

# **Independent Examination of Lancaster City Council's Submitted Strategic Policies and Land Allocations DPD and Review of Development Management Policies DPD**

## **Inspector's initial questions of 5<sup>th</sup> September 2018**

### **With responses from Lancaster City Council at 3<sup>rd</sup> October 2018**

1. The Council refers to Policies SO1 to SO5 "to some degree, being relevant throughout the sub-region" but could the Council be specific as to how these and any other policies would have an impact on any other local planning authority area?

Chapter 4 of the Strategic Policies & Land Allocations DPD sets out a series of strategic objectives (SO1 to SO5) which guide the underlying principles and context of the wider Local Plan. Whilst in general terms these objectives are about delivering the future needs of the district they can have a wider strategic context.

SO1 sets out the Council's aspirations for economic growth, it seeks to positively promote opportunities for further growth and investment over the plan-period which build on existing and emerging economic sectors in the district. Clearly a plan which seeks to deliver economic growth must consider this in the context of the wider region and the potential implications that such an aspirations may have. The relatively self-contained economic footprint and geographical nature of the district suggests that impacts on neighbouring areas such as South Lakeland and Wyre would be limited.

Notwithstanding this, the Council has continued to explore through the Duty-to-Cooperate process if there are implications to the economic growth proposed in the district, both in positive and negative terms. To date no significant implications have been raised on this matter, however engagement and dialogue continues.

SO2 addresses how the Local Plan aims to provide a sufficient supply of housing to meet evidenced needs. The objective identifies the full range of housing characteristics that are relevant to plan-making in the district: the need, number, sizes, type, location, tenure and affordability and special community needs for housing in the district. It also refers to aspirations to; improve design, energy efficiency, the occupancy of vacant houses, brownfield development, and, the long-term sustainability of rural communities. The key message of SO2 is that the Council, through the Local Plan, has evaluated the issues and then bring them together to plan to meet housing needs and economic growth in a flexible and sustainable way.

These matters have been central to the Duty-to-Cooperate discussions and consultations with neighbouring authorities. The sub-regional aspects relate to having a clear understanding of housing market areas and how these interact with each other in respect of demographics and commuting patterns as well as business dynamics. Having looked at the evidence and

discussed housing and economic growth with neighbouring authorities, the Council has a clear picture of the self-contained nature of its housing market area (similar to the self-contained nature of its economic footprint) and also the strengths and weaknesses of the local and sub-regional economy.

SO3 highlights that the district has a responsibility to plan to conserve and enhance certain protected places, characteristics and environments as well as develop land. The district contains a number of nationally and internationally designated environmental sites, for instance Morecambe Bay, Arnside & Silverdale AONB and Forest of Bowland AONB which are shared with other local planning authorities. SO3 sets out how to ensure the effective protection and management of these assets, and through the Local Plan the Council has developed policies which explain their importance and show how they will be protected against inappropriate development. SO3 also indicates that in some cases conservation and development can be complementary.

The sub-regional dimension of SO3 is that in almost all cases the natural, historic and built environment are characteristics that recognise no administrative boundaries. Many, such as the treatment of heritage assets, river catchments, habitats and landscapes require consistent and join-up planning and some of these are backed up institutionally, for example the way that AONBs are managed and financed. The Council is actively engaged in the operation of two AONBs and has prepared a bespoke DPD for the Arnside & Silverdale AONB, working jointly with South Lakeland District Council.

SO4 identifies a range of infrastructure necessary for growth, a large proportion of new infrastructure is local in nature and does not have a cross-boundary issues for adjacent to LPAs.

However, to achieve the growth proposed in the plan there will be a need for significant investment in transport infrastructure, particularly in relation to Bailrigg Garden Village in the south of the district. A key component of this will be the reconfiguration of Junction 33 of the M6. The Council has liaised with both Lancashire County Council and Wyre Borough Council through the Duty-to-Cooperate process to consider any potential implications to the reconfiguration to Wyre's access to the M6. Engagement to date has not suggested any implications to Wyre in this regard. Engagement will continue with Wyre as more detailed plans for Junction 33 reconfiguration progresses.

In procedural terms, the Council has through the entire plan-making process been aware of their responsibilities under the Duty-to-Cooperate process to engage and work with neighbouring planning authorities and other relevant stakeholders to address cross-boundary matters and resolve strategic issues where it is possible to do so. The Duty-to-Cooperate matters which are described in the response to this question have been discussed extensively to understand shared issues and potential implications. These discussions (and their outcomes) are set out in more detail via the Council's 'Duty to Cooperate Statement of Compliance' which accompanies the Local Plan.

2. The Council refers in the Duty to Co-operate Statement to how co-operation with South Lakeland District Council informed the need to review the Greenbelt in relation to OAN methodology and calculation. Could the Council be more specific on this matter? How did the Council co-operate with adjoining authorities in respect of any unmet housing need?

