference ID: 31-001-20191101

- 8.16 High Kelvin rated lighting can create a harsh glare, disrupt sleep and disturb nocturnal wildlife and their habitats. The International Dark Sky Association (IDA) advise that outdoor lighting should not exceed a rating of 3000 Kelvins. Equally, the IDA recommends that any light fixtures with an output above 500 lumens should be fully shielded and pointing downwards to minimise glare and shadow.

Policy CNDP EC4: Dark Skies

1. Proposals for development will be supported where it is demonstrated that, if external lighting is required, it protects the night sky from light pollution through:
 - a) The number, design, specification and position of lamps;
 - b) full shielding (at the horizontal and above) of any lighting fixture exceeding 500 initial lumens and evidence of limited impact of unshielded lighting through use of adaptive controls; and
 - c) limiting the correlated colour temperature of lamps to 3000 Kelvins or less.
2. Any lighting scheme must not impact negatively, particularly near edges of areas of ecological value including woodland and green spaces – specifically near habitats used by bats and other light-sensitive protected species.
3. The assessment of the impact of lighting on dark skies should be taken from the existing baseline position.



Appendix 1: Carnforth Community Projects and Aspirations

The Town Council in preparing the Plan has identified a number of Town Projects and community aspirations in response to issues identified in relation to:

- Leisure and Tourism.
- Cycle infrastructure.
- Market Street and Town Centre public realm improvements.
- Improving town wide accessibility.
- Local Green spaces.
- Remediation of disused tip adjacent to Midland Terrace.

These are referenced within the blue shaded boxes in the Plan and set out in more detail below:

Project/Aspiration CNDP E(a):

Carnforth Gateways Public Realm Improvements

1. The Town Council will investigate the potential for a public realm improvement scheme that looks to re-design the vehicular entrances to the town (including those gateways along the A6, Kellet Road and Warton Road) in partnership with Lancaster City Council as appropriate. Any such scheme would be subject to community involvement, with the intention being to improve visitor first impressions by making the town gateways more attractive and less industrial.
2. Linked to the town's leisure and tourism offer, the appropriate reuse of the former Steamtown site for visitor purposes will be explored and supported by the Town Council.

Project/Aspiration CNDP E(b):**Marina**

1. In partnership with Lancaster City Council and the Canal & River Trust, the Town Council is keen to investigate the feasibility of providing a canal-based marina on the outskirts of Carnforth that would help expand the town's tourism offer beyond its industrial heritage to include a waterside economy and capture the wider benefits from the Eden of the North Project in Morecambe. This would need to meet the appropriate safety and technical specifications, and protect the integrity of the waterway²⁴.

Project/Aspiration CNDP AM(a):**Cycle infrastructure**

1. The provision of improved cycleways and, where possible, new cycleways, is strongly encouraged by the Town Council, including better connections with the existing network as well as new points of access arising from developments on the A6, at Truckhaven and Booths, for example.
2. Where new routes, or improvements to existing routes, are provided, they should accord with best practice design principles, including those established in Department for Transport's 'Gear Change' strategy. The Town Council is keen to work with partner organisations, such as the Highways Authority, Sustrans and the Canal & River Trust, to explore the feasibility of delivering new and improved routes, as listed below, as well as any impacts on the Air Quality Management Area. In some cases these extend outside of the Neighbourhood Plan boundary and their design and delivery will require a coordinated approach with neighbouring Councils.

Improved Routes:

- a) The Canal towpath
- b) Along the A6 north and south
- c) To Over Kellet
- d) To Nether Kellet along Back Lane
- e) To Warton along Warton Road, although a new route from Millhead is proposed

...Continued overleaf

²⁴ Information on the consents process for Marina development established by the Canal & River Trust is available via <https://canalrivertrust.org.uk/business-and-trade/inland-marina-development-guide/new-marina-application-process>

New Routes:

- a) From the A6 (near Keer Bridge) to Netherbeck and Carnforth Brow; through Scotland Road development amenity land
- b) Through development at Lundsfield Quarry (SG11) via Tipping Lane
- c) From Carnforth to Nether Kellet
- d) From Carnforth to Thwaites/Crag Bank/Mount Pleasant Lane
- e) From Carnforth to Bolton-le-Sands via Highfield Lane
- f) From Lundsfield Quarry Site (SG11) to adjacent sites, including new links to Windermere Road and improvements to the public right of way onto Kings Drive and Dunkirk Avenue, improving connectivity with shops and schools in the area. New links into the Town Centre (via a new foot and cycle bridge) could also be provided (with any crossing of the Canal subject to the appropriate consents).

Project/Aspiration CNDP AM(b):

Market Street and town centre public realm improvements

- 1. Enhancing the quality of the town centre and Market Street in particular is a key priority for the Town Council and cuts across all of the objectives identified in the Neighbourhood Plan.
- 2. The Town Council is keen to explore the feasibility of a public realm project that reduces the volume of through traffic in the town centre, particularly that associated with cars and HGVs, and which creates a more attractive environment for pedestrians and cyclists.
- 3. This may involve the rationalisation and reconfiguration of street space, including widened pavements and 'multi-functional' spaces that support a regular and thriving market as well as other outdoor events and activities.
- 4. This will be subject to ongoing discussions with partner organisations, exploring the feasibility of such proposals, and which balance the improvements with the need to retain some parking and delivery access to support business activities.

**Project/Aspiration CNDP AM(c):
Improving town-wide accessibility**

1. To support improvements to air quality and conditions for pedestrians and cyclists in the town centre (as set out in Project / Aspiration CNDP AM(b)), projects that help remove through traffic from the central area are encouraged. The Town Council is keen to explore a range of potential town-wide access projects to be taken forward in conjunction with delivery of the town centre improvement projects. These are subject to discussion with the relevant authorities and feasibility testing, including impacts on the Air Quality management Area, and include:
 - a) A new link road from the A6 / A601 (M) to the former ironworks site.
 - b) A new link road over the Lancaster – Kendal canal, providing improved connections to the A6 for residents and businesses of existing and new developments (with any crossing of the Canal subject to the separate consent and agreement of the Canal & River Trust).
 - c) A new link between Back Lane and the A6 at Crag Bank.

**Project/Aspiration CNDP EC(a):
Local Green Spaces**

1. The Town Council is keen to identify potential green spaces in Carnforth that are suitable for designation as 'Local Green Space' and which may form the basis of a policy in a future review of the Neighbourhood Plan.
2. The process for designation would involve consultation with the community and landowners to better understand the suitability and appropriateness of any designation, and how the identified sites satisfy the criteria for designation established in the NPPF and Planning Practice Guidance.

**Project/Aspiration CNDP EC(b):
Remediation of disused tip adjacent to Midland Terrace**

1. The land at the disused tip adjacent to Midland Terrace is designated as a Biodiversity Heritage Site. The site shall be retained as an important site for biodiversity but, with opportunities to introduce sensitive access explored whilst preserving the industrial heritage and environmental qualities, enabling people to benefit from enjoyment of the green space.

Appendix 2: Baseline Evidence

The Neighbourhood Plan draws on the following material, all of which can be found on the Carnforth Town Council website:

<https://carnforthtowncouncil.org/neighbourhood-planning/>

The documents include:

- Carnforth Neighbourhood Plan Design Code
- Carnforth Consultation and Business Survey
- Carnforth Housing Needs Assessment
- Carnforth Local List
- Design Standards and Practices for Walking and Cycling in Carnforth

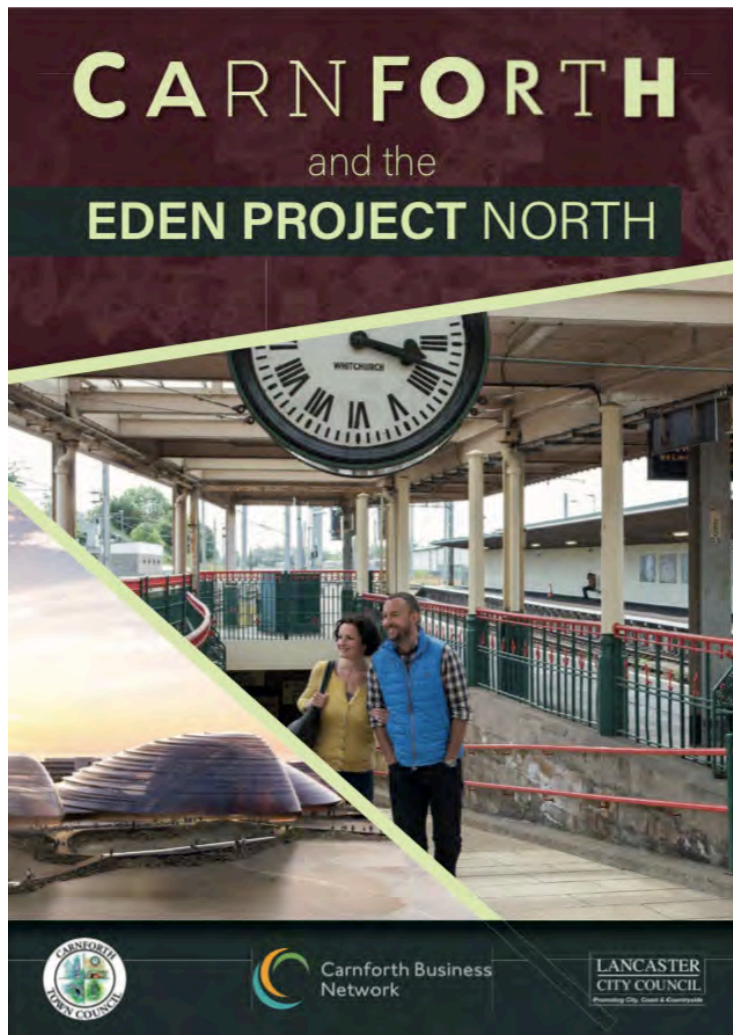
The Neighbourhood Plan also draws upon the Lancaster District Local Plan and the suite of technical evidence documents prepared in support of that. The evidence documents are available via the Lancaster City Council website:

<https://www.lancaster.gov.uk/planning/planning-policyplanning-policy-and-new-local-plan/new-local-plan/evidencebase/>

Other documents referred to within the Neighbourhood Plan are sourced via the series of footnotes.

Appendix 3: Carnforth and the Eden of the North project

This appendix includes a copy of the brochure prepared by the Town Council with the Carnforth Business Network and Lancaster City Council, exploring how the town might position itself to share in the economic benefits of the proposed Eden of the North project in Morecambe.



A case for consideration

Introduction

Carnforth is a market town with a population of approximately 5,000 that sits at the heart of a railway network, one of the few in the North West that has routes North, South, East and West. It also lies just over a mile from Junction 35 of the M6 and is accessible within an hour's car journey by most of the almost 5 million population of the North West of England not to mention many more from Yorkshire.

The Carnforth offer: Heritage and Transport

Carnforth is known above all else as a railway town and this is undoubtedly its unique selling point. Carnforth Station was the setting for director David Lean's 1940s romantic film, *Brief Encounter*, starring Celia Johnson and Trevor Howard, and is a tourist attraction in its own right. However, the station complex is also home to the former Steamtown railway museum.

Steamtown was closed to the general public more than two decades ago. The site is owned by West Coast Railways and is now used exclusively for the maintenance and restoration of their fleet

of historic steam and diesel locomotives and rolling stock. West Coast Railways run steam train excursions from Carnforth throughout the year attracting large numbers of enthusiasts from all over the world.

With appropriate encouragement, together with funding and marketing expertise and financial investment, it is hoped that West Coast would be willing to develop their site as a public attraction once again. Additionally, and in celebration of Carnforth's steam train heritage, they would be able to offer steam train excursions to Morecambe and the Eden Project that would supplement more frequent electric train shuttles from Carnforth utilising the latest locomotives and rolling stock for the service.

Carnforth's location close to the M6 also offers the chance to tap into new forms of public transportation to enhance the visitor experience and, at the same time, to reduce the impact on the environment. A fleet of hydrogen powered buses serving a new park and ride site on the A6 between the motorway and the town centre, would provide tangible support for the Eden Project's environmental credentials.



The bus company, Traveller's Choice, have their headquarters on the A6 in Carnforth and would seem to be an obvious candidate for further exploration of this idea. Bus provision could be supplemented by new and existing cycle ways from the park and ride site to a Carnforth station interchange and directly to Morecambe.

The Carnforth offer: Accommodation and Services

Carnforth has several holiday chalet campuses, caravan parks and a small number of hotels and guest houses, all of which are privately owned, with many more in the immediate hinterland that would enable visitors who wanted to extend their stay to explore with ease the southern Lakes, the western Dales, the Furness peninsula, the Lune Valley and the Arnsdale and Silverdale AONB.

We should not underestimate the popularity of the area immediately to the west of Carnforth with ornithologists and naturalists. Leighton Moss and Warton Crag are ecologically important both locally and nationally and the RSPB Centre at Leighton Moss attracts a

large number of educational visits from across the country.

The shopping offer in Carnforth is varied ranging from three large supermarkets to a landmark local bookshop, an art supplies shop as well as a number of cafes. There are also a number of restaurants and local pubs offering a range of different cuisines within a two or three mile radius of the town.

The Carnforth offer: Jobs and Workforce

Carnforth is expanding both residentially and commercially. Two planning applications have recently been approved that will bring the total number of new residential units in preparation to over 600 and work has just begun on a new industrial site adjacent to the M6 which will be the prestigious new home to a Porsche car dealership amongst others. Taken together with the infrastructure proposals already described in support of the Eden Project, Carnforth has and will have much to offer with regard to local employment opportunities across a range of different fields, some traditional such as building and tourism, others more cutting-edge in the transport and environmental fields. The Eden Project can be both a catalyst for and beneficiary of these developments.



Conclusion

We believe Carnforth has an important role to play in support of the Eden Project North. Its location close to major transport links would provide visitors with a convenient northerly route to the Project. With some imaginative developments, this northerly route would provide an environmentally sustainable point of access not only for the Project but also for those wishing to explore the wider area.

Carnforth's unique selling point is provided by the railway and its legacy. The development of the station and the Steamtown site would provide tourists with another wet weather visitor attraction to enable them to prolong their stay. If this could also be used as the basis for the development of a joint ticketing arrangement for a number of sites, it would further enhance the links between the Project, Morecambe and the other communities in the district.

Jim Grisenthwaite
9 July 2020



Appendix 4: Monitoring

This appendix presents a monitoring framework for policies included in the Neighbourhood Plan. Actions for monitoring individual policies will be agreed by the Town Council in partnership with Lancaster City Council. Monitoring will take place on an ongoing basis and draw on material made available via Annual Monitoring Reports published by the City Council.

Policy Reference	Policy Title	Monitoring Process	Measure
CNDP HD1	Conserving the historic environment	Review planning applications	Extent to which planning applications take account of non/designated heritage assets and respond to the local character and built form
CNDP HD2	Locally Designated Heritage Assets	Review planning applications	Extent to which planning applications protect and enhance the historic or architectural interest of non/designated assets and settings
CNDP HD3	Design	Review planning applications	Extent to which planning applications reflect the local character and built form and contribute to an 'improved quality of place' as set out in Policy CNDP HD3 and take account of the Carnforth Design Code
CNDP E1	Leisure & Tourism	Review planning applications	Extent to which planning applications demonstrate sustainable development that improves the quality and diversity of existing leisure and tourism facilities and demonstrably takes account of requirements set out in Policy CNDP E1

CNDP E2	Employment	Review planning applications	Extent to which planning applications that: meet the employment needs of the local community; diversify the employment offer; are compatible with neighbouring uses and conform to policies in the CNP, including accessibility via active transport modes.
CNDP E3	Local Centre	Review planning applications	Extent to which planning applications in the local centre include retail uses that: improve the diversity and footfall; generates employment and develops local businesses/services, and; supports new development and redevelopment within the regeneration policy area in the Lancaster District Local Plan.
CNDP E4	Shopfront Design	Review planning applications	Extent to which planning applications propose well-designed improvements to existing shopfronts and other commercial properties in the town centre and take account of the age and architectural detail of the building, the wider Conservation area and the town and relevant elements of the Carnforth Design Code
CNDP AM1	Active Travel	Review planning applications	Extent to which planning applications propose development that: improves and extends footpaths and cycle paths; provides natural surveillance of public spaces and a safe pedestrian environment, and; supports and enables active travel.

