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For the attention of Mr Dan Hudson

Dear Sir

**SOUTH LAKELAND LOCL LEVEL DEVELOPMENT FRAMEWORK
SUBMISSION OF LAND ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD)
AND INVITATION FOR SUBMISSIONS ON THE CONFORMITY OF THE DPD WITH
THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The Highways Agency [the Agency] commissioned JMP Consultants to undertake a review of the submission version Land Allocations Development Plan Document [DPD] recently released by South Lakeland District Council [SLDC] as part of their emerging Local Development Framework [LDF].

The Agency has already had input into the development of the LDF through previous reviews, and most recently, from involvement in the development and review of the South Lakeland Transport Study, the outputs from which should inform the DPD.

The Agency has worked closely with SLDC throughout the emergence of their LDF and is largely satisfied with contents of the DPD. However the Agency wishes to continue this joint working to establish how the allocations will each be delivered to ensure that the operation of the Strategic Road Network [SRN] is not materially affected.

Due to the timescales involved in producing the DPD, much of it was developed in accordance with planning policy which has since been superseded following the publication of the National Planning Policy Framework [NPPF] in March 2012, which significantly reducing the volume of policy into a single document.

Therefore it is necessary to ensure the DPD conforms to the NPPF and as a statutory consultee to SLDC, the Agency has been requested to respond. As the Agency is broadly satisfied with the content of the DPD this has not been reviewed in detail. It will however review the DPD alongside the NPPF and comment should the Agency believe there are areas of conflict, non-conformity or material changes to policy which may directly affect the SRN.

The NPPF is broken down into three sections; Achieving Sustainable Development, Plan-making and Decision-taking. The Achieving Sustainable Development section contains 12 core planning principles followed by further objectives. This review will focus primarily on those principles which are of direct interest to the Agency with additional commentary where necessary. For the purposes of the review, this Letter to SLDC with regard the conformity of the PDP with the NPPF

document will review the DPD with regard to each Chapter of the NPPF above in the order in which they are present in the NPPF.

Review

Introduction

The NPPF sets out the Government's planning policies for England and details how it expects them to be applied. Paragraph 2 states that the NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This is of crucial importance to the Agency, as the presence of an up-to-date plan which it has been involved in the production of, will ensure that only development which will not materially impact upon the SRN will come forward. The Agency considers this consultation to fulfil this requirement and that in this respect the NPPF is being conformed to.

Achieving Sustainable Development

Paragraph six states that the purpose of the planning system is to contribute to the achievement of sustainable development and goes on to describe what this means in practice. Therefore it is necessary to establish whether the proposals considered within the DPD are sustainable or have suitable mitigation strategies built into the DPD both directly and via development briefs, as the implication of the NPPF is that should an application be submitted in accordance with the plan it should be approved. It is therefore recommended that development briefs be issued as Supplementary Planning Documents for major, sensitive or complex sites.

Core Planning Principles

Paragraph 17 contains the twelve planning principles which should underpin the DPD. Therefore these should be fulfilled in order for the DPD to be considered to be compliant with the NPPF. The Agency has the following comments regarding those policies which are of direct interest to the operation of the SRN:

- ...be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- ...proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable in their area, taking account of the needs of the residential and business communities.

Paragraphs 1.9 to 1.11 describe the consultation which has taken place regarding the emerging DPD. The Agency has been involved in from the earliest opportunity and has enjoyed a level of co-operation and joint working with SLDC to develop the DPD and the wider LDF, including the joint commissioning of a Transport Study into potential impacts on the A590. The Agency is satisfied that these objectives have been fulfilled.

- ...encourage the effective use of land that has been previously developed (brownfield land) provided that it is not of high environmental value;
- ...promote mixed-use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production);
- ...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

With regards to the above three policies, the Agency welcomes the efforts of SLDC to locate development within existing settlement boundaries and supports this approach as in some locations there is little supply of previously developed land. With particular regard to employment locations consideration has been given to existing capacity within existing employment locations which is welcomed by the Agency. The Agency is supportive of the sequential approach to locating development described in paragraph 2.47. Whilst not explicitly stating that development of brownfield sites should be encouraged, by focussing development primarily at town centres followed by locating development within urban areas implies this. The Agency therefore suggests an amendment stating brownfield sites within these areas should be encouraged.