Through the regular Duty-to-Cooperate conversations with South Lakeland, the two councils discussed their approaches to housing development needs. South Lakeland adopted its Land Allocations DPD in 2013. At that time South Lakeland had indicated that it was allocating land to meet its own housing needs and was unable to help with neighbouring authorities unmet housing needs due to the environmental, landscape and conservation constraints of the district.

New work was undertaken by both councils in the period 2013-2018, and the councils shared information on the approach, results and implications of OAN research and calculations. Some basic information was obtained or reappraised: for example, the councils acknowledged that Lancaster's housing market is highly self-contained, as defined by approximate figures in Planning Practice Guidance.

The 2018 Strategic Housing Market Assessment (Part II) (reference EBC\_003) undertaken by Arc4 presents 2011 Census data identifies that 75.5% of origin moves excluding long distance moves were within the district, and 80.4% of destination moves (excluding long distance), both figures well in excess of the 70% benchmark to be considered a self-contained housing market area. The strongest neighbouring relationship is with South Lakeland albeit limited in nature.

Furthermore, the SHMA Part II also clarifies the nature of the district as a functional economic market area with 84.5% of residents occupying jobs within the district and 86.4% of jobs in the district occupied by residents. These figures are again well in excess of the 75% containment ratio for a Travel to Work area identified by the ONS. Again South Lakeland presents the most significant commuting relationship but corresponding figures were again relatively low.

Lancaster engaged Turleys to undertake two important studies into housing requirements in 2013 and 2015. Appendices C and D of the Council's Duty-to-Cooperate Statement (SD\_025) shows that the Council engaged with its neighbours on the methodology for these studies. The results of the studies were also shared.

In 2016 Lancaster City Council agreed to adopt the OAN of between 650 and 700 dwellings per annum, a challenging figure given that the previous benchmark was 400 dwellings pa and housing completions in the period following the recession had been below even the lower figure.

Formal and informal conversations with neighbouring authorities had not indicated any willingness from others to meet any of Lancaster's increased needs: indeed most neighbouring authorities had adopted an approach of striving to meet its own needs, in recognition of their own constraints – for example both Craven and South Lakeland are sparse rural authorities which are heavily constrained by landscape designations including the Yorkshire Dales National Park, Lake District National Park and the Areas of

Outstanding Natural Beauty of the Forest of Bowland and Arnside & Silverdale.

Lancaster began by taking the same approach. Taking into account neighbour and consultation feedback, the evidence available at that time including the variety of constraints on development (e.g. infrastructure capacity, AONB and nature conservation designations, flood risk), the Council began to review its Green Belt in the summer of 2016.

Following the preparation of the Green Belt Review, and taking into account all relevant evidence, physical constraints to growth and potential development opportunities, the Council concluded on potential sites to be released from the Green Belt for development in (amongst other places) Carnforth, the nearest town to South Lakeland. It also confirmed observations and draft proposals recorded at a Duty-to-Cooperate meeting in 2012, which had discussed the City Council's intention to investigate housing allocations at Carnforth: in this sense the Green Belt review findings came as no surprise to South Lakeland, and presented no conflict with their approach to meeting their own housing needs.

In the late summer of 2016, the Council became aware of the legal challenge made to the adoption of the Local Plan in Bradford, where it was argued that the Council had reviewed its Green Belt but had not properly explored alternative or supplementary options, especially whether neighbouring local authorities could meet some of Bradford's housing needs.

At that time, the City Council understood that its neighbours were unwilling to meet some of Lancaster's housing needs. Nevertheless, recognising the increased relevance of this matter, and before finalising the draft policy position on the proposed release of Green Belt land, the City Council undertook a formal consultation with its neighbours asking whether any could meet a proportion of Lancaster's housing needs over the next 15 years (see Appendix E of the Council's Duty-to-Cooperate Statement (SD\_025)). None replied to say that they could. South Lakeland replied to say that all of the housing sites identified and allocated as suitable for development in its Local Plan are required to meet the needs identified in its Core Strategy. Furthermore, South Lakeland said that it faced challenges to its 5 year supply of housing land, and repeated this observation at the Duty-to-Cooperate meeting between the two councils in 2017.

In conclusion, the City Council has maintained a regular and open dialogue with South Lakeland and with all its neighbours on the evidence and policy approaches to meeting housing needs. This has included a wide range of investigation, including Green Belt review and formal requests made of neighbouring authorities, but also a wider investigation into the sustainable distribution of development in the district. At a local level, in respect of development close to the district boundary between Lancaster and South Lakeland, it was always important to involve South Lakeland in the options for development at places like Carnforth, and this is one of the ways in which the Duty-to-Cooperate process has influenced the Lancaster Local Plan DPDs.

3. Has consultation been carried out in accordance with the Statement of Community Involvement and the relevant Regulations; how would the Council secure the mitigation outlined in Table 16 of the Habitats Regulation Assessment Report following the detailed screening of sites affected by policies in the DPDs (in particular SG14, SG15, EC1)?

