

South Lakeland Draft Development Management Policies DPD: Main Changes Pre-publication Consultation (June 2017) - Technical Note 001

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1.1. Introduction

Mouchel initially reviewed the South Lakeland Draft Development Management Policies DPD in December 2016 on behalf of Highways England. Mouchel's role was to review the documentation presented by South Lakeland District Council to identify if there was potential for the aspirations and proposals within the documentation to impact upon the capacity, operation and safety of the SRN.

The DPD release included a number of supporting documents representing the transport evidence base underpinning the site allocations, which were also reviewed. The documents reviewed comprised:

- South Lakeland Draft Development Management Policies DPD;
- Interim Consultation Statement;
- Interim Sustainability Appraisal;
- Draft Local Planning Enforcement Plan; and
- Optional Housing Standards Evidence Topic Paper

Within the district of South Lakeland, the SRN consists primarily of the M6 and the A590, which provides a strategic route through the district, linking Ulverston to the west with Kendal and the M6 in the east at Junction 36. Further to the west, the A590 extends to Barrow-in-Furness outside of the District boundary. As an integral part of the SRN in Cumbria and for South Lakeland, Highways England has responsibility for the operation of this route, as well as being responsible for funding improvements to the route.

Following consultation on the Draft DPD, South Lakeland District Council are now consulting on proposed main changes to the policies contained in the draft document and the introduction of two new policies. Mouchel have undertaken a review of these alterations, and found that of those policies reviewed previously in regards to their

implications on the operation and safety of the SRN, only Policy DM1: General Requirements has been amended.

1.2. South Lakeland Draft Development Management Policies DPD Review - Key Points

Mouchel previously made extensive comments on Policy DM1: General Requirements, which also paid regard to preceding consultation responses. Policy DM1 sets out the general requirements for all development, two of which are related directly to transport:

- 3. Deliver an inclusive design and layout; that meets existing needs and is accessible for all as well as sustainable; and
- 5. Maintain existing and creating new safe and adequate pedestrian, cycle and vehicle movements, connectivity with the surrounding area and parking / servicing, in a manner that doesn't cause unacceptable traffic generation, disturbances or highways safety issues in the locality.

Furthermore, requirement 9 is applicable to transport, as well as other disciplines:

- 9. Ensure it will not result in adverse cumulative effects (environmental and infrastructure) in conjunction with existing and planned developments (those identified within the Local Plan or with extant planning permission).

The Key Points made in the conclusion of the previous review are summarised below:

- While Mouchel is broadly supportive of the policies as implemented, as discussed in the appropriate sections within the review, there is a significant focus on Policy DM1 - *General Requirements for All Development*.
- We continue to make the recommendation for new transport specific policy applicable to all development. The General Requirements policy as presented in this draft Development Management DPD lacks detail to sufficiently address the need for more precise local transport guidance, especially given the Core Strategy pre-dates the NPPF and the withdrawal of the Guidance on Transport Assessment.

1.3. Proposed Main Changes to Policy DM1: General Requirements

Requirement 3

In regards to the specifics of the amendments, the proposed changes delete Requirement 3 in its entirety. The DPD considers that the alterations to Policy DM2: High Quality Design adequately addresses the requirements for inclusive, accessible, and sustainable design.

Mouchel agree with this assertion. Policy DM2: High Quality Design includes all the requirements removed from Policy DM1 Requirement 3. Furthermore, the reasoned justification states that:

“A forthcoming Design Supplementary Planning Document (SPD) will provide guidance on how to consider proposals for various types of development and locations against these principles”.

It is anticipated that this SPD will further encourage sustainable and active transport uptake through high-quality design, and in doing so potentially reduce the vehicular demand for the SRN.

Requirement 5

It is noted that Requirement 5 is significantly altered. In comparison, the original paragraph as quoted from the December consultation is repeated below, followed by the amended requirement in the current consultation document:

- *“Maintain existing and creating new safe and adequate pedestrian, cycle and vehicle movements, connectivity with the surrounding area and parking / servicing, in a manner that doesn’t cause unacceptable traffic generation, disturbances or highways safety issues in the locality.”*
- *“Ensure adequate and safe movement of pedestrians, cyclists and motor vehicles, and provision of parking / servicing, in a manner that does not harm local and residential amenity or the character of the area.”*

The key amendment is the removal of the reference to **unacceptable traffic generation, disturbances or highways safety issues**. This is replaced by a reference to not harming **local and residential amenity or the character of the area**.