CNDP AM2	Charging points for electric vehicles	Review planning applications	Extent to which planning applications propose public parking; provide charging stations for use by electric vehicles that are positioned sensitively and; new developments where sufficient electric vehicle charging points are provided.
CNDP H2	Housing Mix	Review planning applications	Extent to which planning applications for new residential development maximise delivery of affordable housing to meet local needs and comply with other relevant policies.
CNDP EC1	Local Biodiversity, Landscape & Character	Review planning applications	Extent to which planning applications: conserve or enhance local biodiversity by a net gain of 10%; refer to the Carnforth Design Code and demonstrate how they respond to landscape character and green infrastructure; consider open spaces and the siting of spacing of development reflects the landscape character and setting.
CNDP EC2	Development adjacent to parks	Review planning applications	Extent to which planning applications for development adjacent to parks are designed and respond positively to the green space and which help to create new routes and entrances to the space as appropriate
CNDP EC3	Sustainable housing	Review planning applications	Extent to which planning applications are in accordance with the appropriate BREEAM standards and/or meet Passivhaus standards; show how resource efficiencies and climate change adaption measures are incorporated, and where housebuilders are registered for assessment under the Home Quality Mark.

CNDP EC4	Dark Skies	Review planning applications	Extent to which planning applications, where appropriate, demonstrate that external lighting protects the night sky from light pollution and does not impact negatively on areas of ecological value or near habitats used by bats and other light sensitive protected species.
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Glossary of Terms

Adoption – The final confirmation of a development plan by a local planning authority.

Area of Outstanding Natural Beauty (AONB) - An area with statutory national landscape designation, the primary purpose of which is to conserve and enhance natural beauty. AONB are designated by Natural England.

Brownfield Site – see Previously Developed Land.

Conservation Area - an area of special architectural or historic interest, the character or appearance of which is preserved by local planning policies and guidance.

Department for Levelling Up, Housing and Communities (DLUHC) - is the Government department with responsibility for planning, housing, urban regeneration and local government. Previously known as the Ministry for Housing, Communities and Local Government (MHCLG), and, prior to that, the Department for Communities and Local Government (DCLG).

Development Plan - Includes the adopted Lancaster City Council Local Plan and any future adopted Local Plan which may replace it, and Neighbourhood Development Plans which are used to determine planning applications.

Evidence base - The background information that any Development Plan Document is based on and is made up of studies on specific issues, such as housing need for example.

Greenfield site - Land where there has been no previous development, often in agricultural use

Green-space - Those parts of an area which are occupied by natural open space, parkland, woodland, sports fields, gardens, allotments and the like.

Heritage Asset – A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated assets (e.g.: listed buildings) and assets identified by the local planning authority, which may include a local list of assets.

Independent Examination - An assessment of a proposed Neighbourhood Plan carried out by an independent person to consider whether a Neighbourhood Development Plan conforms with the relevant legal requirements.

Infill Development – small scale development filling a gap within an otherwise built up frontage.

Infrastructure – Basic services necessary for development to take place, for example, roads, electricity, sewerage, water, education and health facilities.

Listed Building – building of special architectural or historic interest. Listed buildings are graded I, II or II*, with grade I being the highest. Listing includes the interior as well as the exterior of the building.

Local Plan – the Plan for future development of the local area, drawn up by the local planning authority. This forms part of the Development Plan.

Local Planning Authority - Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, county council, a unitary authority or national park authority. For Carnforth this is Lancaster City Council.

Made – terminology used in neighbourhood planning to indicate a Plan has been adopted.

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied. The current version of the NPPF was published in 2021.

Neighbourhood Development Plan – A local plan prepared by a Town or Parish Council (or Forum) for a particular Neighbourhood Area, which includes land use topics. Once made this forms part of the Development Plan.

Outline Application – a general application for planning permission to establish that a development is acceptable in principle, subject to subsequent approval of detailed matters. Does not apply to changes of use.

Permitted Development – comprises certain categories of minor development as specified in the General Permitted Development Order, which can be carried out without having first to obtain specific planning permission.

Planning Permission - Formal approval granted by a Council (e.g. Lancaster City Council) in allowing a proposed development to proceed.

Previously Developed Land - Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Public Open Space - Open space to which the public has free access and which fulfils, or can fulfil, a recreational or non-recreational role (for example, amenity, ecological, educational, social or cultural uses).

Public Realm – Those parts of a city, town or village, whether publicly or privately owned, which are available for everyone to use. This includes streets, square and parks.

Public Right of Way – Paths on which the public has a legally protected right to pass and re-pass.

Section 106 Agreement – Planning obligation under Section 106 of the Town & Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal.

Soundness – The soundness of a statutory local planning document is determined by the planning inspector against three criteria: whether the plan is justified (founded on robust and credible evidence and be the most appropriate strategy), whether the plan is effective (deliverable, flexible and able to be monitored), and whether it is consistent with national and local planning policy.

Stakeholder – People who have an interest in an organisation or process including residents, business owners and national organisations and government departments

Sustainable Communities – Places where people want to live and work, now and in the future.

Sustainable Development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Sustainability Appraisal – An appraisal of the economic, environment and social effects of a Plan to allow decisions to be made that accord with sustainable development.

Urban Design – The art of making places. It involves the design of buildings, groups of buildings, spaces and landscapes, in villages, towns and cities, to create successful development.

Acknowledgements

Carnforth Town Council would like to thank everyone who participated in consultation and engagement events to help shape and inform the Neighbourhood Plan.

We are also grateful to members of the Neighbourhood Planning Steering Group, who have committed their time, energy and passion to preparing the Neighbourhood Plan and helping to shape a better future for Carnforth.

We would also like to thank consultancy Troy Planning + Design for their help in preparing the Neighbourhood Plan (www.troyplanning.com).

Carnforth Town Council

Neighbourhood Plan, 2020-2031



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Carnforth Neighbourhood Plan 2020 - 2031

Submission Plan

Report to Lancaster City Council of the examination into the Carnforth Neighbourhood Plan

by Independent Examiner, Peter Biggers BSc Hons MRTPI

October 2022

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Summary and overall recommendation

Following my examination of the Carnforth Neighbourhood Plan (CNP), including a site visit to the neighbourhood area on 22 August 2022, it is my view that, subject to modifications, the CNP reflects the views of the community and will set out a clear vision and suite of policies for the neighbourhood area.

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

For the most part, the reason for this is that the policies do not wholly meet the requirement of the National Planning Policy Framework at paragraph 16 where it states that policies should be: *“clearly written and unambiguous so it is evident how a decision maker should react to development proposals”*, and the advice in the Planning Practice Guidance where it states 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. It should be concise, precise and supported by appropriate evidence”*.

I have therefore recommended a number of modifications to the Plan that 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.

In proposing the modifications, I have tried to ensure that the integrity and value of the CNP 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.

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 better play its part in planning decisions and managing change in Carnforth in the future in an effective way.

In addition to the recommended modifications, it should also be noted that there may be a number of consequential changes, for example to referencing and numbering, that will inevitably be needed as a result of making the modifications. It will also be necessary to ensure all references to current local planning documents and the stage reached in the plan making process are up to date. I have identified a number of these, but not necessarily highlighted all these consequential changes and these amendments need to be made in finalising the Plan for referendum.

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

- 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 neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- 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.

The CNP also complies with the legal requirements set out in paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

With the modifications in place, the CNP will meet the Basic Conditions and can proceed to a referendum.

When that referendum takes place, I also recommend that the Carnforth Neighbourhood Area, which covers the administrative area of the Council, is taken as the area for the referendum.

Peter Biggers BSc Hons MRTPI

Independent Examiner

6 October 2022

1. Introduction

Background context

- 1.1. This report provides the findings of the examination into the Carnforth Neighbourhood Plan (referred to as the CNP throughout this report).
- 1.2. The CNP was produced by Carnforth Town Council (CTC) and its Steering Group in consultation with the local planning authority for the neighbourhood area – Lancaster City Council (LCC). The local community, interested parties and local stakeholders were also consulted as set out in Section 3 below.
- 1.3. Carnforth Town Council's administrative area comprises Carnforth itself and a rural hinterland lying between the M6 motorway and the coast. Carnforth is in the district of Lancaster approximately 6 miles to the north of Lancaster and bordered roughly by the A6 and local roads to the south, the M6 to the east, the River Keer to the north, and Morecambe Bay to the west. A good proportion of the built form in the designated neighbourhood area is concentrated along the A6, which runs parallel to the M6 though other less connected housing developments are located to the South West off Crag Bank Road, to the north east off North Road, and to the South off Kellet Road. Part of the Carnforth Business Park is within the Carnforth Neighbourhood Plan area.
- 1.4. The north - south rail corridor and Lancaster canal act as constraints to Carnforth's development by restricting linkages from the main A6 corridor to these less connected housing developments, as well as preventing general connectivity within the area. The canal is crossed over only once by a single-track road bridge, while the rail corridor splits the neighbourhood area into east and west sections.
- 1.5. Despite the impact of the rail corridor, Carnforth railway station and town centre acts as a hub for the surrounding area, with retail, public space, and other amenities available within a five-minute walk from the station. The railway station offers services to Barrow in Furness, Carlisle and the Cumbrian Coast to the north and west, Lancaster, Preston and Greater Manchester to the south, and Leeds and West Yorkshire in the East.
- 1.6. Carnforth Neighbourhood Area equates to an area of approximately 609 hectares covering all of the administrative area of the Town Council and with a population of 5560 on the electoral roll living in 2455 dwellings (2011).
- 1.7. This examiner's report provides a recommendation as to whether or not the CNP 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 CNP would be 'made' by LCC. In the event of a successful referendum result, the CNP would immediately carry full weight in the determination of planning applications in the neighbourhood area.

Appointment of the independent examiner

- 1.8. I was appointed as an independent examiner by LCC, with the consent of CTC, following a competitive procurement process through NPIERS with whom I am a panel member, to conduct the examination and provide this report as an independent examiner. I am independent of the qualifying body and the Local Planning Authority. I do not have any interest in any land that may be affected by the CNP, nor do I have any professional commissions in the area currently. I hold appropriate qualifications and experience and have planning and development experience, gained over 40 years across the public and private planning sectors. I am a Member of the Royal Town Planning Institute.

Role of the independent examiner

- 1.9. 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 *:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) 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;
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- g) 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.

* NB Basic Conditions b) and c), relating to listed buildings and conservation areas, are also included in the Basic Conditions but as these only concern neighbourhood development orders they are not included in this report.

- 1.10. Pursuant to Basic Condition g) above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, effective from 28 December 2018, prescribes the following additional Basic Condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

“The making of the neighbourhood development plan does not breach the

requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”.

Regulation 106(1) of Chapter 8 states that : “*a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under Regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required*”.

1.11. 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.

1.12. I have examined the CNP against the Basic Conditions and legislative requirements above and, as independent examiner, I must make one of the following recommendations:

- 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.

1.13. 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 Carnforth Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this report (See Section 8).

- 1.14. The role of the independent examiner is not to comment on whether the Plan is sound or how the Plan could be improved, but rather to focus on 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; that is 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. I have considered the representations received at the Regulation 16 publicity stage. Whilst there were a number, I am satisfied that there is no need for a public hearing in respect of the CNP and the matters are considered below. I confirm that all Regulation 16 representations on the Plan 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 22 August 2022, during which I looked at its overall nature, form, character and appearance and at those areas affected by policies in the Plan in particular.
- 2.4. Subsequent to my reading for the examination and the site visit, I asked a number of factual clarifying questions of CTC, as qualifying body, and LCC relating to the context and intent of policies and proposals of the Plan. This exchange was carried out by email and the questions and the responses received from the Councils are set out in Appendix 1 to this report and have been uploaded to the Neighbourhood Plan webpages on the LCC website. I am grateful to the Councils for responding on these matters.
- 2.5. In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the CNP:
- National Planning Policy Framework (Jul 2021)
 - National Planning Practice Guidance 2014 (as amended)
 - Town and Country Planning Act 1990 (as amended)
 - The Planning and Compulsory Purchase Act 2004 (as amended)
 - The Localism Act 2011
 - The Neighbourhood Planning Act 2017
 - The Neighbourhood Planning (General) Regulations (2012) (as amended)
 - Carnforth NP Basic Conditions Statement (Nov 2021)
 - Carnforth NP Consultation Statement and Appendices (Nov 2021 and Aug 2022)
 - Carnforth NP Strategic Environmental Assessment Screening Determination Statement (May 2021)

- Carnforth NP Habitats Regulation Assessment Screening Determination Statement (May 2021)
- Carnforth Baseline Assessment (Troy Planning Aug 2019)
- Carnforth NP Design Code AECOM (2020)
- Carnforth NP Housing Needs Assessment AECOM (Mar 2020)
- Carnforth Local Green Space Report (Troy Planning Aug 2020)
- Carnforth Local List (Troy Planning May 2020)
- Design Standards and Practices for Walking and Cycling in Carnforth (PJA Feb 2021)
- Carnforth Neighbourhood Area Designation Report – (25 April 2018)
- Representations received during the Regulation 16 publicity period post submission – (4 February 2022 to 18 March 2022)

3. Public Consultation

Background

- 3.1. 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.
- 3.2. CTC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to LCC in February 2022.
- 3.3. Public consultation on the CNP commenced with early discussions about a neighbourhood plan in 2018. This early consultation was followed by various consultation stages, including the two formal stages required by the Regulations:
 - The pre-submission consultation under Regulation 14 for 8 weeks from 26 July 2021 to 20 September 2021 and
 - The publicity stage, as required by Regulation 16, (the consultation period post submission of the Plan) from 4 February 2022 to 18 March 2022
- 3.4. The Regulation 16 stage resulted in consultation responses from 9 respondents raising multiple points. The representations raised are considered as necessary within my assessment of the Plan in Section 6 below.

Carnforth Neighbourhood Plan Consultation

- 3.5. The CNP Neighbourhood Planning Steering Group was set up in 2018 and has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used included the Carnforth Express Newsletter, the local paper (the Lancaster Guardian), local radio,

the Town Council's Neighbourhood Plan website, together with the LCC website, notice boards and posters, leaflets, email drops and Facebook and Twitter, as well as the offer of events, drop-ins and questionnaires. Copies of the Pre-Submission Draft Plan and Submission Plan together with supporting documents were provided locally in Carnforth library and at the CTC offices as well as being uploaded to the websites and links provided via email.

- 3.6. Evidence gathering for the plan commenced in 2018 with information evenings and a survey of the local community to help identify issues and concerns and to develop the vision and objectives. A vision, values and objectives document was produced and consulted on in September 2019. The four week consultation period included drop in events and 80 people attended. Evidence gathering to inform the preparation of the Plan continued through 2019/20 with the completion of a baseline assessment, a business survey (36 surveys were sent out and 13 were returned), a housing needs assessment, design coding and other specialist assessments.
- 3.7. The Consultation Statement sets out the form and content of these early consultations. It is clear that sufficient opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the Plan. A draft of the CNP was prepared and submitted for a Health Check in February 2021. Based on the results of this the draft plan was revised and submitted for SEA and HRA screening in May 2021.
- 3.8. The pre-submission draft of the Plan was signed off by the Parish Council and as required by Regulation 14, the consultation ran for six weeks (with a 2 week extension reflecting the summer holiday timing) from 26 July 2021 to 20 September 2021.
- 3.9. The CNDP was made available online on the Parish and LCC websites, and links to the Plan were provided via email to statutory consultees and local stakeholders and hard copies of the plan available locally. The Plan was publicised in the Lancaster Guardian, in the Carnforth Express and by posters on notice boards and on social media. Four drop-in events were arranged and 100 people attended. 39 responses from residents and stakeholders were received and 8 responses from consultees.
- 3.10. Following the pre-submission stage and the analysis of results, the Plan was revised, approved for submission and submitted by the Parish Council to LCC on 2 February 2022.
- 3.11. The Neighbourhood Planning Regulations are part and parcel of Basic Condition a), and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement, in particular the tables setting out the representations at the Regulation 14 stage and how these were answered, as well as the appendices to the statement, I was not satisfied that the Consultation Statement was compliant with Regulation 15 in that it did not clearly set out who had been consulted. The Town Council was asked to revise the statement and this was

submitted to me in August 2022. The statement now demonstrates 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. As such this revised version meets the requirements of regulation 15 and the revised statement has been uploaded to the LCC Neighbourhood Plan web page.

4. Preparation of the Plan and legislative requirements

4.1. In terms of the procedural tests set out above my findings are:

Qualifying body

4.2. Carnforth Town Council (CTC), as the duly elected lower-tier council, is the qualifying body for preparation of the Plan.

4.3. 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.

Plan Area

4.4. An application was made by CTC on 20 December 2017 to designate the Carnforth Neighbourhood Area. The area sought covered the whole Town Council's administrative area. This neighbourhood area was approved by LCC on 25 April 2018.

4.5. This satisfies the requirement 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 as amended.

Plan period

4.6. A neighbourhood plan must specify the period during which it is to have effect. The CNP clearly states on the title page and in the introduction in section 1 that it covers the period 2020-2031.

4.7. The plan period aligns with the end point of the Lancaster Local Plan (LLP), which set out the strategic policies for the neighbourhood area. The intended time period satisfies the requirements of section 38B of the PCPA as amended.

Excluded development

- 4.8. The Plan does not include policies or proposals that directly 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 CNP, as proposed to be modified in Section 6 below, relates solely to the neighbourhood area and no other neighbourhood area, and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies the requirements of section 38B of the PCPA, as amended.