Extensive consultation has taken place during the preparation of the Local Plan. This has taken place at all the key stages of plan making, including both informal and formal stages of consultation. In undertaking this the Council feels that it has gone over and above the legal requirements to consult on plan preparation.

Early engagement included a combined scoping exercise, thematic workshops for key planning topic areas, specific engagement with rural communities, spatial planning exercises and consultation on a range of spatial options for delivering future development needs. These consultation events took place between 2011 and 2014.

More recently the Council has engaged with the public and key stakeholders in the People, Homes and Jobs consultation (2015) which set a range of spatially specific options for how evidence development needs could be met in the district, consultation has also taken place on a draft Local Plan (including both the draft Strategic Policies & Land Allocations DPD and Development Management DPD) in the spring of 2017 and the formal Publication stage which took place in the spring of 2018.

Consultations have been prepared and delivered in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's own Statement of Community Involvement (SCI) which sets out how and when the Council will engage with the community and other key stakeholders when planning documents are being prepared / revised.

The Council has undertaken a significant number of drop-in events across the district to ensure that members of the public have the opportunity to consider the scope of the plan and ask any questions of planning officers.

In line with the SCI, all consultation documents have been made available online in the Council's customer service centres, local libraries and upon request. Specific and general consultation bodies have been contacted directly, consultations have been promoted in the local newspapers and formal press notices issued for the draft Local Plan and Publication stages. In addition to this, everyone subscribed to the Local Plan / Planning Policy Consultation Database has been emailed directly, questionnaires used and promotional material prepared to encourage engagement into the plan-making process.

The consultation statement summarises all the consultation and engagement which has taken place to prepare the Local Plan documents which has been submitted to accompany the Publication Version of the Plan.

The HRA undertaken on the submitted Plan and undertaken prior to the recent CECJ ruling identified 8 sites as having the potential for likely significant effects. These sites were subsequently taken forward to Appropriate Assessment (AA). It should be noted that the HRA is currently being amended to take account of the above CECJ ruling. A revised HRA

will be made available to the examination once finalised. Early feedback from the Council's HRA consultants, Arcadis, is that the number of sites taken forward to AA has not changed as a result of this.

Following dialogue with Natural England the HRA identifies a suite of mitigation measures which could be used to mitigate against potential impacts. These are outlined in table 18 of the submitted HRA. The HRA confirms that whilst not possible to determine the exact details of the mitigation options at this stage, the Council (subject to viability considerations) considers that they would be deliverable should they be required.

Appendix D of the submitted Plan recognises this acknowledging that the precise detail and/or need for mitigation will be reviewed at project level as planning proposals are developed. What is important is that the Council at this stage is confident that should they be required they can be delivered.

The implications of appendix D are being considered by the Council's viability consultants, and whilst not finalised, dialogue and feedback from the consultants do not raise viability concerns in relation to their delivery.

The HRA moves onto conclude on the most appropriate mitigation measures for the 8 sites based on a consideration of potential impacts. These were subsequently taken forward as appendix D in the submitted Strategic Policies and Land Allocations document with appropriate linkages made to the relevant policies.

In addition to, and including several of the 8 sites, the HRA notes the potential for a number of sites to have significant effects on the Morecambe Bay and Duddon Estuary SPA/Morecambe Bar SAC/Ramsar site resulting from increased recreational pressure. On this basis the HRA concluded that sites within 3.5km of Morecambe Bay would be required to provide home owner packs to new home owners. This recommendation is again carried forward into appendix D with appropriate policy linkages and references made within the Plan.

It is noted that the question makes specific reference to policies SG14 the Port of Heysham and Future Expansion Opportunities, Policy SG15 Heysham Gateway and Policy EC1 Established Employment Areas (Lancaster West Business Park and Glasson Dock Industrial Area are identified under Policy EC1 as 2 of the 8 sites where significant effects are possible). In all instances the potential for disturbance to species resulting from construction and/or operation were noted as the reason for identification.

To mitigate against potential disturbance to birds using adjacent Functionally Linked Land during construction, 'timing of works' and 'natural screening/other screening' are proposed as suitable mitigation measures. In relation to the timings of work the HRA notes that this should be controlled to take place at times outside of the wintering period. The Council would secure this as a condition of any planning permission granted upon any future development at these sites.

In relation to the screening measures proposed, this would be secured through proposal design identified within the relevant policies and secured through the Council's development management process.

To mitigate against disturbance to birds using adjacent Functionally Linked Land during operation, 'permanent screening' and 'input to scheme design' are proposed as mitigation measures. Again, the Council would look to secure this through the design proposal as part of the planning application.

In relation to the other mitigation measures identified within Appendix D the Council is confident that these can be secured through current policy wording, expanded where necessary in accompanying Development Briefs, and via the continued application of current planning condition wording already being applied by the Council.

To address the recreational pressure on birds using adjacent functionally linked land and recreational pressure on Morecambe Bay, input into scheme design and the delivery of new home owner packs are highlighted as appropriate mitigation measures. Both of which would be secured via the development management process. The requirement for home owner packs would be secured via planning condition. An approach is currently practiced by the Council with established condition wording already in existence.

