

**SOUTH LAKELAND DISTRICT COUNCIL
LAND ALLOCATIONS DEVELOPMENT
PLAN DOCUMENT
NPPF CONFORMITY AND DUTY TO CO-
OPERATE CONSULTATION**

**RESPONSE MADE ON BEHALF OF
BARDSEA LEISURE, PRIORY ROAD,
ULVERSTON**

July 2012

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1. Introduction

1.1 We have been instructed to submit representations, on behalf of Bardsea Leisure, relating to the housing allocations at Ulverston. These representations refer specifically to NPPF conformity and the duty to co-operate and should be read in conjunction with our previous representations submitted in April 2012.

1.2 We can confirm that Bardsea Leisure wish to participate (or be represented) at the oral examination in public. This is to ensure that their representations and submissions are fully explained and aired, with the opportunity for appropriate discussion in front of the Inspector. We would wish to be notified at the above address of any further stages in the plan process.

1.3 The representations have been structured under the following headings:

- Compliance with the duty to co-operate requirements; and
- Compliance with other aspects of NPPF.

2. Compliance with the ‘Duty to Co-operate’ Requirements

2.1 Section 110 of the Localism Act 2011 establishes a duty to co-operate in relation to the preparation of development plan documents. In particular, local planning authorities must co-operate *‘in maximising the effectiveness with which activities are undertaken’* and that the duty imposed requires the local planning authority *‘to engage constructively, actively and on an ongoing basis’*.

2.2 The NPPF states at paragraph 178 that *‘the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities’*. Paragraph 179 goes on to state that *‘local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-coordinated and clearly reflected in individual Local Plans*. In turn, paragraph 181 states that *‘local planning authorities will*

be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination'.

- 2.3 We submit that the Council has not complied with the legal and national policy requirements. We refer to our previous submissions in this regard and, in particular, section 6 of that Statement. We would re-iterate that the Council has provided no evidence that any meaningful co-operation, as required by the Localism Act 2011 and the NPPF, has been carried out. As such, the Land Allocations Development Plan Document (LADPD) is deficient and fails to meet the statutory and national policy requirements.
- 2.4 In particular, we would cite the lack of any substantive and ongoing co-operation with Barrow Council as being a source of real concern for the reasons cited in our previous submissions. From the information we have seen there has been only a single meeting between the Councils in relation to the LADPD, which took place in October 2011. The meeting did not address the cross-boundary issues in any meaningful manner. The Council's statement at page 13 of its NPPF self-assessment that '*there has been close co-operation with neighbouring districts*' is patently incorrect or backed up by evidence.
- 2.5 The Council may submit that as the LADPD only relates to land allocations, is in conformity with the Core Strategy (CS) and, as such, there would be no purpose served by or necessity for co-operation with adjoining authorities. However, such an argument cannot and does not absolve the Council of its legal and policy duties.
- 2.6 We accept that the CS for the South Lakeland area was prepared and adopted before the duty to co-operate was introduced. We also accept that policies in a Local Plan '*should not be considered out-of-date simply because they were adopted prior to the publication of this Framework*' (NPPF paragraph 211). However, paragraph 213 goes on to state that

'plans may need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan'. Given the significance of the cross-boundary issue we specifically refer to, it is our submission that the only appropriate course of action is for the Council to review its CS prior to progressing further with its LADPD.

3. Compliance with other aspects off the National Planning Policy Framework

3.1 We consider the LADPD to not be in compliance with a number of aspects of national policy as articulated within the NPPF. Again, we would refer to our previous submissions, in particular section 12. In summary, the reasons for considering the LADPD non-compliant with the NPPF are as follows:

- the CS can no longer be regarded as 'up-to-date'. In particular, circumstances have changed and the housing provision figures now require review before the LADPD can be progressed further;
- the expected balance in favour of sustainable transport modes as advocated in the NPPF is not reflected in the housing allocations at Ulverston, specifically those at Gascow Farm;
- the LADPD makes no effective provision for the infrastructure required to support the development proposals;
- it is not evident how the Council's evidence gathering exercises relating to housing land availability have been used to determine the housing land allocations. Specifically, none of the sites to the south east and south west of Bardsea Leisure Park (including Gascow Farm) were identified through the housing land studies and no requirement to identify additional housing land was identified. Nevertheless, the LADPD allocates those sites.

4. Conclusion

- 4.1 For the reasons set out above and as detailed in our previous Statement, we submit that the LADPD is not in compliance with the Localism Act 2011 'duty to co-operate' and specific policy requirements of the NPPF.
- 4.2 We consider that the most appropriate action for the Council would be to withdraw the LADPD and carry out the further work required to ensure that the CS is 'up-to-date' and that the LADPD fully satisfies the NPPF.

5. Glossary

CS	South Lakeland Core Strategy
LADPD	South Lakeland Land Allocations Development Plan Document
NPPF	National Planning Policy Framework

6. Appendix

- Appendix A: Copy of Bardsea Leisure's April 2012 representations relating to the LADPD.