Development and use of land

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

Plan publication following submission

- 4.10. LCC undertook a validation check of the CNDP following its submission in February 2022. The Council was satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent examination.

5. The Basic Conditions

National policy and advice

- 5.1. The main document that sets out national policy is the National Planning Policy Framework (the NPPF). A revised version of the NPPF was published in July 2021. Although preparatory work for the CNP commenced under the previous 2019 version of the NPPF in preparing the CNP for submission, references to the NPPF were updated to reflect the new 2021 NPPF. I have based my consideration of the extent to which the CNP meets Basic Condition a) against NPPF 2021, along with legislation and regulations.
- 5.2. The NPPF explains that neighbourhood plans should support the delivery of strategic policies and set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Local Plan.
- 5.3. 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 should not promote less development than that set out in the strategic policies of the development plan or undermine those strategic policies.

- 5.4. The NPPF indicates that plans should contain policies that are clearly written and unambiguous, so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area.
- 5.5. National advice on planning is set out in the Planning Practice Guidance (PPG), which includes specific advice regarding neighbourhood plans. I have considered the advice of the PPG as part of assessing the Plan against Basic Condition a).

Sustainable development

- 5.6. 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 overarching objectives to sustainable development - economic, social and environmental.
- 5.7. There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However, SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.
- 5.8. In this case, a high level sustainability assessment in tabular form is included in the Basic Conditions report (Table 7) which considers the plan policies against the suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) used in the preparation of the Local Plan for Lancaster District. The table includes sufficient information to confirm, at a high level, that the effect of the policies of the Plan would be generally positive in terms of sustainability. I consider the contribution of specific policies to sustainable development below in Section 6.

General conformity with the development plan

- 5.9 The CNP has been prepared in the context of the Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Adoption Version, July 2020. (LPLD-PT1) and the Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adoption Version, July 2020 (LPLD-PT2) and the CNP must be in general conformity with the strategic policies.
- 5.10 The PPG provides the following definition of general conformity:

“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or order and the evidence to justify that approach.”

5.11 Although only adopted in 2020 the Council has embarked on an immediate review and update of LPLD-PT1 and LPLD-PT2 to ensure they fully respond to the Climate Emergency. This review is now at an advanced stage with the reviewed plan submitted to the Planning Inspectorate for examination. Whilst CTC has sought to ensure that the CNP reflects the direction of travel in the LPLD Review it is the currently adopted LPLD that must be considered in respect of the Basic Conditions. I consider the extent to which the policies and proposals of the CNP are in general conformity with the strategic policies of the LPLD in detail in Section 6 below.*

* The Development Plan for the area also includes the Joint Lancashire Waste and Minerals DPD but I have not referred to this as the AWSNP cannot influence these matters.

European Union (EU) obligations

5.12 A neighbourhood plan must be compatible with EU obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the United Kingdom’s departure from the EU, these obligations continue to apply unless and until repealed or replaced in an Act of Parliament.

Strategic Environmental Assessment and Habitat Regulations Assessment

5.13 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 Environmental 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.

- 5.14 Regulation 15 of the Neighbourhood Planning Regulations, as amended in 2015, requires either that a SEA is submitted with a neighbourhood plan proposal or a determination obtained from the responsible authority (LCC) that the Plan is not likely to have ‘significant effects.’
- 5.15 The initial screening opinion prepared by LCC in consultation with the statutory bodies 2021 found that there was the possibility of significant effects but recommended that if an additional environmental protection policy and a section on monitoring and review was added then the environmental effects would not be significant. Accordingly, the CNP was amended to include a new policy (CNDP EC1) and a section confirming how the policies would be monitored. The revised screening opinion then concluded that full SEA was not required because the CNP did not allocate land for development. The larger development sites in Carnforth had already been considered and assessed through the Local Plan SEA or through EA as part of the planning application process and any additional development permissible under the policies of the CNP itself would be small scale. Also because of the plan’s environmental focus, including the new protective policy, there was unlikely to be any significant adverse effects. Moreover, it is likely that any impacts from the small scale and local development that might take place through the plan would be offset by the positive benefits of the policies within the Neighbourhood Plan seeking to achieve more sustainable development.
- 5.16 Regarding Habitats Regulations Assessment (HRA), the test in the additional Basic Condition under Regulation 32 now essentially mirrors that in respect of SEA. It requires an Appropriate Assessment to be carried out where a plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) or a determination obtained from the responsible authority (LCC) that the plan is not likely to have a ‘significant effect’. A screening opinion was similarly carried out by LCC in May 2021 and a determination prepared.
- 5.17 Three European sites – Morecambe Bay and Duddon Estuary SPA, Morecambe Bay SAC and Morecambe Bay Ramsar Site are within the Neighbourhood Area and a further 7 European sites are within 15 kilometres of the Neighbourhood Area. In respect of 4 of the designated sites there is not considered to be any potential impact pathways and the sites were discounted. As with the SEA, screening concluded, that there was the potential for significant impacts unless an additional environmental protection policy was included in the plan. The HRA screening was redone with the additional policy in place and the conclusion of the Council’s determination was that the Neighbourhood Plan either alone or in combination with other plans and programmes would not have a significant effect on any European sites. Consequently, the CNP is not considered to require Appropriate Assessment under Article 6 or 7 of the Habitats Directive.
- 5.18 Both the determinations regarding SEA and HRA have been confirmed by Natural England, the Environment Agency and Historic England as statutory consultees. I

have no reason to reach a different view to the statutory consultees.

European Convention on Human Rights (ECHR)

- 5.19 The Human Rights Act 1998 encapsulates the Convention and its articles into UK law.
- 5.20 An Equalities and Human Rights Impact Assessment has not been specifically carried out for the CNP. Instead, the Sustainability Appraisal included in the Basic Conditions Statement includes a number of social /community sustainability objectives relevant to equalities and concludes the CNP performs satisfactorily.
- 5.21 The potential impacts of the CNP in relation to the relevant Articles of the Convention are as follows:
- 5.22 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions - although the CNP 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.
- 5.23 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair hearing in determination of an individual's rights and obligations - the process for preparing the CNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.
- 5.24 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground - the policies and proposals of the CNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.
- 5.25 I conclude that, given the nature of the plan policies and proposals, it is unlikely there would be any detrimental impact on the 'protected characteristics' set out in the Equality Act and, generally, the Plan would bring positive benefits. Whilst the Plan does not directly address needs in respect of particular protected characteristics within the plan area, the CNP is not prejudicial to any group in its policies.
- 5.26 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.
- 5.27 I am satisfied therefore that the Plan does not breach, and is otherwise compatible

with, the ECHR.

- 5.28 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 CNP is compatible with EU obligations and therefore with Basic Conditions f) and g).

6 The Neighbourhood Plan – Assessment

- 6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section, 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 f) (EU obligations) and g) (Other prescribed conditions including that under Regulation 32), this section largely focusses on Basic Conditions a) (Having regard to national policy), d) (Contributing to the achievement of sustainable development) and e) (General conformity with strategic policies of the development plan).
- 6.2 Where modifications are recommended, they are clearly marked as such and set out in bold print.

The general form of the Plan

- 6.3 The structure of the CNP is generally logical and clear with early sections setting the context in respect of the background to the neighbourhood area, the current policy directions and the key issues facing the area, before setting out the vision and objectives and the policy sections.
- 6.4 The Plan distinguishes between the policies themselves and their justification by boxing and shading the policies. Each policy is accompanied by supporting text setting out the context, rationale and intent.
- 6.5 The NPPF at paragraph 16 requires the Plan to be “clearly written and unambiguous so it is evident how a decision maker should react to development proposals” and to “serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area”.
- 6.6 Neighbourhood plans are not to include matters that do not relate to the development and use of land. The CNP, as with many neighbourhood plans, has in the course of its preparation attracted many comments and proposals from the community that they would like to see the Town Council take action on, but which are not directly to do with the development and use of land. Whilst CTC has acknowledged that these ‘community actions’ are not matters that the Neighbourhood Plan can directly address, they are nevertheless presented in the body of the Plan and are part of it (albeit in different coloured boxes), potentially

leading to confusion. The detail should be separated out and relocated in an appendix to the Plan with only paragraph markers remaining in the text referring to the appendix.

- 6.7 In order to provide a clear and unambiguous plan this also requires the mapping to be clear. In the printed and digital versions the plans need to be enlarged to be full page plans extending the full extent of the page so that they and their keys are as clear as possible. In addition, a number of policies require an understanding of the spatial extent within which the policy will apply, namely the Carnforth built up area, the town centre boundary, the Carnforth regeneration priority area and the conservation area. As these are referred to within CNP policies there should be an additional policies map provided setting out the extent of these areas so that users of the plan are aware where policy requirements will apply.

Recommendation 1	
1A	<p>Amend the section “The Structure of the Plan” paragraph 1.6 as follows: <i>“Within sections 4-8 each topic area includes some introductory and explanatory text followed by a policy as follows:</i></p> <div data-bbox="316 405 572 465" style="border: 1px solid black; background-color: #d4edda; padding: 2px; margin: 10px 0;"> <p>Policy Box</p> </div> <p><i>The Town Council in preparing the plan has identified a number of Town Projects and community aspirations in response to issues identified which relate to specific policies in the Neighbourhood Plan and whilst these are not formally part of the plan itself they are identified as follows and set out in detail in Appendix 1 to the plan.”</i></p> <div data-bbox="316 712 916 772" style="border: 1px solid black; background-color: #d1ecf1; padding: 2px; margin: 10px 0;"> <p>Project / aspiration</p> </div> <p>Delete the detailed content of the blue project boxes and use the blue boxes solely to record the title of the project / aspiration and forward reference it to a new Appendix 1 to the plan entitled “<i>Carnforth Community Projects and Aspirations</i>”</p> <p>Introduce the new Appendix 1 with the following text :</p> <p><i>“The Town Council in preparing the plan has identified a number of Town Projects and community aspirations in response to issues identified in relation to:</i></p> <p><i>Leisure and Tourism</i> <i>Cycle infrastructure</i> <i>Market Street and Town Centre public realm improvements</i> <i>Improving town wide accessibility</i> <i>Local Green Spaces</i> <i>Remediation of disused tip adjacent to Midland Terrace.”</i></p> <p>The appendix should then set out the detail of these projects currently contained in the blue boxes.</p>
1B	<p>Enlarge the mapping used within the plan so that it occupies a whole page and is as large as possible within the constraints of the A4 format.</p>
1C	<p>Add a new Policies Map showing the urban boundary of Carnforth, the town centre boundary, the Carnforth regeneration priority area and the Conservation Area boundary appropriately keyed with the policies that refer to these boundaries keyed also.</p>

Carnforth Today

- 6.8 This section provides a brief introduction to the Neighbourhood Area and the issues facing it.
- 6.9 This is largely a factual section and for the most part there is no need for any changes. The section is unnecessarily repetitive of the Consultation Statement at paragraphs 2.7 and 2.8 but in as much as this does not involve any conflict with the Basic Conditions I make no formal recommendation to modify the section.

The Development Plan

- 6.10 Section 2 of the CNP sets out the relationship of the neighbourhood plan to the development plan (the *Local Plan for Lancaster District*) comprising the Strategic Policies and Land Allocations DPD (LPLD-PT1) and the Development Management DPD (LPLD-PT2) adopted in 2020 and the strategic policies relevant to Carnforth. It also sets out the context of the review of the plan underway in response to the climate emergency. Again, this is a largely factual section of the plan and for the most part it raises no issues in respect of the Basic Conditions save in two respects.
- 6.11 At the start of the section at paragraph 2.13 the plan paraphrases the first Basic Condition and states that the neighbourhood Plan should be ‘in line with’ national guidance. This is incorrect. The Basic Condition states that “*Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*”. Therefore the text should reflect this specific meaning.
- 6.12 The plan includes a subsection in section 2 ‘Reviewing the Neighbourhood Plan’. The neighbourhood plan only extends until 2031 in line with the LPLD which means that the CNP by the time it is ‘made’ will at best only have a life term of 8 years maximum. The Town Council was asked as part of the examiner’s questions what its intentions were with regard to this short life span and CTC in response has confirmed its commitment to monitoring the plan and early review. Accordingly, and in view of the short lifespan, a statement to this effect should be included in paragraph 2.29.

Recommendation 2	
2A	In line 1 of Paragraph 2.13 delete the words ‘in line with’ and replace with the words “<i>having regard to</i>”
2B	Revise the first sentence in paragraph 2.29 to read:

“Notwithstanding the *current* defined period of the Neighbourhood Plan to 2031.....review of the Local Plan *now well advanced, triggered by the declaration of the climate emergency, that the Neighbourhood Plan will be likely to be reviewed early.*

Carnforth Tomorrow

- 6.13 Section 3 of the Plan sets out the vision and the objectives designed to deliver the vision and provide the basis for the policies.
- 6.14 Being able to demonstrate the thread from issues to vision and objectives and from objectives to policies is an important part of evidencing the Neighbourhood Plan as required in the PPG. There is a clear thread from the section on Carnforth Today to the vision and objectives and to policies.
- 6.15 The vision looks to ensure that the town develops as a vibrant but also sustainable centre where the distinct character of the town is conserved and enhanced. It aims to ensure new growth meets local needs with Carnforth becoming more self-sufficient. In this way the town looks to become an even more attractive destination for visitors.
- 6.16 The Plan has regard to the PPG advice that it *“provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people”*.
- 6.17 The vision and objectives also encapsulate and generally reflect the spatial vision set out in the LPLD-PT1 at Section 3 including that for Carnforth and the specific objectives set out in Section 4 (SO1 - SO5). Similarly, the CNP objectives directly reflect the three objectives set out in the LPLD-PT2 Section 3 setting out development management objectives. The impact of pursuing the vision and objectives of the Neighbourhood Plan would contribute to the achievement of sustainable development in the neighbourhood area.
- 6.18 Ordinarily, as the vision and objectives have been set through discussion with the community, I would be reluctant to amend these. However, given that neighbourhood plans must deal only with the development and use of land I am not persuaded that Objective 08 respects this and therefore it does not meet Basic Condition a). This relates to the use of the words ‘community events’ in the objective. Events are unlikely to involve the development and use of land and therefore a minor clarification should be made to Objective 08 to refer instead to ‘community facilities’.

Recommendation 3	
3A	<p>Amend Objective 08 as follows:</p> <p><i>“To promote, preserve and support community facilities and opportunities for their development”.</i></p> <p>Note – make the same amendment to Objective 08 in the objective box on page 43.</p>

6.19 With this modification the vision and objectives of the CNP would meet the Basic Conditions.

Planning Policies

6.20 Section 4-8 of the Plan set out the policies contained in the Plan.

Section 4 – Heritage and design

6.21 Generally, this section of the CNP is aimed at protecting the built heritage and ensuring that new development reflects the local character and built form.

Policy CNDP HD1: Conserving the historic environment

6.22 This first policy of the plan considers the matter of conserving and enhancing heritage assets. Given that the NPPF at section 16 and LPLD policies provide effective control in respect of heritage assets, it is important, if it is to meet Basic Conditions a) and e), that the CNP doesn't needlessly repeat policy coverage but also that it does not introduce confusion resulting in argument regarding the policy intent.

6.23 I am satisfied that generally and particularly in respect of the second part of the policy, it does not simply repeat higher order plans but sets out the requirements local to Carnforth. However, I am not satisfied that the policy is entirely clear as to where it is to apply. I presume from the reference at the 2nd bullet point in the first section of CNDP HD1 to the local list that it is to apply to all heritage assets regardless of whether they are designated or non-designated. If this is the intention this should be made clear at the start of the Policy. Additionally, in setting out the requirement in the 3rd bullet regarding loss or harm to significance, the Policy is not clear and unambiguous.

Recommendation 4	
4A	<p>Modify line 1 of Policy CNDP HD1 to read:</p> <p>“Proposals relating to designated and non-designated heritage assets will be supported where they:”</p> <p>Delete bracketed reference to the local list in the 2nd bullet point.</p>
4B	<p>Reword the 3rd bullet to read:</p> <p>“Avoid the total loss of significance <i>and</i> avoid or minimise harm to heritage assets through alterations or new developments (<i>including in their setting</i>) except where this accords with <i>National and Local Plan</i> requirements”</p>

Policy CNDP HD2: Locally Designated Heritage Assets

- 6.24 Following on from the identification of locally important buildings in the Carnforth Conservation Area Appraisal the CNP looks to ensure protection of these by incorporating them in Policy HD2. The identification of local heritage assets as set out in the plan and referenced at Appendix 1 is advantageous and has regard to the NPPF at section 16 giving local property owners and developers (who are often oblivious to any heritage value) advance notice of the significance of the assets and assisting decision makers to understand impacts of development on the assets. It is also in general conformity with Policy DM41 of LPLD-PT 2.
- 6.25 However what is not clear from the CNP, given the absence of any substantive supporting text, is how this list has been arrived at and how this activity relates to LCC’s list of local heritage assets: for example whether the selection criteria used have been informed by LCC’s approach and whether LCC agree with those assets identified. In view of this uncertainty as part of the Examiner’s clarifying questions I asked both Councils to clarify the position.
- 6.26 LCC has confirmed that the methodology used is consistent with that used by the City Council and that it agrees with the properties identified as NDHA. However, this needs to be set out in the plan and additional supporting text provided at paragraph 4.8 to make clear the selection criteria and that these are consistent with those used by LCC and that the buildings and structures identified are agreed by the Council.
- 6.27 Of greater concern is that in respect of the last paragraph of the Policy it imposes a test that is different to that in the NPPF. Section 16 of the NPPF requires that a balanced judgement is reached having regard to the scale of any harm or loss and the significance of the heritage asset. If this Policy is to meet Basic Condition a) it needs to offer clear and unambiguous advice to developers, property owners and decision makers.

