

CABINET
Meeting date: 14 June 2012
From: Cabinet Member for Transport and Environment Corporate Director – Resources

SOUTH LAKELAND LAND ALLOCATIONS DEVELOPMENT PLAN DOCUMENT – CONSULTATION ON PROPOSED SUBMISSION DOCUMENT

PART A - RECOMMENDATION OF CABINET MEMBER

1.0 EXECUTIVE SUMMARY

- 1.1** *The current planning system in England is 'plan led', whereby it is a statutory duty for Local Planning Authorities to prepare a 'Development Plan'. The Development Plan should seek to guide decision making in relation to planning applications, as well as to guide investment decisions for infrastructure provision. Since September 2004, the system has comprised of Regional Spatial Strategies (RSSs) and Local Development Frameworks (LDFs) policies. The coalition Government had stated its intention to abolish RSSs. However, the Localism Act states that it will be to the discretion of the Secretary of State if the Regional Spatial Strategy for the North West remains part of the Development Plan, as well as the saved policies of the Cumbria and Lake District Joint Structure Plan.*
- 1.2** *Changes to the Localism Act and the National Planning Policy Framework do not alter the statutory requirement for Local Planning Authorities to prepare a Development Plan. Indeed it makes it all the more important given the presumption in favour of sustainable development.*
- 1.3** *The Cumbrian Local Planning Authorities are at different stages with their Development Plan production. South Lakeland District Council adopted their Core Strategy in October 2010 and is now currently preparing their Land Allocations Development Plan Document. South Lakeland District Council previously consulted on their Land Allocations Emerging Options in January-April 2011; this was brought to Cabinet on the 28 April 2011. South Lakeland District Council carried out further consultation on three*

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issues which emerged from the January-April 2011 consultation; this was presented to Cabinet on the 13 October 2011.

- 1.4 As a consultee, it is important that the County Council informs the process of the preparation of all Development Plans. As we are the strategic planning, highways and transport, children's and adult services authority, early dialogue with the Districts is important in order to successfully be involved in the development of their local planning policy.**
- 1.5 The purpose of this report is to inform Cabinet Members of the content of the Land Allocation Development Plan Document Proposed Submission Document which is intended to be considered by the Planning Inspectorate (and Secretary of State) through an Examination in Public in summer 2012. This is retrospective as the response has already been sent to South Lakeland District Council and Members are asked to endorse the response. Overall it is considered that the Development Plan Document is legally compliant, effective and justified in accordance with the Government's Tests of Soundness.**
- 1.6 The report reminds South Lakeland District Council of the County Council's need to ensure that highways infrastructure is fully recognised in progressing development on the individual sites allocated. It also reminds South Lakeland District Council that the National Planning Policy Framework needs to be recognised, particularly in regard to the impact of new development allocations on the operation and viability of existing businesses.**

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 The County Council's policy on spatial matters is set out in the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008-2028 and those policies contained in the Cumbria and Lake District Joint Structure Plan which were extended and not replaced by the North West of England Regional Spatial Strategy (September 2008). It is important that Development Plans link to the Cumbria Sub Regional Spatial Strategy to ensure development is co-ordinated throughout Cumbria. It is considered that the adopted South Lakeland District Council Core Strategy broadly reflects the Cumbria Sub Regional Spatial Strategy and the saved Joint Structure Plan policies. This is important as the Core Strategy sets the spatial strategy for the district and all other Development Plan Documents (including the Land Allocations document).**
- 2.2 The South Lakeland Land Allocations Development Plan Document is an important document for future spatial planning in this part of Cumbria. It has links to the aspirations for Cumbria contained in the Council Plan (2011-2014) – a thriving economy where we challenge poverty in all its forms; a place where you can**

live in a high quality and sustainable environment and you can move safely and easily around the county; a great place to be a child and grow up in; a place of opportunity where young people are able to live happy and productive lives; a place where young people will want to live and work in the future; a place to enjoy an independent and healthy life and to be safe from harm, with more control over your life and a say in the decisions which affect you.

- 2.3 *In relation to equality, Development Plan Document preparation follows detailed procedures for public engagement which South Lakeland will have to adhere to. Various media forms are used to advertise opportunities for consultation and documents are available in various formats as there are a wide range of consultees involved, crossing all equality strands (e.g. issues relating to affordable housing and Gypsy and Travellers and Travelling Showpeople sites). It is also important to note that there could be differing views expressed at all levels of engagement throughout the consultation due to the potential impacts on individuals and groups.*

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3.0 RECOMMENDATION

- 3.1 *Members endorse the response provided to South Lakeland District Council which is contained in Appendix 1. This response states that the Proposed Submission Land Allocations Development Plan Document meets the Government's Tests of Soundness.*

Tim Knowles, Portfolio Member for Transport and Environment

PART B – ADVICE OF CORPORATE DIRECTOR – ENVIRONMENT

4.0 BACKGROUND

- 4.1 The planning system in England is 'plan led', whereby it is a statutory duty for Local Planning Authorities to prepare a Development Plan. The Development Plan should seek to guide decision making in relation to planning applications as well as to guide investment decisions for infrastructure provision. Since September 2004, the system has comprised of Regional Spatial Strategies (RSSs) and Development Plan policies. The coalition Government had stated its intention to abolish RSSs. However, the Localism Act states that it will be to the discretion of the Secretary of State if the Regional Spatial Strategy for the North West remains part of the Development Plan, as well as the saved policies of the Cumbria and Lake District Joint Structure Plan. This matter has not yet been confirmed following a Department for Communities and Local Government RSS (EIA) consultation which looks at the effects of the removal of these regional and county-wide policies.

