

## **Matter 1: Legal compliance, procedural and general**

**Main Issue: have the DPDs been prepared in accordance with relevant legal requirements, including the Habitats Regulations, Duty to Co-operate, the procedural requirements of the National Planning Policy Framework, the Local Development Scheme and the Statement of Community Involvement?**

*Questions:*

**a) 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?**

1A.1 The expression “to some degree, being relevant throughout the sub-region” was written in paragraph 2.3 of the Duty to Co-operate Statement of Compliance, dated May 2018 (**SD\_025**). This shows that the Council took a sub-regional perspective on the whole of the plan-making process, beginning with the objectives SO1 to SO5 (not policies). All the Council’s objectives are expressed in a strategic way, in keeping with para 179 of the 2012 NPPF.

*The remaining text in this response is the same as that already supplied to Question 1 of the Inspector’s Initial Questions.*

1A.2 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.

1A.3 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 aspiration 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.

1A.4 Notwithstanding this, the Council has continued to explore through the Duty to Co-operate 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.

1A.5 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 brought them together to plan to meet housing needs and economic growth in a flexible and sustainable way.

- 1A.6 These matters have been central to the Duty to Co-operate 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.
- 1A.7 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.
- 1A.8 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 joined-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.
- 1A.9 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.
- 1A.10 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, as set out in SO5. 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 Co-operate 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.

1A.11 In procedural terms, the Council has through the entire plan-making process been aware of its responsibilities under the Duty to Co-operate 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 Co-operate 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' (**SD\_025**) which accompanies the Local Plan.

**b) 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?**

*The Council's response to this question is substantially the same as that already supplied to Question 2 of the Inspector's Initial Questions.*

1B.1 Through the regular Duty to Co-operate 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.

1B.2 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 research also confirmed the price differences that exist between the two districts, with residential properties commanding higher prices in South Lakeland than in Lancaster district.

1B.3 The 2018 Strategic Housing Market Assessment (Part II) (**Ho\_SHMA\_03**) 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.

1B.4 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.

- 1B.5 Lancaster appointed Turley to undertake two important studies into housing requirements in 2013 and 2015 (**Ho\_SHMA\_01**). Appendices C and D of the Council's Duty to Co-operate 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.
- 1B.6 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.
- 1B.7 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 their 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 Arnsdale & Silverdale.
- 1B.8 Lancaster began by taking the same approach. Taking into account neighbouring authority 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.
- 1B.9 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 Co-operate 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.
- 1B.10 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.
- 1B.11 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 Co-operate Statement (**SD\_025**)). In discussion and clarification none replied to indicate any substantive ability to assist. 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 Co-operate meeting between the two councils in February 2017.

1B.12 Based on more recent information, we now know that South Lakeland has adopted (based on data from October 2017) a lower OAN figure, and has identified a housing land supply in excess of 5 years. Whilst recognising that South Lakeland may in theory have sufficient land to meet some of Lancaster's unmet need, the high levels self-containment, relatively weak connections and significant house price differences all mitigate against South Lakeland being able or willing to accommodate any of Lancaster's housing needs.

1B.13 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 Co-operate process has influenced the Lancaster Local Plan DPDs.

**c) 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)?**

*The Council's response to this question is substantially the same as that already supplied to Question 3 of the Inspector's Initial Questions.*

1C.1 Extensive consultation has taken place during the preparation of the Local Plan. This has taken place at all the key stage 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.

1C.2 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.

- 1C.3 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 evidenced 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 spring 2018.
- 1C.4 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.
- 1C.5 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.
- 1C.6 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.
- 1C.7 The consultation statement (**SD\_009** and updated in **LCC4.4**) summarises all the consultation and engagement which has taken place to prepare the Local Plan document which has been submitted to accompany the Publication Version of the Plan. The statement has been kept updated throughout the various stages of plan-making.

#### Habitats Regulation Assessment

- 1C.8 The Habitat Regulation Assessment (HRA) Reports accompanying the Submitted Local Plan Part 1 and Part 2 were prepared prior to the CJEU ruling (People over Wind & Sweetman v Coillte Teoranta Case C-323/17).
- 1C.9 At the time of submission 8 sites were identified as having the potential for likely significant effects in the Local Plan Part 1 Strategic Policies and Land Allocations Development Plan Document (DPD). These sites were subsequently taken forward for Appropriate Assessment (AA).
- 1C.10 The HRA for the submitted Part 2 Development Management Development Plan Document (DPD) determined that the policy wording contained within the document was sufficient to conclude that there would be no likely significant effect as a result of the implementation of policies within it.
- 1C.11 Following the CJEU ruling the Council commissioned its HRA consultants Arcadis to review the submitted HRA Reports and amend them accordingly. This was done in dialogue with Natural England. Revised HRA reports for

both elements of the Local Plan are appended to this response (**LCC7.1.1 and LCC7.1.2**).

- 1C.12 Natural England have been consulted on the amended reports and support the conclusions arising from them and the modifications made. No objection was raised (appendix 1).
- 1C.13 Whilst some amendments have been made to the HRA report for the Part 2 Development Management DPD, the overall conclusion remains the same with the policy wording viewed to be sufficient to conclude that there would be no likely significant effect of implementation of the policies within the document.
- 1C.14 The detailed screening of the Part 1 Strategic Policies and Land Allocations DPD continues to identify 8 allocations as having potential for likely significant effects (table 1). However, following the review of the HRA, the HRA now identifies changes in water quality, where sites are hydrologically linked to European sites, as a potential impact pathway. The Morecambe Bay SAC/Ramsar site and the Morecambe Bay Duddon Estuary SPA have been identified as being hydrologically linked to watercourses within Lancaster. Consequently it is no longer appropriate to screen this pathway out on the basis of mitigation and as such this pathway must be considered under the more detailed assessment.

**Table 1** – Summary of potential impacts associated with allocation sites considered to have LSE alone (quoted from Table 16 on page 106 of the amended Part 1 HRA)

Allocation site	European site		Potential impact			
	Morecambe Bay and Duddon SPA/ Morecambe Bay	Morecambe Bay SAC	Loss of FLL under the footprint of the allocation (construction and operation)	Recreation pressure on adjacent FLL (operation only)	Disturbance (construction and operation)	Changes in water quality (construction and operation)
<b>Bailrigg Garden Village (Lancaster South AAP) (Site ref: SG1)</b>	✓	✓	✓	✓	✓	N/A
<b>East Lancaster Strategic Site (Site ref: SG7)</b>	✓	N/A	✓	✓	✓	N/A

<b>Port of Heysham Expansion (Site: SG14)</b>	✓	✓	N/A	N/A	✓	✓
<b>Port of Heysham Industrial Estate (Site ref: EC1.6)</b>	✓	✓	N/A	N/A	✓	✓
<b>Substation land (Site ref: SG15.1)</b>	✓	N/A	N/A	N/A	✓	N/A
<b>Lancaster West Business Park (Site ref: EC1.10)</b>	✓	N/A	✓	N/A	✓	N/A
<b>Middleton Towers (Site ref: DOS7)</b>	✓	✓	✓	✓	✓	✓
<b>Glasson Dock Industrial Area (Site ref: EC1.18)</b>	✓	✓	N/A	N/A	✓	✓
<b>Number of allocations</b>			<b>4</b>	<b>3</b>	<b>8</b>	<b>4</b>

1C.15 Following dialogue with Natural England, the HRA continues to identify a suite of mitigation measures which could be used to mitigate against these potential impacts. These are outlined in table 17 on page 108 of the updated HRA. The HRA confirms that whilst it is 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. It also notes that further project level ecological assessments and HRA of the 8 allocations may also be required, in order to comply with Policy DM43 'The Protection and Enhancement of Biodiversity' of the submitted Plan. This could include site-specific bird surveys to confirm the need, or level of mitigation required.