Recommendation 5	
5A	<p>Reword the last paragraph to Policy CNDP HD2 as follows:</p> <p>Development proposals affecting.....shall be permitted only if, <i>having regard to the scale of any harm or loss and the significance of the heritage asset, the balanced judgement is that they would preserve the historic or architectural interest of the asset</i>”</p>
5B	<p>In the supporting text to policy CNDP HD2 at paragraph 4.8 add a section that explains how the local list was derived, the selection criteria used and where the evidence on what is significant about each asset is clearly set out. Complete the additional text with the following sentence:</p> <p><i>“The identification of these assets is supported by Lancaster City Council.”</i></p>

6.28 Policy CNDP HD2 as modified would meet Basic Conditions a), d) and e).

Policy CNDP HD3 : Design

6.29 Policy CNDP HD3 seeks to ensure high quality in specific and detailed elements of a development’s design. It has been informed by the Carnforth Design Code which sits alongside the CNP.

6.30 Given the focus of the NPPF at section 12 seeking a high quality of design, and encouraging the use of design guides and codes, Policy HD3 has regard to national policy.

6.31 In respect of the relevant strategic policies, Policy DM29 of the LPLD-PT2 sets out the key design principles which will apply to development in the district. Although these principles are comprehensive, they remain broad brush and therefore Policy HD3, although overlapping to a degree, sets out locally-specific principles and is complementary to Policy DM29. Policy HD3 therefore generally conforms to the strategic policy and develops design guidance to be applied locally through the Carnforth Design Code. Moreover, the outcome of applying the Policy will secure more sustainable development. As such the principle of the Policy meets Basic Conditions a), d) and e).

6.32 In order to ensure the policy is clear and unambiguous as required by the NPPF and PPG the only modification I would recommend is that the bullet points reflect the main design principles in the code and the code references are included. The section of the Design Code on building height and roofline for example is not included in the Policy.

6.33 A Regulation 16 representation proposes the addition of a completely new section to

Policy CNDP HD3 around creating sociable and inclusive neighbourhoods, outward looking layouts and good connectivity and integration to the existing settlement. Whilst I acknowledge that in large part the addition may be relevant to the circumstances in Carnforth and the CTC have indicated they would have no objection to its inclusion, at this stage in the plan process it would result in a substantive change to the policy, which has not been the subject of consultation and which is not simply necessary to meet the Basic Conditions. My advice therefore is that the CTC retain these proposed additions and similar suggested additions to be considered in reviewing the CNP in the future.

Recommendation 6	
6A	Add as a new 3rd bullet the following: “<i>New buildings should be sympathetic to the height and roofline design of nearby development (Design Codes BH-UR and BH-VR)</i>”
6B	Add the relevant Design Code references to each bulleted design principle as per the example at Recommendation 6A.

6.34 With these modifications in place Policy CNDP-HD3 will meet the Basic Conditions.

Section 5 Economy

6.35 This section of the plan deals with the local economy and includes policies to support sustainable leisure and tourism development, managing employment-related development within and outside established employment areas and supporting and managing town centre development in Carnforth.

Policy CNDP E1: Leisure and Tourism

6.36 The first policy of the Economy section looks to encourage the sustainable development of leisure and tourism business in the town subject to certain criteria and specifically the retention of the Carnforth Community Pool.

6.37 The NPPF at Section 6 seeks to build a strong sustainable economy supporting the development of local business and, in that context, Policy CNDP E1 has regard to national policy. The policy is also in general conformity with the thrust of the development strategy and employment policies of LPLD-PT1 and the development management policies in LPLD-PT2 which seek to provide for economic growth in Carnforth and the other centres of the district.

6.38 The LPLD spatial strategy looks to concentrate development in the main centres including Carnforth but the nature of tourist and leisure-related development is that it is a business type that also supports the economy in rural areas. It is therefore assumed that the Policy criteria does relate to the whole neighbourhood plan area

but the way the Policy is set out is not clear in this regard. The positioning of the paragraph regarding development outside the built-up area would suggest that the second set of bullet points in the Policy applies to the rural area only. Because of this confusion CTC was asked to confirm the intention. Its response at Appendix 1 below confirms that the intention is that both sets of bullets apply to development within and outside the built-up areas. Accordingly, I recommend that the order of the Policy is modified so that the second paragraph is relocated to become the third paragraph preceding the paragraph on the Carnforth Community Pool. However, if that is done the actual purpose of the first and second set of bullets would be unclear. A careful reading of the Policy would suggest that the first set of bullets relate to the development of existing facilities, whilst the second set relates to new facilities. If this interpretation is correct, then a further adjustment in the second paragraph is required where it specifies that small scale development will be supported. The bulleted caveats that follow already include control to ensure development is of an appropriate scale to the character of the area and therefore limiting new facilities to small-scale only is unnecessary.

- 6.39 There is, also, a further minor issue with the Policy in terms of it being clear and unambiguous as required by the NPPF and PPG and therefore the ability to fully meet Basic Condition a). The second paragraph uses the terms ‘where appropriate’ and ‘may be required’ which are imprecise and unclear to a developer. The paragraph should be reworded to present more positive wording to provide certainty.
- 6.40 This section of the plan includes two blue box project aspirations. As per my Recommendation 1 the detail from these boxes should be removed to the new Appendix 1 and simply the project title and a reference retained in the body of the plan.
- 6.41 A regulation 16 representation suggests that the control over the change of use of community assets should include the caveat ‘that no other community use is viable’. However, I am not persuaded that the additional clause is either necessary or entirely relevant. In the first instance this is because, regarding the pool, it is unlikely that there would be an alternative community use. Secondly the Policy wording means that the asset involved may not be a community asset per se and thirdly, because the last bullet point in the policy already requires the proposed alternative use to provide equal or greater benefits for the local economy and community.

Recommendation 7	
7A	<p>Relocate the second paragraph of Policy CNDP E1 to follow after the bullets to the current third paragraph and before the clause on the Carnforth Community Pool</p> <p>Change the first line of this relocated clause to Policy CNDP E1 to read: <i>“Tourist development outside the built up area will also be</i></p>

	<p><i>assessed.....</i></p> <p>Change the word ‘may’ in the third line of the relocated clause to the word “<i>will</i>”.</p>
7B	<p>In paragraph 1 line 3 replace the words ‘Applicants for new build development’ with the words “<i>The development of existing facilities....</i>”</p>
7C	<p>In the current 3rd paragraph line 1 delete the words ‘small scale’ and replace with the word ‘new’.</p>
7D	<p>Remove the detail from the Project Aspiration boxes to leave only the title and a forward reference to the appendix e.g.:</p> <p><i>“See detail at Appendix 1 Ref CNDP E(a)”</i></p>

Policy CNDP E2: Employment

- 6.42 Policy CNDP E2 prioritises the development of employment in the established employment areas in the northern part of Carnforth around the railway lines and in the east next to the M6 interchange but it also allows employment related development outside these areas where it is compatible with surrounding uses.
- 6.43 This is compatible with and has regard to the national policy set out in paragraph 82 of the NPPF. Moreover, the requirement in the last paragraph of the policy encouraging employment uses to prioritise accessibility has regard to the policy objectives in section 9 of the NPPF. The focus on the established employment areas is in general conformity with policy EC1 of the LPLD-PT1 which identifies five established employment areas in Carnforth (EC1.1 – EC1.5). Provision for smaller employment-generating development outside the established employment areas is also in general conformity with the approach in Policies DM14 and DM15 of LPLD-PT2 particularly that on small business generation in Policy DM15.
- 6.44 Supporting employment growth in Carnforth will encourage a sustainable future for the town ensuring that those living in the town can work locally.
- 6.45 A Regulation 16 representation proposes the addition of a completely new section to Policy CNDP E2 around providing for home working and encouraging small businesses. Whilst I acknowledge that, particularly in the post-pandemic world, working from home has become widespread, the additional text would take the policy in a new direction. Although the CTC have indicated they would have no objection to the inclusion of the additional text, at this stage in the plan process it would result in a substantive change to the policy, which has not been the subject of consultation and which is not simply necessary to meet the Basic Conditions. My advice therefore is that the CTC retain the proposed addition and similar suggested additions to be considered in reviewing the CNP in the future. The representation

also suggests that a clarification of terminology is necessary where the policy refers to 'active transport modes'. This terminology mixes concepts as the term is actually 'active travel' (meaning travel by physically active means eg walking and cycling). The policy would therefore be more clearly expressed as 'via active travel and other sustainable transport modes'. The clarification is a helpful one and the text should be amended.

- 6.46 Other than this change there is no need for any modification as the policy meets basic Conditions a) d) and e).

Recommendation 8	
8A	In the last line of Policy CNDP E2 delete the words 'via active transport modes' and replace with the words "<i>via active travel and other sustainable transport modes</i>"

Policy CNDP E3: Local centre

- 6.47 Despite the title to the Policy this section of the plan actually relates to the town centre of Carnforth and its development. The Policy seeks to support development within the town centre subject to three criteria.
- 6.48 The policy has regard to the policy objectives of the NPPF in section 7 and in particular paragraph 86. Carnforth is identified as a market town and its town centre defined in Policy TC1 of the LPLD-PT1. Policy DM16 of the LPLD-PT2 allows for development of town centre uses subject to criteria. Policy DM16 is quite detailed but Policy CNDP E3 is complementary to it and sets out what is locally specific to Carnforth.
- 6.49 Maintaining a strong town centre and retaining facilities and services within it is important to the achievement of a sustainable community and in that respect the Policy will assist in the delivery of a sustainable future. The principle of the Policy therefore meets the basic Conditions a), d) and e).
- 6.50 There are, however, three modifications necessary to the Policy to meet the requirement of the NPPF and PPG that policies should be clear and unambiguous. First, the mixed terminology in this section between references to town and local centres is confusing. The LPLD ascribes specific meanings to the terms 'town centre' and 'local centre' and muddling them in the CNP must be resolved. The CTC was asked to clarify whether the reference to 'local centre' was simply a typographical error or whether it wished to draw a distinction. The Council has confirmed the term used should be 'town centre'.
- 6.51 Secondly, for the policy to operate successfully developers, property owners and

decision makers must understand the spatial extent of the town centre. I acknowledge that this is set out in the LPLD but the CNP in referring to the town centre in its own Policy needs to be self-contained. In the same way the reference to the ‘regeneration policy area’ in the last paragraph (which the CTC has confirmed in its response to Examiner’s clarifying questions should be the Regeneration **Priority** Area in Central Carnforth) should be set out in a Policies Map as per Recommendation 1 above.

- 6.52 A Regulation 16 representation proposes the addition of a completely new section to Policy CNDP E3 around the evening and night time economy in the town centre, the use of vacant buildings, requirements of development generally and supporting the enhancement and development of community facilities in the centre. These constitute extensive additions to the Policy and whilst there would be some merit in their inclusion, at this stage in the plan process, it would result in substantive changes to the Policy, which have not been the subject of consultation and which are not simply necessary to meet the Basic Conditions. My advice therefore is that the CTC retain these proposed additions and similar suggested additions to be considered in reviewing the CNDP in the future.

Recommendation 9	
9A	Change all references to ‘local centre’ in Policy CNDP E3 and in its supporting text to “town centre”.
9B	Delete the words ‘regeneration policy area’ in Line 2 of the last paragraph to Policy CNDP E3 and replace with the words “Regeneration Priority Area of Central Carnforth.....”
9C	In preparing the Policies Map recommended in Recommendation 1 include the Town Centre boundary and the Regeneration Priority Area boundary for Central Carnforth together with the policy reference CNDP E3.

Policy CNDP E4 – Shopfront Design

- 6.53 Specifically as part of seeking improvements to the quality of the town centre the CNDP seeks to encourage good shopfront design. This has regard to the NPPF’s encouragement of high quality design and, whilst Policy DM21 of LPLD-PT2 includes design advice regarding shopfronts, I am satisfied that Policy CNDP E4 is complementary to the Local Plan policy adding detail from the Carnforth Design Code. As a result the Policy does not merely cover the same ground as the Local Plan but adds local specificity.
- 6.54 The Policy meets Basic Conditions a), d) and e) and there is no need for any modification other than a small typographical correction (See Appendix 2 below).

Section 6 Access and Movement

- 6.55 Section 6 of the CNP seeks to do what it can at a local level to encourage more sustainable transport options and to reduce the detrimental impacts on air quality of the dependence on petrol and diesel engine vehicles by providing for electric vehicle charging in new developments.
- 6.56 Both Lancashire County Council Highways and Transport Team and LCC officers have raised concerns regarding the Project / Aspirations boxes CNDP AM(a) and (c) in particular regarding their practicality and justification and their impact on the viability of development. The Transport Team also queries which policy Project / Aspiration CNDP AM(c) relates to.
- 6.57 It appears there is some confusion between what is a policy and what is a project in the CNP. The Town Council explains in its response to the Regulation 16 representations that *“the latter are initiatives the Town Council would like to explore further with partners and which are not necessarily ‘land-use and development’ related policies. The projects and suggestions within these have been identified through the process of working on the Neighbourhood Plan, but are not intended to commit partner organisations (or indeed developers) to their delivery. Rather, the Town Council would like to explore the feasibility and potential for such schemes.*
- 6.58 The concern raised by Lancashire County Council rather reinforces the importance of not including the detail of the projects / aspirations within the neighbourhood plan and instead include only the subject title and reference and a cross reference to the appendix where the detail can be found. I acknowledge that in treating the projects differently and putting them in different coloured boxes CTC has tried to clarify the difference but they remain, de facto, part of the plan, perhaps contributing to the County Council’s confusion – thus my recommendation at Recommendation 1 to resolve this. Regarding the matter of which policy that project CNDP AM(c) relates to, the plan has not included a policy regarding town wide connectivity and the project / aspiration is simply one that should be explored further.

Policy CNDP AM1: Active Travel

- 6.59 Policy CNDP AM1 seeks to ensure that new development proposals incorporate measures to promote sustainable and active travel. Inasmuch as key objectives of section 8 of the NPPF on promoting healthy and safe communities and section 9 promoting sustainable transport are about maximising pedestrian permeability, Policy CNDP AM1 has regard to the NPPF. However, as with other policies, CNDP AM1 is not wholly compliant with the need for policies to be clear and unambiguous.
- 6.60 Paragraphs 1 and 3 of the Policy state that the requirements should apply ‘where appropriate’ and in paragraph 2 that a safe pedestrian environment should be

provided 'where possible'. Moreover, in respect of paragraph 2 the wording suggests that it is natural surveillance that is the objective when in fact it should be a safe pedestrian and cyclist environment that should be the objective with natural surveillance one means of securing that. This lack of clarity in policy wording provides imprecise guidance for developers in Carnforth and is likely to be used to justify non-compliance. The starting point should be that provision for sustainable travel is the expectation in new development.

- 6.61 With these clarifications made Basic Condition a) would be met. The Policy would be in general conformity with the LPLD-PT1 at Policy SP9 which seeks to maintain strong communities including promoting the role of sustainable transport modes amongst other things. Through Policy T2 LCC will promote more walking and cycling and Policy CNDP AM1 is therefore in general conformity. It also conforms with Policies DM60 and DM61 of the LPLD-PT2 which seek to enhance accessibility and transport linkage and promote walking and cycling respectively. Again, these LPLD-PT2 policies are more detailed but I am satisfied that Policy CNDP AM1 adds to the strategic policies by being locally specific. By securing more sustainable modes of transport for new development the Policy would contribute to the achievement of sustainable development. Basic Conditions d) and e) are therefore also met.
- 6.62 A Regulation 16 representation proposes the addition of new text to Policy CNDP AM1 proposing the use of sustainable mobility targets, appropriate provision for cycles and mobility aids in housing developments, and use of CIL funds to improve footpaths and cycle paths. These additions to the policy would require extensive redrafting and whilst there would be some merit in their inclusion, at this stage in the plan process, it would result in substantive changes to the policy, which have not been the subject of consultation and which are not simply necessary to meet the Basic Conditions. My advice therefore is that the CTC retain these and similar suggested additions to be considered in reviewing the CNP in the future.

