

# Technical Note

**Date** 18<sup>th</sup> December 2015 **Job No** W612014-002

**Subject** South Lakeland District Council, Consultation Development Management Policies, Issues and Options

## INTRODUCTION

- 1.1 JMP Consultants Ltd [JMP], in their capacity as call-off Consultants to Highways England have undertaken a review of the South Lakeland District Council [SLDC] Local Plan Draft Development Management Policies (DMP) Development Plan Document (DPD), which is currently out for consultation. The documentation comprises the following:
- Issues and Options Discussion Paper (November 2015); and
  - Draft Sustainability Appraisal (SA) Scoping Report (November 2015).
- 1.2 The SLDC DMP DPD will be used to help guide future development proposals outside of the National Park, and determine planning applications; helping manage and shape new developments coming forward. The Issues and Options Discussion Paper has been released for consultation, with the objective of seeking comments on whether all relevant policy areas have been covered. All comments received on this consultation will be reviewed and considered before drafting the next iteration of the Draft DMP DPD, due for consultation in Summer 2016.
- 1.3 The Strategic Road Network [SRN] within SLDC is mainly comprised of the A590, which provides a strategic route through the South Lakeland area. The A590 is classified as a trunk road, and Highways England is responsible for the capacity, operation and safety of this route.
- 1.4 It is stated in the Issues and Options Discussion Paper that “*in addition to these adopted plans, the Council with Lancaster City Council is preparing a separate Local Plan document for Arnsdale and Silverdale Area of Outstanding Natural Beauty (AONB). This will contain some development management policies bespoke to the AONB; however, some policies in the South Lakeland Development Management Policies DPD will also apply to the AONB within South Lakeland. The DPD will form part of both authorities’ Local Plans and is at an early stage of preparation*”. JMP has reviewed the Arnsdale and Silverdale AONB DPD Issues and Options under job number W612015.
- 1.5 This review will consider the proposed approach and scope of the DMP DPD as set out in the Issues and Options Discussion Paper, particularly focusing on any potential impact at the SRN. Additionally, when undertaking this review JMP will take into account the content of the adopted Core Strategy (2010), Land Allocations DPD (2013) and the Saved Local Plan (2006), which have been cross-referenced to support the recommendations set out in this review.
- 1.6 The structure of this technical note begins with a review of the DMP DPD Issues and Options Discussion Paper, in particular the sections on ‘General requirements for all development’, ‘Economy, Town Centres and Tourism’, ‘Quality Environment and Quality Design’ and ‘Sustainable Travel and Access’. These sections are considered to be most applicable to Highways England. A brief review of the Draft SA Scoping Report has also been undertaken for completeness. Finally, a summary section including recommendations to Highways England concludes this review.

## GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

- 1.7 There are some overarching development principles relating to all development included in various policies in SLDC’s Saved Local Plan (2006) that were taken into account when preparing this DPD. These include:

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- Provision of **safe convenient access** which avoids conflict, and includes provision for access for disabled people and pedestrians;
- Links to existing **transport infrastructure**, demonstrating there is sufficient capacity on roads and will not cause unacceptable traffic generation/highways safety issues;
- Providing necessary **parking** (including disabled); and
- Provides for necessary **infrastructure** needs it may generate (for example sewage, water supply and utilities), taking into account cumulative impacts.

1.8 These requirements are currently applied to all development regardless of its type and location. The Issues and Options paper suggest that, to avoid repetition and ensure a consistent approach is adopted when it comes to setting common standards, it may be beneficial to condense such requirements into a single or small number of development management general requirements policies. Three options have been specified:

**Table 1 Development Management Options: General Requirements**

General Requirements: DM Options	
<b>Option 1</b>	Maintain the current policy position, i.e. include similar standard requirements within a set of policies for various types of developments.
<b>Option 2</b>	Condense requirements as referred to above into a new single or small number of development management general requirements policies that can be applied to any new type of development. Where other requirements may need to be applied additional policies would be adopted.
<b>Option 3</b>	Include no new policy or policies setting out such requirements, and instead rely on the application of national and Core Strategy policies. This option would result in criteria and factors relating to the above within saved local plan policies becoming redundant.