1C.16 The exact requirements of each allocation would be confirmed at the project level.

- 1C.17 Appendix D of the submitted Strategic Policies and Land Allocations DPD recognises this by 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.
- 1C.18 Each policy, which includes the implications of Appendix D, has been considered by the Council's viability consultants. These mitigation measures are not considered to raise viability concerns in relation to their delivery.

#### Mitigation Measures

- 1C.19 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. Changes in water quality is also now noted as a potential impact following the CJEU ruling.

#### Disturbance to birds during construction

- 1C.20 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.
- 1C.21 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.

#### Disturbance to birds during operation

- 1C.22 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.

#### Water Quality Protection Measures

- 1C.23 Following the review of the HRA another potential impact pathway was considered; changes in water quality where sites are hydrologically linked to European sites. Additional mitigation measures therefore need to be included in relation to water quality for the Port of Heysham Expansion (SG14), Port of Heysham Industrial Estate (EC1.6), Middleton Towers (DOS7) and Glasson Dock Industrial Area (EC1.18). For these sites the HRA recommends the following wording be included within Appendix D as 'Mitigation Option I':

*Water quality protection measures – Ensure a hydrological assessment is carried out to determine the potential impacts on water quality. This will ensure compliance with Policy DM34 within the Local Plan Part Two which requires that all new developments consider the implications of the proposals*

*on surface water and implement appropriate mitigation as necessary to deal with such issues, including measures such as Sustainable Drainage Systems (SuDS) and other surface water drainage solutions. Any water quality protection measures would be secured through a Construction Environmental Management Plan (CEMP) at the planning stage of any future development at the allocation.*

1C.24 The Council would wish to see this wording included as a main modification to the Local Plan. This will ensure compliance with the amended HRA. The Council would also wish to include additional text within the policies relevant to these sites noting the need to submit additional evidence in order to determine potential impacts on water quality.

1C.25 This will also be supported by amendments to the Council's Planning Application Guide/Local List. The Council's Planning Application Guide/Local List is currently subject to its' biannual review (the current version was published in June 2017), and it is anticipated that the review will conclude that Hydrological Risk Assessments are required as either a separate document or as a component part of a Construction Environmental Management Plan (CEMP).

*Recreational pressure on functionally linked land (operation only)*

1C.26 'Input into scheme design' and the delivery of new 'home owner packs' are highlighted as appropriate mitigation measures under this potential impact. Both of which would be secured via the development management process. The requirement for home owner packs would be secured via planning condition. This is an approach which is currently practiced by the Council with established condition wording already in existence.

1C.27 The potential requirement for a 'new country park/recreation area' is also noted as a mitigation option for Bailrigg Garden Village and the East Lancaster Strategic Site.

1C.28 Policy SG8 'Infrastructure Requirements and Delivery for Growth in East Lancaster' identifies the need to deliver a new country park within the East Lancaster strategic site (policy SG7). A Statement of Common Ground is currently being prepared for the East Lancaster Strategic Site, with the requirement and delivery of the Country Park being explored as part of this statement. Although the exact management arrangements are still to be determined following further investigation, it is agreed that both the Council and the landowner/developers will work collaboratively to investigate all potential opportunities to create and manage this asset. A number of options are currently being explored which consider the role of the Council and potential partners such as the Lancashire Wildlife Trust.

1C.29 A separate Area Action Plan is being prepared for Lancaster South and the intention is that this will identify what land is allocated for development, what land 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 (identified as being necessary in the HRA in relation to the potential loss of functionally linked land under the footprint of the allocation (construction and operation)).

1C.30 The exact nature and extent of these requirements are 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.

Recreation Pressure on Morecambe Bay (operation only)

1C.31 The HRA identifies a number of sites, in addition to the 8 sites listed in table 16 of the HRA, as having potential to have a likely significant effect on the Morecambe Bay and Duddon Estuary SPA/Morecambe Bay SAC/Ramsar site resulting from increased recreational pressure.

1C.32 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 and ensure input into scheme design in order to reduce potential impacts. This recommendation is carried forward into appendix D of the Local Plan with appropriate policy linkages and references made within the Plan.

1C.33 As discussed above these measures would be secured through the development management process.

Proposed minor amendments to Appendix D

1C.34 Following a review of Appendix D of the Strategic Policies and Land Allocations DPD the Council have noted a number of minor typographical errors in how data was transferred from the HRA to Appendix D. The Council would wish to see these errors corrected through the examination process in order to accurately reflect the conclusions of the HRA. This does not affect other areas of the Local Plan and is simply being proposed to ensure consistency between the Local Plan and the HRA.

1C.35 With regards to the 'Summary of Mitigation Options and Conclusion *for allocations assessed alone*' (Table 28, page 135 of the revised HRA) for the 8 sites these include the following amendments to appendix D:

- The policy reference for 'Substation Land' needs to be changed to SG15.1
- The policy reference for 'Lancaster West Business Park' needs to be changed to EC1.10
- The policy reference and name 'Port of Heysham (Policy SG14) needs changing to 'Port of Heysham Industrial Estate (Policy EC1.6)
- For Middleton Towers (Policy DOS7) Mitigation Option H needs removing from 'Recreation Pressure on adjacent FLL'.

1C.36 Then in relation to the 'Summary of Mitigation Options and Conclusion *for new housing developments within 3.5km of Morecambe Bay*' (Table 29, page 138 and Table 30, page 141) a revised table is proposed to be added, as shown in the Appendix 2 attached to this statement.

## Appendix 1 – Natural England Consultation Response on Revised HRA Reports

Date: 02 November 2018  
Our ref: 261243



Planning & Housing Policy Team  
Lancaster City Council

planningpolicy@lancaster.gov.uk

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam

### **Lancaster Local Plan Draft Suggested Modifications Consultation.**

Thank you for your consultation on the above dated and received by Natural England on 05 October 2018

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have reviewed the following documents;

- Local Plan Part One: Strategic Policies and Land Allocations DPD (Council Suggested Modifications – October 2018)
- Local Plan Part Two: Review of the Development Management DPD (Council Suggested Modifications – October 2018)
- Lancaster Local Plan Part 1: Strategic Policies And Land Allocations DPD Habitats Regulations Assessment Report (Arcadis, October 2018)
- Lancaster Local Plan Part 2: Development Management Policies Habitats Regulations Assessment Report (Arcadis, October 2018)

And have the following comments to make.

#### Part One: Strategic Policies and Land Allocations DPD

Natural England is satisfied with the modifications made to the DPD and raises no objection.

#### Part Two: Review of the Development Management DPD

Modification Number DM M286, Policy DM45.

We are disappointed that reference has been removed from this Policy re the Council's commitment to preparing additional guidance for managing recreational pressure on Morecambe Bay.

We know that mitigation measures have been incorporated into the Local Plan for specific allocations however, recreational disturbance is an increasing problem around Morecambe Bay. The Council should aspire to do more in tackling this issue at a strategic level, especially for those developments which are not site allocations in the Local Plan.