Recommendation 10	
10A	In paragraph 1 of Policy CNDP AM1 delete the words 'where appropriate' in line 2. Start the last sentence "<i>Paths provided should be direct....</i>"
10B	Reword paragraph 2 to read: <i>"Proposed new development should provide a safe pedestrian and cycle environment including by natural surveillance of public spaces and routes"</i>.
10C	In paragraph 3 delete the words 'where appropriate' at the end.
10D	Relocate the detail of the blue box project aspiration CNDP AM(a) to the new Appendix 1.

Policy CNDP AM2: Charging points for electric vehicles

- 6.63 The CNP is concerned to reduce air pollution in the centre of Carnforth as a result of heavy levels of traffic which has to navigate through the town. Aware that this is not a matter the CNP can directly influence, the plan instead seeks to ensure that the necessary charging infrastructure is in place in public parking and residential developments through Policy CNDP AM2. The result of this will be that the switch to cleaner electric vehicles is provided for and facilitated. Additionally, the CTC wish to ensure through a community project that the town centre is made more user friendly for pedestrians and events in the town centre and that the impacts of heavy traffic in Market Street, in particular, is controlled. Whilst I acknowledge the importance of the project, as with the other blue box projects the detail needs to be relocated to the appendix although in this case the project title and first paragraph could be retained in the blue box together with the cross reference to the detail in the new appendix.
- 6.64 With regard to the Policy itself, it has regard to the provisions in the NPPF at paragraph 107 encouraging the provision of EV infrastructure in development. The CNDP states that paragraphs 105 and 110 of the NPPF make this requirement but that is not actually the case. Paragraph 105 only talks in general terms about the need to reduce emissions and improve air quality and paragraph 110 does not specifically mention EV infrastructure either. The CNDP supporting text needs to accurately report on the NPPF and needs to be amended.
- 6.65 LPLD-PT2 Policy DM29 on Key Design Principles sets out the general requirement for EV infrastructure to be provided so policy CNDP AM2 is in general conformity with the LPLD. The policy adds detail specific to the local area so does not merely repeat the local plan requirements.
- 6.66 Policy CNDP AM2 will assist in achieving more sustainable forms of development that are less reliant on fossil-fueled cars.
- 6.67 As with Policy CNDP AM1 however, Policy CNDP AM2, by the way in which it is worded, is not clear and unambiguous as required by the NPPF and PPG. Paragraphs 1 and 2 of the Policy again use imprecise wording – ‘where it is appropriate’ and ‘wherever possible’. This lack of clarity in policy wording fails to provide guidance for developers in Carnforth and is likely to be used to justify non-compliance.
- 6.68 LCC officers have raised concerns at the Regulation 16 stage that Policy CNDP AM2 does not add anything additional to what is now required by Building Regulations and that generally the proposals regarding traffic and its impact on the town centre are not well developed. However, the Policy will allow provision to be made for EV charging at the planning application stage and thus for it to be designed in from the start rather than as an afterthought at the Building Control stage. It would appear from the Regulation 16 comments that the matter of traffic management in Carnforth town centre is currently in development and as physical proposals have

not yet been agreed, if the CNP is to provide more guidance, this would more appropriately be a matter for a future review.

- 6.69 With the modifications below the conflict with Basic Condition a) would be resolved and Policy CNDP AM2 would meet all Basic Conditions.

Recommendation 11	
11A	Reword the beginning of paragraph 1 of Policy CNDP AM2 to read: “Where public parking is provided in new development encouragement should be given.....”
11B	Delete the words ‘Wherever possible’ at the start of Paragraph 2.
11C	Reword the first sentence of Paragraph 6.13 of the supporting text to read: <i>“Paragraph 105 of the NPPF notes the importance of managing development to reduce emissions and improve air quality and paragraph 107 notes that parking spaces for electric charging and other ultra-low emission vehicles should be provided.”</i>
11D	Relocate the detail from the blue box project aspirations CNDP AM(b) and CNDP AM(c) to the new appendix retaining the titles plus reference to the appendix in the blue boxes on page 36 and 38. In respect of CNDP AM(b) the first paragraph can also be retained within the blue box.

Town Centre Connectivity

- 6.70 The last part of the section on Access and Movement deals with proposals to tackle the poor connectivity within Carnforth. While this has been currently included as a blue box project in the submitted plan CNDP AM(c), the road proposals if progressed to actual schemes should have routes safeguarded at the appropriate time in any future review of the neighbourhood plan.
- 6.71 I note that Lancashire County Council has indicated in its Regulation 16 representations that the road link proposals have not been agreed but, as these are not included in the plan but rather in a proposed project / aspiration for further discussion and which is now to be included in an appendix, I do not consider this raises any conflict with the Basic Conditions.

Section 7 – Housing

- 6.72 Section 7 of the Neighbourhood Plan sets out the approach to housing provision in

Carnforth and ensures an appropriate mix in the housing supply.

Policy CNDP H1 - Housing

- 6.73 Given the strategic policy background in LPLD-PT1 Policy SP2 and LPLD-PT2 Policy DM4 where Carnforth is identified as a highly sustainable location for development the local Plan allocated a major site at Lundsfield Quarry. Although not allocated, a further large site has come forward for residential development off Scotland Road during the preparation of the CNP. Accordingly, CTC has taken the decision that the CNP does not need to make further formal provision in the form of further allocations. As part of the examiner's clarifying questions LCC was asked whether the housing provision in Carnforth in terms of allocated sites and extant permissions represented a reasonable share of the district's housing provision. LCC has responded confirming that this is considered sufficient to meet an appropriate amount of the district housing requirement, given the constraints around Carnforth.
- 6.74 The CNP at Policy CNDP H1 does however set out the circumstances in which housing additional to these major sites will be supported within the boundary of the Carnforth urban area with a focus on provision to meet local housing need including affordable housing.
- 6.75 Policy CNDP H1 has regard to the NPPF at section 5 particularly paragraph 69 encouraging the use of small and medium sized sites and section 11 of the NPPF encouraging the effective use of land including, specifically, previously developed land.
- 6.76 This policy approach is in general conformity with LPLD-PT1 Strategic Policies SP2 regarding the settlement hierarchy and SP3 on the distribution of development as well as Policy SP6 on housing provision. It is also consistent with the approach to development in the urban areas at Policy H1 which encourages provision of smaller sites.
- 6.77 The focusing of housing development within Carnforth as a sustainable market town is likely to contribute significantly to achieving more sustainable development.
- 6.78 A Regulation 16 representation proposes the addition of new text to Policy CNDP H1 proposing provision of walking and cycling links, green amenity spaces, houses that will provide live/work units and sufficient off-site parking and provision for service deliveries. These additions to the policy would require extensive redrafting and, whilst there would be some merit in their inclusion, at this stage in the plan process, it would result in substantive changes to the policy, which have not been the subject of consultation and which are not simply necessary to meet the Basic Conditions. My advice therefore is that the CTC retain these and similar suggested additions to be considered in reviewing the CNP in the future.
- 6.79 The policy as it stands meets Basic Conditions a), d) and e) and there is no need for

any modification.

Policy CNDP H2: Housing Mix

- 6.80 Policy CNDP H2 seeks to ensure that housing provision meets the requirements established in the Housing Needs Assessment including the provision of affordable homes and has regard to the policy objective in section 5 of the NPPF to provide for a range of housing to meet community needs. Although the Carnforth Housing Needs Assessment establishes specific requirements in respect of housing size the policy is expressed flexibly and in that regard is in line with the NPPF.
- 6.81 As Policy DM3 of the LPLD-PT2 sets out in detail arrangements in respect of affordable housing the CNP does not seek to duplicate policy coverage in this respect. Policy CNDP H2 instead looks to ensure a mix of housing provision targeted at meeting local housing needs including that in respect of affordable housing. It is in general conformity with Policy DM1 of the LPLD-PT2 which in general terms calls for a mix in the housing provision. Policy CNDP H2 will help achieve a sustainable community where housing needs are met.
- 6.82 The only minor issue with the Policy relates again to the need to be clear and unambiguous as set out in the NPPF and PPG. The last paragraph of the Policy seeks to ensure that the density of development reflects densities in the character area in which it is set (the character areas having been established in the Design Code). Not only does this clause (essentially a design clause) appear at odds with the policy objective of CNDP H2 to secure a housing mix but it also directly overlaps with the second bullet point requirement in Policy CNDP H1. It is unnecessary and confusing that it is a requirement in both policies and should be deleted from Policy CNDP H2.

Recommendation 12	
12A	Delete the last paragraph in Policy CNDP H2

- 6.83 With this modification, Policy CNDP H2 would meet the Basic Conditions.

Section 8 Environment and Community

- 6.84 Section 8 of the plan includes a suite of four policies designed to ensure development in the neighbourhood area responds positively to selected environmental concerns

Policy CNDP EC1: Local biodiversity landscape and character

- 6.85 The neighbourhood area has a rich and valued natural environment with a number of

important natural assets including European sites and an attractive landscape character. The Policy was added in response to concerns raised when the draft CNP was first screened to assess whether strategic environmental assessment or habitats regulation assessment was required. The Policy CNDP EC1 sets out what is expected of development schemes to protect and enhance biodiversity and sets out the requirement in respect of biodiversity net gain (BNG). The last part of the Policy sets out the requirement for how developments are expected to respond to the landscape character of the Carnforth area.

- 6.86 The NPPF at section 15, particularly paragraphs 174 and 179, encourages plans to protect and enhance landscapes and promote the conservation, restoration and enhancement of priority habitats, to pursue measurable net gains for biodiversity and to prevent development contributing to pollution, which Policy CNDP EC1 responds to.
- 6.87 In respect of the NPPF and PPG guidance that planning policy should be clear and unambiguous, there is a minor instance in Policy CNDP EC1 where this is not achieved. The Policy states in paragraph 3 that there should be a net gain in biodiversity to be delivered on site '**wherever possible**'. Any developer would be unclear as to what was expected of them in this regard. In any event the policy goes on to caveat the statement by saying 'unless undeliverable' so the use of 'wherever possible' is superfluous and should be removed.
- 6.88 The strategic context in respect of protecting the natural environment is set out in Policy SP8 of LPLD-PT1 which seeks to protect, maintain and enhance the District's natural environment and biodiversity whilst Policy EN7 focusses on designated sites. Whilst Policy DM44 of the LPLD-PT2 provides more detail on how biodiversity is to be protected and enhanced and Policy DM46 controls development and landscape impact and there is some overlap with both in CNDP EC1, the Policy does add local context and does not merely replicate the Local Plan policies. Policy CNDP EC1 is arguably complementary to the strategic policies and in general conformity and Basic Condition e) is met.
- 6.89 Given that the twin objectives of the policy are to protect and enhance biodiversity, and protect landscape character Policy CNDP EC1 will have a positive effect in achieving sustainable development and in particular environmental sustainability.
- 6.90 Although in both the NPPF and the Local Plan the twin issues of biodiversity and landscape character are to some extent linked there would be some benefit in separating out the two strands in Policy CNDP EC1 to create shorter, less complex policies. However, as this is not strictly necessary to meet the Basic Conditions, I make no formal recommendation in this regard and it is a matter that CTC could consider further in a future review of the CNDP.
- 6.91 Finally United Utilities in its Regulation 16 representation has raised a concern that the wording of Policy CNDP EC1 setting out the requirement for a 10% net gain in

biodiversity lacks flexibility. United Utilities appear to be particularly concerned that in respect of development related to their infrastructure that it may not always be possible to provide BNG on site. However, Policy CNDP EC1, even as proposed to be amended above to remove the term 'wherever possible', still expressly includes the caveat "*unless undeliverable in which case proposals for net gain will be sought off-site within the neighbourhood area*". This provides the flexibility United Utilities appear to seek and I am not persuaded that there is a need for any modification to the Policy.

Recommendation 13	
13A	Delete the words 'wherever possible' from line 4 of Paragraph 3 to Policy CNDP EC1.

6.92 With this modification Policy CNDP EC1 would meet Basic Conditions a), d) and e).

Local Green Spaces and Improving Parks and Spaces

Policy CNDP EC2: Development adjacent to parks

- 6.93 This section of the plan deals with protecting and improving green spaces The Plan considers that the LPLD policies already afford considerable protection to open spaces and at this stage the CNP does not consider a protective policy is necessary but CTC in its projects and aspirations does set out an intention to identify Local Green Spaces in accordance with the provision for these spaces set out in the NPPF.
- 6.94 Again through a project / aspiration CTC seek to secure the improvement to open space in particular the remediation of the disused tip at Midland Road and Policy CNDP EC2 seeks to ensure development adjacent to open spaces is designed to take spaces into account and protect them and encourage linkage to them.
- 6.95 This approach has regard to section 8 of the NPPF. It is also in general conformity with LPLD-PT1 Policies SP9 and SC3 which look to maintain strong communities and protect open space respectively. Again, the Policy is in general conformity with Policy DM27 of the LPLD-PT2 seeking to protect and expand open space.
- 6.96 However, again in terms of the NPPF and PPG requirements for policies to be clear and unambiguous, Policy CNDP EC2 in a couple of minor respects lacks clarity. The Policy at the end again uses the phrase 'as appropriate' which fails to give precise guidance to developers. The Policy would be much clearer in regard to what is expected of developers with this phrase removed. In line 2 of the Policy it would also be clearer if the word 'these' was replaced by the words 'development proposals'.
- 6.97 The improvement of parks and open spaces will contribute to the achievement of

sustainable development and as a result the plan approach meets the basic conditions a), d) and e).

Recommendation 14	
14A	Relace the word ‘these’ with the words “<i>development proposals</i>” in line 2 of Policy CNDP EC2
14B	Delete the words ‘as appropriate’ at the end of Policy CNDP EC2.

Policy CNDP EC3: Sustainable housing

- 6.98. As stated in section 5 of the examination report above, LCC has already commenced a review of the LPLD in response to the climate emergency. The CNP in anticipation of the emerging LPLD wishes to ensure that housing development, in particular in Carnforth, is as sustainable as possible through the application of Policy CNDP EC3.
- 6.99 Section 12 and 14 of the NPPF together require developments to achieve sustainability in their design with section 12 encouraging the development of design guidance and codes. Accordingly, the principle of Policy CDNP EC3 generally has regard to national policy.
- 6.100 However again I have concerns about how clear and unambiguous the policy is and therefore whether it meets Basic Condition a). The policy does not state that the objective is to achieve high standards of sustainability. It simply presents a number of standards to be applied to applications at the design stage without making clear that these standards must more importantly be applied to the completed development. Moreover, it does not explain what would happen in the event that standards are no longer in place. Usually such policies will refer to the successor standards. There is therefore a need for the first part of the Policy to be clarified.
- 6.101 Policy SP8 of the LPLD-PT1 seeks to protect the environment from climate change encouraging the maximising of energy efficiency in new developments amongst other things while Policy DM30 of the LPLD-PT2 sets out principles to ensure development is sustainable including the reduction of energy consumption and the use of renewables and community led energy schemes. The principles in Policy DM30 are fairly comprehensive in their scope but the Policy does not refer to standards and the modified Policy CNDP EC3 in clearly stating the standards which CTC wish development to reach is locally specific and complementary to Policy DM30.
- 6.102 The outcome of applying the modified policy to housing development will deliver more sustainable development.

- 6.103 In respect of Policy CNDP EC3, Regulation 16 representations from United Utilities also express concern regarding how the plan approaches foul and surface water drainage, Sustainable Drainage Systems (SuDS) and water efficiency. United Utilities propose that Policy CNDP EC3 is extended to include policy cover in respect of these matters to align with the equivalent policies in the emerging Climate Emergency Local Plan Review Part 2 DM30B Water efficiency and DM34 Surface Water Run Off and Sustainable Drainage.
- 6.104 These emerging policies which are at an advanced stage, being now at examination, are very detailed and the NPPF and PPG make it clear that it is neither necessary nor desirable to repeat policy at different levels of the planning policy hierarchy and changing Policy CNDP EC3 in the manner proposed by United Utilities (largely a replication of the emerging reviewed policies set out in the Climate emergency LDLP Review Regulation 19 document) would be inappropriate. In any event it would make more sense to wait until the review of the LPLD is complete and then take the opportunity in a review of the CNP to provide more detailed local policy guidance on these matters, if required, at that stage. However, as the second part of Policy CNDP EC3 sets out the kind of sustainability requirements expected of housing developments there is no reason why water efficiency, foul and surface water management and sustainable drainage should not be added to the list.