1.9 JMP recommends that Highways England supports Option 1. It is essential that specific transport related assessment criteria are maintained in the preparation of the DMP DPD. Moreover, national policy as set out in the National Planning Policy Framework (NPPF) is insufficient because it does not fully recognise the necessary local transport needs and localised factors that are captured in SLDC's Saved Local Plan policies. Therefore, JMP advises that the above Saved Local Plan policies relating to transport impact, safety and infrastructure requirements specifically, are retained or replaced by new policies with a similar scope, and therefore form part of any future policy set out in the final DMP DPD.

1.10 SLDC has requested feedback on the option considered most appropriate and what such a policy should contain. With this in mind, JMP recommends that the Department for Transport [DfT] Circular 02/2013 should be referenced within the policy as Highways England's key document, with regard to shaping transport evidence base prepared in support of Local Plan policy-making and planning applications that may impact at the SRN. DfT Circular 02/2013 states the following:

*"Where development proposals are consistent with an adopted Local Plan, the Highways Agency does not anticipate the need for engagement in a full assessment process at the planning application stage. In such circumstances, considerations will normally be limited to the agreement of the details of the transport solution, including any necessary mitigation measures, and to ensuring that the transport impacts are included in the overall environmental assessment provided to the local planning authority, rather than the principal of the development itself."*

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*However, where proposals are not consistent with the adopted Local Plan then a full assessment of their impact will be necessary, which will be based on the performance and character of the strategic road network as determined by the presumption that the Plan proposals will be fully implemented.”*

- 1.11 It is important that the emerging DMP DPD considers (and where applicable, references) DfT Circular 02/2013 to ensure that development sites being promoted – and developed – are compliant with the guidance set out in this circular.

## ECONOMY, TOWN CENTRES AND TOURISM

- 1.12 The policy areas in this section seek to ensure that the vision for the economy, town centres and tourism sector as set out within the Core Strategy and Land Allocations DPD are delivered in a sustainable way. The policy topics reviewed in this section include:

- Loss of employment sites and premises; and
- Retail and Main Town Centre Uses Outside of Town Centres.

### Loss of Employment Sites and Premises

- 1.13 Policy E6 of the Saved Local Plan includes two criteria that must be satisfied in order to permit the loss of employment sites and premises. One of the two policy criteria is specific; change of use of buildings or land to a non employment use will not be permitted, except where the change of use could assist a move to alternative and more suitable premises in the vicinity. The other criterion is more general; the existing use is un-neighbourly because of traffic generation, noise or disturbance to amenity.
- 1.14 In the context of NPPF and SLDC's adopted Core Strategy Policies CS4 and CS5 and Land Allocations Policy LA1.5, JMP considers that Policy E6 is becoming less applicable and potentially obsolete. NPPF states that policies should follow the approach of the presumption in favour of sustainable development. It also specifies that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It further states that applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 1.15 SLDC state that Policies CS4 and CS5 both have criteria that seeks to ensure that effective use is made of the limited amount of commercial / industrial land and buildings. In addition, Policy LA1.5 seeks to ensure that a sufficient supply of employment land and premises is available to meet local needs and promote new business creation. It provides three policy criteria against which defined areas identified as 'existing employment areas' are assessed to determine whether loss / change of use to other non-employment uses shall be permitted, including a requirement for sites for employment use to have "suitable access" (Land Allocations DPD Policy LA1.5).
- 1.16 SLDC presents the following options in the Issues and Options Discussion Paper relating to Policy E6, and requests feedback on the most appropriate option:

**Table 2 Development Management Options: Loss of Employment sites and premises**

Loss of Employment sites and premises: DM Options	
<b>Option 1</b>	Maintain the current policy position, resulting in retention of Policy E6 in its present state in conjunction with the application of Land Allocations DPD LA1.5.
<b>Option 2</b>	No longer apply Policy E6 and rely only on national, core strategy and land allocations policy, and a General Requirement policy if this is progressed.

