

Matter 5: Heritage and the natural environment

Main Issue: Have the DPDs been prepared in accordance with the relevant statutory tests and the policies of the NPPF

Questions:

a) Do policies SP7, SP8, SG4, SG9, SG14, SG15, EC1, EC3, H3, H4, H5, H6, DOS1, DOS2, DOS3, DOS6, DOS7, DOS8, DOS9, DOS10, DM21, DM24, DM29, DM37, DM38, DM39, DM40, DM41, DM43, DM44, DM45 and DM46 provide for the conservation and management of the District's built and natural heritage in accordance with the policies of the NPPF?

- 5A.1 The Council consider that the policies of both the Strategic Policies & Land Allocations DPD and the Development Management DPD, including those highlighted in the Inspectors question, to provide a sound and positive basis for managing the historic environment in the district in accordance with national planning policy. With regard to the policies of the Development Management DPD, these have been based on policies contained within the 2014 Development Management DPD that have previously been found sound at Examination.
- 5A.2 With regard to policies relating to built heritage and the historic environment, the Council have sought to engage with key stakeholders to ensure that the policies and allocations prepared seek to protect and enhance the historic character of the district, which is recognised to be of significant value.
- 5A.3 The Council have sought to have constructive and proactive engagement with heritage stakeholders (such as Historic England) through the plan-making process to ensure that heritage matters are given due consideration. For example this has been particularly the case on sensitive sites such as Grab Lane (Policy H4) where extensive dialogue has taken place.
- 5A.4 The Council are aware that Historic England, through the Publication stage put forward a series of representations which sought amendments to a number of policies across both DPDs. Given the extensive engagement that has taken place through plan-making process the Council were disappointed to receive such detailed comments at such a late stage, some of which were considered excessive and sought significant duplication across a number of site-specific policies.
- 5A.5 The Council do not accept that all the requested amendments are necessary to ensure that the Plan is sound and in accordance with national planning policy. Notwithstanding this, the Council have sought to work with Historic England to prepare a number of potential amendments to policies which, in the view of both parties, can clarify any concerns of Historic England and better accord with the direction of national planning policy. Should the Inspector consider that amendment is necessary to ensure that the policies

listed above better accord with national planning policy the Council would be happy to provide revised wording on this matter.

5A.6 With regard to matters of natural environment, the Council consider the policies listed to have appropriately considered the relevant expectations of plan-making set out through Section 11 of the 2012 NPPF.

b) Is policy DOS5 (Land at Willow Lane, Lancaster) imprecise and unduly restrictive in respect of this open space?

5B.1 Land at Willow Lane in Lancaster is identified by a number of policies within the submitted Local Plan. This includes designation as a Local Green Space under Policy SC2 'Local Green Spaces', a Recreation Opportunity Area under Policy SC5 'Recreation Opportunity Areas', an area of Open Space and Recreation under Policy SC3 'Open Space, Recreation and Leisure' and a Development Opportunity Site under Policy DOS5 'Land at Willow Lane, Lancaster'.

5B.2 It is recognised that this site has a long history of recreational use and is well valued by the community. A Friends of Freeman's Wood and Coronation Field group has been established which seeks to 'preserve and enhance Coronation Field and Freeman's Wood for the people of Lancaster'. Whilst part of the site remains in active use, a large area of the site (that designated under Policy SC2) is under private ownership.

5B.3 In 2012 the Friends of Freeman's Wood group submitted an application to designate three public rights of way footpaths across the site. In June 2015 the County Council concluded under the Wildlife and Countryside Act (1981) that there was sufficient evidence to make an Order to record the routes shown below as PROWS. However, an objection to the Order has been received and so the County Council is now required to submit the Order to the Planning Inspectorate for confirmation. Although the outcome of the application has not been concluded, the Order demonstrates that there is sufficient evidence for these footpaths to be designated as PROW's.

5B.4 Whilst under private ownership the site was nominated by members of the local community for consideration as a Local Green Space under the Council's 2015 Local Green Space call for sites process. This followed the preparation of a methodology by the Council for identifying and assessing submitted spaces. The methodology was subject to public consultation and member approval and was adopted by the Council in March 2015 (**EN_GS_01**).

5B.5 The methodology, in line with national planning policy and guidance, identified a number of stages of assessment. The first few stages of the assessment relate to the current status of the site, whether it is reasonably close to the community it serves and whether it is local in character and not an extensive tract of land. Only if a site passes the first three tests does it progress to test 4.