Recommendation 15	
15A	<p>Reword Policy CNDP EC3 to read:</p> <p><i>“New housing developments are encouraged to meet high standards of sustainability and accord with one or more of the following standards or their successor standards at the design and completion stages:</i></p> <ul style="list-style-type: none"> • <i>BREEAM Standards</i> • <i>‘Passivhaus’ Standard</i> • <i>Home Quality Mark</i> <p><i>Housing proposals should show how resource efficiencies.....”</i></p>
15B	<p>Insert into the last line of Policy CNDP EC3 after landscaping:</p> <p><i>“....sustainably sourced building materials, water efficiency measures and foul and surface water management utilising sustainable drainage systems.”</i></p>

- 6.105 With these modifications, Policy CNDP EC3 will meet Basic Conditions a), d) and e).

Policy CNDP EC4: Dark skies

- 6.106 The CNP is concerned at the impact of potential light pollution of dark skies and seeks through Policy CNDP EC4 to protect the night sky from unnecessary light pollution.
- 6.107 The NPPF at paragraph 185 seeks to “*limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*”. In this respect the Policy has had regard to National Policy.
- 6.108 Policy DM 29 of the LPLD-PT2 setting out key design principles refers to impacts of pollution but not specifically dark skies and Policy CNDP EC4 therefore raises no issues of general conformity.
- 6.109 The limiting of light pollution and its impacts on night skies generally helps to achieve more sustainable development. The policy meets the Basic Conditions a), d) and e) and there is no need for modification.

Section 9– What happens next.

- 6.110 Section 9 of the plan sets out the next steps in preparing the plan. The text raises no issues in respect of the Basic Conditions and the only change needed is to update the text to reflect the stage reached. However, in making these updates care should be taken if referring to the Basic Conditions (as is currently the case at Paragraph 9.3) that the conditions are correctly expressed and all are referenced and not just the Basic Condition relating to the Development Plan.

Recommendation 16	
16A	Reword the text in Section 9 to reflect the stage reached and ensure that the Basic Conditions are accurately reflected if being referred to – ie the text at paragraph 9.3 line 3 should make clear that the Basic Condition quoted is that the CNDP is in general conformity with the strategic <u>policies</u> of the local development plan

7 Other Matters

Air quality

- 7.1 A Regulation 16 representation proposes that a new policy on air quality is added to section 6 of the plan on access and movement. I am not persuaded that this is actually necessary in the neighbourhood plan because this matter is covered certainly at a high level in the LPLD-PT2 in Policy DM31 and in the Climate

Emergency Local Plan Review now at examination. In view of advice in the NPPF and the PPG that it is not necessary for policy to be repeated at different levels of the planning policy hierarchy, it would be inappropriate to duplicate policy coverage. In any event adding entirely new policy content at this stage in the process is not possible without the current plan being withdrawn, put through a further consultation process and resubmitted for examination. It would be more appropriate to consider these matters further in a future review of the CNDP once the revised local plan is adopted when more locally specific policy guidance in respect of air quality can be added if required.

United Utilities - Regulation 16 representation

- 7.2 As part of its Regulation 16 representation United Utilities propose that two additional policies are added to the CNDP. The first of these relates to control over the impact of development on existing businesses and community facilities and in particular on strategic infrastructure such as the Waste Water Treatment Facility to the west of Carnforth. The second relates to climate change. There is not the policy content in the CNDP that would allow minor additions to be made to cover these matters. Adding entirely new policy content at this stage in the process is not possible without the current plan being withdrawn, put through a further consultation process and resubmitted for examination. In any event, specifically with regard to the Waste Water Treatment Facility, this is well removed from the Carnforth built up area and certainly not close to any proposed housing. The addition of extra policy control at present would seem to be unnecessary.
- 7.3 Moreover the Climate Emergency Review of the LPLD-PT2 is extremely detailed with respect to proposed policies to deal with the impacts of climate change particularly in policies DM30 – DM36. As the Climate Emergency Local Plan Review is now at an advanced stage being at examination and in view of advice in the NPPF and the PPG that it is not necessary for policy to be repeated at different levels of the planning policy hierarchy it would be inappropriate to duplicate policy coverage now. It would be more appropriate to consider these matters further in a future review of the CNDP once the revised local plan is adopted should specific local control prove necessary.

LCC Environmental Health - Regulation 16 representation

- 7.4 I have dealt with what appear to be the concerns of Environmental Health regarding the submitted plan in section 6 above. However, the department has also raised a large number of comments regarding the pre-submission draft in an annotated copy of the plan as it was at that stage.
- 7.5 It is not the purpose of this examination to reconsider earlier versions of the policies of the plan but to consider the extent to which the policies of the submitted plan

meet the Basic Conditions which I have done. I have not therefore considered any comments relating to the Regulation 14 version of the plan.

- 7.6 The Environmental Health Team has also raised concerns regarding the monitoring indicators at Appendix 3 that the plan could and perhaps should include metrics to monitor the delivery of plan policy requirements e.g. around CO2, cycling trips, EV car use, pollution reduction targets, kilometres of cycle path created, cycle parking provision, traffic flows etc. and include proportionality for developers with regard to expected contributions to deliver planned infrastructure.
- 7.7 No monitoring indicators are proposed in the representation and in any event detailed indicators can be developed over time starting from the simple base set out in Appendix 3. I do not consider that the absence of detailed targets means the CNP fails to meet the Basic Conditions and detailed targets can be developed for the implementation stage.

Typographical and formatting corrections

- 7.8 There are a number of typographical/grammatical errors in the Plan which ought to be corrected. In addition to proposing modifications to ensure the Plan meets the Basic Conditions the only other area of amendment that is open to me as the examiner is to correct such errors. I have identified these in Appendix 2, and, in modifying the Plan as set out above and finalising it for the referendum, these typographical amendments should be made.

Recommendation 17	
17A	Make typographical and grammatical 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 Carnforth Neighbourhood Development Plan should proceed to a referendum.
- 8.2 I am required to consider whether the Referendum Area should be synonymous with the Carnforth Neighbourhood Area or extended beyond it.
- 8.3 The neighbourhood area covers the administrative area of Carnforth Town Council. The CNDP policies and proposals themselves will not affect surrounding areas to any degree and therefore 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 representations have been submitted seeking an alternative approach.

Recommendation 18	
18	I recommend to Lancaster City Council that the Carnforth Neighbourhood Development Plan, modified as specified above, should proceed to a referendum based on the Carnforth Neighbourhood Area as approved by the City Council on 25 April 2018.

Peter D Biggers BSc Hons MRTPI - Independent Examiner – 6 October 2022

Appendix 1 - Examiner's Clarifying Questions and Information Requests put to Carnforth Town Council and Lancaster City Council

Questions and Information Requests to Lancaster City Council (August 2022)

LCC 1:

Q - Have the SEA and HRA screening findings been endorsed by all the three statutory consultees?

A - Historic England, Natural England and the Environment Agency have accepted the conclusions of the SEA and HRA.

LCC 2:

Q - Is the CNDP capable of meeting a reasonable share of the District housing requirement?

A - The Local Plan allocates a site at Lundsfield Quarry, Carnforth (Policy SG11) for 205 homes. Planning permission has been granted for up to 158 dwellings at Land Between Brewers Barn and the A601(M) (Ref: 16/00335/OUT) and for 213 dwellings at Land East of Scotland Road (Ref: 18/00356/OUT & 21/00694/REM). This is considered sufficient to meet an appropriate amount of the district housing requirement, given the constraints around Carnforth.

LCC 3:

Q - Is the Riverside Place Development on the A6 on the edge of Carnforth what is referred to in the documents as the Scotland Road site for 213 dwellings?

A - Yes.

Town Council Questions

CTC1:

Given that at this juncture there are only 9 years for the plan to run what are CTC's proposals and commitment to an early review of the Neighbourhood Plan?

Having committed people and resources to developing the Carnforth Neighbourhood Plan over the last four years, under challenging circumstances, Carnforth Town Council has already demonstrated its commitment to seeing the Plan through to being 'made' and to keep it under regular review.

To this end, a framework for monitoring each of the objectives and aspirations has been developed and incorporated into the Carnforth Neighbourhood Plan – See Appendix 3.

Each objective and aspiration has been shared amongst Carnforth Town Council's three committees and included within their revised Terms of Reference agreed at the Annual Meeting of Carnforth Town Council in May 2022. Each committee has been made responsible for reporting on progress and reviewing their designated elements of the Carnforth Neighbourhood Plan, at least quarterly, for reporting to full Council.

Before the local elections in May 2023, Carnforth Town Council has made a commitment to developing a rolling three year capital strategy and business plan, that will set out (amongst other things) the Council's ongoing commitment to reviewing the Carnforth Neighbourhood Plan.

CTC2:

Which statement is correct regarding the designation of the neighbourhood area? The Foreword to the plan states that application was made to designate on 25th April 2018. The plan at paragraph 1.3 states that it was formally designated on that date.

Lancaster City Council formally accepted the Carnforth Neighbourhood Plan Designation on 25th April 2018

CTC3:

In section 5 Town Centre – why is the section entitled Town Centre (which aligns with the Local Plan retail hierarchy) and yet the policy CNDP E3 refers to it as a Local Centre?

This is a typographical error. The Policy title and references in it should read 'Town Centre' for consistency with the terminology used in the Local Plan.

CTC4:

Does the Town Council or Steering Group wish to respond to any of the Regulation 16 Publicity Stage representations, in particular the more substantive points made by United Utilities, Lancashire County Council, Environmental Health - Lancaster City Council and Dr Caglar Koksak?

The Regulation 16 responses have been read with interest. The Steering Group is grateful to the Examiner for providing the opportunity to respond. Taking these in turn:

United Utilities

The response from United Utilities is extensive. Our comments are ordered in line with the response and sub-sections identified within this:

- *Landscaping and Public Realm Improvements: The Steering Group welcomes the suggestions made though notes that Policy DM34 of the Local Plan (Part 2) establishes requirements for applicants to meet in respect of surface water run-off and sustainable drainage. Without wishing to duplicate that policy, the Steering Group suggests that note can be added in the supporting text (of the policies mentioned in the response) to surface water management opportunities within the public realm and cross-referencing Local Plan policies. This could also cross-reference the emerging SPD on Flood Risk and Sustainable Drainage being prepared by Lancaster City Council which includes requirements in respect of the design of sustainable drainage.*
- *Sustainable Drainage – Foul Water and Surface Water: The Steering Group is happy to incorporate the suggested wording in Policy CNDP EC3 as suggested, though noting that the Local Plan (Part 2) at policies DM33 – DM35 establish requirements for applicants to meet although not specifically requiring production of*

'a foul and surface water management strategy to protect water resources'. It is though noted that the review of the Local Plan and the associated SPD being prepared by Lancaster City Council in respect of Flood Risk and Sustainable Drainage does appear to require such strategies and, indeed, goes further than the adopted Local Plan policy. Insofar as duplication with the Local Plan is avoided, and these requirements are not considered to be an additional burden on applicants, the Steering Group is happy to include this requirement in the Plan – potentially by including similar text to that suggested by United Utilities, or by cross reference to the emerging SPD. The Steering Group welcomes your views and any suggested modifications.

- *Water Efficiency: Policy DM35 of the Local Plan (Part 2) already requires non-domestic buildings to meet the BREEAM 'excellent' rating. It is not considered necessary to duplicate in the Neighbourhood Plan. In terms of water efficiency standards for residential buildings, it is the Steering Groups understanding that the requirement for meeting standards that exceed Building Regulations can only be established through the Local Plan rather than Neighbourhood Plans. The Steering Group is happy to include wording along the lines of that suggested which encourages applicants to meet higher standards but will be guided by your views.*
- *Climate Change: Comments are noted, though the response does not include any recommended policy wording. The Steering Group considers that national policy plus the adopted Local Plan, and review of this, addresses these points.*
- *Biodiversity: The response suggests that flexibility is applied to the location of any biodiversity net gains. This is already provided for in the third paragraph of the policy which states that 'Biodiversity net gain should be delivered onsite wherever possible unless undeliverable, in which case proposals for net gain will be sought off-site within the Neighbourhood Plan area.' The response from United Utilities suggests that off-site provision should allow for net gains to be provided in locations outside of the Neighbourhood Plan area. However, it is not within the scope of the Neighbourhood Plan to establish policies that go beyond the Plan area. The Steering Group considers that words to the effect of ' and or in locations that are of strategic importance for nature' could potentially be added to the end of the paragraph, though would be concerned as to how this would be managed and delivered, and by whom. The Steering Group is happy to be guided by you in this respect.*
- *Development next to Wastewater Treatment Works and Pumping Stations: The comments are noted, including reference to the 'agent of change' principle in the NPPF. Given this requirement is set out in national policy, and that the Plan is not allocating sites (and thus has not considered this within any site assessments) it is not considered necessary to include a specific policy in the Neighbourhood Plan. Furthermore, Policy CNDP H1 of the Plan directs proposals for future development to the settlement boundary and use of previously developed land and infill gaps in the first instance, thus being somewhat removed from the Wastewater Treatment Works.*

Lancashire County Council

The comments focus around Highways and School Place Planning. Taking these in turn:

- *Highways and Transport: It appears there is some confusion between what is a policy and what is a project – the latter being initiatives the Town Council would like to explore further with partners and which are not necessarily ‘land-use and development’ related policies. The projects and suggestions within these have been identified through the process of working on the Neighbourhood Plan, but are not intended to commit partner organisations to their delivery. Rather, the Town Council would like to explore the feasibility and potential for such schemes. They have been raised as important issues through the work and it is considered appropriate to include them in the Plan as an expression of the community’s manifesto and ambitions for the area. Including them in blue shaded boxes is intended to help differentiate them from the policies. However, and as per responses to comments made by Dr Caglar Koksak below, the Steering Group recognises that more clarity could be provided in the Plan as to the purpose and status of the aspirations, either within the introductory section or ‘next steps’ section of the Plan. This could help further explain the difference between policies and projects, the relationship with the Community Infrastructure Levy and Section 106 agreements.*
- *Schools Provision Planning: Comments in respect of school place planning are noted. The response notes that the Neighbourhood Plan will have a low impact on school places. Given the processes already in place for liaison with the education authority and seeking contributions through the S106 process, it is not considered necessary to include further detail in the Neighbourhood Plan.*

Environmental Health – Lancaster City Council

The Steering Group has reviewed the comments made against the pdf version of the Neighbourhood Plan included in the pack of Regulation 16 consultation responses. We respond accordingly:

- *Policy CNDP HD3: Similar comments in respect of cycle storage, the design and layout of development and integration of walking and cycle routes are made by Dr Caglar Koksak, with recommended policy wording also included. Our comments on those are set out further below. In respect of DfT document LTN 1/20 the Steering Group agrees this would be a helpful reference for inclusion, but that this might potentially be better included in Policy CNDP AM1 (Active Travel).*
- *Policy CNDP E3: The wording in the policy is considered commensurate with the Plan. However, further recommendations have been suggested by Dr Caglar Koksak (see below) which the Steering Group is happy to incorporate in the Plan.*
- *Policy CNDP AM1: The policy does not say that developments that do not provide new walking and cycling routes will not be supported as it is recognised that not all development will be able to or need to, e.g.: a small infill development directly accessed via existing highways. In terms of the second sentence, the Steering Group suggest this could be rephrased as ‘New and existing streets, spaces and*

routes shall be safe and attractive for all to use. Development layouts shall be created with active frontages which allow for the natural surveillance of routes through overlooking.'

- *Project / Aspiration CNDP AM(a): The Steering Group would be very happy to see the suggested list of new and improved routes become an expectation, but recognises that not all are directly related to land use or development proposals and may be delivered outside of that. As with other responses, the Steering Group would be happy to prepare additional text for inclusion in the Plan that further clarifies the role and status of the project / aspiration boxes.*
- *Policy CNDP AM2: The changes to the Building Regulations are noted, though it is still appropriate to include a policy in the Plan. The Steering Group suggests this is redrafted to read:*

'Where electric vehicle (EV) charging is proposed, such infrastructure should be located sensitively to ensure that there are no harmful impacts upon pedestrian circulation or the immediate appearance of the street scene and wider townscape. Infrastructure should be designed to minimise visual clutter, hindrance and hazard to pedestrians and other street users.'

Insofar as planning permission is required, proposals for the retrofitting of existing on and off street parking to include EV charging points is welcome.

Wherever possible, public EV charging infrastructure, such as cabling, should be provided in such a way that it can be expanded in the future to provide additional charging points and be upgraded to incorporate faster charging technology.'

