

COUNCIL

09 November 2016

Draft Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document

Report of the Chief Officer (Regeneration and Planning)

PURPOSE OF REPORT

To seek a resolution from Council to undertake public consultation on the Draft Arnside & Silverdale AONB Development Plan Document (DPD). This will enable progress to be made towards adopting a dedicated planning approach for the AONB that has the landscape designation at its heart.

This report is public

RECOMMENDATION

That the Council:

- (1) resolves to undertake public consultation on the Draft Arnside & Silverdale AONB Development Plan Document (DPD).
- (2) publishes background evidence and supporting material, including the responses to the Issues & Options consultation, the consultants' reports on the Sustainability Appraisal and Habitats Regulations Assessment for the Issues & Options version of the Plan, and the specialist landscape, biodiversity and viability assessments on the sites included in the Draft Plan.
- (3) delegates to the Chief Officer (Regeneration and Planning) the authority to make minor changes to the text of the Draft Plan as appropriate, prior to the period of public consultation (10 November 2016 to 5 January 2017).

1.0 Introduction

1.1 Lancaster City Council and South Lakeland District Council are preparing a joint Development Plan Document (DPD) for the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB). The DPD will be the first of its kind in England.

1.2 The primary purpose of the national AONB designation is to conserve and enhance the natural beauty of the area. When adopted, the DPD will form part of both authorities' Local Plans. It will identify sites for new housing and employment and will set out planning policies to ensure that development reflects the AONB designation and has the conservation and enhancement of the landscape at its heart.

- 1.3 The DPD will also be a key element in the delivery of the AONB Management Plan which was adopted in April 2014. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on all local authorities to pay due regard to the purpose of AONB designation in carrying out their functions.

2.0 The Planning Process

- 2.1 The DPD will bring up to date the existing planning policies for the AONB, and will ensure that both district councils' planning policies for the AONB are consistent.
- 2.2 The process for preparing Development Plan Documents is set out in the National Planning Policy Framework (NPPF). The NPPF requires local planning authorities must adopt the most appropriate development strategy based on a consideration of the alternatives, be deliverable and viable, and be consistent with national policy. The NPPF also gives specific guidance for development planning and decision making in relation to AONBs. It confirms that 'great weight should be given to conserving landscape and scenic beauty' and that AONBs 'have the highest status of protection in relation to landscape and scenic beauty'.
- 2.3 The DPD must define the area, set its purpose and the timeframe for the policies and allocations to operate. It must review the evidence available and set about collecting new evidence to fill any gaps. The DPD needs to assess the development needs for the area and the extent to which those needs can be met within a protected landscape. It must also consider the need and ability to provide for infrastructure, and for employment and community uses, including business premises, shops and open space. Importantly, the DPD must record and give protection to nature conservation, landscape and built heritage significances, and find the right balance between development and conservation.

3.0 The Draft Plan

- 3.1 Evidence gathered to inform the preparation of the DPD has involved a Housing Needs Survey, a Call for Sites and Site Assessment exercises as well as work to draw up lists of Locally Important Heritage features. This research sits alongside existing evidence such as the AONB Landscape and Seascape Character Assessment. Early consultation was undertaken in autumn 2015 (see section 4).
- 3.2 This early work has informed the preparation of the Draft DPD (Appendix 1) on which it is proposed to consult the public. If the recommendations contained in this report are approved, the consultation will take place between 10 November 2016 and 5 January 2017. It will include a public drop-in event in each parish of the AONB. Consultation on the DPD will be supported by other documents including maps, a Sustainability Appraisal Report, Habitats Regulations Report and Site Assessments (Appendices 2-5).
- 3.3 The Draft DPD sets out to achieve two main objectives over and above the preparation of the district wide plans that are being prepared (or are already adopted) in Lancaster and South Lakeland districts. These are to:
 - allocate land for development, and identify land suitable for protection from development;
 - draft AONB-specific planning policies that supplement district-wide policies.

4.0 Consultation

- 4.1 As part of the early work on the preparation of the DPD, comments were invited on an Issues and Options Discussion Paper between Friday 6 November 2015 and 5pm Friday 18 December 2015. This sought views on sites identified through the Call for Sites exercise and on potential policy topics and direction. Approximately 300 responses were received from local residents, land-owners, local employers, statutory organisations and developers.
- 4.2 Comments were invited on further site suggestions between 29 March and 3 May 2016. Early consultation also included a series of stakeholder update briefings. Full details of the consultation and engagement carried out to date are set out in the Interim Consultation Statement (Appendix 6).
- 4.3 Following consultation on the Draft DPD, the feedback will be used to inform a Final Draft of the DPD for publication, submission and Independent Examination in 2017. The timetable for the remainder of the plan preparation is expected to be as follows:
- Spring 2017: Publication and Submission of the DPD
 - Summer 2017: Public Examination of the DPD
 - Autumn 2017: Adoption of the DPD