5B.6 The site in question (site LGS_49) did pass the first three tests and as such progressed to test 4. Under this stage the extent to which the site can be

shown to be demonstrably special to the local community is assessed. In accordance with national guidance, the application form asked questions which sought nominees to provide evidence to show how a site is considered to be demonstrably special to the local community with regard to its:

- Beauty
- Historic Significance
- Recreational Value
- Tranquillity
- Wildlife

- 5B.7 This stage was assessed by the Local Green Space working group which consisted of members of the community and other interested parties including the Lancaster Green Spaces group. Applications were assessed by the group on the basis of site visits, the evidence submitted by the community in support of the application and discussions within the group.
- 5B.8 Based upon the information collated the group focussed on the historic and recreational significance of the site. This recognised the historic and current value that has been attached to this site by the local community with the site noted to have significant local support and, until the construction of fencing in 2012, was readily accessible and used by the local community.
- 5B.9 As noted above access is currently in the process of being reinstated following the application to Lancashire County Council and subsequent Order to designate three footpaths through the site. Furthermore, it is also recognised that a Town Green application was submitted by the Friends of Freemans Wood and Coronation Field group to Lancashire County Council in 2012.
- 5B.10 The initial approval of the application to designate three footpaths through the site by Lancashire County Council, and the evidence assessed as part of this process, confirm that the site has until recently been readily accessible by the local community with evidence of usage demonstrated over the required 20 year assessment period under Section 31 of the Highways Act. Usage beyond this 20 year period is also noted by the County Council with potential routes visible from the 1960s during which period the site in question was in use as cricket and football pitches.
- 5B.11 In this context, and having regard to the historic value of the site linked to its industrial past and the significant community support attached to the site, the group determined that the site was demonstrably special to the local community sufficient to warrant its designation as a Local Green Space. This was subsequently supported by Officers and Members. Consequently the site was allocated as a Local Green Space in the Strategic Policies and Land Allocations DPD.
- 5B.12 Policy DOS5 is intended to reflect and protect this value whilst at the same time providing opportunity to facilitate development which improves the existing quality and quantity of recreation in this area, reflecting its designation as a recreation opportunity area. In doing this it is recognised

that exceptionally some level of enabling development on the area currently not in active recreational use could be acceptable.

- 5B.13 This is considered to be consistent with the Local Green Space designation (policy SC2) which whilst limiting opportunity for development in line with the NPPF does support development under special circumstances where necessary to enhance, support and facilitate the sustainability of the community needs and purposes provided by the Local Green Space. Policy DOS5 reflects this with the delivery of a limited amount of enabling development considered to be justified under special circumstances sufficient to provide the funds to facilitate and maintain improvements to the recreational offer and biodiversity value of the site.
- 5B.14 This will only be supported where the proposals support and facilitate quantitative and qualitative improvements to open space and recreation. Therefore the purpose of this Development Opportunity policy is to protect the majority of the site from development, but where appropriate, allow some enabling development to facilitate open space and recreational improvements to the existing offer.
- 5B.15 On this basis the policy is considered to be consistent with national policy and guidance, allowing the community value of the site to be protected while at the same time allowing for improvements in provision which could if necessary be facilitated by enabling development. With this opportunity provided the policy is not considered to be unduly restrictive or imprecise.

c) Are policies EN1 (Conservation Areas) and EN2 (Designated Heritage Assets) consistent with the NPPF and necessary given the policies in the Development Management DPD which deal with these matters?

- 5C.1 The Council is comfortable with the position that these policies (EN1 and EN2) are consistent with the NPPF. However, the Council would accept that these policies would not be necessary as they are a duplication of policies DM37, DM38, DM39, DM40 and DM41. Should the Inspector agree, then the Council would be happy to omit policies EN1 and EN2 due to the duplication with the Development Management DPD.

d) Is there any inconsistency between policy EN5 (The Open Countryside) of the Strategic Policies & Land Allocations DPD and policy DM4 of the Development Management DPD?

- 5D.1 Policy EN5 of the Strategic Policies & Land Allocation DPD provides a generic overview of the areas which have been designated on the Local Plan Proposals Map within the open countryside (i.e. the areas which are defined to be outside of the main urban areas of the district). The Council believe that the designation of Policy EN5 does not in itself preclude development proposals (of any scale or type) from occurring.
- 5D.2 The policy does however make clear that any rural development which takes place in these areas will be considered as rural development which should be given due consideration against the relevant policies of the Plan, for instance Policy DM4 of the Reviewed Development Management DPD.