- 4.2 South Lakeland District Council is at an advanced stage with the production of their Development Plan. SLDC adopted and published their Core Strategy in October 2010. The Core Strategy establishes the development strategy for South Lakeland outside of the National Park up to 2025. The Core Strategy sets out that 8,800 new dwellings should be built between 2003-2025 (an average of 400 dwellings per annum) and that around four hectares of new employment land are needed per annum between 2010-2025. The proportion of development is set out in Table 1.

Settlements	Approximate Amount of Development
Principal Service Centres	
Kendal	35%
Ulverston	20%
Key Service Centres	13%
Milnthorpe, Grange over Sands, Kirkby Lonsdale	
Local Service Centres	21%
Smaller Villages and Hamlets	11%

Table 1: Proportion of development in South Lakeland settlements in the plan period

- 4.3 South Lakeland District Council is now in the process of developing their Land Allocations Development Plan Document (DPD). The Land Allocations DPD is an important document as it should guide development to happen in the right place at the right time and in tandem with new infrastructure. The Land Allocations DPD also seeks to protect existing open spaces, outdoor sports facilities, employment land and green gaps where deemed necessary.
- 4.4 In the last year, South Lakeland District Council has consulted Cumbria County Council on two sets of consultation documents. South Lakeland District Council consulted on their 'Emerging Options' where 152 potential development sites were offered for consideration. A report was taken to Cabinet on the 28th April 2011, which contained the response to this consultation. This Cabinet report also contained the views of the Local Committee Members as the consultation was presented to them for their information and consideration.
- 4.5 Whilst no objections were raised as part of this consultation, a response was provided to South Lakeland District Council that they should ensure that the supply of housing in the district is managed to ensure that evidenced needs are met. This should be done whilst also taking into account the delivery of new employment sites and the associated infrastructure, which is required in order to achieve sustainable growth.
- 4.6 Following this consultation, South Lakeland District Council received suggestions of over 300 new and alternative development sites from developers, landowners, community groups, parish and town councils

and individuals. South Lakeland District Council consulted the County Council on these new sites as part of their 'Further Consultation'. Following discussions with South Lakeland District Council, Cumbria County Council agreed to provide comments on 101 key strategic sites. These sites were chosen through further discussion with South Lakeland District Council.

- 4.7 South Lakeland District Council also re-consulted stakeholders on a number of the Emerging Options, which were considered as part of the previous consultation. Cumbria County Council responded to 20 of these sites, as these were the sites considered strategic in nature and the sites which presented the most likely potential for highways issues.
- 4.8 As part of this Further Consultation, South Lakeland District Council also consulted on a suggestion to reduce the timescale of the Land Allocations document. The third issue of the consultation was how to determine the best potential development sites for future housing and employment in small villages, hamlets and the open countryside.
- 4.9 A report was taken to Cabinet on 13th October 2011 and Members agreed to: endorse the detailed comments on the potential development sites; raise concern at the proposed shortening of the Land Allocations Development Plan Document timescales; and support an approach whereby future housing and employment sites in small villages, hamlets and the open countryside could be allocated in the Land Allocations Development Plan Document, together with an approach that allows communities and developers to bring sites forward.
- 4.10 In the consultation response to South Lakeland District Council, Cumbria County Council expressed concerns at the proposed shortening of the Land Allocations Development Plan Document timescales. This was mainly due to the fact that it would create a lack of consistency between the Land Allocations document and the adopted Core Strategy. When South Lakeland District Council considered the responses to the consultation it decided not to proceed with the shortening of the Land Allocations timescale, keeping it as 2003-2025.
- 4.11 Following these consultations South Lakeland District Council selected the most suitable sites for potential development and included these in a document, which has been prepared to be submitted to the Secretary of State for examination.
- 4.12 Prior to the submission of the Development Plan Document to the Secretary of State, South Lakeland District Council is required to consult on the 'soundness' of the document. Responses to this consultation must make comments on the legality, effectiveness and justification of the document. This consultation is not an opportunity to provide comments on site specific issues, as these have already been dealt with through the previous above consultations.