While it is appreciated that the new text is more general, and therefore likely more appropriate in the context of a policy on general requirements, there is no transport related policy in the DPD, and therefore the reference to unacceptable traffic generation (while open to interpretation), disturbances or highways safety issues is not repeated elsewhere.

Requirement 9

Requirement 9 is also deleted entirely. The assessment of cumulative impacts should be a key part of any transport assessment, particularly where development may not be in accordance with the plan, on allocated sites, etc. While a site may not have severe impacts on its own merits, the cumulative impacts of a number of sites in close proximity has the potential for significant and severe impacts that must be recognised, assessed and addressed. This is particularly important for Highways England where cumulative impacts have the potential to impact on the operation and safety of the SRN.

However, the Reasoned Justification underpinning Policy DM1 has been significantly expanded, and now includes an extensive paragraph in relation to infrastructure provision. This justification includes a reference to development taking into account the cumulative impacts of other planned developments, as well as reference to phasing of developments, coordination across sites within a wider plot (although there is no reference to developing an adopted masterplan), and developer contributions.

While Mouchel support these inclusions, it should be noted that the Reasoned Justification does not seem to provide justification for the requirements in Policy DM1, and in actuality seems to support the inclusion of elements such as the now-deleted requirement 9.

It is Mouchel's continued opinion that there is adequate justification to include a specific transport related policy to address requirements such as unacceptable traffic generation, and sustainable links from a local perspective.

1.4. Alignment with National and Local Policy

In making the assertion for a transport related policy, Mouchel have undertaken a review of the main existing local transport policy. Our review of this documentation and its findings underpins this recommendation.

The intent of the Development Management DPD is to set out development management policies against which planning applications will be assessed.

Currently, planning applications in South Lakeland are assessed against policies in the Core Strategy (2010), the Land Allocations DPD, and the 'saved' policies of the South Lakeland Local Plan (2006). It is considered that several of the 'saved' policies are now out of date and need updating and replacing, hence the need for the Development Management DPD.

The current intent of national policy is the promotion of localism; this considers local authorities are better placed to promote local standards that are more appropriate to the particular circumstances within their authority boundaries, while paying regard to the circumstances of their neighbours and ensuring strategic planning through the duty to cooperate.

Considering this, it is anticipated that the Development Management DPD would apply particular local standards to development management in South Lakeland.

South Lakeland Core Strategy (2010)

While a number of 'saved' policies are replaced, none of these are transport-specific, other than those that address car parking. The other transport policies from the south Lakeland Local Plan (1997) were superseded with the adoption of the south Lakeland Core Strategy (2010). As the Development Management Policies DPD does not contain any direct transport-related policies, South Lakeland's local transport related policies are therefore entirely encapsulated within the Core Strategy (2010).

The South Lakeland Core Strategy (2010) presents a number of policies with direct relevance to transport. Most of these policies are encapsulated within Section 11: Accessing Services, including:

- Policy CS 10.1 Accessing Services; and
- Policy CS 10.2 Transport Impact of New Development

Policy CS10.2 encompasses the Council's current policy regarding new development and transport, and states that:

“Development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- *The proposal provides for safe and convenient access on foot, cycle, public and private transport, addressing the needs of all, including those with a disability;*
- *The proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;*
- *The proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route location;*
- *The expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area, local air quality or highway safety; and*
- *If the proposal would have significant transport implications, it is accompanied by a air quality assessment, transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, a travel plan.*
- *The proposal incorporates parking standards that are in accordance with any adopted and emerging sub-regional and / or local policy and guidance*
- *Thresholds identified in national guidance and any new regional and / or local guidance relating to when travel assessments and travel plans are required”*

It is noted that while the Core Strategy policies are still of relevance, it predates the introduction of the NPPF and is instead written in the context of PPS1 – Delivering Sustainable Development and PPG13 – Transport, which have now been superseded.

Certain elements of this policy reflect the position at the time of writing; for example, since the withdrawal of the Guidance on Transport Assessments (GTA), there are no national thresholds relating to the requirement for Transport Assessments / Statements and Travel Plan. Instead, there is considerably more emphasis placed on the need for early engagement and scoping in order to determine the local criteria applicable to each individual development. In effect, there is a recognition that conditions can vary significantly from site to site, and that each application should be considered on its own merits, rather than against pre-set criteria.