Other mitigation options identified under Appendix D relate to the delivery of mitigation land within the development (Bailrigg Garden Village) and the delivery of a new country park/recreation area (Bailrigg Garden Village and East Lancaster).

Policy SG8 'Infrastructure Requirements and Delivery for Growth in East Lancaster' identifies the delivery of a new country park as a requirement within the policy for the East Lancaster strategic site. A Development Brief is currently being prepared with the intention that this will evolve into supplementary planning guidance. The requirement and delivery of the Country Park is explored further within this document. This provides more specific planning guidance, which any Masterplan which is submitted will be required to adhere to.

The Council is currently in conversations with the Lancashire Wildlife Trust with regards to the management of this New Country Park. Dialogue with the agent for this site confirms a commitment to deliver this.

A separate Area Action Plan is being prepared for South Lancaster and the intention is that this will identify which land is allocated for development, land which is to be allocated for the creation of a Country Park and those areas of land identified as mitigation land suitable for use by birds associated with the European site. The exact nature and extent of this requirement is currently being investigated as part of the HRA for the AAP, utilising detailed survey work undertaken by the Greater Manchester Ecological Unit (GMEU) on behalf of the Council and via dialogue with Natural England. Whilst this is still being explored all partners are confident that given the scale of the land within the AAP, should the mitigation options identified be supported by more detailed evidence, they could be delivered.

4. The identified objectively-assessed need (OAN) for housing for the area is 14,000 new dwellings (an average of 700 per year). The Council, as set out in policy SP6, identifies a requirement of 12,000 new dwellings at a rate of 522 per year. Are the constraints identified by the Council sufficient justification for not meeting the full OAN for housing in the District?

The determination of an OAN provides a recommendation on an area's need for housing based at a point in time. Planning policy must then establish the ability of that area to deliver the need having regard to the available supply, deliverability and sustainability capacity of the area in the context of the constraints established in national policy, and having regard to any cross-boundary un-met need. Through this process a housing requirement for an area is established.

Opportunity to deliver this need has been thoroughly investigated by the Council throughout the preparation of the Plan. The submitted background paper 'Assessing Reasonable Alternatives' describes in detail the consultation stages which have been undertaken in order to establish how development needs can be met. This included exploring the potential creation of a new settlement as well as the delivery of a number of development options including rural dispersal and village expansion which would have resulting in the distribution of substantial growth across the districts villages.

Having explored these options the Council determined that in the context of constraints, the results of the accompanying Sustainability Appraisal and the consultation responses received, these options were undeliverable.

On that basis the Council sought to explore the delivery of a hybrid option for growth through a combination of urban extension, green belt review and village expansion. This was explored in more detail as part of the 2015 People, Homes and Jobs consultation. Following which the draft Plan was prepared.

Running parallel with this work the Council has continued to develop its evidence base to support the Plan. Whilst this has identified and helped support the identified opportunities for growth described in the draft 2017 Strategic Policies and Land Allocations document it has also confirmed the limited opportunities available to the Council beyond this to deliver growth. This has included the following considerations:

### **Green Belt**

The detailed boundaries of the North Lancaster Green Belt were first identified in 1991 through the North Lancashire Green Belt Local Plan. Prior to 2016 it has not been reviewed.

In light of the extent of evidenced housing need in the district, and following the consultation responses received by the Council on initial options for growth, the Council recognised that one option to deliver housing need was via Green Belt release.

The 2016 Green Belt Review provides a detailed assessment of the current Green Belt providing a detailed commentary on the extent to which sites



continue to meet the purposes of the Green Belt and ultimately whether they should be taken out of the Green Belt.

The results of this review informed the identification of sites within the Draft Plan, with three sites recommended for removal. Whilst two of these sites, land south of Carnforth and North Lancaster, were taken forward as strategic allocations for growth one site at Torrisholme was removed but not proposed for development.

This site has not been taken forward as a strategic site with the Council not satisfied that it presents a deliverable option for strategic growth with the SHELAA identifying highway concerns, flood risk and heritage concerns in relation to the setting of the adjacent Scheduled Monument of Torrisholme Barrow.

In all other locations the Green Belt Review confirmed that sites continue to meet the main purposes of the Green Belt and as such they were not recommended for release.

The Council recognises that the release of Green Belt at South Carnforth is contrary to the findings of the Green Belt Review which identified this site as continuing to perform well in Green Belt terms. Whilst performing well the Council concluded that the need to provide opportunities for growth in Carnforth are necessary and sufficient to warrant exceptional circumstances, given the role Carnforth plays in the north of the District, the opportunity it presents to release surrounding additional land and the limited opportunities for alternative growth. On this basis its release was supported and included within the Plan.

### **Flood Risk**

Flood risk in the district is discussed under Background Paper 5 'Flood Risk and Water Environment'. This recognises that large areas of the district are subject to flood risk. This includes fluvial and tidal flood risk as well as surface water.

