Lancaster City Council

Examination of the Lancaster District Strategic Policies & Land Allocations Development Plan Document and Development Management Development Plan Document Submission Drafts

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INSPECTOR'S MATTERS, ISSUES AND QUESTIONS TO THE COUNCIL (Updated 8 March 2019)

Following the Council's further round of consultation on the Lancaster District Strategic Policies & Land Allocations, Development Plan Document (DPD) and Development Management DPD Submission Drafts, and the supporting material, the issues that I wish to explore regarding the soundness of the DPDs are as follows:

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?

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?

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)?

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?**

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

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?

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

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

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?

Matter 2: Housing

Main Issue: Whether the Council's strategy for meeting its housing requirement is sound?

Questions:

a) The identified objectively-assessed need (OAN) for housing for the area is 14,000 new dwellings (an average of 700 per year). The Council, as set out in policy SP6, identifies a requirement of 12,000 new dwellings at a rate of 522 per year. Is the Council's housing requirement soundly based and supported by robust and credible evidence? Does it take appropriate account of the 2012-based DCLG Household Projections, the likelihood of past trends in migration and household formation continuing in the future, and 'market signals'? Is the housing requirement appropriately aligned with forecasts for jobs growth? What implications should be drawn from paragraphs 7.9 – 7.13 of the Updated Consultation Statement February 2019, on the OAN figure.

b) Are the constraints identified by the Council sufficient justification for not meeting the full OAN for housing in the District?

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

d) Is the Housing Market Area (HMA) agreed with adjoining authorities in line with the Planning Practice Guidance and does the plan period coincide with housing projections?

e) Are the DPDs clear as to the identified need for additional pitches for gypsies and travellers (policies SP6 and DM9) and is the identified need soundly based and supported by robust and credible evidence?

f) Is the amount of land allocated for housing sufficient to meet the requirement and how will it ensure delivery of the appropriate type of housing where it is required within the District (with particular reference to Policies SP2, SG1, SG7, SG9, H1, H2, H3, H4, H5, H6, DOS7, DM1, DM2, DM4, DM7, DM8, DM11 and DM12)?

g) Will the distribution, capacity and speed of deliverability (with regard to viability and infrastructure) of the sites, satisfy the provision of a 5 year housing land supply?

h) Do the DPDs make provision for addressing inclusive design and accessible environments issues in accordance with the NPPF?

i) Is the proposed monitoring likely to be adequate and what steps will be taken if sites do not come forward?

j) How will the housing allocations in the DPDs deliver the affordable housing set out in policies DM3 and DM6? What is the likely effect of DM6 on viability?

k) How do the DPDs sit with the aim of the NPPF to create sustainable, inclusive and mixed communities (Policy SP9)?

l) Are policies EN6 Strategic Policies & Land Allocations DPD and DM49 of the Development Management DPD on the Green Belt consistent with the NPPF?

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

Matter 3: Spatial Strategy

Main Issue: Whether the Council's spatial strategy for development within the District is sound?

Questions:

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

b) Policies SG1, SG2, SG3 and TC1 (Bailrigg Garden Village), Policies SG7 and SG8 (East Lancashire Strategic Site), SG9 and SG10 (North Lancaster) and SG11, SG12 and SG13 (South Carnforth): are the need and locations for these mixed-use developments soundly based on, and

justified by, the evidence assembled by the Council in support of the DPDs?

NB Policy SG4 (Lancaster City Centre), Policy SG5 (Canal Corridor North, Central Lancashire), Policy SG14 (Port of Heysham) and Policy SG15 (Heysham Gateway) are dealt with below under the discreet issues of built heritage and transport (SG4), retail impact (SG5) and natural heritage (SG14 and SG15).

Matter 4: **Economic development**

Main Issue: Whether the Council's strategy for accommodating economic development is sound?

Questions:

a) Would the approach of Policies SP4, EC1, EC2, EC3, EC5, DOS4, DOS5, DOS9 and DM14 provide flexibility and choice for employment land within the District in line with the Employment Land Review?

b) Is monitoring adequate and what steps will be taken if sites do not come forward?

c) Are the impacts of Policies SG5 and TC2 on the retail function of Lancaster City Centre fully taken into account in the formulation of these policies?

d) Would policies DM16 and DM18 recognise the function of new centres such as Bailrigg Garden Village and can the Council clarify how Retail Impact Assessments would apply in relation to policy DM16?

e) Would policy DM23 preclude hotel development outwith a defined town centre?

f) Is policy DM28 sufficiently clear as to how it would be applied in respect of *the size and scale of development*?

g) Could the Council clarify if paragraph 1 of policy DM51 relates only to caravans?

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?

b) Is policy DOS5 imprecise and unduly restrictive in respect of this open space?

c) Are policies EN1 and EN2 consistent with the NPPF and necessary given the policies in the Development Management DPD which deal with these matters?

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

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

f) Can the Council clarify the justification for policies EN8, EN10, EN11 and SC2 (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*)?

g) Would policy SC4 prejudice any expansion plans for Lancaster University?

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

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

Matter 6: Transport

Main Issue: Whether the Council's strategy for accommodating transport infrastructure is sound?

Questions:

a) Are the transport schemes contained in the DPDs evidence based? How do they provide for the management of traffic movements in Lancaster City Centre (policies SP10 and SG4)?

b) Has adequate consultation taken place with stakeholders in respect of policy T1 Lancaster Park and Ride?

c) Can the Council clarify what is meant by a cycling and walking superhighway in policy T2?

d) Are policies DM59, DM60 and DM62 in accordance with the policies of the NPPF?

e) Is the evidence for policy DM61 up-to-date and would it provide sufficient flexibility to deliver the desired reduction in private car use?

f) Would policy DM63 be inconsistent with the Highways and Transport Masterplan?

Matter 7: Environment

Main Issue: Are the DPDs in accordance with the NPPF in respect of open space, recreation, design and renewables.

Questions:

a) Would policies DM26, DM27, DM30, DM31, DM55, DM56, DM57 and DM58 adversely affect development viability?

b) Are policies DM29, DM33, DM34, DM52 and DM56 in accordance with the policies of the NPPF in respect of design, flood risk, drainage, low carbon energy generation and health and well-being? Does the Development Management DPD require a flood risk document to be added to Appendix B?

c) Could the Council clarify the scope of policy EN11?

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INSPECTOR
28 February 2019