- 5D.3 Policy DM4 sets out a clear framework towards how residential development will be considered in rural areas of the district, offering support for rural development which it creates sustainable patterns of development and accords with the settlement hierarchy set out in Policy SP2 of the Strategic Policies & Land Allocations DPD. Proposals are also subject to a number of criteria set out in Policy DM4.
- 5D.4 Policy DM4 also offers support for residential development in settlements which are not considered to be sustainable where particular circumstances are demonstrated, for instance meeting identified local needs. With regard to proposals for homes in isolated locations, Policy DM4 defers to paragraph 55 of the 2012 NPPF.
- 5D.5 The Council believe that Policy DM4 sets out a positive approach towards residential development in rural areas and within the open countryside designation and do not consider there to be any inconsistencies between this and Policy EN5 of the Strategic Policies & Land Allocations DPD.

e) Is policy EN7 (Local Landscape Designations) of the Strategic Policies & Land Allocations DPD necessary given policy DM45 of the Development Management DPD?

- 5E.1 Policy EN7 is included in the Strategic Policies and Land Allocations document to reflect the designation of local landscape areas on the proposals map. In preparing the Strategic Policies and Land Allocations DPD the Council has sought to ensure a consistent policy approach towards each land allocation/designation shown on the proposals map. Policy EN7 is therefore included to identify the locations and the boundaries of these local landscape designations, without which it would be unclear whether a potential development proposal may impact upon this designation.
- 5E.2 Additionally, the adopted Lancaster District Local Plan currently only defines one local landscape designation; Key Urban Landscape. However the submitted Local Plan now identifies two designations; Key Urban Landscape and Urban Setting Landscape. Therefore via Policy EN7 the proposals map differentiates the two.
- 5E.3 On reflection the Council agree that to an extent there is some duplication between the two policies in stating the purpose of this allocation. However, the role of policy EN7 is to allocate the land as a local landscape designation which requires an explanation of the designation to provide the context for the policy, and the purpose of DM45 is to set out how development which may affect these areas will be assessed through the planning process. EN7 directs all potential development which may affect these locally designated landscapes to policy DM45.

f) Can the Council clarify the justification for policies EN8 (Areas of Separation), EN10 (Grab Lane Preserved Setting Area), EN11 (Air Quality Management Areas) and SC2 (Local Green Spaces) (with regard to Freemans Wood, sites adjacent to the canal network, the River Lune, Over Kellet Craggs and the definition of *extensive tract of land*)?

5F.1 The Submitted Local Plan contains a number of local environmental designations. These together seek to ensure that the environmental capital of the district is protected. As requested the council has sought to provide justification for each of the local designations referenced.

Policy EN8: Areas of Separation

5F.2 The Submitted Local Plan specifically identifies one area of separation, the land between the North Lancaster Strategic Site (SG9) and the settlement of Halton. As noted in this policy, it is also the intention of the Council to provide further Areas of Separation to the south of Lancaster as part of the Bailrigg Garden Village. This will be addressed in more detail through the Lancaster South Area Action Plan.

5F.3 Situated on the edge of a revised urban boundary the identified area seeks to provide an important gap between these two settlements, protecting the local character, identity and distinctiveness of the settlements and creating an area of breathing space between them. The fundamental role of this policy is to protect the 'openness' this area provides and to prevent encroachment. Although the M6 may form a distinct boundary between the two, it does not provide openness.

5F.4 The area is also noted to provide an important role in relation to the setting for the listed Carus Lodge which is located in the centre of the site.

5F.5 Given its location, the potential for development pressure on this area as a result of significant development promoted through the Local Plan is recognised. In the absence of the North Lancashire Green Belt, this policy seeks to provide an alternative local designation to keep the land permanently open, and to ensure the protection of settlements by preventing the unrestricted urban sprawl of Lancaster from merging with the rural settlement of Halton.

Policy EN10: Grab Lane Preserved Setting Area

5F.6 The Submitted Local Plan seeks to bring forward residential development at Grab Lane via Policy H4 'Land at Grab Lane, East Lancaster'. This area has historically been identified as Key Urban Landscape within the adopted Local Plan, recognising the area's role in providing the setting for the Grade I listed Ashton Memorial and wider registered Park and Garden; Williamson Park.

5F.7 The Council recognises that the promotion of residential development at this sensitive location is contrary to this Key Urban Landscape designation. However, in the context of a growing housing need and the preparation of a substantial in-depth evidence base, investigating the extent to which the site could be developed without resulting in substantial harm to or total loss of

significance of a designated heritage asset as required by the NPPF, the site has been allocated for housing in the Submitted Local Plan.