In this respect, the Development Management DPD represents an opportunity to update these standards to reflect current policy, and clearly state the need for the early engagement and scoping with all stakeholders that is crucial in determining the individual circumstances of each development.

Nevertheless, the policy is considered to provide a strategic direction for development in South Lakeland, including guiding principles such as the provision of safe and convenient access, and by ensuring development impacts can be accommodated without detriment of the amenity or character of the surrounding area.

Policy CS10.1 – Accessing Services provides further policy guidance regarding how the Council will work with partners to improve accessibility, which includes:

- *Improving bus routes, services and passenger facilities: particularly the key rural bus services that provide the links to Kendal and Ulverston and the neighbouring centres of Lancaster and Barrow;*
- *Regeneration funding and using developer contributions to ensure that access to employment areas in Kendal and Ulverston by public transport and the highway network are upgraded without impacting adversely on local air quality;*
- *Supporting improvements to rural accessibility, including extending demand-responsive transport schemes, such as Rural Wheels;*
- *Improving passenger rail services and facilities;*
- *Encouraging park and ride and managing car parking provision;*
- *Promoting a network of safe cycle and walking routes linking residential areas with employment areas, town and local centres, schools, recreational open space and facilities;*
- *Encouraging the adoption of Work Travel Plans by key agencies and businesses;*

While these policies are welcomed, further clarification on how these elements can be provided by new developments specific to South Lakeland could be provided in the Development Management DPD. This could include more focus on efficient Travel Plans and site specific measures, or provision of segregated convenient access for pedestrians and cyclists along key desire lines to local facilities and amenities.

It is also noted that Section 10 – Health and Wellbeing also has relevance to transport. Policy CS9.1 – Social and Community Infrastructure identifies how the Core Strategy will seek to improve the health and wellbeing of residents, through measure such as:

- Supporting proposals and activities that protect, retain or enhance existing community assets, or lead to the provision of additional assets that improve community wellbeing;
- Delivering improvements to foot and cycle paths to support active lifestyles;

Policy CS9.2 – Developer Contributions sets out how the council will work with developers and service providers to secure necessary improvements to infrastructure, including:

- Transport relating to highways/roads, rail, waterways, bus/other vehicular public transport, cycle, bridleway and pedestrian access and the securing of Travel Plans.

Alignment with the NPPF

As the policies in the South Lakeland Core Strategy (2010) pre-date the NPPF, it should be considered how the Development Management DPD policies can align with the NPPF while complementing the Core Strategy and updating those elements that are potentially now less relevant. Mouchel has also reviewed the NPPF in consideration of our recommendations regarding the draft Development Management DPD.

The review has found a number of paragraphs considered highly relevant; Paragraph 17 states that:

“17. [Planning should] always seek to secure high quality design and a **good standard of amenity for all existing and future occupants of land and buildings.**”

This paragraph indicates that it will not be sufficient to maintain the status quo, and that a good standard should be achieved for not only existing occupier but also over the life of the development (where it is possible to predict this).

Paragraph 32 states that plans and decisions should take account of whether:

“32. safe and suitable access to the site can be achieved for all people”.

What is considered suitable is very much likely to depend on the context of the development and site, local constraints, etc, although this can and should be driven by local and national guidance and best practice.

Paragraph 35 states that:

“35. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles;*
and
- *consider the needs of people with disabilities by all modes of transport.*

The policies guiding development in South Lakeland should therefore ensure they meet these criteria and expand on a local level, offering more detail as to how they envisage priority to pedestrian and cycle movements for example, or how they expect safe and secure layouts to be realised.

Paragraph 151 states that:

“151. **Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.** To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.

This paragraph clearly sets the context for the promotion of sustainable development. To this end, the policies presented in the Development Management DPD should set out how developments will specifically contribute toward the achievement of

sustainable development, considering the intent of the DPD is that proposed developments will be assessed against these policies.

Paragraph 154 echoes this sentiment:

*“154. Only policies that provide a **clear indication** of how a decision maker should react to a development proposal should be included in the plan.”*

This paragraph also indicates that there should be no ambiguity over a policy, and that therefore they should provide clear guidance on topics such as how developments will contribute to sustainable development, what is considered safe and secure access for all people, or what high quality public transport facilities in South Lakeland look like.

Finally, Paragraph 157 states that:

*157. Crucially, Local Plans should: **plan positively** for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;*

The policies in the Development Management DPD should therefore reflect this positivity, looking to enhance and promote sustainable development in a positive way through aspirational (yet realistic) policies.