On utilising the sequential approach detailed above, development should be located close to or within town centres and therefore should be in the most accessible locations both by public transport and sustainable modes.

Overall the Agency is satisfied that the approach used for allocating sites is in compliance with the NPPF.

Delivering Sustainable Development

Building a strong, competitive economy

The Agency considers this objective to be satisfied as it is recognised that in the DPD that SLDC are delivering sites which can be delivered during the plan period which will meet the needs of the economy whilst also being sensitive to the surrounding environment. From the Agency's perspective any sites which maybe more "difficult" to deliver should have clear development briefs developed and incorporating into the plan as SPDs, so barriers relating to the operation of the SRN can be overcome. The Agency will continue to work with SLDC and/or developers to achieve this.

Ensuring the vitality of town centres.

In setting out that town centres should be at the top of the hierarchy of locations in which to centre development, the Agency is satisfied that the DPD is in compliance with the NPPF.

Supporting a Prosperous Rural Economy

As a largely rural authority, this objective is of particular importance to SLDC and the Agency as rural areas generally receive a lesser degree of public transport provision than urban areas, and as such, reliance on the private car can be higher. Notwithstanding the Agency is supportive of appropriate development in rural areas which is sustainable and meets the needs of the local economy. The DPD proposes a series of sites, primarily housing within existing settlements. These are supported as they should ensure the retention of local services and thus reduce the need to travel to a larger centre. Therefore the Agency considers the DPD to be in compliance with the NPPF.

Promoting Sustainable Transport

Of all the objectives, this is the one which is of direct interest to the Agency. The Agency has been working closely with SLDC to ensure that only those sites which have the potential to be delivered sustainably be included within the DPD. The Agency will wish to see a transport assessment & travel plan or transport statement produced for any development meeting the criteria present in Guidance for Transport Assessment and Circular 02/2007 *Planning and the Strategic Road Network*, both of which remain valid following the publication of the NPPF.

The thresholds for assessment provided within the DPD should be amended to reflect the corresponding information provided in these documents. The NPPF also states that applications should only be refused where transport impacts are “severe”. The Agency will be looking to agree the definition of “severe” and any evidence provided by SLDC where it is felt that impact is “sever”.

This has a further implication as the process identifies those sites as having barriers to delivery. Any sites which have been identified early as having barriers to sustainable transport should have a development brief prepared and included as a SPD. However the NPPF defines an SPD as

“Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan.”

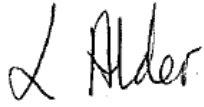
Therefore, to ensure the position of the Agency the material included within any SPD it is suggested that this is be reflected within the Plan itself. Whilst it is appreciated that this doesn't mean the DPD doesn't conform with the NPPF, but raises the potential for a site to be approved without the mitigation necessary to protect the operation of the SRN. For clarity, the Agency considers this applicable to the following sites in addition those included in the DPD as per the Agency's previous response:

- Site E13M at Milnthorpe;
- Site M9M2-mod at Milnthorpe; and
- Site R675M-mod at Holme.

It is the opinion of the Agency that the sites selected in the DPD have the potential to be delivered sustainably with the detail being agreed on a case-by-case basis through the planning process, although following publication of the NPPF, further information should be provided regarding exactly what the barriers are and what the likely mitigation will be.

Therefore, the Agency considers the DPD to be broadly in compliance with the NPPF, with the proviso that a definition of severe transport impact be defined. Where sites are likely to have barriers to development, these should be set out along with the mitigation measures that would have to be in place to release development. This will most likely take the form of an Infrastructure Delivery Plan. SLDC may also find it useful to have a full transport policy to submit along with the DPD. The Agency wishes to continue the joint working which has taken place so far to secure these actions.

To conclude, the Agency considers the DPD to be broadly compliant with the NPPF. Notwithstanding the Agency request that the comments made in this letter be incorporated into the DPD to ensure the capacity, safety and operation of the Strategic Road Network is not compromised whilst also enabling the development aspirations contained within the DPD to be delivered.



Yours faithfully

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