- *Project / Aspiration CNDP AM(b): As with earlier comments, this project is not specifically linked to a development project and is thus included in the Plan as an aspiration rather than a policy. Comments listed in respect of signalling and modal shift etc are aspects of any intervention that the Town Council would like to investigate further with partners.*
- *Project / Aspiration CNDP AM(c): As above, these are aspirations to be explored further. However, concerns about delivery and the highways authority are noted. The text could be rephrased to be less scheme specific (though this would run counter to other comments made), with the last sentence and set of bullet points being rephrased as 'These are subject to discussion with the relevant authorities and feasibility testing, and might include new link roads to and from the A6.'*
- *Policy CNDP H1: In terms of 'good connections', it is suggested that a cross reference back to Policy AM1 and DfT guidance LTN 1/20 might be made here.*

Dr Caglar Koksal

- *Recommendation, Policy CNDP HD3: To some extent the suggested policy wording recommended is already included within the Neighbourhood Plan, in a combination of policies CNDP HD3 (Design), AM1 (Active Travel), HD1 (Conserving the Historic Environment), and HN2 (Locally Designated Heritage Assets). However, it is*

recognised that the suggested wording would help clarify and strengthen Policy CNDP H3, particularly the first two sentences regarding 'outward-looking' and well-integrated development. The Steering Group is not averse to the proposed text being included in the Plan and welcomes your views and any suggested modifications. The references to the setting of heritage assets in the last sentence is already set out in Policy DM30 of the Local Plan (Part 2). It is not considered necessary to repeat in the Neighbourhood Plan.

- *Recommendation, Policy CNDP E1: The Steering Group is comfortable with the suggested text being added to the Plan, although, and if we are reading the recommendation correctly, it would need to be clear that any alternative would not be for provision of a different facility or use, but rather an existing facility or use that might be adapted, as appropriate, to accommodate the relocation of any building or facility that is subject to proposals that would see that use being lost.*
- *Recommendation, Policy CNDP E2: The Steering Group is comfortable with the suggestion to change the last line of the Policy to read 'via active travel and other sustainable transport modes'. The Steering Group is equally happy with the additional two paragraphs recommended for inclusion and which respond to the changing working patterns experienced as a result of the Covid pandemic. Some changes to enable home working are already allowed under the permitted development route, though it is noted that the recommendation includes the wording 'where permission is required' to overcome this issue.*
- *Recommendation, Policy CNDP E3: The Steering Group considers that the recommended text would help strengthen the policy and help facilitate wider improvements to the town centre and quality of the public realm. The recommended text appears broadly consistent with that in other neighbourhood plans. The Steering Group is happy to include this text in the Plan and welcomes your views and any suggested modifications.*
- *Recommendation, Policy CNDP AM1: There are three parts to this recommendation. In turn:*
 - *Para 1: The Steering Group welcomes the suggested text. However, the draft Plan does not establish any mobility targets and, as such, is unclear how these should be set, what would be asked of applicants and how this would be assessed in an application. It is considered more appropriate to defer this to the review of the Local Plan and production of any Transport Assessments (or similar) required through that (or in response to existing development management policies)*
 - *Para 2: The Steering Group welcomes the additional text and is happy to include this within the Neighbourhood Plan.*
 - *Para 3: The Plan includes a series of blue shaded boxes which establish projects and aspirations that the Town Council would like to see investigated and delivered. These are not necessarily land-use projects but are schemes to which the neighbourhood portion of the Community Infrastructure Levy might be directed. Equally, they are included as projects to test and explore with wider partners, and towards which funding might be made available in the future. It is*

not considered necessary to include the recommended text in the policy (though the Steering Group would be happy to if you think it would help add clarity). However, the Steering Group does note that further explanation of the blue project boxes would help add clarity to the Plan. This could either be incorporated in the introduction to the Plan (where the purpose of the blue boxes is set out), or as part of the 'Next Steps' in Section 9.

- *Recommendation, new Air Quality policy: The Steering Group welcomes recommendations in respect of Air Quality. It is though noted that Policy EN9 and DM31 of the Local Plan Part 1 and Part 2 respectively establish the approach that applicants are expected to follow. Subject to your views, and whether inclusion of such a policy would trigger additional consultation and assessment, the Steering Group feels that the Local Plan covers this area.*
- *Recommendation, Policy CNDP H1: There are six parts to this recommendation. In turn:*
 - *Para 1: This text is partly covered by the last bullet point in the policy, by policies CNDP HD3 (Design) and AM1 (Active Travel). The Steering Group is though comfortable with the text and is happy to include in the Plan, and welcomes your views and any suggested modifications.*
 - *Para 2: The Steering Group welcomes the suggested text, though the words 'where appropriate' or 'where practicable' may be added to the end of the sentence, recognising that not all development opportunities may be able to extend an existing network of spaces.*
 - *Para 3: Recommendations have been provided in respect of home working in Policy CNDP E2 and which this appears to be a duplication of.*
 - *Paras 4-6: These cover parking and access arrangements. Standards of provision are set out in the Local Plan (Part 2), to which the Neighbourhood Plan defers. However, in terms of the design of provision and its impacts on the quality of the environment, the Steering Group welcomes the recommendations made which build upon the parking typologies set out in the Carnforth Design Code (Section 5.1.8). The Steering Group would be happy to include the recommended text, with a cross-reference to the Design Code also provided.*

Other responses

It is noted that responses to the consultation process were also received from Sport England, Natural England and Historic England. The responses from Sport England and Historic England do not specifically comment on the Neighbourhood Plan. The Steering Group takes this as support for the Plan. The response from Natural England notes that they are pleased that previous comments made have been incorporated into the Plan. Again, this is taken as support for the Plan.

Additional questions of the CTC – September 2022

CTC5:

Q Policy CNDP E1 – Leisure and Tourism – Is the intention that both sets of bulleted criteria in the policy should apply to both the built up area and the rural area or is the intention that the second set of bullets is specifically related to smaller developments in the rural area only.

A The intention is that both sets of bullets apply to both urban and rural areas. We appreciate that the ordering of the text makes it appear that the second set of bullets are intended to apply to rural areas only. We suggest that the wording in the policy is reordered, so that the second para (starting 'where appropriate') follows after the second set of bullets.

CTC 6:

Q Policy CNDP E3 – Is the reference to the 'regeneration policy area' in the last paragraph a reference to the Regeneration Priority Area of Central Carnforth in policy EC5.6 of the local plan?

A That is correct

Questions to Both Councils

CTC/LCC1:

In Paragraph 4.8 has LCC been involved in agreeing the basis for the identification of locally-designated heritage assets and does LCC agree with those assets 'listed' in the policy CNDP HD2?

The basis for identification is consistent with the LCCs methodology and the assets 'listed' are agreed with.

Peter Biggers

Independent Examiner

August and September 2022

Appendix 2 - Recommendation 17 - Typographical & Factual Corrections		
Page	Location	Correction
4	Foreword Para 3 1 st sentence	Reword 1 st sentence to read : “Since 25 th April 2018 when <i>the Carnforth Neighbourhood Area was designated</i> public meetings and ...” Reason: The date given is the date of designation and not the date of application as the current Foreword states.
6	Paragraph 1.1 Line 1	Here and elsewhere in section 1 and 9 update references to the Submission Draft Plan and the stage reached in the procedure in modifying the plan for the referendum. Reason – factual updating to reflect stage reached.
6	Paragraph 1.2 Line 2	Add the word ‘ <i>where</i> ’ after the word ‘places’. Reason – to make grammatical sense.
9	Paragraph 2.2 Line 5	Replace the word ‘site’ with the word ‘ <i>town</i> ’. Reason to make geographic sense.
9	Paragraph 2.6 Line 3	Change the word ‘pedestrianization’ to “ <i>pedestrianisation</i> ”. Reason – to reflect English spelling.
11	Paragraph 2.13 Line 4	Correct the date for the NPPF to 2021. Reason – the plan should reflect the most recent version
12	Policy EN4 – last sentence	Should read “ Inappropriate development” – Delete the space. Reason – to correct spelling
13	Paragraph 2.19 Line 1	Delete the word ‘been’ between the words ‘has’ and ‘also’. Reason – to make grammatical sense.
14	Paragraph 2.30 Line 5	Replace the words ‘in the Appendix’ with the words “ <i>in Appendix 3</i> ”. Reason – more than one appendix is involved.
20	Policy CNDP HD1 part 2 1 st bullet - Line 2	Delete the words ‘within the conservation area’ after the words ‘built form’. Reason – To remove the repetition. The bullet already states that it relates to within the Conservation Area.
26	Paragraph 5.7 Line 6	Change the words ‘due to be completed in 2021’ to the words “ <i>when completed</i> ”. Reason – 2021 has passed and the path remains uncompleted due to delays as a result of the pandemic. No alternative completion date is offered online.
26	Paragraph 5.7 Line 9	Insert apostrophe in the word ‘towns’ (ie town’s). Reason – to make grammatical sense.

29	Policy CNDP E3 para 1 Line 2 Policy CNDP E3 para 2 line 1	Delete the word 'of' and replace with "in" Change the word 'business' to the word "businesses" Reason – to make grammatical sense.
30	Policy CNDP E4 Paragraph 2 Line 3	Delete the word 'the' before the words 'Conservation Area'. Reason – to make grammatical sense.
32	Paragraph 6.5 line 1	Add comma after the word 'plan'. Reason - to make grammatical sense.
35	Policy CNDP AM2 Line 2	Delete the letter 'd' from the end of the word 'provided'....' Reason - to make grammatical sense.
43	Paragraph 8.1 Line 10	Add the letter 's' to the end of the word 'function'. Reason - to make grammatical sense.
45	Policy CNDP EC1 Paragraph 4 Line 6	Add the letter 's' to the end of the word 'view'. Reason - to make grammatical sense.
48	Policy CNDP EC2 Line 1	Correct the spelling of the word 'exception'. Reason – Incorrect spelling.



CARNFORTH NEIGHBOURHOOD PLAN

Regulation 19 (Final) Decision Statement

This Statement was published on (Date to be inserted following Full Council resolution), pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012/637.

Lancaster City Council has 'made' the Carnforth Neighbourhood Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Carnforth Neighbourhood Plan now forms part of the Development Plan for Lancaster District.

1.0 Summary

- 1.1** This document is the Decision Statement required to be prepared under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). It sets out the Council's considerations and formal decision in bringing the Carnforth Neighbourhood Plan into legal force.
- 1.2** Following an independent examination and positive referendum result, held on 26th January 2023, Lancaster City Council decided to make the Carnforth Neighbourhood Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

2.0 Background

- 2.1** On 20th December 2017, Carnforth Town Council (the Town Council), as the appropriate qualifying body for their area, submitted proposals to Lancaster City Council (the Council) to designate the boundary of the Carnforth Neighbourhood Plan Area.
- 2.2** The Council approved the Neighbourhood Area application on the 8th May 2018 in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.3** Following initial consultation stages, a Draft Neighbourhood Plan (the Plan) was publicised, and representations were invited in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) between 26th July and 20th September 2021.

- 2.4 The finalised version of the Plan was submitted to the Council in February 2022. A final, formal, stage of publicity was undertaken over a 6-week period in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), between 4th February and 18th March 2022 to determine if there were any unresolved objections to the Plan.
- 2.5 The Council, with the agreement of the Town Council, appointed an independent Examiner, to review whether the Plan met the 'Basic Conditions' and legal requirements for plan-making as required by legislation and whether it could proceed to referendum.
- 2.6 An Independent Examiner was appointed in June 2022 to undertake the examination of the Submission version of the Plan. This was completed with the final examination report sent to both the Town Council and the Council 6th October 2022.
- 2.7 The Examiner concluded that subject to recommended modifications, the Plan would meet the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended). The Town Council made the recommended modification to the Plan. The Council accepted that the modifications recommended in the Examiner's Report were necessary for the Plan to meet the basic conditions and subject to these amendments the Plan should proceed to Referendum.
- 2.8 A local referendum was held in Carnforth 26th January 2023 to decide whether the local community were in favour of the Carnforth Neighbourhood Plan. From the votes recorded, 476 of the 547 votes received were in favour of the Carnforth Neighbourhood Plan. The turnout of electors was 13.04%.

3.0 Decisions and Reasons

- 3.1 Lancaster City Council decided by resolution of Full Council on 15th March 2023 to make the Carnforth Neighbourhood Plan.
- 3.2 Lancaster City Council as the local authority 'makes' the Carnforth Neighbourhood Plan as part of the Development Plan Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Carnforth Neighbourhood Plan now forms part of the Development Plan for Lancaster District. Planning applications in the Parish must be considered against the Carnforth Neighbourhood Plan, as well as existing national planning policy and the Local Plan.
- 3.3 On 26th January 2023 the Plan was subject to a referendum which returned a vote in favour of the Plan being used to help decide planning applications. Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council must 'make' the Plan if more than half of those voting have voted in favour of the plan.
- 3.4 The Council has assessed the Plan and concluded that the Plan, including its preparation, is compatible with EU obligation and the Convention Rights (within the

meaning of the Human Rights Act 1998) and complies with the relevant provisions within the Planning and Compulsory Purchase Act 2004 (as amended).

- 3.5** The adopted version of the Neighbourhood Plan (as approved by Full Council) was published on the Council's website, alongside this Carnforth Neighbourhood Plan Decision Statement, on (Date to be inserted following Full Council resolution).

Mark Cassidy, Head of Planning and Place

CABINET

6.00 P.M.

7TH FEBRUARY 2023

PRESENT:- Councillors Caroline Jackson (Chair), Kevin Frea (Vice-Chair),
 Dave Brookes, Gina Dowding, Tim Hamilton-Cox, Tricia Heath,
 Sandra Thornberry, Anne Whitehead and Jason Wood

Apologies for Absence:-

Councillor Cary Matthews

Also present: Councillor Colin Hartley

Officers in attendance:-

Mark Davies	Chief Executive
Luke Gorst	Head of Legal Services and Monitoring Officer
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Joanne Wilkinson	Head of Housing
Liz Bateson	Principal Democratic Support Officer

65 MINUTES

The minutes of the meeting held on Tuesday 17 January 2023 were approved as a correct record.

66 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

The Chair advised that there were no items of urgent business.

67 DECLARATIONS OF INTEREST

No declarations were made at this point.

68 PUBLIC SPEAKING

Members were advised that there had been no requests to speak at the meeting in accordance with Cabinet's agreed procedure.

69 HACKNEY CARRIAGE FARE REVIEW 2023

(Cabinet Member with Special Responsibility Councillor Brookes)

Cabinet received a report from the Licensing Manager which sought Cabinet approval of the recommendations from the Licensing Committee to set a new Hackney Carriage fare tariff. Councillor Hartley, the Chair of the Licensing Committee was invited to address the meeting with regard to the Licensing Committee's proposals.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

	Option 1: Maintain current table of fares approved in April 2022.	Option 2: Apply retail price index (RPI) across the tariff. (14%) Rounding down to the nearest 5p.	Option 3: Deregulate fare setting.	Option 4: Increase flag1fall by 7% Increase rolling rate by 10% by reducing the increment from 176yds to 160yds.
Advantages	Public are aware of expected fares when hiring a hackney carriage.	Drivers' income is increased in line with rising cost of living. This was identified as the preferred methodology to the trade through consultation. The licensed profession may be perceived as a career option for local people.	Allows licensed trade to calculate their own fares, they may be best placed to calculate costs.	The uplift is consistently applied across the tariff, not disadvantaging service user groups. e.g., those on long/short journeys.
Disadvantages	The current table of fares may not represent current cost of living.	Second increase in quick succession may lead to a decrease in public use.	Licensing Authority has no control on charges passed to the public. May create confusion as fares could vary across the trade.	The changes across the tariff and amending incremental charges may cause public confusion, leading to an increase in complaints.
Risks	Not consistently applying the methodology approved by Cabinet and supported by the trade.	Increase too much for service users. Drivers may see reduced income due to lack of public use.	Lack of public confidence in use of Hackney Carriages due to unknown charges.	Not consistently applying the methodology approved by Cabinet and supported by the licensed

	Drivers may decide to leave the trade, fares do not meet the demands of the rising costs of living.		Varying charges between proprietors creating confusion .	trade. Fares will increase earlier in journeys; regular users of taxis may feel penalised by the uplift.
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Option 4 is the preferred option of the Licensing Committee, as this is an executive decision, Licensing Committee are not the decision-making body so must refer their recommendation to Cabinet for approval.

Earlier in 2022, following a period of consultation with the public and licensed trade, the Councils Cabinet, on recommendation of Licensing Committee agreed a methodology for fare reviews in relation to hackney carriages operating in the district.

The approved methodology has been applied to the relevant parts of the hackney carriage tariff, with a 14% increase to flag-fall and rolling rate (rounded down to the nearest 5p). It represents a 40/60/80p increase in flag fall across the 3 tariffs with little difference to rolling rates (until tariff 3 where a 5p increase would be applied).

An alternative option has been suggested and recommended to Cabinet for approval, recognising that rounded the rate of RPI down to the nearest 5p will have little or no impact on rolling rate, so by reducing the yardage on the rolling rate by 10% and applying 20p on flag fall (7% increase) allows for a hybrid approach. This option does not follow the approved methodology, financial services have been consulted on the impact on applying RPI for subsequent years if Cabinet are minded to deviate from the approved position now.