#### Part 1: Strategic Policies And Land Allocations DPD Habitats Regulations Assessment Report

Natural England supports the conclusions arising from the HRA and the modifications made and therefore raise no objection.

Part 2: Development Management Policies Habitats Regulations Assessment Report

Natural England supports the conclusions arising from the HRA and the modifications made and therefore raise no objection.

If you have any queries relating to the advice in this letter please contact me on 0208 225 7506.

Yours faithfully

Miss Elizabeth Knowles  
Lead Adviser  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

Appendix 2: Summary of Mitigation Options for new housing developments within 3.5km of Morecambe Bay

<b>Allocation site (sites in bold text are included within the AA alone)</b>	<b>Number of Dwellings</b>	<b>European Site</b>			<b>Potential Impact</b>
		<b>Morecambe Bay SAC</b>	<b>Morecambe Bay Ramsar site</b>	<b>Morecambe Bay and Duddon SPA</b>	<b>Recreational pressure on Morecambe Bay (operation only)</b>
<b>Bailrigg Garden Village (Policy SG1)</b>	3,500	✓	✓	✓	Mitigation Options F, G and H
<b>Land at Middleton Towers, Carr Lane</b>	576	✓	✓	✓	Mitigation Options F and G

<b>(Policy DOS7)</b>					
<b>East Lancaster Strategic Site (Cuckoo Farm and Ridge Farm) (Policy SG7)</b>	900	✓	✓	✓	Mitigation Options F, G and H
North Lancaster Strategic Site (Policy SG9)	700	✓	✓	✓	Mitigation Options F and G
Land at Lundsfield Quarry (Policy SG11)	200	✓	✓	✓	Mitigation Options F and G
South of Windermere Road, Carnforth (Policy SG12)	500	✓	✓	✓	Mitigation F and G
Lune Industrial Estate, New Quay Road (Policy DOS4)	200	✓	✓	✓	Mitigation F and G
Luneside East (Policy DOS3)	149	✓	✓	✓	Mitigation F and G
Former Thomas Graveson Site, Warton Road, Carnforth (Policy DOS10)	40	✓	✓	✓	Mitigation F and G
Land at Grab Lane (Policy H4)	195	✓	✓	✓	Mitigation F and G

Lancaster Leisure Park and Auction Mart (Policy H5)	200	✓	✓	✓	Mitigation F and G
Royal Albert Fields, Ashton Road (Policy H6)	71	✓	✓	✓	Mitigation F and G
Land West of Middleton Road (Policy H1.7)	69	✓	✓	✓	Mitigation F and G
St Michaels Lane (Policy H2.4)	20	✓	✓	✓	Mitigation F and G
Lancaster Road, Overton (Policy H2.2)	32	✓	✓	✓	Mitigation F and G
Yenham Lane (Policy H2.3)	21	✓	✓	✓	Mitigation F and G
Briar Lea Road, Nether Kellet (Policy H2.5)	10	✓	✓	✓	Mitigation F and G
New Quay Road, Lancaster (Policy H1.2)	12	✓	✓	✓	Mitigation F and G
Former Police Station, Heysham (Policy H1.3)	14	✓	✓	✓	Mitigation F and G
Land off Marsh Lane,	36	✓	✓	✓	Mitigation F and G

Cockerham (Policy H2.12)					
Broadway Hotel, Morecambe (Policy H1.4)	50	✓	✓	✓	Mitigation F and G
Land West of 113 White Lund Road (Policy H1.5)	10	✓	✓	✓	Mitigation F and G
Grove Street Depot (Policy H1.6)	21	✓	✓	✓	Mitigation F and G
University of Cumbria (Policy H3.2)	15	✓	✓	✓	Mitigation F and G
Land North of Old Hall Farm, Over Kellet (Policy H2.6)	55	✓	✓	✓	Mitigation F and G
Monkswell Avenue, Bolton-le-Sands (Policy H2.7)	15	✓	✓	✓	Mitigation F and G
Major Industrial Estate (Policy EC1.9)	N/A	✓	✓	✓	AA determined that there would be no significant increase in visitors to the coast as a result of future development at these allocation sites, therefore no
Lancaster West Business Park (Policy EC1.10)	N/A	✓	✓	✓	
Middleton Road Employment Area	N/A	✓	✓	✓	

(Policy EC1.13)					mitigation is required.
Heysham Industrial Estate (Policy EC1.7)	N/A	✓	✓	✓	

**d) Are the DPDs in general conformity with the National Planning Policy Framework (NPPF)? Do they reflect the presumption in favour of sustainable development (in particular policies SP1 and SP2) and facilitate the sustainable use of minerals as set out in paragraph 143 of the Framework?**

Presumption in Favour of Sustainable Development

- 1D.1 The Council is comfortable that the DPDs, as submitted, are in general conformity with the National Planning Policy Framework (NPPF). The Council believes that it has undertaken the necessary and appropriate soundness self-assessments prior to Submission to confirm this matter. These assessments form part of the submission documentation which has been provided to the Inspector **(SD\_0018)**.
- 1D.2 In terms of plan-making, the presumption in favour of sustainable development contained in the 2012 NPPF (which this Plan is being examined under) means that:
- Local planning authorities should positively seek opportunities to meet the development needs of their area.
  - The Local Plan should meet objectively assessed needs with sufficient flexibility to adapt to rapid change, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in this Framework indicate development should be restricted.
- 1D.3 The Council believes that the Local Plan, as submitted, does seek to plan positively to meet development needs in the district. The Plan seeks to identify a range of sites, including a series of strategic greenfield sites which will allow for delivery through the course of the plan period. The positive selection of sites for development has been achieved in the Local Plan despite the significant environmental and infrastructure constraints which restrain the district's opportunity for growth. This issue is dealt with in more detail within the Council's response to Matter 2.
- 1D.4 The Council would point toward the presence of the North Lancashire Green Belt, Morecambe Bay SPA / SAC, Arnside & Silverdale AONB, Forest of Bowland AONB and the significant areas of the district which are located within Flood Zone 3 and prone to coastal and fluvial flooding as clear constraints in the context of the Presumption and in particular, footnote 9 of the 2012 NPPF.

1D.5 The Council believes the above position is equally applicable to the presumption contained in the newly revised NPPF published in July 2018.

#### The Sustainable Use of Minerals

1D.6 With regard to Plan's ability to facilitate the sustainable use of minerals in accordance with paragraph 143 of the 2012 NPPF. It is important to note that the City Council is not the Waste and Minerals Authority for the area (with that duty being undertaken by Lancashire County Council). The Council recognise that whilst not being the minerals and waste authority there are two key elements of paragraph 143 which do need to be considered in the preparation of the Local Plan, these elements include:

#### Defining Mineral Safeguarding Areas

1D.7 Bullet Point 3 of Paragraph 143 states '*Define Mineral Safeguarding Areas and adopt appropriate policies in order that the known locations of specific mineral resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas*'.

1D.8 Whilst the Council is not the authority to make a decision on which areas of land should be defined as a Minerals Safeguarding Area (that is a responsibility of the Waste and Mineral Plan), it is for the local planning authority to clearly identify where such safeguarding areas are in the context of their Local Plan Policies Maps. Accordingly the Mineral Safeguarding Areas which are relevant to the district are highlighted on the district-wide Local Plan Policies Map which accompanies the Strategic Policies & Land Allocations DPD.