- 5F.8 The principle and spatial extent of the housing allocation at this sensitive location has been developed, brought forward and agreed in collaboration with Historic England, and also via consideration of the comprehensive evidence base assessing the landscape and heritage value of the site. This work has been fundamental to shaping the boundary of policy H4 and the identification of the supporting preserved setting area.
- 5F.9 In 2012 the Council commissioned landscape consultants Woolerton Dodwell to review the historic Key Urban Landscape boundaries (Review of Key Urban Landscape Allocations in Lancaster District, November 2012) (**En_LA_02.7**) and to undertake a detailed landscape assessment of the emerging Grab Lane site allocation (Landscape Assessment of Emerging Site Options. Grab Lane, November 2012) (**En_LA_02.4**).
- 5F.10 In relation to this site, the Key Urban Landscape work concluded that the area is within the setting of the Ashton Memorial and Williamson Park Park Conservation Area and concludes that the open character, variations in landform, the textures of Fenham Carr woodland and the historic pattern of filed walls within the area combine to confer intrinsic scenic quality which is significantly enhanced in some views by the backdrop provided by the wooded ridge within Williamsons Park and the iconic Ashton Memorial. The role of the area in providing a 'naturalistic part' of the setting to the Ashton Memorial (regarded by Pevsner as the 'grandest monument in England') is noted to be rare.
- 5F.11 Building on this work the detailed Landscape Assessment for Grab Lane (**En_LA_02.4**) notes that the area makes a special contribution to the setting of the urban area and Ashton Memorial and notes that unlike in other parts of the setting, provides unrivalled opportunities to view and experience the Grade I Listed Building within a largely undeveloped context that appears to have changed little over time. It goes on to state how the simple, natural qualities of woodland and farmland within the site and beyond contrast with and complement the ornate dome constructed on the Memorial. Views of the Memorial are noted to be important because they feature a heritage asset of 'exceptional interest' and because they are experienced by relatively large numbers of people including those passing Lancaster on the M6 motorway.
- 5F.12 The study concludes that the valley floor farmland and the rolling drumlin farmland are both considered to be highly sensitive to change in their existing open character. This is because they both contribute to an area of farmland that provides an undeveloped open setting to the nationally important Ashton Memorial, to other important heritage assets, and to urban development in the eastern part of Lancaster that are valued in a national and local context.
- 5F.13 The study goes onto report that the development of the Grab Lane site for housing would result in unavoidable fundamental changes in the existing open character and in some existing views, and would compromise at least partially the reasons why value is attached to the site through its designation

as a Key Urban Landscape. It goes on to highlight potential mitigation measures. This includes the establishment of undeveloped buffer zones of land which are within views towards Ashton Memorial or where the visual exposure of land and/or steepness of landform is judged to be sensitive to the effects of housing development.

- 5F.14 The study recommends establishing an undeveloped buffer on the edge of the proposed allocation site to protect ecological interests and improve the wildlife value of the Burrow Beck corridor.
- 5F.15 These concerns were reiterated by Historic England during earlier engagement on the Local Plan. Historic England raised significant concerns regarding the development of this site and its impact on the setting of designated heritage assets within the district. They recommended that additional work be undertaken on the role and degree to which the area makes a contribution to the significance of adjacent heritage assets and the effect of the proposed development on that significance.
- 5F.16 In view of these concerns the Council commissioned Architectural History Practice to conduct a Setting Study (**En_He_03.1**) to assess the contribution that the area makes to the significance of adjacent heritage assets and the effect of development on that significance. This work confirmed that the site makes a positive contribution to the setting of nearby designated heritage assets and that development would have a high impact on these assets.
- 5F.17 The study noted how the low-lying fields of the area contrast visually with the wooded slope on the east side of the park, emphasising the Memorial's height, status and heritage value. The valley floor fields are noted to provide a foil or contrast to the wooded hill of the Park and are a key part of the setting for the Memorial, particularly in views from the east. They are noted to make a positive contribution to the setting of the Park and the significance of the Memorial.
- 5F.18 The study states that housing development on the site will irreversibly change the site from a rural landscape setting to a suburban use, to the detriment of the principal heritage settings. The impact on the Ashton Memorial and Williamson Park is viewed to be severe with the study concluding that developing the site for housing and protecting the setting of assets to be seemingly incompatible. The study states that the identification of another site to meet housing need, where heritage impacts are less critical, would remove the threat to the setting of heritage assets.
- 5F.19 Whilst recognising the significant concerns raised in the Study the Council throughout the preparation of the Local Plan have sought to work with the developers of the site and Historic England to identify how through sensitive design and mitigation, a scheme could be brought forward on this site at a level that would not result in substantial harm to or total loss of significance of a designated heritage asset. The allocated site in combination with the two preserved setting areas is considered to represent this balance, concentrating development in those areas identified as having a lower level

of impact on the historic environment and providing opportunity to bring forward much needed housing.