This has shaped the spatial strategy of the Local Plan and alongside the Green Belt severely restricts growth potential in and around Heysham and Morecambe.

Sites located within flood zone 3b (functional flood plain) or where a significant proportion of the site is at high or medium risk of surface water flooding, and where it would be difficult to reasonably achieve appropriate mitigation or avoidance, have in general been excluded from the Plan. The Council undertook a Sequential Test of sites which was submitted (P\_016).

The assessment of sites is supported by a robust evidence base on flood risk presented in the Districts Strategic Flood Risk Assessment. The recommendations from this assessment has resulted in a number of sites being excluded from the Plan.

### **Environmental Designations**

The district contains 5 Natura 2000 sites – Morecambe Bay and Duddon Estuary (SAC, SPA and RAMSAR Site), Morecambe Bay Pavements SAC, Leighton Moss (SPA and RAMSAR site), Bowland Fells SPA and Calf Hill/Cragg Woods SAC.

The SHELAA methodology recognises that residential development is not compatible with these designations and as such development opportunities within such areas is not included.

The district also contains two protected landscapes, the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and the Forest of Bowland AONB. Whilst development is not precluded at such locations it is recognised that great weight should be given to conserving and enhancing their landscape and scenic beauty with the scale and extent of development within these locations limited [A separate Arnside & Silverdale AONB DPD, jointly advanced by Lancaster City Council and South Lakeland District Council is at an advance stage of preparation].

Whilst the Council has sought to identify appropriate opportunities for growth in these landscapes this has been done in the context of the above advice and supported by professional landscape advice. Together these have limited the opportunity for significant growth at a number of sites and settlements across the district.

The Council remains satisfied that this approach is correct, being consistent with advice contained in the NPPF and ensuring that the purposes for their designation remain protected.

As the Local Plan and accompanying background papers demonstrate the Council has rigorously assessed all opportunities to deliver its full OAN. This has included the identification of a broad area for growth at South Lancaster which includes the delivery of Bailrigg Garden Village, strategic allocations in East Lancaster and North Lancaster and the release of Green Belt land at South Carnforth.

Despite presenting an ambitious framework for growth the Council recognises that in the context of a highly constrained district it is unable to meet its full OAN figure and as such must identify a housing requirement below this.

Having considered all options for growth the submitted Plan identified an annual housing requirement of 522 dwellings per annum. This at the time represented what the Council viewed to be a deliverable and reasonable assessment of delivery.

Since submitting the Plan the Council has continued to review its evidence base with this informing the reappraisal of its delivery expectations as described in the submitted Plan. This reappraisal whilst continuing to support the overall delivery assessments for sites recognises that delays in delivery have occurred across a number of sites and whilst remaining optimistic the Council must recognise that in some instances the commencement of sites and annual phasing must be reduced with this having an impact on the amount of new development it can expect to be delivered within the Plan period.

Lancaster City Council is working with Lancashire County Council in the preparation of an application for funding from the national Housing Infrastructure Fund. In areas with two tier local government arrangements applications to the Ministry of Housing, Communities and Local Government (MHCLG) for HIF funding must be made by the upper level

authority. On the 21 March 2018 the MHCLG announced the Successful Forward Fund projects to go through to co-development; this included the Lancashire bid for £100 million of infrastructure to support growth in Lancaster. The detailed bid is currently being prepared and will be submitted on 1 March 2019. The bid proposes infrastructure to address the transport challenges to realising growth and opportunity. The challenges include; network capacity on the A6 corridor and city centre, including the pinch-point in Galgate; the impacts of congestion on air quality, amenity and public transport reliability; and the consequent need for sustainable transport solutions. The HIF Bid requests funding for the realisation of a major reconfiguration of Junction 33 of the M6, a Bus Rapid Transit route, a Cycle Super Highway and specific Bailrigg Garden Village site infrastructure.

The Council continues to develop evidence on the Transport Assessment; Phase one of this work is almost complete which considers the capacity of roads with the baseline of 2017, a five year with-and-without allocations and a 2033 with-and-without allocations scenarios. The Council recognises the constraints on the highway network within Lancaster and has sought to provide a spatial strategy which provides the best opportunity for sustainable travel by locating main sites around key transport corridors and limiting growth in rural settlements which would exacerbate car use.

In view of a re-assessment of delivery informed by the publication of the Council's 2018 Housing Land Monitoring Report (prepared after the May 2018 Submission) the Council is proposing, presently via its draft suggested modifications, a new housing requirement for the district of 455 new homes per annum. This is equivalent to a twenty year plan requirement of 9,100 dwellings. In line with the NPPF the Council proposes to roll forward the 455 requirement for a further three years beyond the plan period, 2031/32 – 2033/34. For clarity, the Council acknowledges the opportunity described within its own 2015 OAN Recommendation and 2018 OAN Verification Report, however the extent of the housing requirement is established by a realistic assessment of the phased delivery of the sites allocated by the Local Plan. The Council is also maintaining a "boosted delivery" scenario which takes account of the prospect of increased delivery rates that may be realised through initiatives, including modular housing, in the mid-to-latter years of the Local Plan period.

