

CABINET

Publication of the 2018 Update to the Local Development Scheme for the preparation of the Local Plan for Lancaster District

Individual Cabinet Member Decision Councillor J. Hanson

Report of Regeneration Manager

| PURPOSE OF REPORT | | | |
|--|--------------------------|------------------|-------------------------------------|
| To seek a decision to amend, update and publish the 2018 Local Development Scheme for the Local Plan for Lancaster District. This includes the intentions to prepare an Area Action Plan for the Bailrigg Garden Village and refresh the timetable for the preparation of the other documents which together comprise the Local Plan for Lancaster District. | | | |
| Key Decision | <input type="checkbox"/> | Non-Key Decision | <input checked="" type="checkbox"/> |
| Date of notice of forthcoming key decision | | n/a | |
| This report is public | | | |

RECOMMENDATION

(1) That the Portfolio Holder for Regeneration and Planning amends, updates and publishes the Council's Local Development Scheme (LDS) [attached as Appendix 1] for the Local Plan for Lancaster District [the project timetable] such that;

a. It includes the intention to prepare an Area Action Plan DPD for the Bailrigg Garden Village.

b. It updates the timetable for the preparation of other Local Plan documents: these are;

- i. Strategic Policies & Land Allocations DPD,
- ii. Review of the Development Management Policies DPD,
- iii. Arnsdale and Silverdale AONB DPD, and,
- iv. Gypsy and Traveller Accommodation Policies DPD,
- v. Potentially, a Community Infrastructure Contribution: Charging Schedule DPD

1.0 Introduction

- 1.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare a Local Development Scheme (LDS). This must list the Development Plan Documents (DPDs) which, when prepared, will comprise the Local Plan for the area. It must be made available publically and kept up-to-date. Local communities and interested parties can then keep track of progress. The Council has updated its LDS many times to ensure that the timetable is maintained. These updates are normally reported to the Portfolio Holder for Regeneration and Planning for endorsement but without a formal decision being made.
- 1.2 This 2018 LDS update follows the significant decision on 20th December 2017 to publish and submit the Local Plan for Lancaster District to the Government for independent Examination.
- 1.3 This 2018 LDS proposes adding the preparation of an additional DPD to the Local Plan programme: specifically, an Area Action Plan (AAP) for the Bailrigg Garden Village.
- 1.4 A decision to amend, update and publish the update LDS is sought from the Portfolio Holder for Regeneration and Planning. This will demonstrate the Council's formal recognition of the additional document to the project timetable and demonstrate the local planning authority's on-going commitment to preparing Local Plan documents.

2.0 Proposal Details

The addition of an Area Action Plan to the Local Development Scheme

- 2.1 The Council has been preparing its new Local Plan since 2014. In 2014 and 2015 the Council consulted on the prospect of significant development to the south of Lancaster. In the autumn of 2016 the Council responded to the Government's invitation for expressions of interest in developing new 'garden villages'. The council submitted an expression of interest in developing a 'Bailrigg Garden Village'. This includes the land in south Lancaster where development potential had previously been explored.
- 2.2 In January 2017 the Government chose Bailrigg as one of 14 potential garden village sites in England. The Council then included the proposal for the Garden Village in its draft Strategic Policies and Land Allocations Development Plan Document (draft Local Plan). The draft Local Plan was made available for consultation between January and March 2017.
- 2.3 After considering the responses to the consultation the Council resolved, on 20th December 2017, to publish and submit the Local Plan to the Government for the process of independent Examination. The report to Council advised that the Local Plan would establish the principle of the Bailrigg Garden Village but the detail would likely be advanced through an Area Action Plan.
- 2.4 By bringing forward development in south Lancaster as a Garden Village there is the potential to achieve better development outcomes than might otherwise be the case from a regular site allocation in south Lancaster. Achieving these better outcomes, including infrastructure and green spaces, can be better addressed though the detailed work that can achieved by having a specific Area Action Plan (AAP).
- 2.5 The emerging AAP will be subject to consultation and will also be reported to

Council for a resolution to publish and submit to the Government for independent Examination. This means that whilst the **principle** of developing the Garden Village will be considered at the forthcoming independent Examination of the Local Plan, anticipated in autumn 2018, the detail will be considered by an Inspector at a **further** independent Examination, of the Area Action Plan, anticipated in 2019.

- 2.6 As a new Development Plan Document is being added to the LDS it is recommended that its publication is made by means of an Individual Cabinet Member Decision of the Portfolio Holder for Regeneration and Planning. This will demonstrate the Council's acknowledgement of the proposed APP and its commitment to its preparation.

3.0 Details of Consultation

- 3.1 The draft Local Development Scheme for 2018 has already been published on the Council's website to accompany the publication of the Strategic Policies & Land Allocations DPD and the Review of the Development Management Policies DPD. The community has therefore had the opportunity to see the Council's intentions for advancing the local plan alongside the two key Local Plan documents.

Please note: Members were made aware of the intention to prepare an Area Action Plan for the Garden Village in the report on progressing the Local Plan as presented to Council on 20th December 2017. Consultation on the principle of developing the Bailrigg Garden Village has already taken place as part of the Local Plan's preparation. Further specific consultation will be undertaken to support the preparation of the AAP.