- 5F.20 The first preserved setting area, area EN10.1, seeks to protect the immediate rural setting of the Memorial and Williamson Park provided by the valley fields and also helps to protect the Park's setting in closer views north west from Wyresdale Road and Fenham Carr Lane, both of which are important. Its designation reflects the findings of the Setting Study which identifies development of a large proportion of this area as having potential to have a high impact on designated heritage assets and the Landscape Study which recommends establishing an undeveloped buffer to protect existing ecological interests and the wildlife value of the Burrow Beck corridor.
- 5F.21 The protection of this area from development provides opportunity to ensure that not only the setting of the Memorial is protected but also the protection of ecological resources at the Lancaster Moor Hospital Biological Heritage Site (BHS), as well as enabling the delivery of innovative storage solutions for drainage.
- 5F.22 The second setting area, EN10.2, identifies the area of land to the east of Grab Lane adjacent to the M6 for protection. This is also consistent with the findings of the Council's landscape and heritage evidence base. Both pieces of work note the importance of this area with both recommending its protection from future development.
- 5F.23 The designation of this area seeks to maintain a green gap between development and the motorway, protect the residential amenity and preserve the wider setting of the Ashton Memorial and Williamsons Park from the perspective of the public's visual amenity and appreciation of the designated heritage assets from Newlands Road and the M6.

Policy EN11 Air Quality Management Areas

- 5F.24 Under Section 82 of Part IV of the Environment Act, District Council's should carry out periodic review and assessment of air quality within their area. This involves measuring air pollution and assessing whether air quality Objectives are being met within the district. The results and detail on progress are set out within the Annual Status Report, available at: <https://www.lancaster.gov.uk/environmental-health/environmental-protection/air-quality/air-quality-reviews-and-assessments>
- 5F.25 Under Section 83 of the Environment Act, if a Local Authority finds any places where the Objectives are unlikely to be met, it must declare an Air Quality Management Area (AQMA). (The District Council can amend or remove an area as appropriate in light of the subsequent reviews). Within the Lancaster District three AQMA's have been declared.
- 5F.26 These AQMA's are therefore areas within the district where air quality is a key consideration. Their spatial extent has been identified on the Local Plan Policies Map to ensure they are taken into consideration during the plan-making and decision-making process. The policy states that any development proposals which are located within or near to AQMA's will be

expected to ensure that they do not contribute to increasing levels of air pollutants within the locality and adequately protect their users from the effects of poor air quality. Therefore this policy seeks to highlight where the main areas of concerns are, and to subsequently manage and mitigate the potential air quality impacts in these areas. Once the Lancaster District Air Quality Action Plan is in place, specific actions will be aimed at tackling air quality levels in these areas. To provide clarity, an amendment to the policy to include reference to the Action Plan being brought forward is suggested.

Policy SC2 Local Green Spaces

- 5F.27 Policy SC2 'Local Green Spaces' identifies those sites across the district which have been nominated and subsequently identified for designation as Local Green Spaces. A total of 20 sites have been allocated through this policy.
- 5F.28 As a starting point for identifying potential areas for designation Officers prepared and consulted on a Local Green Space methodology in January 2015 (**EBC_009.1**). Comments received during this consultation informed the preparation of the final methodology.
- 5F.29 In line with the NPPF, the methodology identifies four tests for assessing submitted sites. Only if a site passes the first three tests would it progress to test 4. The first three tests were undertaken by Officers with the final test, test 4, assessed by the Local Green Space working group.
- 5F.30 Test 1 looks at the planning history of the site noting that it would rarely be appropriate for land which already has planning permission for development, or which is allocated for development, to be considered for Local Green Space designation. Test 2 relates to the proximity of sites to the community, noting that the NPPF requires that areas should be reasonably close to the community in which they serve. The methodology recognises that Local Green Spaces should normally be within easy walking distance of the local community it serves, and so those sites which are entirely isolated from the community will not be considered appropriate. The methodology therefore defines 'reasonably close' as within 5 and 10 minutes walking time. However, it is recognised that some discretion may be needed depending on the topography of the area, mobility and size of the community that the green space serves, the size and function of the green space itself and why the site is considered demonstrably special and valued by the community.
- 5F.31 Test 3 relates to the extent to which land can be considered to be local in character and not an extensive tract of land. The methodology did not include a size threshold for assessing this noting instead that it would expect the size of an area to reasonably relate to the community that it serves. The methodology also noted that it would expect areas to have clearly defined edges and notes that extensive tracts of land on the edge of settlements and the blanket designation of open countryside would not be appropriate. The NPPF is clear that the Local Green Space designation should only be used where the land is not an extensive tract of land, and so the assessments have been undertaken taking all of these factors into consideration to determine whether or not the site is considered to be an extensive tract of land.