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4.13 Any responses to the submission consultation must therefore address the following criteria:

1. Has the Proposed Submission Land Allocations Development Plan Document been prepared in compliance with legal requirements?
 - Has the Proposed Submission Land Allocations Development Plan Document been prepared in accordance with a Local Development Scheme?;
 - Has the process of consultation regarding the Proposed Submission Land Allocations Development Plan Document been carried out in accordance with the adopted Statement of Community Involvement?;
 - Does the Proposed Submission Land Allocations Development Plan Document comply with the relevant regulations?;
 - Has the Sustainability Appraisal baseline information produced for the Proposed Submission Land Allocations Development Plan Document been used to inform the process and the outcomes of that process?; and
 - Does the Proposed Submission Land Allocations Development Plan Document give regard to the sustainable community strategy for its area (i.e. county and district)?
2. Is the Proposed Submission Land Allocations Development Plan Document justified?
 - Is the Proposed Submission Land Allocations Development Plan Document founded on a robust and credible evidence base?; and
 - Is the Proposed Submission Land Allocations Development Plan Document the most appropriate strategy when considered against the reasonable alternatives?
3. Is the Proposed Submission Land Allocations Development Plan Document effective?
 - Is the Proposed Submission Land Allocations Development Plan Document deliverable, flexible and able to be monitored?
4. Is the Proposed Submission Land Allocations Development Plan Document consistent with national planning policy?
5. Has the Proposed Submission Land Allocations Development Plan Document been positively prepared?

4.14 Originally, this report was due to be taken to the Cabinet on 10 May 2012. Due to these timescales, it would not have been possible to present the consultation to the May South Lakeland Local Committee. In order to ensure that Local Committee Members had the opportunity to comment on the consultation, they were notified via email and letter on 26 March 2012.

4.15 When the Cabinet date was changed to 14 June 2012, the Area Manager for South Lakeland was contacted to see if the Chair of the Local Committee wanted the consultation presented at their May meeting. The Chair stated that he felt the Members had had sufficient opportunity to comment and that it was not necessary for the consultation to be presented at Local Committee.

4.16 Following the consultation notifications via email and letter, no consultation responses were received from any Member of South Lakeland Local Committee.

4.17 Appendix 1 contains the full response provided to South Lakeland District Council. However, a summary of the response can be found below.

- The Proposed Submission Land Allocations Development Plan Document has been correctly contained within the Local Development Scheme;
- The process of consultation regarding the Proposed Submission Land Allocations Development Plan Document has been carried out in accordance with the adopted Statement of Community Involvement;
- The Proposed Submission Land Allocations Development Plan Document complies with the relevant regulations;
- South Lakeland District Council has produced a Sustainability Appraisal for the Proposed Submission Land Allocations Development Plan Document;
- The Proposed Submission Land Allocations Development Plan Document gives appropriate regard to the Sustainable Community Strategy;
- The Proposed Submission Land Allocations Development Plan Document is founded on a robust and credible evidence base;
- Generally, the sites and policies within the Proposed Submission Land Allocations Development Plan Document are considered to be the most appropriate strategy;
- The Proposed Submission Land Allocations Development Plan Document is deliverable, flexible and suitable for monitoring;
- The Proposed Submission Land Allocations Development Plan Document is consistent with national planning policy. However, South Lakeland District Council should look at the provisions of the new National Planning Policy Framework, particularly with regard to the effect of new allocations on existing businesses and safeguarding their viability (paragraphs 21 and 123); and
- The Proposed Submission Land Allocations Development Plan Document has been positively prepared.

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5.0 OPTIONS

5.1 Members can endorse the response provided to South Lakeland District Council which is contained in Appendix 1, or alternatively add further comments.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

6.1 There are two County Council owned sites included in the Proposed Submission document. One site in Kendal has been earmarked for residential use, and one site in Grange has been earmarked for residential and employment use. There may be financial implications for the County Council if the proposed usage of these sites is realised.

7.0 LEGAL IMPLICATIONS

- 7.1 The County Council is a statutory consultee and is not a 'decision taker' as such in the SLDC Local Development Framework process. Its views or comments in this process would not appear to hold any direct legal implications for the County Council as long as the views or comments have demonstrably been reasoned through as cogent land use considerations, and are not arrived at on an unreasonable basis or have not been properly considered.
- 7.2 There are no other legal considerations.

8.0 CONCLUSION

- 8.1 The detailed response to South Lakeland District Council is set out in Appendix 1. Generally it is considered that the Proposed Submission Land Allocations Development Plan Document is legally compliant, justified, effective, consistent with national policy and positively prepared.
- 8.2 There are a few suggestions made within the response for South Lakeland District Council to be aware of prior to submitting the document to the Secretary of State for Examination.
- 8.3 The issues which need addressing include the omission of the Annual Monitoring Report from the evidence base and the fact that three of the policies within the document are preceded by the word 'draft'. A suggestion has been made that South Lakeland District Council create a policy which lists all of the mixed use sites for allocation for clarification purposes.
- 8.4 These points are minor in nature and do not undermine the legality and soundness of the document. However, for the purpose of completeness, it would be beneficial for South Lakeland District Council to address these issues.

Diane Wood
Corporate Director - resources

14 June 2012

APPENDICES

Appendix 1: Full response sent to South Lakeland District Council.

