

3 July 2012



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Dear Mr Hudson

### **Conformity of the Submitted Land Allocations Development Plan Document to the National Planning Policy Framework**

Further to your email of 1 June 2012, on behalf of our client, Commercial Land Ltd, we submit comments with regard to the conformity of the *Submitted Land Allocations Development Plan Document (LA DPD)* to the *National Planning Policy Framework (NPPF)*.

Comments on this matter were submitted on behalf of Commercial Land Ltd during the last round of consultations in April 2012 (Response References: 10080 and 10081). As such, I trust that these earlier comments will be considered further in this latest round of consultation.

This letter is not intended to repeat our earlier comments in full. However, it is worth reiterating that in light of the *NPPF*, Policy LA1.1 in its submitted form is difficult to reconcile with the expectation in favour of sustainable development that underpins the new national guidance.

Specifically, the provision of development boundaries as part of this policy creates a potentially arbitrary division between sites that are suitable for development and those that are not. Such division does not necessarily align with a consideration of each individual site in terms of its potential for sustainable development.

With the presumption in favour of sustainable development that is the 'golden thread' that underpins the *NPPF*, every development or development site should be considered on its own merits. A policy such as LA1.1, with its setting out of development boundaries, is at odds with this approach.

We would therefore suggest again that Policy LA1.1 should be either replaced or revised to remove references to development boundaries. A suggestion for a revised wording to this policy was provided within our previous submissions (References: 10080 and 10081).

A replacement policy as an alternative to LA1.1 as currently proposed would need to more clearly support the individual assessment of all development proposals in terms of sustainable development. As an alternative, we would note the suggested policy that was set out in the *Compatibility Self Assessment Checklist (May 2012)* that was published alongside the submission of the *LA DPD*, which states as follows:

*'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in South Lakeland.'*



*Planning applications that accord with the policies in the South Lakeland Core Strategy, the other policies within this document and any other relevant local plan or neighbourhood plan will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

*Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*

*Specific policies in that Framework indicate that development should be restricted.'*

This policy effectively replicates the nature of paragraph 14 of the *NPPF*, which sets out the 'golden thread' of sustainable development that underpins the national Framework. It clearly states that any development proposal will be considered on its own merits within the context of relevant policies and the presumption in favour of sustainable development.

This presumption is not clear in Policy LA1.1 as it is currently proposed. As set out in our earlier representations (References: 10080 and 10081), our client would propose either the alteration or removal of this policy from the proposed *LA DPD*.

Our client agrees with the nature of the proposed policy as set out within the Compatibility Self Assessment Checklist and would welcome its formal inclusion as part of the *LA DPD*. This could be either in place of the existing proposed Policy LA1.1 or alongside a revised Policy LA1.1 which removes reference to development boundaries.

If the Council is inclined to only alter, rather than remove, Policy LA1.1, our client would request that the altered policy reflects the wording proposed in our previous representations. Specifically, we proposed that the opening paragraph of Policy LA1.1 should be altered to read as follows;

*'Although sustainable development could be possible at any location in South Lakeland, the settlements set out below are considered to represent where such development is more likely to be achievable. Outside of these settlements, individual developments will be assessed against Core Strategy policies in light of their achieving sustainable development, as set out within the Core Strategy and national planning guidance.'*

This revised wording would ensure that the proposed policy more accurately responds to the presumption in favour of sustainable development that all development proposals must be considered against.

I trust that these comments will be considered as part of the formal examination of the *Land Allocations DPD*.

Yours sincerely



Nigel Dexter  
Graduate Planner