- 1.17 JMP recommends that Highways England supports Option 2. JMP considers that NPPF, and adopted Core Strategy Policies CS4 and CS5 and Land Allocations Policy LA1.5 are sufficient, alongside a General Requirement policy setting out specific transport-related assessment criteria for mitigating the potential for development traffic to impact on the SRN, applicable to all development.
- 1.18 Furthermore, in a scenario where a developer is proposing a significant development scheme that requires access to the SRN, it is recommended that Highways England is consulted at the earliest opportunity. Therefore it may be beneficial to restate this in the response to SLDC, although this should form part of the standard planning process.

## Retail and Main Town Centre Uses Outside of Town Centres

- 1.19 The Issues and Options Discussion Paper describes how “*current saved local plan policy seek to direct large scale retail development to Kendal and Ulverston town centres, and includes criteria that must be satisfied in order to permit large scale retail development outside of these centres*”. Specific reference is made to the following adopted Core Strategy and Saved Local Plan Policies:
- CS2 - Kendal Strategy;
  - CS3.1 - Ulverston and Furness area;
  - R2 - Retail Development outside Kendal Town Centre; and
  - R5 - Retail Development outside Ulverston Town Centre.
- 1.20 NPPF specifies that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. It states that when assessing applications not in accord with the Local Plan, an impact assessment is required where the development is over a proportionate, locally set floorspace threshold; the default threshold being 2,500 sq m.
- 1.21 The Core Strategy seeks to protect and enhance the vitality and viability of the district’s defined town centres, supporting retail and other town centre development of an appropriate scale. The Land Allocations DPD defines the boundaries of the town centres (Policy LA1.2) and sets out which parts are the preferred locations for different types of uses.
- 1.22 Current Saved Local Plan Policy R2 and R5 include criteria that must be satisfied in order to permit large scale retail development outside of Kendal and Ulverston town centres. These include providing evidence that there is need for the development and the application of the sequential test (superseded by NPPF), requiring a high standard of design, adequate parking and servicing, landscaping and assessment of impact on travel patterns and car use.
- 1.23 SLDC presents the following options in the Issues and Options Discussion Paper relating to Policy R2 and R5, and requests feedback on the most appropriate option:

**Table 3 Development Management Options: Retail and Main Town Centre Uses Outside of Town Centres**

Retail and Main Town Centre Uses Outside of Town Centres: DM Options	
<b>Option 1</b>	Adopt a new policy applied to all five town centres, with amended/updated criteria setting out requirements for main town centre proposals outside of the centres referring to NPPF sequential test. This would include a new locally set threshold used to determine when an impact assessment is required. If a 'General Requirement' policy is progressed, relevant common criteria could be removed from the update policy to avoid duplication.
<b>Option 2</b>	No longer apply any such policy and rely on national, core strategy and land allocations policy. This would result in policies R2 and R5 becoming redundant.

- 1.24 JMP recommends that Highways England supports Option 2. It is considered that this option is most appropriate, as Policy R2 and R5 have largely been superseded by NPPF and policies in the adopted Core Strategy and Land Allocations DPD. Specifically, Saved Local Plan Policy R5 states that any retail development in the main town centres and outside of town centres, should involve an "assessment of the likely effect of the development's travel patterns and car use". Core Strategy policy CS2 and CS3.1 set out specific transport assessment criteria for Kendal and the Ulverston and Furness area, including improvements to junction and signal optimisation in Kendal and in Ulverston, as well as supporting improvements to the operation of transport routes linking the west of the district to the M6.
- 1.25 JMP considers that NPPF, and adopted Core Strategy Policies CS2 and CS3.1 and Land Allocations Policy LA1.2 are sufficient, alongside a General Requirement policy setting out specific transport-related assessment criteria for mitigating the potential for development traffic to impact on the SRN, applicable to all development.

## QUALITY ENVIRONMENT AND QUALITY DESIGN

- 1.26 The policies in this section will seek to ensure that South Lakeland's environment continues to be protected and enhanced. It is vital to protect South Lakeland's countryside and enhance the District's built heritage and mitigate and adapt to climate change. Quality design is an integral part in delivering high quality development. The policy topics reviewed in this section include:
- Pollution.