#### Development within Mineral Safeguarding Areas

1D.9 The Council recognise that allocations have been made in the Development Plan which do result in the loss of land within defined 'Mineral Safeguarding Areas', particularly in the South Carnforth area.

1D.10 The decision to allocate land has been made on the basis on all available relevant evidence to the allocation, opportunities and need for local growth and in full knowledge that the resource would be lost. The Council have determined that in order for the delivery housing to be maximised that further growth in the Carnforth area is necessary and appropriate and the Council would dispute any view that allocations for housing, particularly in the context of a challenging OAN, to be needless in the context of paragraph 143.

1D.11 Furthermore, the decision to allocate land for development and associated infrastructure has been based on the context of paragraph 143 that states mineral safeguarding areas have **not** been defined to create a presumption that the resources defined will be worked. No evidence has been presented through the preparation of the Local Plan that suggest there is any short or medium term need for extraction to take place on the sites allocated for development.

- 1D.12 With regard to the ongoing operations of nearby mineral extraction operations, specifically Leapers Wood Quarry and Dunald Mill Quarry. The Council is aware of concerns raised from the operators of the quarries primarily in relation to two matters:
1. The sterilisation of land which has been defined for mineral safeguarding purposes.
  2. The impacts that increasing levels of residential development will have on the on-going operations at the quarries.
- 1D.13 The Council would point out that no evidence has been provided which sets out that the land identified for future development has any reasonable likelihood of coming forward for mineral extraction in the short, medium or long term. To repeat the direction of the NPPF, mineral safeguarding areas have **not** been defined to create a presumption that the resources defined will be worked.
- 1D.14 The Council believe that given context of meeting housing needs within the district, and the lack of opportunities associated with achieving this in the Carnforth area, that it would be unreasonable to preclude development in this location based on the argument that minerals resources in this area may or may not be work at some unspecified time in the future.
- 1D.15 With regard to any future impacts associated with new residential development, the Council recognise that there is a need for new residential development to carefully consider the potential impacts arising from neighbouring uses and how they can be adequately mitigated. As highlighted below the Council is satisfied that these issues can adequately be dealt with by applying the policies of the Local Plan (read as a whole) to future applications for development.

*Environmental Criteria against which Planning Applications can be Assessed*

- 1D.16 Bullet Point 6 of Paragraph 143 states '*Set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip-quarry slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and the quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality*'.
- 1D.17 The Council would highlight that the above requirements of NPPF primarily relate to application for minerals / waste operations. However, the Council do recognise that new development within the locality of the existing operations must also have due consideration of their implications of neighbouring uses. The Council believe that whilst there are no specific criteria in site-specific policies relating to the impacts of existing mineral extraction operations that the plan should be read as a whole. Consequently, proposals for new development, particularly residential development, should have due regard to the relevant policies of the Development Management

DPD, specifically Policies DM29 (Key Design Principles), DM56 (Health and Wellbeing) and DM59 (Enhancing Accessibility and Transport Linkages).

**e) Are the DPDs consistent with the Local Development Scheme and are they capable of meeting its objectives?**

1E.1 The Council is satisfied that the DPDs are consistent with the most up-to-date version of the Local Development Scheme and capable of meeting the timescales provided.

1E.2 There are clearly external requirements which require third party decisions (for example the decision of Central Government in relation to the County / City Council's bid for Housing Infrastructure Fund monies) which the Council have no control over and this may impact on timescales.

**f) How do the DPDs take account of the requirements under Section 149 of the Equality Act 2010, the Public Sector Equality Duty and the Human Rights Act 2008? In what way do the policies in the DPDs affect those with relevant protected characteristics as defined in s149 of the Equality Act 2010? In what way do the DPDs seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?**

1F.1 The Human Rights Act 2008 gives further effect to the European Convention of Human Rights, which sets out (amongst other things) human rights and freedoms applicable to citizens. The Acts sets out rights under a number of Articles, the most relevant in the context of the Local Plan are the right to *Freedom of thought, conscience and religion, Freedom of expression and Protection of property*. Article 14 (*Prohibition of discrimination*) states:

*The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*

1F.2 Under the main text of the Act, paragraph 6 states that it is unlawful for a public authority to act in a way which is incompatible with a Convention right.

1F.3 The Human Rights Act is compatible with the Equality Act, 2010 in matters of discrimination and the actions of public authorities. Section 149 of the Equality Act 2010 sets the Public Sector Equality Duty. This states that:

*(1) A public authority must, in the exercise of its functions, have due regard to the need to [the three aims]—*

*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

- (2) *A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).*
- (3) *Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*
- (4) *The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*
- (5) *Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*
- (a) tackle prejudice, and*
  - (b) promote understanding.*
- (6) *Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.*
- (7) *The relevant protected characteristics are—*
- age;*
  - disability;*
  - gender reassignment;*
  - pregnancy and maternity;*
  - race;*
  - religion or belief;*
  - sex;*
  - sexual orientation.*
- (8) *A reference to conduct that is prohibited by or under this Act includes a reference to—*
- (a) a breach of an equality clause or rule;*
  - (b) a breach of a non-discrimination rule.*
- (9) *Schedule 18 (exceptions) has effect [Pregnancy and maternity discrimination].*

1F.4 The principal way in which the Council addresses these equality matters is by undertaking and reviewing Equality Impact Assessments (EIAs). These documents summarise the work of producing a plan that complies with the law and gives proper consideration of the equality implications involved in plan-making.

1F.5 Equality Impact Assessments have been carried out at various stages of the plan-making process.

- 1F.6 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 revised in December 2017 (Reference **SD\_014**) to consider the relevant iterations of the Local Plan and included a number of questions for consideration which reflect the relevant equalities legislation.
- 1F.7 The focus of the Council's EIA begins by stating the aims and objectives of the plans, followed by a statement to explain who the plans are intended to benefit or who might suffer a detrimental effect. The EIA explains how the Council has consulted on the plan at its various stages, and then assesses the potential impacts of the plan on the groups identified in the act. The EIA concludes that for each group the plans will result in a positive or neutral impact.
- 1F.8 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).

**g) Are appropriate arrangements in place to ensure proper monitoring of the DPDs?**

- 1G.1 The council has prepared a separate monitoring framework to monitor the implementation and delivery of the Local Plan. This is described in detail in 'Background Paper 9: Local Plan Monitoring Framework' (SD.021). The Background Paper sets out the sub-objectives of the plan and identifies those policies through which the sub-objective will be delivered. A number of indicators are then identified detailing how the council propose to monitor delivery of the sub-objectives and the corresponding policies. Indicators have been selected based on their appropriateness for gauging the effectiveness of Local Plan policies and the availability of data.
- 1G.2 Targets have been identified for each indicator. Continued monitoring of the targets will enable the Council to report on the extent to which objectives are being met. As drafted the targets are considered to be SMART (specific, measureable, achievable, relevant and time based) and provide an appropriate framework for monitoring the implementation of the Local Plan.
- 1G.3 Trigger points have also been identified for each sub-objective. These describe the situation through which monitoring of the identified indicators has reported a continued failure to deliver the identified targets and where the delivery of the Local Plan is in jeopardy. Where monitoring reveals that the trigger points have been activated appropriate action will need be taken by the council to ensure implementation of the plan and avoid unintended consequences. Proposed action measures are included within the Monitoring Framework. This includes the need to work with identified partners to ensure delivery, preparation of additional guidance and where necessary the potential for a review of the Plan.