- 5F.32 The absence of a definition as to what constitutes an extensive tract of land is consistent with national policy and guidance with neither providing a definition and instead leaving it open to interpretation. The Planning Practice Guidance notes that there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed. The Council agree with this approach and note that the location of the site, its function and the extent to which an area can be considered to be contained by clear boundaries will inevitably have implications on the extent to which it can be considered to be an extensive tract of land.
- 5F.33 In considering sites against this test Officers sought to consider each site in relation to its own merits. This has inevitably led to a wide range of sites, each with their own individual contexts, being considered at a variety of scales. In all instances the council are satisfied with the justification for the site boundaries and so the sites allocated are not viewed to be extensive tracts of land.
- 5F.34 The Council recognise that a number of sites, such as the Freemans Wood site, are larger than most other designated sites. Whilst acknowledging the size of the Freemans Wood site and its location on the edge of Lancaster, the Council would argue that the scale of this site is in proportion to the community that it serves and whilst larger in scale than many other sites, its containment by clearly defined boundaries means that the site cannot be viewed as an extensive tract of land with its opportunity for expansion limited and the site clearly distinguishable from the wider open countryside.
- 5F.35 The Council would note that the purpose of this test is to ensure that authorities do not create policy protection for extensive tracts of land on the edge of settlements and a blanket designation of open countryside. The Council is supportive of this principle and believes that the application of this test reflects this. It has sought to ensure that when applying this test a consistent approach is followed which whilst taking into account the size of sites, has sought to consider this in the context of the sites relationship with the developed area and the community that it serves and the extent to which sites can be considered to be contained and do not represent large expanses of open countryside on the edge of settlements.
- 5F.36 Sites that passed all of the first three tests then progressed to test 4 for consideration. In this test the extent to which sites can be shown to be demonstrably special to the local community were assessed. This stage was assessed by the Local Green Space Working Group which consisted of members of the community and other interested parties including the Lancaster Green Spaces Group. Applications were assessed by the group on the basis of site visits, the evidence submitted by the community in support of the application and discussions within the group. The conclusions of this work and the reasons for designation are described in the 'Local Green Space Assessment Report' (**En_GS_03**).

Freemans Wood (LGS 49)

- 5F.37 This site passed the first three tests and as part of test 4 the group recognised its historic and recreational significance. The evidence demonstrated both the historic and current value that has been attached to this site by the local community, with the site noted to have significant local support and, until the construction of fencing in 2012, was readily accessible and used by the local community. Access is currently in the process of being reinstated following the application to Lancashire County Council and subsequent Order to designate three footpaths through the site. Furthermore, it is also recognised that a Town Green application was submitted by the Friends of Freemans Wood and Coronation Field group to Lancashire County Council in 2012.
- 5F.38 The initial approval of the application to designate three footpaths through the site by Lancashire County Council and the evidence assessed as part of this process confirm that the site has until recently been readily accessible by the local community with evidence of usage demonstrated over the required 20 year assessment period under Section 31 of the Highways Act. Usage beyond this 20 year period is also noted by the County Council with potential routes visible from the 1960s during which period the site in question was in use as cricket and football pitches.
- 5F.39 In this context and having regard to the historic value of the site linked to its industrial past and the significant community support attached to the site, the group determined that the site was demonstrably special to the local community sufficient to warrant its designation as a LGS. This was subsequently supported by Officers and Members. Consequently the site was allocated as a Local Green Space in the Strategic Policies and Land Allocations DPD.