Electoral Division(s): All of South Lakeland

** Please remove whichever option is not applicable*

Executive Decision

Yes*	<input type="checkbox"/>
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Key Decision

<input type="checkbox"/>	No*
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If a Key Decision, is the proposal published in the current Forward Plan?	<input type="checkbox"/>	<input type="checkbox"/>	N/A*
Is the decision exempt from call-in on grounds of urgency?	<input type="checkbox"/>	No*	
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?	<input type="checkbox"/>	<input type="checkbox"/>	N/A*
Has this matter been considered by Overview and Scrutiny?	<input type="checkbox"/>	No*	
If so, give details below.			
Has an environmental or sustainability impact assessment been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	N/A*
Has an equality impact assessment been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	N/A*

N.B. *If an executive decision is made, then a decision cannot be implemented until the expiry of the eighth working day after the date of the meeting – unless the decision is urgent and exempt from call-in and the Corporate Director has obtained the necessary approvals.*

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

Cabinet: 13 October 2011

South Lakeland Land Allocations – Further Consultations. Cabinet supported the Officer Recommendation to the three consultation questions.

Cabinet: 28 April 2011

South Lakeland Land Allocations Emerging Options. Cabinet supported the Officer Recommendation with the final detail delegated to the Corporate Director – Environment and the Cabinet Member for Transport and the Environment.

South Lakeland Local Committee: 4 April 2011

South Lakeland Land Allocations Emerging Options. The Local Committee made comments on draft Cabinet report for consideration by Cabinet.

Cabinet: 3 November 2009

South Lakeland Proposed Submission Core Strategy. Cabinet approved the Officer Recommendation.

South Lakeland Local Committee: 21 October 2009

South Lakeland Proposed Submission Core Strategy. The Local Committee made comments on the draft Cabinet report for consideration by Cabinet.

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

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BACKGROUND PAPERS

South Lakeland Land Allocations Document – Proposed Submission Document

<http://www.southlakeland.gov.uk/planning/local-development-framework-1/land-allocation-dpd.aspx>

RESPONSIBLE CABINET MEMBER

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Appendix 1

Full response to South Lakeland District Council

1. Is the Proposed Submission Land Allocations Development Plan Document Legally Compliant?

Is the Proposed Submission Land Allocations Development Plan Document contained within the Local Development Scheme?

Yes ☒
No ☐

South Lakeland District Council adopted a revised Local Development Scheme on 18th January 2012; this adoption superceded the previous Local Development Scheme, which was published in March 2010.

The Land Allocations Development Plan Document is identified as part of the wider Local Development Framework within Chapter 2 ('Introduction') and Chapter 4 ('Local (LDF) Outline') of the Local Development Scheme.

Appendix 1 of the Local Development Scheme provides the details for all of the Local Development Documents. As part of this, a description of the Land Allocation Development Plan Document is provided, as well as an analysis of its relationship with other plans and policies. A programme detailing the key stages of the document production is outlined as is the arrangements for post-production monitoring and review. The programme of key stages is detailed diagrammatically in Appendix 4 through a Gantt Chart.

It is therefore considered that South Lakeland District Council have appropriately identified the Land Allocations Development Plan Document within their Local Development Scheme. However, a minor point should be made that the brief description of the Land Allocations Development Plan Document within Appendix 1 (page 12 of the Local Development Scheme) states that "this includes a list of allocations for specific developments including housing, employment and open space to cover development needs between 2003 and 2021". However, the Land Allocations Development Plan Document will cover the period 2003-2025 in order to be consistent with the adopted Core Strategy. This error should be addressed.

Has the process of consultation regarding the Proposed Submission Land Allocations Development Plan Document been carried out in accordance with the adopted Statement of Community Involvement?

Yes ☒
No ☐

South Lakeland District Council adopted their Statement of Community Involvement on 13th September 2006. In order to comply with legislation changes made in the Town and Country Planning (Local Development)

(England) (Amendment) Regulations 2008, an addendum was approved by South Lakeland District Council on 27th November 2008.

The Statement of Community Involvement explicitly states that South Lakeland District Council will work with Cumbria County Council “to advise and assist in community engagement on the LDF, particularly the Site Allocations DPD” (paragraph 1.9). Appendix C identified the County Council as a consultee to the Local Development Framework process.

Throughout the production of the Land Allocations Development Plan Document, South Lakeland District Council has worked closely with Cumbria County Council. South Lakeland District Council engaged Cumbria County Council at an early opportunity in 2009 by informally consulting officers at the County Council. As the document developed, South Lakeland District Council continued to involve County Council officers in decision making in relation to identified sites which were then reported to Cabinet at the formal consultation stages. This approach to consultation is in accordance with the ‘Stages in Document Preparation’ as outlined in paragraph 3.6 of the Statement of Community Involvement.

Therefore, it is considered that South Lakeland District Council has consulted Cumbria County Council in accordance with the adopted Statement of Community Involvement.

Does the Proposed Submission Land Allocations Development Plan Document comply with the relevant Regulations?

Yes ☒
No ☐

The Town and Country Planning (Local Planning) (England) Regulations 2012 came into force on 6th April 2012. This replaces the previous legislation of the Town and Country Planning (Local Development) (England) Regulations 2004 and the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.

It is considered that South Lakeland District Council has complied with all of the relevant regulations. South Lakeland District Council consulted Cumbria County Council under Regulation 18 (which was Regulation 25 under the previous legislation) in January 2011 and August 2011, when they released their consultations entitled ‘South Lakeland District Council Land Allocations Development Plan Document – Emerging Options’ and ‘South Lakeland District Council Land Allocations Development Plan Document – Further Consultation’.