- 1G.4 The Council will also continue to monitor the indicators identified as part of the Sustainability Appraisal process as well as previously identified contextual indicators.
- 1G.5 Delivery of all of the indicators will be monitored via the council's existing monitoring processes. This includes reporting via the Council's Annual Monitoring Report and separate monitoring reports for employment, retail and residential development. The effectiveness of the framework will be kept under review as part of this process.
- 1G.6 The Council remains confident that together these enable a comprehensive framework for monitoring the delivery and implementation of the Local Plan. The indicators have been selected based on the availability of data and their effectiveness to monitor key components of the Plan. This will of course be kept under review as part of the council's existing monitoring processes and where necessary can be amended.

**h) Does the sustainability appraisal (SA) adequately assess the environmental, social and economic effects of the DPDs?**

- 1H.1 In order to provide a thorough and impartial assessment of its Local Plan the council commissioned external consultants Arcadis (formerly Hyder Consulting) to oversee and undertake its Sustainability Appraisal (SA). The SA incorporates the Strategic Environmental Assessment and Sustainability Appraisal requirements into a single assessment process.
- 1H.2 The appraisal was originally initiated through the preparation of an SA Scoping Report prepared in May 2010 and updated in 2012. This was prepared in consultation with key stakeholders including the three statutory consultees of Natural England, Environment Agency and Historic England.
- 1H.3 Using the framework established in the SA Scoping Report SA was undertaken at all stages of the document preparation. This included the initial SA screening of the Strategic Spatial Options Part One document in 2012; the Meeting Future Housing Needs consultation in 2014; the People Homes and Jobs consultation in 2015 – this included an assessment of the emerging Local Plan objectives, vision and spatial strategy; the Pre-Publication consultation in 2017 and the Publication stage in January 2018.
- 1H.4 The council established an SA panel to assist Arcadis in this work. The panel met at key stages of the document preparation and utilised representatives from the three strands of sustainable development including representatives from Natural England, Historic England and the Environment Agency.
- 1H.5 In addition to the SA process the council have also undertaken a separate Health Impact Assessment and Equalities Impact Assessment. These have both fed into the SA process. The document has also been screened against the requirements of the Habitats Directive with a separate Habitat Regulation Assessment Report prepared.
- 1H.6 The Pre-Publication SA Report (January 2017), which was subject to consultation from 27<sup>th</sup> January 2017 until 24<sup>th</sup> March 2017, details this

process and describes the assessment undertaken for each stage of document preparation. The recommendations made through this process were incorporated into the Publication documents which were ultimately submitted to the Planning Inspectorate.

- 1H.7 The council is satisfied that through a robust and thorough appraisal the environmental, social and economic effects of both Local Plan documents have been adequately assessed and where necessary mitigation measures and additional wording have been included within the plan to mitigate against potential impacts.
- 1H.8 The council recognises the importance of the SA process in shaping the preparation of the Local Plan and the continuing role that the appraisal process has in monitoring the success and effectiveness of Local Plan policies and allocations. In undertaking this work the council is satisfied that there are no issues associated with the SA. It is the Council's view that the use of external consultants has provided both objectivity and thoroughness in assessing and shaping the emerging Local Plan.
- 1H.9 No parties are noted to have raised any concerns regarding the SA process.

**i) Does the SA adequately consider reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?**

*Evidencing Reasonable Alternatives*

- 1I.1 The Local Plan seeks to deliver the full OAN of the district as evidenced by its Independent Housing Requirement Study prepared by Turley Economics in October 2015 (**Ho\_SHMA\_01**). The study considered various scenarios for growth based on a number of economic considerations and job growth opportunities. It updated previous work undertaken by Turleys in 2013.
- 1I.2 Each scenario sought to ensure that the basic demographic needs of the district were met with this forming the starting point. As outlined elsewhere the implications of varying headship rates on household formations were also considered.
- 1I.3 Whilst the Independent Housing Requirement presented various scenarios the submitted Local Plan, in line with national planning policy, sought to deliver the full objectively assessed need for housing presenting a strategy which explored opportunities for the delivery of 675 new homes per annum and increased levels of economic growth.
- 1I.4 In preparing the Local Plan a number of scenarios for growth have been considered. This included the initial Draft Land Allocations document which was prepared in 2012 and sought to deliver the Core Strategy housing requirement of 400 dwellings per annum figure. This document was subject to SA.
- 1I.5 Following the adoption of the NPPF in 2012 the Council commissioned a review of its housing requirement in 2013. The initial study identified the need for between 514 and 609 new homes per annum for the period 2011 to

2031. This informed the Strategic Options consultation in the summer of 2014 whereby the Council sought to investigate the delivery of higher levels of growth of 12,000 homes by 2031, equivalent to 600 new homes per annum. This document was again subject to SA.

- 11.6 As identified above the Council's housing evidence base was reviewed again in 2015 resulting in an increased OAN figure for the district of 675 new dwellings per annum.
- 11.7 The implications of delivering an increased OAN within the district were appraised by Arcadis in the 2016 'Technical Note on SA and HRA of Objectively Assessed Need' (**appendix 1**). This noted that the scale of additional growth required by the OAN is likely to put pressure on the district's natural environment with effects ranging from loss of biodiversity, increased flood-risk and loss of agricultural land. The location of development was noted to be key in determining if these effects would be significant or not with the SA of potential locations being important in this assessment.
- 11.8 Whilst noting the potential negative effects of an increased OAN the assessment noted the opportunity that it presented to maintain a balanced supply and demand for housing, the provision of a range of housing types and tenures and the benefits of economic growth.
- 11.9 The Submitted Local Plan was prepared in the context of these concerns with the selection of sites seeking where possible to minimise the significance of effects while at the same time ensuring that the benefits of delivering a higher OAN are secured. The Council, through the preparation and evolution of the Local Plan, is fully aware of the SA assessment prepared at each stage of document preparation. This has considered varying levels of growth. Whilst noting the results of the various SA assessments the Council, in line with National Planning Policy, has sought to pursue a strategy based on delivering economic growth and the delivery of its full OAN for the district.
- 11.10 The SA report provides an assessment of all reasonable alternative approaches available to meet future development needs in the district. It reports on the five options explored as part of the 2014 'Meeting Housing Needs Consultation' which included urban extension, green belt review, distribution across the district, village expansion and a new settlement. The sustainability of these options was considered through the SA with the alternative options for growth assessed against the SA framework objectives.
- 11.11 The outcome of this engagement with the wider public, the development industry and infrastructure providers highlighted the associated opportunities, challenges and constraints which applied to each of the strategic sites identified in the consultation. Consultation also provided the opportunity for any parties to put forward alternative strategic sites which could assist in the delivery of housing and economic growth. No alternative sites were put forward at that time beyond those originally identified by the Council.