Further Analysis

Only point 4 of the current draft Policy DM – General Requirements for all development refers specifically to transport, stating developments must:

“ensure adequate and safe movement of pedestrians, cyclists and motor vehicles, and provision of parking / servicing, in a manner that does not harm local and residential amenity or the character of the area”

This essentially reiterates the first two paragraphs of Core Strategy Policy CS10.2, which state:

- *The proposal provides for safe and convenient access on foot, cycle, public and private transport, addressing the needs of all, including those with a disability;*
- *The proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;*

The policy also echoes Paragraph 35 of the NPPF, but with less detail.

It is noted that Michael Barry of Cumbria County Council’s Spatial Planning Team submitted a response on the 14th January 2016 during the consultation exercise for the Issues and Options draft. The comments pertinent to highways and transport were:

Omission – Highways and Transport 35.

Core Strategy Policy CS10.2 provides a robust strategic policy approach with respect to highways and transport; the development of the DM Policy provides an opportunity to build on this to deliver an enhanced and more informative policy approach.

In this respect a new policy could provide:

- *Clear advocacy to the importance of development being sustainably located and for sustainable transport to be a key consideration with assessing development proposals.*
- *Amplification to the importance of safety for both vehicle users but also pedestrians.*
- *The importance of considering the impact of development on key junctions and the movement of traffic across towns.*
- *The importance of development delivering pedestrian cycle improvements (e.g. paths and crossings) from the site to key attractors including schools and town centres.*
- *Promotion of permeable developments with heightened accessibility to foot/cycle, bus and car users.*
- *Promoting the role of Travel Plans to enhance the sustainability of development and to promote modal shift.*
- *Consideration of matters around air quality management.*

In line with its roles and responsibilities, Cumbria County Council is keen to work closely with SLDC in the development of this policy and there will be opportunity to develop synergies with the emerging Cumbria Design Framework.

It is considered critical that policy ensure that these requirements are articulated to developers prior to planning applications in order for them to factor these costs into their development appraisals and designs.

Mouchel's recommendation echoes the comments from Cumbria County Council's Strategic Planning Team.

It is felt that the current Policy DM1 - General Requirements does not add any further detail than that already present in the NPPF and Core Strategy (2010). Without this detail, it is difficult to see what additional benefit these policies bring above and beyond the NPPF and the current adopted Core Strategy (2010). For example, it could be considered that this policy is not aligned with Paragraph 17 of the NPPF, as rather than consider the promotion of good amenity (and therefore a high standard of amenity, and the promotion of this where amenity requires improvement), there is only a requirement for development not to harm existing amenity. There is also no consideration of future user's needs, which may differ from those existing, particularly in regards to sustainable and active modes of travel or new technology such as an uptake in electric vehicles.

It should be considered whether the wording of the policy adequately plans positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the NPPF, as stated in paragraph 157, or whether they offer meaningful direction for decision makers, as stated in paragraph 154.

1.5. Conclusion

Mouchel have reviewed the proposed alterations to the South Lakeland Draft Development Management Policies DPD, as published for consultation in June 2017.

While the amendments are more in line with the expectations for general guidance for all developments, Mouchel continue to be of the opinion that Policy DM1: General Requirements lacks detail to sufficiently address the need for more precise local transport guidance that reflects current national guidance.

The additional detail and guidance provided within the reasoned justification should be welcomed, and provides some comfort regarding cumulative impact assessment—which is a key consideration for the SRN—yet should also be considered as the basis for providing more detail within policy requirements.

In particular, Mouchel stress the need for the inclusion of a statement stressing the need for engagement with all stakeholders at the earliest opportunity, as following the withdrawal of assessment thresholds it has become even more essential to ensure assessment requirements are adequately scoped beforehand.

While these policies do not necessarily have immediate and explicit implications for the operation and safety of the SRN, Highways England's key guidance document, The Strategic Road Network: Planning for the future (2015), sets out in paragraph 78 that:

“When we are formally consulted upon local plan documents we will seek to provide a recommendation as to the soundness of proposed policies and proposals in relation to their interaction with the SRN”

Paragraph 79 then sets out those matters which highways England are likely to have particular regard to, which includes:

“The sustainability of policies, specifically in relation to potential impacts on and around the SRN.”

Ensuring the promotion of sustainable transport, and sustainable development in general, throughout the planning process will have long-lasting and tangible benefits for the SRN, reducing the need to travel long distances for everyday purposes via private vehicle.