Regulation 19 (was Regulation 27) relates to the publication of the Development Plan Document prior to the submission of the document to the Secretary of State. South Lakeland District Council conformed to this regulation as they had informed Cumbria County Council of the location of the consultation documents on their website and made it clear to Officers that

paper copies of the document were available at various South Lakeland District Council offices and libraries should they be required.

Regulation 20 (was Regulation 28) is the stage where South Lakeland District Council is currently with their Development Plan Document preparation. This is the consultation exercise on the documents published under Regulation 19. South Lakeland District Council notified Cumbria County Council of the consultation and provided six weeks for responses.

Has the Sustainability Appraisal baseline information produced for the Proposed Submission Land Allocations Development Plan Document been used to inform the process and the outcomes of that process?

Yes ☒
No ☐

South Lakeland District Council produced a Sustainability Appraisal in January 2012. This sought to promote sustainable development through the consideration of social, economic and environmental implications during the site selection process, which occurred through the preparation of the Land Allocations Development Plan Document.

The Sustainability Appraisal has seemingly informed the site selection process as part of the production of the Land Allocations DPD. A Sustainability Appraisal was carried out on each site following an identified framework and methodology. A scoring system was implemented following the Scoping Report of the Sustainability Appraisal, which assessed each site on criteria such as: access to services and facilities; potential development effects on the natural and built environment; and flood risk.

It is generally considered that South Lakeland District Council has appropriately and successfully applied the processes identified in the Sustainability Appraisal to the site selection process as part of the Land Allocations Development Plan Document production. However, it should be noted that two proposed allocated sites do not appear to be included in the Sustainability Appraisal; these are: RN125 (Levens) and EN117 (Storth).

Does the Proposed Submission Land Allocations Development Plan Document give regard to the Sustainability Community Strategy?

Yes ☒
No ☐

The Proposed Submission Land Allocations Development Plan Document identifies a set of criteria which was applied when deciding what sites should be developed and when (paragraphs 2.21-2.23). Within this, one of the criterion for site selection was "local and wider community views including those expressed through...the Sustainable Community Strategy".

The 'South Lakeland Sustainability Community Strategy (2008-2028)' was prepared by the South Lakeland Strategic Partnership, which consists of

members of local authorities, public bodies, local businesses and people who are part of the voluntary and community sectors.

This Sustainable Community Strategy seeks to identify short term and long term issues within the district, which are a priority for all the members of the South Lakeland Strategic Partnership and to bring them all together into one document.

As a whole, the document aims to support sustainable communities and seeks to do this by offering affordable housing, good public transport, health services, hospitals, shops and a clean, safe environment. It also seeks to encourage the provision of open public space so that residents can relax and interact.

The Sustainable Community Strategy also seeks to protect the natural environment and its heritage and landmarks of the District.

The Strategy specifically refers to the fact that South Lakeland District Council will help to address the issue of affordable housing in the district through the Local Development Framework process. It also states that they will encourage communities to become involved in local decision making through adopted Statement of Community Involvement documents. South Lakeland is also seeking to provide an increased supply in the quality of employment sites.

It is considered that South Lakeland District Council has appropriately considered and referred to the South Lakeland Sustainable Community Strategy. By allocating sites for affordable housing, employment and green open space, they have sought to address the community issues raised within the Sustainable Community Strategy.

The sites proposed as allocations have been chosen on the basis that they would not create significant damage to the districts natural and built environment. In discussing the proposed site allocations with officers from South Lakeland District Council, Cumbria County Council has sought to ensure that sites are considered sustainable in terms of access to local services by pedestrians and cyclists.

The Cumbria Strategic Partnership produced a 'Cumbria Community Strategy (2008-2028)', which builds on the Sustainable Community Strategies produced by some of the Cumbrian districts (Barrow, Carlisle, Eden and South Lakeland) and the Lake District National Park Authority. In addition to the local issues identified in these district strategies, the Cumbria Community Strategy provides a long term spatial vision for the county which is set out in the Cumbria Sub-Regional Spatial Strategy (2008-2028).

Whilst the Proposed Submission Land Allocations Development Plan Document does not specifically refer to the Cumbria Community Strategy, it will contribute to the strategic visions of the Strategy, should it be adopted. By proposing to allocate sustainable sites for housing (including affordable housing), employment and open spaces, South Lakeland District Council will

meet the strategic aims of creating: healthier communities; safer communities; a sustainable economy; and effective connections between people.

As a note, the principles of the Cumbria Sub-Regional Spatial Strategy have been adequately reflected in the Proposed Submission Land Allocations Development Plan Document.

2. Is the Proposed Submission Land Allocations Development Plan Document Justified?

Is the Proposed Submission Land Allocations Development Plan Document founded on a robust and credible evidence base?

Yes ☒

No ☐

South Lakeland District Council has used a comprehensive evidence base to support the Proposed Submission Land Allocations Development Plan Document. The evidence base covers issues including: retail; infrastructure; housing; landscape; biodiversity; renewable energy; Gypsy and Travellers; employment land; caring for older people; and air quality.