Over Kellet Craggs (LGS 65)

- 5F.40 The initial assessment of the site concluded that it passed the first three tests. Although the site is located on the edge of the settlement it was still considered to be reasonably close to the community that it serves, being an easily accessible resource for local residents. The site was considered to be well used by the community with substantial evidence submitted to support the application. In total 76 questionnaire responses were received, demonstrating recreational uses and frequency of uses.
- 5F.41 At 8.2 ha it is recognised that the submitted site is one of the larger Local Green Spaces proposed for designation and that its location on the edge of the village would lead to questions over the extent to which it could be considered to be an extensive tract of land. That said, the council when assessing the site considered that the site passed test 2 and did not form an extensive tract of land.
- 5F.42 The assessment was undertaken following a site visit where officers walked the full extent of the site and considered that whilst large in scale the site presented defined boundaries which represented sensible and defensible boundaries for the designation. The site was viewed to be clearly distinguishable from the wider open countryside with the boundaries containing it and making it local in character. In designating the site the

Council did explore whether a smaller site might be more appropriate, however, following consideration of the site this was not viewed to be appropriate with a smaller site failing to represent the correct characteristics of the site and undermining the purpose of its designation and the extent to which the site could be viewed to be demonstrably special.

- 5F.43 Following this assessment the site moved onto test 4, considering the extent to which the scheme could be shown to be demonstrably special to the community. In assessing this site the working group focussed on the recreational value and richness of wildlife present on the site. The assessment recognised that the site provided an important recreational role for local residents and given its geology and undeveloped nature provided an important home for wildlife which in some instances is noted to be unique to the district and the wider countryside. On this basis the site was put forward as a Local Green Space, supported by Officers and Members, and consequently the site was allocated as a Local Green Space in the Strategic Policies and Land Allocations DPD.

Sites adjacent to Lancaster Canal

- 5F.44 A number of Local Green Space applications were received for sites along the canal network. These include LGS_5 Lancaster Canal, LGS_42 Carnforth Coke Ovens Carnforth and LGS_58 Crawstone Woods (Thwaite Woods, Bolton-Le-Sands), LGS_63 Whernside Grove, LGS_67 Ripley Heights, and LGS_68 Aldcliffe Road Triangle. Of these sites LGS_58, LGS_67 and LGS_68 have been put forward for designation through the Local Plan.
- 5F.45 In assessing site LGS_5 the Council considered that the site failed to pass test 2 or test 3. Its extended linear nature, stretching from South Lancaster to Galgate, made it difficult to relate to a local community and with the absence of clearly defined boundaries stretching across several landscape character areas meant that it failed to pass test 3 with the site clearly considered an extensive tract of land. On this basis the site did not reach test 4 and so was not put forward for designation.
- 5F.46 Similar considerations were made in relation to site LGS_42, which whilst smaller in scale in comparison to LGS_5, its detachment from the main urban area and absence of clear boundaries meant that it failed to progress past tests 2 and 3. With regards to LGS_63, this site did not pass test 2 because although it is in close proximity to the residents on Whernside Grove, given its isolated nature, the wider community value beyond that of the immediate local residents was questionable.
- 5F.47 Site LGS_58, whilst located on the edge of Bolton-le-Sands, was by contrast considered to better relate to the local community, with the site accessible to the local community and evidence provided of its local usage and community management of the woodland. Although there is a linear parcel which extends to the north, which could be considered to be an extensive tract of land, it is important to recognise that this is part of the woodland, and much of the evidence submitted, such as the Woodland Management Plan relates to the entire woodland. Therefore it was considered important to include the whole area within the designation, to ensure the entire woodland is protected.

5F.48 As with all of the other sites, the site was visited by Officers who following a walk around the site agreed that the site was local in character to the community it serves and clearly distinguishable from the surrounding countryside due to its woodland nature, and so not an extensive tract of land. On this basis the site progressed to test 4 whereby the site was assessed as being demonstrably special on the basis that it's recreational value and the richness of wildlife provides an important role in the local identity and character of the area. The site was noted to have a long history of use for recreational purposes and community activities, and as such was recommended for designation as a Local Green Space. This was again subsequently supported by Officers and Members, and consequently the site was allocated as a Local Green Space in the Strategic Policies and Land Allocations DPD.

5F.49 Sites LGS_67 Ripley Heights and LGS_68 Aldcliffe Road Triangle also passed all of the first three tests. Both of these sites are considered to be close to the local communities they serve and based upon this community, and given the clearly defined boundaries, are not considered to be extensive tracts of land and are relatively self-contained.

5F.50 Although it is stated that there is no public access to LGS_67 Ripley Heights, there was still substantial evidence submitted to demonstrate the value of this site to the community. As stated in the Planning Practice Guidance, land can be considered for Local Green Space designation even if there is no public access as green areas may be valued because of their wildlife, historic significance and/or beauty. As part of the test 4 assessment it was considered that this site is considered valuable in terms of its historic significance and tranquillity. Based upon the evidence submitted and the site visit, through the test 4 assessment LGS_68 Aldcliffe Road Triangle was considered to be demonstrably special to the local community based upon its recreational value. As a result both of these sites were recommended for designation as a Local Green Space. This was again supported by Officers and Members, and so these sites have been allocated as Local Green Spaces in the Strategic Policies and Land Allocations DPD.