A further paper, supported by a new housing trajectory, describing the identification of the 455 housing figure has been prepared and will be made available as part of the Council's draft suggested modifications.

5. What provision has the Council made for any unmet housing need and does the housing requirement take appropriate account of the need to ensure that the identified requirement for affordable housing is delivered?

The Council's approach in seeking to establish a housing land supply is to acknowledge the opportunity described by the OAN recommendation and aim to achieve as much of that potential as possible within the limits of geographic, environmental and infrastructure constraints. There is a strong relationship between realising economic potential and providing housing for a workforce that is taking advantage of the employment opportunities that would be realised. Thus, not planning to achieve all of

the OAN means that the district may not realise all of the economic potential. Hence rather than meaning that housing needs will be unmet a more likely prospect is that housing demand will be less than it would have been if a full complement of housing opportunities could be provided as the district will be retaining fewer residents and attracting fewer in migrants.

In response to any potential uplift to take account of affordable need, reference is given to the 2018 Strategic Housing market Assessment (Part II), completed by arc4. This assessment identified an affordable annual imbalance (difference between need and supply taking account of backlog to be met over a five year period) of 376 dwellings per annum.

In response to any potential uplift to take account of affordable need, reference is given to the 2018 Strategic Housing market Assessment (Part II), completed by arc4. This assessment identified an affordable annual imbalance (difference between need and supply taking account of backlog to be met over a five year period) of 376 dwellings per annum.

This need is recognised as being significant. Indeed this significantly outstrips the ten year delivery rate of 69 affordable net additional dwellings between the years 2007/2008 and 2016/2017. Recent delivery has increased with in excess of 100 dwellings being achieved in each of the three years, 2014/2015, 2015/2016 and 2016/2017.

Both the Framework and Planning Practice Guidance as well as recent case law in the High Court<sup>1</sup> and Court of Appeal<sup>2</sup> point towards the a requirement to consider whether an additional uplift is needed to contribute towards the delivery of affordable housing yet recognising that this does not need to be met in full when identifying the full objectively assessed need for housing.

Indeed, were the Council to meet its full affordable housing need on the basis of a 20% requirement this would point towards the need for 1,880 dwellings per annum overall, or on the basis of an average of 30% of new housing completions being affordable a need for 1253 net additional dwellings per annum overall. Both figures well surpass the demographic and employment needs for the Housing Market Area as confirmed by the Turley OAN Verification report.

It is recognised that the housing requirement identified sits below the Objectively Assessed need, however, as earlier responses clarify this is a necessary result of constraints of both the Lancaster specific Housing Market Area and those of its neighbours. Nevertheless, the housing requirement identified of 455 homes per annum would on the basis of 30% of new dwellings coming forward as affordable homes represent a significant uplift, with 137 homes per annum being affordable against the ten year average of 69. The Council is proactive in working with registered providers in bringing forward affordable completions outside of Section 106 requirements, such as the Ridge Hotel development currently being built out by the Guinness Partnership and through current planning applications for Council led affordable housing schemes in Carnforth.

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<sup>1</sup> Borough Council of Kings Lynn and West Norfolk v Secretary of State for Communities and Local Government, ELM Park Holdings Ltd, [2015] EWHC 2464 (Admin)

<sup>2</sup> Jelson Ltd v Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council [2018] EWCA Civ 24

6. Is the plan clear as to the identified need for additional pitches for gypsies and travellers (policies SP6 and DM9) and is the identified need soundly based and supported by robust and credible evidence?

The Council considers that the plan is sound on the basis of identifying needs for gypsies and travellers and through the setting of criteria under policy DM9. Consultant's arc4 undertook a Gypsy and Traveller, and Travelling Showpeople Accommodation Assessment in 2017. This identified a need for 8 pitches to meet planning policy for Traveller Sites national policy and a further 16 pitches to meet cultural needs between 2011/2012 and 2030/2031.

Whilst no allocations have been made in the Strategic Policies and Land Allocations DPD to meet this need, the Council has made a firm commitment through the Local Development Scheme to undertake a Gypsy and Traveller Site Allocations DPD, similar to a number of other local planning authorities, for example Mansfield and South Worcestershire. The Council embarked on this process through a Call for Sites Process in May 2018, the process is ongoing with landowners welcome to submit sites at any point in the plan making process.

At this point however, the three sites put forward are not considered being sustainable for Gypsy and Traveller purposes, each presenting significant constraints such as relation to an existing settlement, flood risk and land use compatibility with neighbouring uses. However, in light of this the Council is also strongly considering the opportunity of identifying land within the Lancaster South Area Action Plan area for small Gypsy and Traveller sites which would contribute towards the unmet need. This will be progressed alongside the Area Action Plan.