### Pollution

- 1.27 Pollution can be in many forms and includes all solid, liquid and gaseous emissions to air, land and water (including groundwater) from all types of development. Current policy seeks to minimise the impact of lighting in urban and rural areas, whilst Core Strategy policy seeks to ensure the need to minimise air pollution.
- 1.28 The existing policy includes the NPPF (Paragraphs 120-125) and Core Strategy Policy CS1.1 – air quality, CS9.1, CS2 (Kendal) and CS10.2 – air quality assessment requirements; there are no Saved Local Plan policies included by SLDC for consultation.
- 1.29 NPPF states: "Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should

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*ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”.*

- 1.30 The Core Strategy currently specifies that opportunities must be taken to adapt to climate change, including improving air quality. It also states the need to tackle air pollution where necessary through the implementation of Air Quality Management Plans (AQMA) – Policy CS2 and CS9.1. Furthermore Policy CS10.2 requires developments with significant transport requirements to submit an Air Quality Assessment. SLDC currently has one AQMA in Kendal and actions to address impacts are contained within the Kendal Air Quality Management Action Plan. There are no Saved Local Plan policies that include requirements for minimising and mitigating forms of pollution from development.
- 1.31 SLDC presents the following options in the Issues and Options Discussion Paper relating to pollution policy and requests feedback on the most appropriate option:

**Table 4 Development Management Options: Pollution**

Pollution: DM Options	
<b>Option 1</b>	Adopt a new policy that provides more detailed requirements to mitigate and reduced levels of pollution from a development.
<b>Option 2</b>	Rely on National Planning Policy and associated guidance.

- 1.32 JMP recommends that Highways England supports Option 2. It is considered that this option is most appropriate because pollution control regimes are governed largely by legislation outside of the planning process (Pollution Prevention and Control Act 1999, Pollution Prevention Control Regulations 2000, Environment Act 1995). Also, NPPF and the Core Strategy provide detailed guidance in relation to AQMA) and in regard to mitigating the impact of traffic on air quality.
- 1.33 JMP considers that NPPF, and adopted Core Strategy Policies CS1.1, CS2, CS9.1 and CS10.2 are sufficient, alongside a General Requirement policy setting out specific transport-related assessment criteria for mitigating the potential for development traffic to impact on the SRN and air quality, applicable to all development.

## SUSTAINABLE TRANSPORT AND ACCESS

- 1.34 The policy areas in this section seek to complement improvements to accessibility and public transport, as set out within the Core Strategy and Land Allocations DPD. As policies in the Core Strategy and Land Allocations DPD cover many of the issues such as improvements to transport infrastructure, this section deals with the remaining detailed sustainable travel and accessibility issues. The policy topics reviewed in this section include:

➤ Parking Provision.

### Parking Provision

- 1.35 It is essential that there is adequate parking provision to accommodate expected demands arising from all new developments. A balance must be struck between providing over provision and not enough particularly in areas of congestion. Current local policy applies the use of guidance and in the case of town centre parking additional factors to determine requirements.
- 1.36 The existing policy includes the NPPF (Paragraphs 35, 39 and 40), Written Statement Parking: helping shops and preventing congestion, Core Strategy Policy CS10.2 Transport Impact of new development



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and Saved Local Plan Policies S10 Parking provision in new development, Tr5 Town Centre Parking and Tr6a Disabled Parking.

- 1.37 The NPPF specifies that local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network. If local planning authorities wish to set local standards they need to take into account five factors (outlined in paragraph 39).
- 1.38 Core Strategy Policy CS10.2 requires that development be designed to reduce the need to travel and to maximise the use of sustainable forms of transport. Developments will be considered against the following criteria: *“The proposal incorporates parking standards that are in accordance with any adopted and emerging sub-regional and / or local policy and guidance”*.
- 1.39 Saved Local Plan Policy S10 states requirements for off-street parking will be calculated based on Cumbria County Council’s guidelines. It states the guidelines will be applied flexibly and will be relaxed in circumstances such as town centres and other locations which have good access to other means of travel than the private car. Policy Tr5 includes five factors which need to be considered when considering development proposals in town centres and Policy Tr6a specifies disabled parking will be encouraged within new development and sets out three criteria of a general nature (appropriate scale, sympathetic design and good access).
- 1.40 SLDC presents the following options in the Issues and Options Discussion Paper relating to Parking Provision policies and requests feedback on the most appropriate option:

**Table 5 Development Management Options: Parking Provision**

Parking Provision: DM Options	
<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policies Tr5, Tr6 (part regarding disable parking provision) and S10.
<b>Option 2</b>	Adopt a new policy, combining the policies above, with new criteria and a reference to how current requirements and local guidelines will be applied. If a ‘General Requirements’ policy is progressed, relevant common criteria could be removed from the updated parking provision policy to avoid duplication. This would result in the replacement of policy Tr5, part of Tr6 with respect to disable parking and S10.
<b>Option 3</b>	No longer apply any such policy and continue to apply national and core strategy policy. This option would result in policies Tr5; part Tr6 with respect to disabled parking and policy S10.

- 1.41 JMP recommends that Highways England supports Option 3. This option is considered most appropriate as the criteria for parking standards is embedded in the NPPF and Core Strategy, with specific criteria set out for assessing the need for parking. Furthermore Core Strategy Policy CS10.2 makes reference to ensuring parking standards are in accordance with adopted and emerging sub-regional and/or local policies, which is considered flexible enough to ensure that the latest standards are adopted and implemented. In addition, the County Council’s “Parking Guidelines in Cumbria” Supplementary Planning Guidance (SPG) used by SLDC is currently being reviewed and should be updated in line with NPPF.
- 1.42 JMP considers that NPPF, and adopted Core Strategy Policy CS10.2, along with the updated “Parking Guidelines in Cumbria” SPG, are sufficient in detail and no further development management policy is required.

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## DRAFT SUSTAINABILITY APPRAISAL SCOPING REPORT

- 1.43 All new Local Plan documents have to be assessed using a Sustainability Appraisal (SA) to ensure that they are contributing to sustainable development. The SA will inform plan making throughout the process. The SA Scoping Report represents the first stage in the production of the SA Report and sets out the approach to SA and the methodology to be used for the appraisal, as well as the timetable and how the SA fits with the preparation of the DMP DPD.
- 1.44 As stated in the SA Scoping Report: *“Sustainability Appraisal is required by section 19 (5) of the Planning and Compulsory Purchase Act and requires appraisal of the economic, social and environmental sustainability of a plan. The SA informs the evaluation of alternative policy options and provides a powerful means of demonstrating to decision makers and the public that the plan sets out the most appropriate policy approaches given all reasonable alternatives”*.
- 1.45 It is considered that as the DMP DPD sits beneath the Local Plan Core Strategy, it is appropriate to take into account the findings of the SAs undertaken on the Local Plan Core Strategy and Land Allocations to avoid repeating aspects that have already been assessed. The DMP DPD will work to the same objectives as the Core Strategy (and Land Allocations), which have already been assessed against the SA framework. It is noted that the scoping report has been updated to include current information and set out an approach relevant to the appraisal of topic-specific policies rather than strategic policies or sites.
- 1.46 JMP considers that the approach to SA and the methodology to be used for the appraisal seems appropriate and proportionate, given how the document relates to other Local Plan documents.

## SUMMARY AND CONCLUSION

- 1.47 In summary, the DMP DPD Issues and Options Discussion Paper and Draft SA Scoping Report have been reviewed and a number of recommendations have been made to SLDC. Notably, at this initial Issues and Options stage it is considered that Highways England should aim to guide the development of transport-related policy, so as to ensure that the impact of traffic on the SRN is adequately addressed and any necessary transport infrastructure to support development in South Lakeland is identified and set out in the Draft DMP DPD and related evidence base documents.
- 1.48 Specifically, there are some recommendations for the retention of existing Local Plan saved policies which include principles to ensure that development does not adversely impact on the SRN. These policies may be retained, or replaced with new policies covering the same scope and areas of interest.
- 1.49 SLDC are timetabled to issue a Draft DMP DPD consultation document, in the summer of 2016. Highways England will need to review the Consultation Draft DPD to ensure that the recommendations included in this review have been considered during the preparation of the next iteration of the Draft DMP DPD for consultation.

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