4.0 Options and Options Analysis (including risk assessment)

| | Option 1: The Portfolio Holder decides to amend, update and publish the revised Local Development Scheme for 2018 through as ICMD such that it includes the commitment to prepare an Area Action Plan for the Bailrigg Garden Village. | Option 2: The Portfolio Holder does not amend, update and publish the revised Local Development Scheme for 2018 through an ICMD such that it includes the commitment to prepare an Area Action Plan for the Bailrigg Garden Village. |
|------------|---|---|
| Advantages | The Council has already made the significant decision to publish and submit Local Plan documents to the Government. by accepting the recommendations of the Local Plan progress report of 20 December 2017. By formally publishing an update to the Local Development Scheme for 2018 the Council is expressing its explicit acknowledgement and commitment to the preparation of an Area Action Plan for the Bailrigg Garden Village as well as the continued preparation of all current Local | None apparent |

| | | |
|---------------|-----------------|---|
| | Plan documents. | |
| Disadvantages | None apparent | The Council has already made the significant decision to formally publish and submit Local Plan documents to the Government by accepting the recommendations of the Local Plan progress report of 20 December 2017 .That report to Council anticipated and described the need for a specific Area Action Plan for the Bailrigg Garden Village to address the matters that cannot be fully described within Local Plan policies. By choosing to not express explicit acknowledgement and commitment to the preparation of an Area Action Plan for the Bailrigg Garden Village, and the continued preparation of all current Local Plan documents, the Council will appear discordant, inconsistent and unclear of its approach to advancing the Local Plan. |
| Risks | None apparent | If the Council does not formally publish an update to the LDS and chooses instead to send a discordant and inconsistent message to Government about its own commitment to advancing its Local Plan. This would undermine its own ability to make the case for the soundness of its own Local Plan to the Inspector. This would greatly reduce the prospect of the Local Plan being advanced. In turn this would negatively impact on the case being made for funding for infrastructure from regional and national funding programmes such as the Housing Infrastructure Fund. |

5.0 Officer Preferred Option (and comments)

- 5.1 Option 1: Amend, update and publish the revised Local Development Scheme for the Local Plan to include the commitment to prepare an Area Action Plan for the Bailrigg Garden Village and update the timetable for all other documents.
- 5.2 This decision supports the significant decision made by Council on 20th December 2017 to formally publish and submit key Local Plan documents to the Government. Preparing and maintaining an LDS is a legal obligation. To submit the Local Plan in May 2018, but to resolve not to publish an updated

local plan timetable, which includes the intention to prepare an Area Action Plan DPD for the Garden Village, would be a decision of perverse inconsistency.

6.0 Conclusion

- 6.1 It is strongly recommended the Council's commitment to advancing the Local Plan, by updating the project timetable and including a reference to the preparation of an AAP for the Garden Village, is acknowledged through an Individual Cabinet Member Decision to: amend, update and publish the Local Development Scheme for 2018. To not amend, update and publish the Local Development Scheme for preparing the Local Plan in accordance with the significant decision taken at Council on 20th December 2017, would make the Council appear contrary in its actions and would delay progress on the Local Plan.

RELATIONSHIP TO POLICY FRAMEWORK

As a Local Planning Authority the Council is obliged to prepare and maintain a Local Development Scheme to describe its intentions to progress the Local Plan. The local plan addresses many corporate objectives, particularly sustainable economic growth.

CONCLUSION OF IMPACT ASSESSMENT

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

The LDS is the timetable for Local Plan preparation, it does not result in any impacts itself. It is the Local Plan, and the consequent consideration of development proposals, when decisions are taken about development that may have impacts.

LEGAL IMPLICATIONS

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to not only prepare a Local Development Scheme, but to revise it at such times as they consider it appropriate. The currency of the LDS should therefore be maintained. The Act allows for the Secretary of State to direct local planning authorities to make such amendments to the scheme as he thinks appropriate.

FINANCIAL IMPLICATIONS

It is not expected that there will be any additional financial implications arising from this decision as provision has already been made within existing approved budgets for this work as far as possible. It is re-iterated here however, that preparing the Development Plan Documents which constitute the Local Plan is a significant expense. A resolution not to accept the recommendation would undermine the Council's ability to advance Local Plans documents, even should such a decision be subsequently reversed, it would undoubtedly cause delay and thus further expense in updating time-sensitive evidence on matters such as development viability.

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

There are no additional implications arising from this decision, with any specific matters, such as open spaces, etc. being addressed by the preparation of Local Plan documents.

DEPUTY SECTION 151 OFFICER'S COMMENTS

The Deputy s151 Officer has been consulted and has no additional comments to make.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no additional comments to make.

Background Documents: Local Plan for Lancaster District. Available on the Council's [website](#).

Contact Officer: Maurice Brophy
Telephone: 01524 582330
E-mail: mbrophy@lancaster.gov.uk

Appendix 1: Local Development Scheme for the Local Plan for Lancaster District
(February 2018)