7. How do the DPDs take account of the requirements under the Equalities Act 2010, the Public Sector Equality Duty and the Human Rights Act 2008?

Equality impact assessments have been carried out at various stages of the plan-making process.

An equality impact assessment panel was set up in 2011 to review early iterations of the Local Plan and the spatial options considered. An equality impact assessment was completed in November 2016 and December 2017 to consider the relevant iterations of the Local Plan and included a number of questions for consideration which reflect the relevant equalities legislation.

In addition, all Cabinet and Council reports on the Local Plan include an impact assessment section (including health & safety, equality and diversity, human rights, community safety, HR, sustainability and rural proofing).

8. Could the Council provide clarification on the amount of housing to be provided within individual neighbourhood plans (policies SC1 and DM54)?

Through the preparation of the Local Plan the City Council has sought to provide the widest possible opportunity for Neighbourhood Plan groups to determine the scale of growth (and its location) within their neighbourhood plan areas. This has clearly been a challenging process given the intent of neighbourhood plan groups to prepare their plans in advance of the strategic district-wide plan.

In the Draft Local Plan (2017) and Publication Version Local Plan (2018) both deferred decisions on allocations for residential development in neighbourhood plan areas, purely on the basis that the Council wished to provide neighbourhood plan groups with the greatest possible opportunity to achieve their aims and aspirations for housing growth without the imposition of allocations upon them.

Notwithstanding this aim, the Council has continued to assess land / development opportunities across the district (including within neighbourhood plan areas) as part of the SHELAA process. In doing so the assessments would provide, if required, the Council with a robust understanding of the potential scale and suitability of development coming forward in neighbourhood plan areas should the Council be required to make decisions on housing development either as part of the Local Plan examination process or alternatively via the planning application process.

With the publication of the new National Planning Policy Framework the Government have re-iterated their encouragement for local planning authorities to provide indicative housing figures for neighbourhood plan groups to plan against, considering such figures to be beneficial and providing certainty to groups over the scale of growth that they must plan for. In light of the new Framework the Council has informed neighbourhood plan groups of their intention to provide indicative housing figures as part of the suggested modifications process which can be incorporated in Policy SP6 of the Strategic Policies & Land Allocations DPD.

The figures provided will be based on the strategic policies of the emerging Local Plan (in particular Policy SP2 of the Strategic Policies & Land Allocations DPD) and whether a settlement is considered sustainable or not, the potential opportunities to deliver housing in each of the neighbourhood plan areas and the levels of growth which has already occurred over recent years. Opportunities are likely to be sites that have been objectively assessed as being suitable / available / deliverable through the Council's SHELAA process.

As part of the suggested modifications process the Council has suggested the following indicative housing figures for each of the Neighbourhood Plan areas:

Aldcliffe-with-Stodday =0 \*  
Arkholme-with-Cawood =0 \*  
Cockerham = 0 \*\*\*  
Dolphinholme =0 \*  
Caton-with-Littledale =40  
Carnforth = 0 \*\*  
Halton-with-Aughton =0 \*\*\*  
Morecambe = 0 \*\*\*\*  
Slyne-with-Hest = 40  
Wennington = 0 \*  
Wray-with-Botton =25

*\* Neighbourhood Plans in non-sustainable settlements have not been provided with an indicative housing figure and any allocations for housing made should be of a small-scale to meet defined local needs.*

*\*\* Strategic Allocations have already been made for Carnforth, any further growth in the Carnforth area should seek to best utilise land within the main urban area of the settlement.*

*\*\*\*The Local Plan has sought to formalise a range of planning approvals within the Halton-with-Aughton and Cockerham Neighbourhood Plan areas which will deliver sufficient growth in the area over the course of the plan period. Neighbourhood Plans should seek to focus any future allocations on meeting local needs only.*

*\*\*\*\*Due to the constrained nature of the Morecambe Neighbourhood Plan area proposals for housing should consider regeneration and renewal of existing residential units.*

Once included in the Local Plan, the Council position is that this indicative figure can be met in either two ways; firstly, through the preparation of a positive and proactive neighbourhood plan which addresses how and where this capacity can be met or, secondly, in the absence of a neighbourhood plan through the determination of planning applications where they are in accordance with national and local planning policy.

9. Is the spatial strategy as set out in policies SP1, SP2, SP3, SP4, SP5 and SP6 and their supporting text soundly based? Is the settlement hierarchy soundly based? Would the spatial strategy be sound if no provision was made for any unmet housing need for Lancaster District either within the District or within the wider Strategic Housing Market Area?

The starting point for the Strategic Policies & Land Allocations DPD is the inclusion of a model policy which sets out the presumption in favour of sustainable development. The inclusion of a model policy reflects the structure set out within the Council's only other post-NPPF document (the Development Management DPD adopted in 2014). Whilst the Council recognises the reviewed NPPF it considers that the inclusion of the model policy is a robust and sound starting point for plan-making.