The documents put forward as part of the evidence base are considered to be robust and credible. Generally, South Lakeland District Council has used a relatively up-to-date evidence base. Where they have felt it necessary, South Lakeland District Council has updated the evidence bases for issues such as retail and infrastructure. The evidence base documents have been written by three sources: consultants; South Lakeland District Council and Cumbria County Council. Cumbria County Council has provided documents which are independent in nature and based on impartial evidence.

Cumbria County Council welcomes the use of strategic documents (some which were jointly produced) such as: the Cumbria Landscape Character Guidance and Toolkit; the Cumbria Renewable Energy Capacity and Deployment Study; and the Kendal LDF Transport Study Revised Modelling Results. South Lakeland District Council has also used County Council produced POPGROUP modelling forecasts in their Housing Need and Demand Study and their Strategic Housing Market Assessment. However, it is felt that South Lakeland District Council should have also included strategic planning policies from the Cumbria and Lake District Joint Structure Plan and the Sub-Regional Spatial Strategy.

There are two further documents which are omitted from the evidence base which should be included. The South Lakeland Sustainability Community Strategy (2008-2028) is not included as part of the evidence base, even though it is one of the documents which was used as part of the site selection process. Another document which should have been included as part of the evidence base is the Annual Monitoring Report for the monitoring year 2010-2011. This would have provided evidence on employment, housing and retail amongst other issues and indicators.

Subject to these omissions being resolved, it is suggested that the Proposed Submissions Land Allocations Development Plan Document is broadly founded on a robust and credible evidence base.

Is the Proposed Submission Land Allocations Development Plan Document considered to be the most appropriate strategy when considered against the reasonable alternatives?

Yes ☒
No ☐

The sites included as part of the Proposed Submission Land Allocations Development Plan Document are generally considered to be the most appropriate sites for development. The Proposed Submission Land Allocations Development Plan Document is in line with Core Strategy Policy CS1.2, which identifies where development should be concentrated/guided within the district.

As part of the development of the Land Allocations Development Plan Document, South Lakeland District Council has taken the opportunity to review the development boundaries for settlements in Principal, Key and Local Service Centres. The new settlement development boundaries include: existing housing, shopping and other urban uses; recreational open space; and land proposed for allocation for housing, employment or other urban or village use amongst other criteria. Therefore, the majority of proposed allocation sites are included within a settlement boundary and this should promote sustainable development within settlements. Where allocated sites are not included inside the development boundary, they are generally acting as infill or extension sites to existing development, and are therefore considered to be acceptable locations. In order to maximise the level of sustainable development, it is understood that South Lakeland District Council sought to prioritise the use of brownfield land; this approach is fully supported.

Where sites were proposed as part of the Emerging Options stage, Cumbria County Council provided comments at a site specific level on archaeological and highways grounds. Strategic level comments were also provided on biodiversity, adult social care and school organisation. Where sites were deemed to be unacceptable in principle for development, South Lakeland District Council noted the comments provided by Cumbria County Council, and made a decision about their inclusion in the Development Plan Document. Where the Highways Authority strongly objected to a proposed site, it was removed from the document. Overall it is considered that South Lakeland District Council has fully taken into account the County Council's comments. However, the specific impact of individual site developments will still need to be considered at the application stage.

As an aside, there are three policies within the Proposed Submission Land Allocations Development Plan Document which are preceded by the word 'Draft'; these are Policy LA1.6 ('Strategic Employment Sites'), LA1.7 ('Business and Science Park Sites') and LA2.9 ('Strategic Employment Allocations, Kendal'). Should the document been adopted, it is recommended

that the word 'draft' be deleted so as not to prejudice the soundness of the policies.

It is considered that the options included within the Proposed Submission Land Allocations Development Plan Document are generally the most appropriate from a strategic perspective.

3. Is the Proposed Submission Land Allocations Development Plan Document Effective?

Is the Proposed Submission Land Allocations Development Plan Document effective in that it is deliverable, flexible and suitable for monitoring?

Yes ☒
No ☐

The Proposed Submission Land Allocations Development Plan Document allocates sites up until 2025; this is consistent with the Core Strategy and in accordance with the adopted plan period. Generally, the Proposed Submission Land Allocations Development Plan Document is in accordance with the land allocations proposed in Core Strategy policies CS6.1 ('Meeting the housing requirement') and CS7.2 ('Type of employment land required and sectoral split'). South Lakeland District Council responded to the representations of Cumbria County Council in ensuring the time period of the Core Strategy and Site Allocations documents are consistent.

South Lakeland District Council has assessed the proposed allocation sites to provide an indicative phasing schedule; this schedule states if the sites are likely to come forward in 2012-2017, 2017-2022 or 2022-2025. Part of this assessment included the identification of the infrastructure capacity, which looks at how much development can be accommodated by the existing infrastructure, and whether enhancements are needed.

Cumbria County Council produced a report entitled 'Kendal LDF Transport Study – Revised Modelling Results' (January 2012). This report considered the potential highways impacts of proposed land allocations in Kendal to 2022 which consisted of 20.4 hectares of net site area for employment development over six sites and 1,802 residential units across 21 sites.