Sites adjacent to the River Lune

5F.51 Land at Lune Banks Garden (LGS_31) was the only site nominated for designation along the River Lune, and following the assessment it has been put forward for designation as a Local Green Space within the Local Plan. The site was assessed as meeting tests 1, 2 and 3 in that it is reasonably close to the densely developed area of Lancaster and that it does not represent an extensive tract of land being clearly contained by surrounding development, providing definitive boundaries.

5F.52 Following this assessment the site progressed to test 4. As part of this test the working group, following consideration of the evidence and site visit, concluded that the site was clearly demonstrably special to the local community linking back to the historical past time of promenading. The site has been identified for designation based on its historical significance. This has again been supported by Officers and Members, and consequently

allocated as Local Green Space in the Strategic Policies and Land Allocations DPD.

g) Would policy SC4 (Green Space Networks) prejudice any expansion plans for Lancaster University?

5G.1 Within policy SG1 it is stated that the Council will prepare and implement a specific Development Plan Document for the area of growth at South Lancaster which includes Lancaster University. This will be entitled the 'Bailrigg Garden Village Area Action Plan DPD'. This means that development in this area will be brought forward in accordance with this Area Action Plan, and the Council will not support piecemeal development of this area (beyond existing planning commitments) in advance of the preparation of this DPD. In association with this policy, on the submitted Policy Proposals map this Broad Area of Growth has been greyed out, with no specific proposals shown. (Other than the Lancaster University Innovation Park which is currently under construction).

5G.2 Consequently a greenspace network around the University campus has not been shown as stated in policy SC4. Therefore we proposed to remove the reference to Lancaster University Campus in policy SC4, as this will be addressed via the 'Bailrigg Garden Village Area Action Plan DPD'. Greenspace networks will form a key part of this DPD, within and around the Lancaster University Campus, but at this stage the specific locations of these have not been identified. However, these green space networks will not prejudice the reasonable expansion plans of Lancaster University, which the preparation of Area Action Plan DPD will carefully consider and seek to balance with other considerations.

h) Is policy SC5 necessary given other policies cover open space requirements and is it legally compliant with regard to minerals safeguarding?

5H.1 The Council believe that Policy SC5 of the Strategic Policies & Land Allocations DPD provides a useful and positive approach towards where significant improvements to open space provision will be directed through the plan period. The policy includes a number of areas which the Council will seek to deliver improvements to, some of these improvements funded through future developer contributions. The Policy includes the creation of new areas of open space (yet to be formally defined in the Local Plan and the improvement of existing areas of open space (which are already protected for such a purpose. The policy includes the creation of open space provision associated with strategic development growth and other areas where there has been a long-standing community desire for improved recreational / open space facilities.

5H.2 The inclusion of such expectations and aspirations can provide clarity over how future development contributions may be used for open space and recreational purposes and provides opportunity to bid for funding to achieve such opportunities. The Council believe the direction of Policy SC5 to be consistent with national planning policy and supportive of the plan as a whole.

5H.3 With regard to mineral safeguarding, the Council acknowledges the direction of paragraph 143 of the 2012 NPPF. The Council do not consider the use of land for recreational purposes, such as playing pitches or amenity space, to sterilise future opportunities for mineral extraction in the future if required. The Council are also mindful of the direction of paragraph 143 which states whilst safeguarded areas should not be needlessly sterilised by non-mineral development, neither should it create a presumption that the resources defined will be worked.

i) Should policy DM50 (Equine Related Development) specifically relate to the Arnside and Silverdale AONB in respect of equine related development?

5I.1 The Arnside & Silverdale AONB DPD provides a bespoke approach to a particular area of the district, the DPD has been prepared jointly via Lancaster City Council and South Lakeland District Council. The AONB DPD has been recently adopted for planning purposes.

5I.2 It is not the intended purpose of the AONB DPD to address every development issues within the designation. Where the AONB DPD is silent on a specific type of issue (for example equine related development) then, using the principle that any Local Plan should be read as a whole, then consideration should be given to the relevant elements of the district-wide Local Plan.

5I.3 The Council have chosen to provide signposting within some policies where it is considered important to do so, to ensure that the reader is aware of other relevant policies in the Plan. However, the Council have resisted the expectation that such an approach should be taken for every policy within the district-wide Local Plan as it is viewed as repetitive and unnecessary.