- 1I.12 Following the conclusions of the SA, consultation responses and wider evidence base, the council reviewed the options presented and determined that the most appropriate way forward was via a hybrid approach. Under this approach additional strategic development would be met through a combination of the strategic options urban extension, green belt review and village expansion. This would be supplemented by other development sites already identified by the council in the main urban areas of Lancaster, Morecambe and Heysham and Carnforth.
- 1I.13 In addition to which, the Council also undertook a Sustainable Settlement Review (**Ho\_SSR\_02.1**). These are settlements which based upon an assessment of their population characteristics, landscape/townscape, provision of services, facilities and employment opportunities, and accessibility are considered to provide sustainable locations to focus district wide growth, outside of the four main urban areas, subject in the AONB's to the constraints of the protected landscapes where a landscape-capacity led approach will be taken. In total 15 sustainable settlements have been identified within the Lancaster District Settlement Hierarchy outlined in policy SP2. As highlighted, it was important to ensure that the location of potential future housing development was considered within the context of employment opportunities.
- 1I.14 The hybrid option was consulted on as part of the 2015 Refining the Options consultation. Under each element a number of sites were proposed: Three alternative urban extensions were suggested (UE1 South Lancaster, UE2 North East Lancaster east of the M6 motorway, UE3 North East Lancaster west of the M6 motorway). Four different development areas were suggested within the Green Belt, with all four offering opportunity to contribute to achieving development needs (GB1 North of Lancaster, GB2 North East of Morecambe, GB3 South of Carnforth and GB4 Slyne with Hest). Following the analysis of villages only Dolphinholme was identified as a village suitable for investigating a greater level of housing development.
- 1I.15 All options were again subject to SA including the overarching vision and objectives for the district. The SA supported the overarching theme of the vision and supporting objectives and considered them to positively contribute to the delivery of housing, employment and retailing within the district. It also supported the urban focus of the strategy and noted that the urban focussed sites perform strongly against objectives relating to goods, services and amenities including health and education care.
- 1I.16 Following a review of the SA, the evidence base including dialogue with key infrastructure providers and consultation responses the council concluded that development at Site UE2 (east Lancaster east of the M6), Dolphinholme, GB2 North East of Morecambe and GB4 Slyne with Hest would not be taken forward for allocation in the draft Local Plan. This is consistent with the findings of the SA.
- 1I.17 The SA also assessed a number of alternative sites for development. These sites have also been subject to SA with the conclusions of this work available to the council to inform site selection.

- 1I.18 The final reasonable alternative available to the Council is to engage with neighbours, via the Duty to Cooperate process, to establish whether any evidenced needs (either in full or part) can be delivered outside of the district. It has been clearly evidenced that in both housing market terms, and economic footprint terms, the district is highly self-contained and therefore the ability for neighbouring authorities to genuinely accommodate evidenced needs from this district has always been considered as doubtful.
- 1I.19 Nevertheless this approach has been fully investigated and, due to constraints and requirements in their own areas no duty to cooperate partners have been positively able to engage in taking elements of Lancaster District's Housing or Economic needs. More details on this engagement can be found in the Council's Duty to Cooperate Statement of Compliance (**SD\_025**).
- 1I.20 The above demonstrates that the Council has fulfilled its obligation to identify alternative options for growth through the preparation of the plan. These have been assessed and reported through the SA process with the assessment providing a consistent and comprehensive assessment of options. The SA reports this process and describes how the preferred option presented in the submitted Local Plan has emerged. Importantly the report also notes the implications of failing to meet the OAN for the district via the delivery of a lower housing requirement.
- 1I.21 Whilst this notes that a reduction from the OAN presents the opportunity to reduce the potential effects on the natural environment it also notes the difficulty that the district might face in reaching its full economic potential. The Council have fully explored the reasonable options and alternatives which are available to them in the preparation of the Local Plan, with each approach informed by the findings of the SA and HRA, informed by detailed consultation and the opportunity for interested parties to put forward alternative options / sites which had not been considered as part of the plan process. The Council consider this to be a sound and robust approach to preparing a Development Strategy.
- 1I.22 To inform the Local Plan, the Council has taken steps to ensure that its content is informed by the preparation of evidence to support its conclusions. In preparing evidence the Council have been mindful that evidence should be reasonable and proportionate to the preparation of the plan. The evidence prepared has fully informed the scale and direction of growth in the Local Plan and has included the following:
- North Lancashire Green Belt Review (Lancaster CC and ARUP 2016) (**En\_GBR\_01.1 - En\_GBR\_01.15**);
  - Strategic Housing Land Availability Assessment (Lancaster CC 2015) (**Ho\_SHLAA\_01.1 - Ho\_SHLAA\_01.2**) – now updated form part of the Strategic Housing and Employment Availability Assessment (Lancaster CC 2018) (**Ho\_SHELAA\_03**);
  - Strategic Flood Risk Assessment – Stage 1 (JBA 2018) (**En\_SFRA\_01.1 - En\_SFRA\_01.4**)
  - Sustainable Settlements Review (Lancaster CC 2018) (**Ho\_SSR\_01**)

- 1I.23 This evidential work, coupled with the engagement work previously described and the duty to cooperate discussions leave the Council confident that the development strategy identified in Policy SP3 of the Strategic Policies & Land Allocations DPD to be sound, robust and the best approach to delivering sustainable development in accordance with national planning policy across the plan period.
- 1I.24 In order to assist the examination the Council commissioned its SA consultants to prepare an additional piece of work to identify and clarify how the Council and the SA of the Local Plan, which has been an iterative process over several years, has approached reasonable alternatives with relation to the balance between housing and jobs. A copy of this work is appended to this response (**LCC7.1.3**). The SA Addendum also provides a revised assessment of the potential effects of allocating less housing in Local Plan than the OAN. The update has been undertaken to take account of new information provided by Turley's 'Implications of the Proposed Housing Requirement' (March 2019). A copy of which is also appended (**LCC7.1.4**). This work was commissioned by the Council to assist the examination and has been used to inform the Council's response to matter 2.
- 1I.25 The SA Addendum confirms that the Council is seeking to satisfy local housing needs as much as possible and has essentially allocated all land that could reasonably be considered to be available and suitable for residential development. It is local environmental and infrastructure constraints that mean that many locations in the District would be unsustainable locations for new homes (and sustainability underpins the Council's decision-making). It concludes that the Plan can currently only deliver a quantity of new homes that would fall slightly short of the area's overall need and the proposed approach of delivering 522dpa is therefore considered to be the only reasonable option on offer to the Council in terms of residential development. It notes that it would be inappropriate for the SA to assess alternatives to this approach.

*Delivering Economic Growth*

- 1L.26 The Council prepared an Employment Land Review (ELR) (**Em\_Elr\_02**) in 2015 which forms a core part of the Local Plan evidence base. The ELR splits 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.
- 1L.27 In quantitative terms, the 2015 ELR set out an expectation that further land would be required to meet future B1 Office needs, identifying a shortfall of 7.3 hectares in the district. With regard to industrial land the ELR highlighted a surplus of land for B2 & B8 uses within the district, taking into account the potential losses of sites in Carnforth and Lancaster, the ELR noted a surplus of between 2.7 & 5.7 hectares of land for industrial uses. Matter 4(a) goes into more detail over how employment land has been identified and allocated in the Plan and the reasoning behind the allocations made.