Overall, the model showed that the level of congestion resulting from LDF development can be mitigated to a level no worse than base scenario. However, it is important to note that even with mitigation measures being put in place, some junctions will continue to operate over capacity. Further modelling work needs to be undertaken in order to assess the junction improvements required at certain junctions, and then an assessment can be made on the impact on the wider highway network in Kendal. It is suggested that this work should be undertaken in association with developers and Cumbria County Council when the sites are progressed so that detailed junctions are designed appropriately. The County Council would look to South

Lakeland District Council to ensure highway considerations are fully taken into account in all developments.

Notwithstanding this point, it is considered that the sites are deliverable in highways terms provided that appropriate mitigation measures, where relevant, are put in place when the sites are developed.

The Proposed Submission Land Allocations Development Plan Document does not provide residential allocations for small villages and hamlets. Any development coming forward for these settlements is likely to be related to local need and predominantly on small sites; the Proposed Submission Land Allocations Development Plan Document is flexible in this respect. By avoiding allocating sites in smaller settlements, they are not constraining development that might be needed in such settlements. The document refers to neighbourhood planning powers, which will allow rural communities to bring forward proposals themselves.

However, the Proposed Submission Land Allocations Development Plan Document fails to mention the approach South Lakeland District Council will take with regard to windfall sites. As the Proposed Submission Land Allocations Development Plan Document provides sites to meet the identified Core Strategy requirement, South Lakeland District Council should identify what they will do should windfall sites come forward. The approach is included in Appendix 1 of the adopted Core Strategy; however, it is suggested that it would be appropriate for South Lakeland District Council to refer to their policy for windfalls in their Land Allocations Development Plan Documents.

The policies included within the Proposed Submission Land Allocations Development Plan Document identify how each policy will be monitored. All of the policies will be monitored through the monitoring framework identified in the adopted Core Strategy. Using the identified indicators, it is considered that South Lakeland District Council will be able to effectively monitor the proposed policies and put in place measures where required. It should be noted that Policy LA1.5 ('Existing Employment Areas') does not have an identified monitoring process.

On the basis of the above comments, it is considered that, overall, the Proposed Submission Land Allocations Development Plan Document is deliverable, flexible and suitable.

Policy LA1.3 ('Housing Allocations') lists the sites identified on the Proposals Map which are allocated for housing development. It is suggested that a similar policy is created which lists the sites allocated for mixed use development in the District. This would create important links between the Proposals Maps and the Development Plan Document and would be useful for clarification purposes when cross-referencing between the policies and the maps.

With regard to site R350M (Grange-over-Sands), the site is considered to be deliverable, however any developer would need to enter into discussions with

Cumbria County Council with regards to the maintenance of the access road to the Household Waste Recycling Centre.

4. Is the Proposed Submission Land Allocations Development Plan Document consistent with national planning policy?

Yes ☒
No ☐

The overall aim of the National Planning Policy Framework is to promote sustainable development. The National Planning Policy Framework outlines three dimensions to sustainable development which planning can help to deliver. The three dimensions are: an economic role; a social role; and an environmental role. The Proposed Submission Land Allocations Development Plan Document can help to meet these dimensions by: ensuring that sufficient land of the right type is available in the right places to encourage a competitive economy; by providing the supply of housing required to meet the needs of present and future generations to support strong, vibrant and healthy communities; and protecting and enhancing the natural, built and historic environment.

The National Planning Policy Framework states that "Local Plans should meet objectively assessed needs" (paragraph 14). The adopted Core Strategy and the documents provided as part of the evidence base objectively assessed the needs of the District in terms of housing and employment land. The production of the Proposed Submission Land Allocations Development Plan Document is likely to meet the identified need outlined in the adopted Core Strategy and the evidence base documents. The proposed submission document seeks to "proactively meet the needs of business and support an economy fit for the 21st Century" (paragraph 20). It is considered that the broad thrust of the Proposed Submission Land Allocations Development Plan Document is consistent with national policy.

However, South Lakeland District Council will need to take account of the impact of future allocations to ensure that they do not damage the opportunities for existing businesses to operate viably.

With regard to specific relevant points in the National Planning Policy Framework, Policy LA1.2 ('Town Centre Boundaries') seeks to maintain and enhance the vitality, viability and sustainability of the District's town centres which is in line with section 2 of the National Planning Policy Framework.

As South Lakeland District Council has proposed allocation sites for affordable houses and extra care housing, as well as open market housing, they are seeking to deliver a wide choice of high quality homes; this is in accordance with Section 6 of the National Planning Policy Framework.

The use of indicative phasing in Tables 1A and 1B identifies "a supply of specific, developable sites or broad locations for growth, for 6-10 years and, where possible, for years 11-15" (paragraph 47).

The National Planning Policy Framework states that “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk” (paragraph 100). When determining sites for allocation, South Lakeland District Council avoided allocating sites which were classed as within Flood Zone 3b. They also avoided allocating sites where development would harm a protected site or species (Section 11 of the National Planning Policy Framework) and where development would prevent the use of important mineral resources (Section 13 of the National Planning Policy Framework).