The starting point for the settlement hierarchy is set out in Policy SP2 of the Strategic Policies & Land Allocations DPD. Policy SP2 seeks to update and review the position towards sustainable settlements set out in the 2008 Lancaster District Core Strategy.

To inform this update the Council has undertaken a Sustainable Settlement Review which has, in considerable detail, considered the current and future role of each settlement in the district (outside of the four main settlements of Lancaster, Morecambe, Carnforth and Heysham)

to determine their capacity to accommodate development needs. The review focused upon five key areas to aid the assessment of sustainability which included: landscape / townscape, population, service and facilities provision, accessibility and employment opportunities. Prior to the commencement of the review its methodology was subject to a 4 week consultation period including a workshop. The parish councils were also invited to participate in the review process and asked to complete questionnaires. The Council considers this to provide a sound basis for SP2 to be prepared.

Policy SP3 sets out a spatial development strategic which, in spatial terms, demonstrates how development should be spatially delivered across the district. The development strategy has been prepared following extensive consultation with the wider public, stakeholders and the development industry over how and where development needs should be met. In particular the development strategy has been shaped through the 2014 and 2015 consultation on spatial options for development which included the 5 basic options for meeting future growth:

1. Urban Extension
2. Green Belt Release
3. Rural Dispersal
4. Expansion of Rural Settlements
5. Creation of a New Settlement

Consideration of these spatial options in parallel with the Duty-to-Cooperate process, has led the Council to conclude that the urban-focused approach with strategic greenfield release to be the only realistic way to meet development needs. The Council considers the process which has taken place to understand how future development is delivered to have been comprehensive and robust.

The Council recognises the importance of a strong and competitive economy and the number of existing (and potential) opportunities which will generate economic growth through the course of the plan period. The Council has undertaken a number of reports, in particular the 'Achieving Economic Potential in Lancaster District' report which has been prepared in dialogue with existing economic stakeholders in the district. The report considers the economic potential for the district, highlighting the opportunities for economic growth. These opportunities for economic growth are well described via Policy SP4 with the spatial implications of achieving these opportunities described in Policy SP5. The Council believes that the economic growth potential expressed in the Local Plan to strike the correct balance between being aspirational / ambitious whilst remaining realistic.

Again, the Council's position is that the spatial strategy is sound although it does not deliver the full OAN but does not make provision for unmet housing need for Lancaster District either within the District or within the wider Strategic Housing Market Area. It does this on the basis that achieving the OAN would mean retaining and attracting people to increased employment opportunities in the district. Not achieving all of the OAN means that the district may not realise all of its economic potential. As a result of a sub-OAN requirement being proposed the district will retain fewer residents and attract fewer in-migrants.



Hence, rather than meaning that housing needs will be unmet by a sub-OAN requirement, the more likely prospect is that housing demand will be less than it would have been if a full complement of housing opportunities could be provided.

10. Would the Policies of the DPDs provide flexibility and choice for employment land within the District in line with the Employment Land Review?

The Council prepared an Employment Land Review (ELR) in 2015 which forms a core part of the Local Plan evidence base. The ELR split into three elements, firstly the review of the existing stock of allocated employment land (to ensure it was fit for purpose moving forward into the next plan period), secondly projected job growth through the plan period and thirdly the modelling of future levels of employment land required to meet demand.

The headline requirements arising from the ELR were that there was sufficient B2 employment land and premises in the district (taking into account the projected of some areas of allocated land within the emerging Local Plan) but a small deficit in B1 business space.

The Local Plan has sought to ensure that the quantitative requirements for employment land arising out of the ELR have been met through the creation of new areas of land within Heysham Gateway and the wider release of greenfield land in Lancaster. These are well described in Policy EC2 of the Strategic Policies & Land Allocations DPD.

Further to the quantitative requirements, the Council is well aware of the qualitative deficiencies that exist at some of the existing employment sites within the district, particularly in areas of South Heysham. Sites in this area (the Heysham Gateway) are strategically located in the context of the Port of Heysham, Heysham Nuclear Power Station and the recently completed Bay Gateway. However, many of these sites are of a poor quality and require investment and regeneration to bring the area back to modern standards. Whilst there has been progress in regeneration of this area over recent years there is still work for both the City and County Council's to ensure that this area of the district can benefit from regeneration and economic growth.

This has led to the Local Plan seeking to achieve both quantitative and qualitative improvements to its employment land portfolio in order to achieve flexibility and choice.

Much of the new economic growth proposed is focused on the main urban areas of Lancaster, Morecambe and Heysham which seeks to take advantages of the existing economic drivers, close proximity of the resident workforce and the improved connectivity derived from the Bay Gateway.

Consideration has been given to further economic growth in Carnforth with a number of edge of settlements sites identified. However Carnforth's historical legacy as a railway town has left considerable areas of land for employment purposes within the town.

Whilst the Council has considered opportunities for further growth in this area it has been considered that growth would be better located in areas close to the main population of the district and existing economic drivers. Accordingly the Council considers there is a sufficient geographical distribution of employment opportunities across the district.

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