- 1L.28 With regard to job growth in the district, the ELR made use of Experian forecasting to gauge potential job growth through the course of the plan period. The job growth identified in the ELR was dependent on the correct conditions being in place for it to be achieved. The ELR identified the opportunity for the creation of up to 9,565 jobs across the plan period across a wide range of economic sectors, this formed an economic baseline scenario as identified in the 2015 Independent Housing Study **(Ho\_SHMA\_01)**.
- 1L.29 In considering potential local circumstances and local projects which could deliver economic growth beyond that anticipated by the Experian forecasting, the ELR identified a further 797 jobs could be created on top of that identified in the economic baseline, this went on to form the economic baseline plus scenario as identified in the 2015 Independent Housing Study **(Ho\_SHMA\_01)**.
- 1L.30 In qualitative terms, the Council engaged Turley to consider how the job growth identified in the ELR could be achieved within the district, and further consider the opportunities available to the Council to deliver economic growth in the district. This is expressed in the Achieving Economic Potential Report prepared in 2015 **(Em\_Ep\_01)** and updated in 2017 **(Em\_Ep\_02)**.
- 1L.31 The report sets out how future economic growth could be achieved in the district and set out the following factors that the Council should consider through the preparation of Local Plan and Economic Strategy, which is currently under preparation by the City Council. These factors included:
- Invest in emerging high value sectors, for example support the growth of the Lancaster University Innovation Campus;
  - Support investment into the Port of Heysham to enhance its role as a logistics hub and associated businesses.
  - Address the demographic challenges of the district in relation to retaining a younger workforce in the district through the delivery of housing opportunities.
  - Promote the regeneration of Lancaster City Centre; and
  - Enhance the cultural and tourism offer of the district to attract more visitors.
- 1L.32 The Council, in preparing the Local Plan, have sought to carefully consider the opportunities for job growth, the employment land requirements identified in the ELR and how economic growth could be achieved. The approaches taken to the delivery of further employment land has undergone SA and HRA through the preparation of the Plan.
- Ensuring the Balance between Homes and Jobs
- 1L.33 As highlighted in this response, the Council have carefully and robustly considered the requirements for both housing and employment and, through the course of the preparation of the plan considered the implications of development will have through the preparation of SA and HRA at the relevant stages of the plan making process.
- 1L.34 The Council have, through the preparation of the plan, recognised the significant challenges towards future growth in the district. This particularly

relates to the environmental constraints prevalent in the district (for instance the designation of Areas of Outstanding Natural Beauty, the North Lancashire Green Belt and areas of flood risk) and the recognised infrastructure constraints.

- 1L.35 The Local Plan has sought to put in place an approach to how the infrastructure constraints can be overcome and long term growth achieved, but in order to be realistic it must be accepted that such strategic infrastructure will take time in order to be delivered.
- 1L.36 Notwithstanding the positive direction in relation to infrastructure matters, the district is and will continue to be highly constrained in environmental terms. The Council is mindful of the presumption in favour of sustainable development which indicates that for plan-making *'Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change, unless:*
- *Any adverse impacts of doing so would be significant and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or*
  - *Specific policies in the Framework indicate development should be restricted.'*
- 1L.37 As described in the response to Matter 4(a) the Council have sought to retain existing allocated employment areas where they are considered to have economic value and, in the view of the Council, will continue to do so through the course of the Plan period. These are represented via Policy EC1 of the Strategic Policies and Land Allocations DPD. These form part of the already established supply of employment land in the district and their retention is considered to be fully justified.
- 1L.38 The response to Matter 4(a) also sets out the expectations for new employment allocations to be made in the plan. These are represented by Policies SP5 and EC2 of the Strategic Policies & Land Allocations DPD. Whilst the Council recognise that these expectations exceed those suggested in the ELR that there are substantive qualitative arguments for their allocation, particularly around the re-use and regeneration of under-utilised and derelict land and the Council's ability to provide an employment portfolio which provides flexibility and choice and is able to adapt to rapid economic change.
- 1L.39 The Council is satisfied that the levels of employment provide wider economic benefits for the district and seek to focus on bringing back into use derelict brownfield sites in the South Heysham area. This approach the Council believe to be completely in accordance with national planning policy. Whilst the new allocations, as set out in Matter 4(a) exceed the expectations set out in the ELR that the Council believe that the qualitative arguments made, and the expectation of national policy to provide flexibility and choice provides sufficient argument for their inclusion in the plan.
- 1L.40 In the context of the housing requirement, the Council is comfortable that the employment opportunities identified in the Plan seek to align with the requirements set out for housing within this matter. This comfort is

based on the alignment of the Functional Economic Market Area and Housing Market Area and the significant levels of self-containment that Lancaster District has in regard to these matters.

## **Appendix 1 – Technical Note**

**Date** 15 January 2016  
**Reference** 021-UA001453-EEA-02-F  
**From**  
**To**  
**Copies**  
**Subject** Technical Note on SA and HRA of Objectively Assessed Need

In 2012, Hyder (now called Arcdis) undertook a Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) screening of Lancaster City Council's Land Allocations Development Plan Document. This document considered a housing need of c.7,000 new homes over the period 2011 to 2021. Following the adoption of new national planning guidance in 2013, the council commissioned a review of its housing requirement. Using new information, the review suggested the potential for a higher housing requirement indicating the need for more than 12,000 new homes by 2031. Broad locations for these additional homes were considered in June 2014 as part of an SA of strategic options, including a workshop with a range of stakeholders.

In 2015 a further review of the Objectively Assessed Need (OAN) has resulted in the housing requirement being increased to between 13,000 and 14,000 new homes between 2011 and 2031. Capacity for up to around 7,000-8,000 new homes has already been identified through the revised 2015 SHLAA, leaving land for between an additional 5,000 and 6,000 new homes still to be found. A draft revised spatial strategy has been proposed which identifies a number of broad areas for these additional homes to be located.

In terms of the requirements for the SA and HRA processes, the following activities are being undertaken:

- Interim SA and SA workshop to assess the revised spatial strategy including the additional broad areas.
- SA, HRA and high-level landscape assessment of all proposed site allocations including the additional broad areas. Importantly this will consider the implications of cumulative effects of the sites and broad areas as necessary.

In order to characterise the likely effects of the increased OAN, it is necessary to consider the spatial distribution of development. Together with the overall cumulative effects of development, this will be the focus of the interim SA and HRA of the revised spatial strategy.

The SA considers a range of potential effects by assessing the impacts of the proposals on the SA Framework of objectives. The HRA solely considers the effects on European sites. The following table summarises important considerations and likely implications:

**SA Objective / Considerations / likely implications topic**

---

S1 Crime	<p>An increase in housing has potential to provide new opportunities/targets for crime in areas that were previously, on the whole, undeveloped.</p> <p>The extent to which this becomes a reality will depend upon the location and design of the developments to minimise the risk of crime, fear of crime and accidents.</p>
S2 Housing	<p>The increase in housing required has been established through an objective needs assessment. The figure generated, therefore, represents the amount of housing required to meet overall needs. As such the revised OAN would perform strongly against this SA Objective. However, it is important that the distribution and type of housing is also reflective of local needs.</p>
S3 Health	<p>The large increase in housing required has potential to put greater pressure on existing health care services, notably GPs, hospitals and social care. Given that the majority of this additional need will be on greenfield sites, it also has potential to reduce the amount of available outdoor recreation space and green-infrastructure. However, again, the extent to which this becomes an issue depends upon the location of development with respect to health care catchments and recreational facilities and the design of those developments to incorporate, protect or enhance such facilities. It is assumed that health care provision would need to respond to any increased demand as a result of a growing population in a local area.</p>
S4 Learning	<p>The large increase in housing required has potential to put greater pressure on existing educational facilities, notably primary and secondary schools. However, again, the extent to which this becomes an issue depends upon the location of development with respect to educational facility catchments. It is assumed that school place provision would need to respond to any increased demand as a result of a growing population in a local area.</p>
S5 Access to goods/services	<p>The large increase in housing will create additional demand for basic services, cultural facilities and public travel provision. The extent to which this becomes an issue depends upon the location of the new development in relation to these facilities and/or whether the new development is able to provide such facilities as part of its design. It is anticipated that the scale of the increase in homes means that edge of town or rural greenfield sites will be required so the provision of public transport stops and/or on-site facilities will be essential to ensure the sustainability of new developments.</p>
EC1 Economy	<p>Economic growth and investment is expected to benefit from housing growth, notably through enabling a growth in population and housing demand to be met within the district rather than outside. This should benefit workforce retention and encourage people to live and work within the district. Again, the location of development is key to ensure that new homes are located sustainably in relation to employment opportunities notably within easy access of Lancaster City Centre, Carnforth and other existing and proposed employment sites.</p>
EC2 Economic drivers	<p>Similar to EC1, it is anticipated that an increase in housing can provide a larger market for town and village centre economies to help maintain their vibrancy and vitality. Again the location and design of these developments in relation to such centres is important, ensuring that easy access via public transport or walking/cycling is possible. Providing homes for a growing population is also expected to provide an increased market for the higher education sector.</p>

---

**SA Objective / Considerations / likely implications topic**

---

EC3 Workforce	Providing homes for a growing population is beneficial to workforce retention and encouraging people to live and work within the district. However, it will be important to consider the range and type of housing provided with respect to the range and type of employment in the district to ensure that the workforce meets the skills and needs of those industries. The growth is expected to benefit the growth of the university and benefit from the upskilling of local students this can bring.
EC4 Economic inclusion	As with the objectives above, there are potential benefits to the workforce with this higher level of housing provision. Again, whether this will benefit or detract from economic inclusion will depend very much on the type and location of housing provided. An appropriate range of housing to meet the needs of the workforce would be necessary in areas most in economic need combined with sustainable access to relevant areas of employment.
EN1 Climate change	A large, cumulative increase in housing growth is unlikely to benefit climate change or climate change adaptation in principle. New homes will require more resources, a loss of greenfield land leading to increased surface water run-off rates, will require more energy to be used and are likely to increase carbon emissions associated with vehicle movements. It will be important to minimise these effects as far as possible through selecting sustainable locations for new development near to existing centres and facilities, promoting sustainable travel patterns and requiring sustainable design to minimise carbon emissions, resource use, extreme weather resilience and incorporate sustainable drainage designs. Areas of flood risk will also need to be avoided.
EN2 Water	Similarly, large scale new development in greenfield areas is not expected to benefit water quality (either groundwater, surface water or marine) and can present the cumulative risk of pollution. However, it should be possible to minimise or eliminate such risks through high quality design and construction practices. Again, the extent of effects will be partly dependent upon the location of development in relation to sensitive water features.
EN3 Biodiversity	Lancaster has an important, sensitive stock of natural resources and cumulatively the level of growth proposed has potential to adversely affect biodiversity across the district, notably due to the need to develop greenfield sites. Key issues to consider here include the location and scale of development with respect to protected habitats/sites or known protected species in particular those sites of national and international importance. Note that it is not only direct land-take that is an issue but also indirect effects such as disturbance, recreational pressure, pollution etc. Similarly, some areas of land that are not designated may still be important to designated sites as functionally linked land. A separate study is being undertaken to consider these areas as part of the HRA – with regard to European sites. It is important to consider the role of green infrastructure as a whole and its connectivity. Again, the choice of location for these areas will be key to determining if significant effects are likely and whether they can be mitigated.
EN4 Landscape	Lancaster’s natural resources also include areas of high quality landscape and townscape including two Areas of Outstanding Natural Beauty (AONB). The scale of growth proposed with the OAN will change this landscape in some areas. The key consideration is whether individually or cumulatively these new sites will have a significant adverse effect on landscape/townscape character and importantly whether the AONBs or their setting could be affected. Currently a high-level assessment of the

---

**SA Objective / Considerations / likely implications topic**

	potential landscape effects of the proposed sites and broad areas is being undertaken to inform this.
EN5 Resources	The scale of additional growth will inevitably mean that large greenfield sites will need to be developed as all previously developed land will already have been used. Water consumption will also increase and the use of fossil fuels will also increase as a result of increased vehicle movements and energy use in the construction and operation of new homes. It will be important to minimise these effects as far as possible through sustainable design, location and efficient use of land.
EN6 Energy	The scale of additional growth will inevitably mean energy use will increase and with it a likely increase in fossil fuel usage. It will be important to minimise these effects as far as possible through sustainable design, location and encouragement of the use of renewable energy sources.
EN7 Heritage	Lancaster has a wealth of historic assets from sites, buildings and archaeology to valued landscapes. The scale of growth proposed has potential to put pressure on these assets either directly or indirectly. However, the extent to which such effects become a reality will depend upon the location of the developments with respect to known heritage assets and their setting and also the scale, design and appearance of those developments.
EN8 Air quality	Cumulatively, the scale of growth has potential to result in a greater number of vehicle trips and consequent increase in emissions to air. This is likely to be a concern if certain developments exacerbate traffic growth or congestion significantly in certain areas, particularly in proximity to sensitive receptors such as housing, schools or hospitals. On the whole air quality in Lancaster is good although there are some designated Air Quality Management Areas which already exhibit exceedences of air quality standards. The location of new development will be key to determining if air quality is likely to be an issue, combined with proposals to encourage sustainable travel.
EN9 Waste	Cumulatively, the scale of growth will inevitably result in an increase in the amount of waste produced. The waste collection authority will need to respond to an increase in demand by providing appropriate waste collection, disposal and recycling facilities.
European Sites	A number of European designated sites lie within or adjacent to Lancaster notably the designations within the Morecambe Bay and Bowland Fells. The level of growth has potential to put greater cumulative pressure on these areas. Note that it is not only direct land-take that is an issue but also indirect effects such as disturbance, recreational pressure, pollution etc. The HRA is currently being updated to consider all the proposed site allocations, the proposed additional broad areas and cumulative and in-combination effects. Again, the choice of location for these areas will be key to determining if significant effects are likely and whether they can be mitigated.

Overall, the scale of additional growth required by the OAN is likely to put pressure on the district's natural environment. This would have a range of potential environmental effects including, for example, effects on rural character and landscape, a loss of biodiversity, increased flood-risk, loss of agricultural land, cumulative effects with other development and other potential impacts. The location of this development is therefore key to determining if these effects will be significant or not and this will be considered as part of the SA of the revised spatial strategy. Similarly, any new development, particularly on this scale would require an increase in energy and resource use,

including water, and would contribute to increased carbon emissions and likely additional traffic movements with resultant air quality emissions. Again, whilst measures can be included to minimise and manage these, if the new homes were not built these effects would not occur.

The OAN has been identified as necessary to meet housing needs. Therefore, it is essential for maintaining a balanced supply and demand in the housing market and for the provision of a range of house types and tenures. It is also considered to have potential benefits in terms of economic growth and the vitality of town and village centres. However, again, the location and broad design of such developments will be key to realising such benefits.