The National Planning Policy Framework has a section focussed on plan-making. The Proposed Submission Land Allocations Development Plan Document outlines development sites for a 15 year period, consistent with paragraph 157.

The National Planning Policy Framework and the Localism Act introduce the ‘Duty to Co-Operate’ where adjacent or county/district authorities are required to engage to develop strategic policies. South Lakeland District Council has engaged Cumbria County Council effectively with regards to strategic planning and highway matters.

On the basis of the above, it is considered that the Proposed Submission Land Allocations Development Plan Document is consistent with national planning policy.

5. Has the Proposed Submission Land Allocations Development Plan Document been positively prepared?

Yes ☒
No ☐

The new National Planning Policy Framework (March 2012) has introduced an additional ‘test of soundness’ which is to assess if Development Plan Documents have been positively prepared. This means that the Examiner will consider if the Proposed Submission Land Allocations Development Plan Document has been “prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements”. In this instance, the Proposed Submission Land Allocations Development Plan Document should be based on the requirements identified in the adopted Core Strategy, where these matters have been properly assessed.

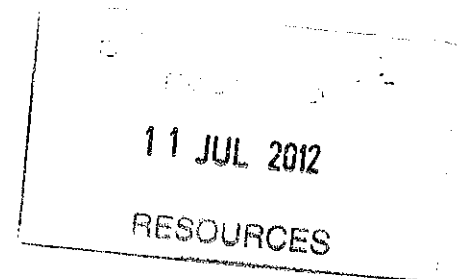
South Lakeland District Council’s Core Strategy was adopted in October 2010; this contains a Core Strategy requirement to deliver 400 dwellings and four hectares of employment land in the district per annum. This Proposed Submission Land Allocations Development Plan Document identifies where the sites are allocated in the district in order to substantially contribute to achieving these targets.

Tables 1A and 1B of the Proposed Submission Land Allocations Development Plan Document identifies how the Core Strategy requirements for housing will be balanced at a settlement level. The data included in these tables is

consistent with the need identified in the Core Strategy. Over the plan period (2003-2025) the tables identify a need for 8,800 homes, which is an average of 400 dwellings per annum. The table also identifies where the affordable housing need is required at a settlement level.

Table 2 identifies where the employment land is planned to be allocated at a settlement level in order to meet the Core Strategy requirement. The table shows that 60 hectares of employment land will be development between 2010 and 2025; this equates to the Core Strategy requirement of four hectares per annum. The Core Strategy stipulates that 20 hectares of this development would be required in Kendal. The Core Strategy states that nine hectares will be needed for strategic employment needs, nine hectares will be needed for offices and high-tech industries and two hectares will be required for general employment needs. The Proposed Submission Land Allocations Development Plan Document states that nine hectares have been allocated as strategic employment sites and two hectares for local employment sites. Table 2 in the Proposed Submission Land Allocations Development Plan Document states that eight hectares have been allocated for business-science park uses; after speaking with an officer at South Lakeland District Council, Cumbria County Council has been informed that this should read as nine hectares. It is considered that the table of employment allocations is consistent with the Core Strategy and addresses the identified and evidenced deficit in Kendal.

Therefore it is considered that South Lakeland District Council has positively prepared their Proposed Submission Land Allocations Development Plan Document in line with the Core Strategy. It is considered that these levels of proposed development will promote economic growth within the district in a sustainable manner, in accordance with the strategic requirements of the adopted Core Strategy.



Appendix B – Further comments on the conformity of the submitted Land Allocations Development Plan Document to the National Planning Policy Framework.

Planning Policy for Traveller Sites

In March 2012, the Government issued 'Planning Policy for Traveller Sites' alongside the National Planning Policy Framework (NPPF).

Generally it is considered that the South Lakeland Land Allocations Development Plan Document conforms to the provisions within the Planning Policy for Traveller Sites document. South Lakeland District Council used the evidence base of the Cumbria Gypsy and Traveller Accommodation Assessment (GTAA, May 2008) to identify pitch targets for gypsies and travellers and plot targets for travelling showpeople (Policy B of Planning Policy for Traveller Sites). South Lakeland District Council commissioned a further study in 2009/2010 to assess the accommodation needs of Gypsies, Travellers and Travelling Showpeople in more detail in relation to the district.

South Lakeland District Council has identified an approach which is more reflective of the districts needs. They have decided not to allocate sites as the evidenced need levels in the district are limited and any provision would be on very small sites. South Lakeland District Council has instead proposed to adopt a positive, facilitating approach in the application of relevant Core Strategy policies on a case by case basis (i.e. when planning applications are submitted).

South Lakeland District Council has stated their intention to work with other Cumbrian district authorities, the HSSA and other agencies to consider evidence of need and identify and deliver suitable sites in sustainable locations. This is in accordance with the overarching Government aims identified in the Planning Policy for Traveller Sites document.

Policy A of the Planning Policy for Traveller Sites document states that Local Planning Authorities should "pay particular attention to early and effective community engagement with both settled and traveller communities". South Lakeland District Council state that they will contact identified Traveller groups, individuals and representative bodies to ensure their input into any relevant planning documents. It is expected that South Lakeland District Council will carry out this engagement in line with their adopted Statement of Community Involvement.