The cost of living is rising; licensed drivers need to ensure the profession is sustainable; whereby the table of fares allows drivers to earn a fair salary. Cabinet will need to balance the views of the licensed trade with expectations of the public and ensure that any decision to depart from the approved methodology is documented, along with the reasons for doing so.

Councillor Brookes proposed, seconded by Councillor Wood:-

“That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That approval be given to the proposals of the Licensing Committee as follows:
 - an increase on the flag fall of 20p from £3.00 to £3.20 (7% increase)
 - that the rolling rate increases by 10% by reducing the increment from 176 yards to 160 yards per 20p.
- (2) That approval be given to the Licensing Manager to advertise the adjusted table of fares as required by Section 65 of the Local Government (Miscellaneous

Provisions) Act 1976.

Officer responsible for effecting the decision:

Licensing Manager

Reasons for making the decision:

It is a constitutional requirement that Lancaster City Council's Cabinet approve the setting of fares for Hackney Carriages operating in the district. In determining the charges for time/distance it must consider the impact on setting fares too low/too high on both the licensed trade and public who use Hackney Carriages, whilst balancing the rising cost of living and building a sustainable trade; one capable of earning a fair salary. The proposals are considered fair to taxi drivers and the travelling public.

70 BUDGET & POLICY FRAMEWORK UPDATE 2023/24 TO 2027/28

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Finance Officer that set out the latest position in respect of the budget and policy framework and Cabinet's proposed General Fund revenue budget for 2023/24.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Revenue Budget

Council may adjust its revenue budget proposals, so long as the overall budget for 2023/24 balances and fits with the proposed Council Tax level.

Other Budget Framework Matters (Reserves and Provisions)

Given known commitments, risks, and Council Tax restrictions there is little flexibility in financial terms, but Council could consider different budget strategies to be appraised for future years, or alternative arrangements for approving the use of various reserves, or different virement and/or carry forward limits. Overall, however, previous arrangements have worked reasonably well, and so no other fundamental changes are proposed.

Section 151 Officer's Comments and Advice

Council is required to note this formally in the minutes of the meeting, hence it is reflected in the recommendations

Depending on the nature of any alternative proposals put forward, Officers may need time to assess the risks and implications. This is to ensure that relevant considerations are taken into account, to support informed and lawful decision making.

Officer preferred option

Revenue Budget 2022/24 and Reserves Position

To agree the recommendations as presented as the proposals to be put forward by Cabinet should fit with any external constraints and the budgetary framework already approved. The recommendations as set out meet these requirements; the detailed supporting budget proposals are then a matter for Members.

Councillor Whitehead proposed, seconded by Councillor Hamilton-Cox:-

“That the recommendations, as set out in the report, be approved.”

By way of an amendment, which was accepted as a friendly amendment by the proposer and seconder, Councillor Wood proposed and Councillor Thornberry seconded:-

“That the following be added at the end of the first bullet point on recommendation(1):
‘as amended to ensure the long term sustainable future of the Platform that the proposed saving be reduced to £32K throughout 2023/24 and its operation continue until a new operational model is agreed using additional savings of £43K funded from building control’ and that recommendation (3) be deleted”.

Councillors then voted on the revised recommendations:-

Resolved unanimously:

- (1) That Cabinet recommends the following for approval to Budget Council:
 - The 2023/24 General Fund Net Revenue Budget and resulting Council Tax Requirement excluding parish precepts (Appendix A) and supporting budget proposals (Appendices B & B1, as amended), to ensure the long-term sustainable future of the Platform that the proposed saving be reduced to £32K throughout 2023/24 and its operation continue until a new operational model is agreed using additional savings of £43K funded from building control.
 - The Section 151 Officer’s statement on the adequacy of reserves and advice that the minimum level of balances remains at £5M, subject to annual review.
 - the resulting position on reserves (Appendix C to the report).
 - the position on budget transfers and use of reserves (Appendix D to the report)
- (2) That the Finance Portfolio Holder be given delegated authority to finalise the General Fund Revenue budget 2023/24 as updated for Cabinet’s final budget proposals, and outcomes of the Final Local Government Settlement for referral on to Council.

Officer responsible for effecting the decision:

Chief Officer Finance

Reasons for making the decision:

The budget framework in general sets out a financial plan for achieving the Council’s corporate priorities which incorporate the above cross cutting themes. The decision enables Cabinet to make recommendations back to Full Council in order to complete the budget setting process for 2023/24.

Cabinet's initial budget proposals were presented at the Council meeting 25 January 2023 and the meeting of Budget and Performance Panel 01 February 2023 when Cabinet were asked to revisit the Platform issue contained within the budget proposal. The decision reflects that Cabinet had listened to the community and made it a priority to ensure the Platform remained in operation during 2023/24 whilst a long-term solution was sought.

71 CAPITAL PROGRAMME 2023/24 - 2027/28 & CAPITAL STRATEGY (INVESTING IN THE FUTURE)

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Finance Officer which presented Cabinet's final budget proposals in order that the Council could approve a General Fund Capital Programme for 2022/23 to 2027/28 and a Capital Strategy 2023/24 as required by regulation. In addition, Cabinet was requested to endorse the s151 Officer advice in regard to the change in the Council's MRP policy for 2022/23 and future years and refer this to Council for formal approval.

This report addressed the actions required to complete the budget setting process for capital, and for updating the Council's associated financial strategy. It was noted that due to a number of factors including the late conclusion of the budget process, delays to IT software and provision of information, the Capital Strategy 2023/24 had not been considered by the Budget & Performance Panel (B&PP). As the approval of the strategy was a function of Full Council all Members, including those sitting on B&PP might propose any changes, or amendments at that meeting.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Capital Investment and Programming

For capital, Council may adjust its capital investment and financing proposals taking account of spending commitments and priorities, but its proposals for 2023/24 must balance. Depending on the nature of any alternative proposals put forward, Officers may need time to assess the risks and implications. This is to ensure that relevant considerations are taken into account, to support informed and lawful decision-making.

Councillor Whitehead proposed, seconded by Councillor Hamilton-Cox:-

"That the recommendations, as set out in the report, be approved."

Councillors then voted:-

Resolved unanimously:

That Cabinet recommends the following for approval to Budget Council:

- the updated Capital Programme covering financial years 2022/23 to 2027/28 •
- the Capital Strategy (Investing in the Future) 2023/24

Officer responsible for effecting the decision:

Chief Finance Officer

Reasons for making the decision:

The proposed capital programme and supporting strategy is part of the Council's budget and policy framework, and fits into the Medium Term Financial Strategy. Capital and Investment Strategies form part of the Budget Framework and their adoption is a function of Full Council.

72 TREASURY MANAGEMENT STRATEGY 2023/24

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Finance Officer that presented the draft Treasury Management Strategy and associated documents for 2022/23 and provided an opportunity for final consideration and comment ahead of formal presentation to Council for approval, in accordance with the Council's constitution.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Cabinet may put forward alternative proposals or amendments to the proposed Strategy, but these would have to be considered in light of legislative, professional, and economic factors, and importantly, any alternative views regarding the Council's risk appetite. As such no further options analysis is available at this time. Furthermore, the Strategy must fit with other aspects of Cabinet's budget proposals, such as deposit interest estimates and underlying prudential borrowing assumptions, feeding into Prudential and Treasury Management Indicators. There are no options available regarding other components of the overall framework.

The officer preferred option was to approve the framework as attached to the report, allowing for any amendments being made under delegated authority prior to referral to Council. This is based on the Council continuing to have a comparatively low risk appetite regarding the security and liquidity of investments particularly, but recognising that some flexibility should help improve returns, whilst still effectively mitigating risk. It is stressed that in terms of treasury activity, there is no risk-free approach. It is felt, however, that the measures set out above provide a fit for purpose framework within which to work, pending any update during the course of next year.

If Cabinet, or Budget Council changes its Capital Programme from that which is proposed in this report then this would require a change in the prudential indicators which are part of the Treasury Management Strategy. Delegation to the Finance Portfolio Holder is therefore requested in order to ensure that Cabinet's final capital programme proposals are reflected in the Treasury Management Strategy

Councillor Whitehead proposed, seconded by Councillor Hamilton-Cox:-

"That the recommendations, as set out in the report, be approved."

Councillors then voted:-

Resolved unanimously:

That Cabinet recommends the following for approval to Budget Council:

- the Treasury Management Strategy 2023/24 and its Appendices A to C
- the revision to the Councils Minimum Revenue Provision (MRP) Policy for financial year 2022/23 (Appendix D).

Officer responsible for effecting the decision:

Chief Finance Officer

Reasons for making the decision:

Treasury Management forms part of the Council's budget framework. The Council is required through regulations supporting the Local Government Act 2003 to 'have regard to' the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. It is also required to produce an annual Treasury Strategy for borrowing and for managing its investments and for giving priority to security and liquidity of those investments. The report satisfied these requirements and sought Cabinet's approval and recommendation to Full Council for formal adoption.

73 MEDIUM TERM FINANCIAL STRATEGY 2023/24 - 2027/28

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Finance Officer that provided an update on the Council's Medium Term Financial Strategy (MTFS) forecasts for 2023/24 to 2027/28. The previous reports on the agenda considered the annual process for setting the Council's revenue and capital budgets for 2023/24. This report set out the context in which future decisions on resource allocation and budgeting would be taken.

The risks to the Council were contained throughout the report and as the report was for noting, no alternative proposals had been put forward.

The Council continued to face unprecedented levels of financial and economic uncertainty in terms of Local Government funding, pandemic recovery, and the cost of living crisis. This and specific local issues such as those surrounding decommissioning plans for Heysham power station hampered the degree of confidence with which forecasts could be made and inevitably some key estimates and assumptions were likely to change in the coming months

Despite the work to date by Officers and Members to deliver on the Council's OBR programme, a significant budget gap remained which could not be met from Council reserves. The overall size of the challenge the Council faces in addressing its underlying structural deficit and in formulating a balanced budget over the medium and longer term must be recognised as does the need to deliver considerable future savings.

The Council continued to deliver high-quality frontline services to the district's residents. Continued focus on the application of Outcomes Based Resourcing principles such as strategic prioritisation, service transformation and continuous improvement would play a significant part in achieving the level of savings required. The Council must ,however,

recognise that it would face a number of key decisions over the next financial year which would affect the manner in which it delivered its services.

Councillor Whitehead proposed, seconded by Councillor Hamilton-Cox:-

“That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That the draft future years budget estimates as set out in the report as the latest information available be noted.
- (2) That the update be referred on to Council 22 February 2023 for information.

Officer responsible for effecting the decision:

Chief Finance Officer

Reasons for making the decision:

Performance, project, and resource monitoring provides a link between the Council Plan and operational achievement, by providing regular updates on the impact of operational initiatives against strategic aims.

74 HOUSING REVENUE ACCOUNT AND CAPITAL PROGRAMME

(Cabinet Member with Special Responsibility Councillor Matthews)

Cabinet received a report from the Director for Communities and the Environment and the Chief Finance Officer that sought Cabinet decisions on Council Housing rent setting proposals and HRA revenue and capital budget proposals.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

The options with regards to rent setting were set out under section 4 of the report, the maximum permitted increase for existing tenants being 7.0% for 2023/24. By applying this increase, it allowed for a budget that could deliver on the Council’s ambitions on improving housing standards and addressing the climate change emergency, whilst adhering to the Rent Standard and legislative requirements.

In relation to garage rents, the previous decision was to freeze rents for 2022/23. In order to protect current occupancy and income levels, and in line with sector benchmarking, a further 12-month freeze was recommended. Garage rents and occupancy would remain under review.

With regard to the revenue budget generally, Cabinet could consider other proposals that might influence spending in current and future years, as long as their financing was considered and addressed and coherent with the legislative and regulatory requirements of a Registered Provider.

The options available in respect of the minimum level of HRA balances were to increase the level to £750K in line with the advice of the Section 151 Officer, or adopt a different level. Should Members choose not to accept the advice on the level of balances, then this should be recorded formally in the minutes of the meeting, and it could have implications for the Council's financial standing, as assessed by its external auditor.

The options available in respect of the Capital Programme were:

- i) To approve the programme in full, with the financing as set out;
- ii) ii) To incorporate other increases or reductions to the programme, with appropriate sources of funding being identified.

Any risks attached to the above would depend on measures Members proposed, and their impact on the council housing service and its tenants. As such, a full options analysis could only be undertaken once any alternative proposals were known, and Officers might require more time in order to do this.

	Option 1: Set housing and garage rent levels as set out in this report and approve the provisions, reserves and balances position (and their use); the revenue budgets and capital programme	Option 2: To propose alternatives to those outlined in Section 11 above.
Advantages	Increased rental income allows the Council to deliver towards its climate ambitions and provide an ambitious housing service which places people and place at the heart of its offer.	Unknown
Disadvantages	Increased rent levels for tenants.	Would require further options analysis
Risks	The HRA budget set out in this report is sustainable in the long term. The risks associated with Option 1 are outlined in Appendix F – Risks and Assumptions. To offset challenging increases in rent and service charges the team have a high performing Income Management Team providing dedicated one to one support to those who need it, alongside additional support officers such as Energy Support Officer, Household Intervention Team and Independent Living Team.	Impact on housing service and council housing tenants unknown. Potential for housing service to fall foul of legislative and regulatory requirements, leading to unlimited fines and being 'named and shamed' by government.

The preferred option is Option 1: Set housing and garage rent levels as set out in this report and approve the provisions, reserves and balances position (and their use); the

revenue budgets and capital programme; and all additional budget proposals as set out.

A consultation meeting was held with the District Wide Tenants' Forum on 19th January 2023, where the Neighbourhood and Support Services Manager presented the headlines of the report and answered questions from tenants and councillors. The group agreed that they were broadly supportive of the rent increase of 7%, while recognising the challenge this poses to residents in the current economic climate. It was noted that financial and other support was a central part of housing service delivery. The group commented that they felt rents were accountable and transparent, and noted that it was important that rental income was being spent to ensure homes were maintained to a high standard. The group gave positive feedback about the council housing response to the climate emergency, particularly around plans to tackle energy efficiency within housing stock.

Whilst the report highlighted challenges faced within the current economic environment, Lancaster City Council's Housing Service continued to operate a sensible but forward-looking approach, developing and adopting best practice to deliver high quality homes and services to residents whilst being mindful of future legislation and regulation requirements, preparing accordingly.

Councillor Caroline Jackson proposed, seconded by Councillor Hamilton-Cox:-

"That the recommendations, as set out in the report, be approved."

Councillors then voted:-

Resolved unanimously:

- (1) That the use of the latest projected Housing Revenue Account revenue outturn figures, as set out at Appendix A to the report, to provide a mid-year reviewed budget position which will form the basis of future monitoring and outturn within 2022/23, be referred on to full Council for noting.
- (2) That the latest projected Housing Revenue Account Capital Programme outturn figures for 2022/23, as set out at Appendix C to the report, be referred on to Council for approval.
- (3) That the minimum level of HRA unallocated balances be increased to £750,000 from 01 April 2023, and that the full Statement on Reserves and Balances as set out at Appendix E to the report be endorsed and referred on to Budget Council for approval.
- (4) That council housing rents be set in accordance with statutory requirements as follows:
 - for existing tenancies, rents will increase by 7.0% from 3 April 2023
 - for new tenancies within 2023/24, rents will be set at 'formula rent'
- (5) That garage rents be frozen for a 12-month period (rather than increased by CPI, as per the rent setting policy established by Cabinet in January 2017) in order to protect income levels currently achieved, and in line with benchmarking across the sector.

- (6) That a delegated decision to approve the tender of four programmes of work (over £200K and key decisions over £250K) during 2023/24 can be made by the Chief Executive and in line with procurement rules.
- Reroofing of properties on Ryelands estate
 - Re-rendering works to properties at Hala
 - Whole House Major Voids works and refurbishment
 - 1a Alder Grove – demolition of existing scheme managers property and construction of 4 flats (if contract not awarded within 2022/23)
- (7) That subject to the above, the resulting Housing Revenue Account budget for 2023/24 onwards, as set out at Appendix A to the report, together with the resulting Capital Programme as set out at Appendix C to the report, be referred on to Budget Council for approval.

Officers responsible for effecting the decision:

Director for Communities & the Environment
Head of Housing
Chief Finance Officer

Reasons for making the decision:

The Council is required under statutory provisions to maintain a separate ring-fenced account for all transactions relating to the provision of local authority housing, known as the Housing Revenue Account (HRA). This covers the maintenance and management of the Council's housing stock. The decision ensures there are sufficient resources to maintain and manage the Council's Housing Revenue Account (HRA) assets.

The budget represents, in financial terms, what the Council is seeking to achieve through its approved Housing Strategy in relation to council housing and the proposals set out in the report will have positive impacts on residents within Council Housing dwellings specifically in relation to climate change, wellbeing / social value, health and safety and community safety.

Chair

(The meeting ended at 7.35 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON MONDAY 13 FEBRUARY 2023.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
TUESDAY 21 FEBRUARY 2023.**