5.0 Options and Options Analysis (including risk assessment)

	Option 1: Publish and consult on Draft Plan	Option 2: Do not publish or consult	Option 3: Delay publication-consultation
Advantages	<ul style="list-style-type: none"> • Progress towards adoption of up to date Local Plan as set out in the Local Development Scheme 	None	None
Disadvantages	None	<ul style="list-style-type: none"> • Contrary to Council's priority for preparing its Local Plan as set out in the Local Development Scheme 	<ul style="list-style-type: none"> • Contrary to Council's priority for preparing its Local Plan as set out in the Local Development Scheme
Risks	None	<ul style="list-style-type: none"> • Effort and resources wasted • Development pressure • Government intervention to prepare DPD • Reputational • Evidence will become dated 	<ul style="list-style-type: none"> • Effort and resources wasted • Development pressure • Government intervention to prepare DPD • Reputational • Evidence will become dated

6.0 Conclusion

- 6.1 Following a period of evidence gathering and preliminary consultation, a Draft Development Plan Document has been prepared for the Arnsdale & Silverdale AONB. The Draft DPD complements the existing Management Plan for the AONB. It identifies land suitable for development, and explains why the majority of the AONB should remain undeveloped as a valued and protected landscape. The Draft DPD also proposes planning policies that will apply across the whole AONB,

which supplement those district-wide policies applicable in the two districts. The document is ready for public consultation, the feedback from which will help inform the production of the final draft which will be prepared for publication, submission and independent examination during 2017.

7.0 Appendices to this report

No.	Title	
1	Draft Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD)	Attached as Appendix 1
2	Map of AONB with allocated sites: 2a A0 Map of whole AONB 2b Mapbook	See Supplementary Pack
3	Sustainability Appraisal Report	See Supplementary Pack
4	4a Habitats Regulations Assessment Screening Report 4b Functionally Linked Land Desk Study	See Supplementary Pack
5	Site Assessment Summary Spreadsheet	See Supplementary Pack
6	6a Consultation Statement 6b Summary of responses	See Supplementary Pack
7	Equality Impact Assessment Form	See Supplementary Pack

CONCLUSION OF IMPACT ASSESSMENT

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

There are no adverse health and safety, human rights or community safety implications arising from this proposal. The Draft DPD applies to a protected landscape in a rural area. It contains strong policies designed to manage development sustainably within the AONB.

The Equality Impact Assessment Form is attached (Appendix 7). It concludes that there will be no adverse impacts on any protected groups, but that there are some potential but unavoidable adverse implications for sections of the rural communities, including people on low incomes.

The Draft DPD will be subject to public consultation, allowing for feedback on these matters to be incorporated into the final version.

LEGAL IMPLICATIONS

There are no legal implications arising directly from this report.

FINANCIAL IMPLICATIONS

It is not expected that there will be any additional financial implications arising from this report as costs connected with the preparation of the draft AONB DPD and associated public consultation, publication and submission, public examination and DPD adoption have already been accounted for within the overarching Local Plan revenue budget.

There can on occasion be additional unanticipated costs arising, however, from legal challenges to the adoption of a DPD, usually as a result of actions from affected parties. It is re-iterated here, therefore, that there is the potential for adverse (but unavoidable) implications for sections of the rural communities, including people on low incomes as a result of the AONB draft DPD. It is difficult to pre-empt whether there will be any future legal challenges arising. However, if they did, then the associated costs and implications will be reported and dealt with as appropriate through the normal monitoring processes which the Council has in place.

Adoption of an AONB DPD will increase the Council's ability to confidently refuse development proposals and defend refusals at appeal, thereby achieving its primary aim of conserving and enhancing the natural beauty of the area as well as better managing related financial risks for the Council.

OTHER RESOURCE IMPLICATIONS

Human Resources:

The human resources implications of the proposal will be met within existing staff resources.

Information Services:

The information services implications of the proposal will be met within existing resources.

Property:

There are no implications of the proposal on the Council's property responsibilities.

Open Spaces:

The proposal makes provision to protect open spaces from development in the AONB, but does not have implications for additional commitments.

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

Issues & Options Consultation Document	http://tinyurl.com/hjjw5sr
Issues & Options Consultation maps	Arnside http://tinyurl.com/jlsisl9 Beetham http://tinyurl.com/zylmxz3 Silverdale http://tinyurl.com/hsmusqs Warton http://tinyurl.com/zspxoc8 Yealands http://tinyurl.com/zdnwps8
Extra Sites Consultation maps	http://tinyurl.com/zwx7tz
Responses to Issues & Options Consultation	http://tinyurl.com/h8svvu2
Responses to Extra Sites Consultation	http://tinyurl.com/gvs9ato

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