**Barton Willmore on behalf of H20 LLP**

**Examination into the Lancaster District Local Plan**

**Matter 2**

**Representation ID: 51**

**Matter 2 - Housing**

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

1. From the outset, our Client, H20 LLP wishes to make clear that it is supportive of the Council's production of a Local Plan and wishes to see the Local Plan found sound. Our Client's attendance at the Hearings to assist the Inspector in making the Local Plan sound, including suggesting modifications where necessary.

2. Notwithstanding this, we have significant concerns in the Council's approach to progressing the Local Plan, in particular, the introduction of late information and more than one attempt to alter or modify the strategy of the Local Plan or retrofit evidence to justify an approach taken by the Local Plan post submission.

3. As made clear by the Inspector in his pre-hearing note (2) – **'EX3'** it is not the role of the Examination to deal with changes to the Plan that would 'improve soundness'. The Plan was submitted on the basis that the Council considered it to be sound. It is the purpose of the Examination process that is underway to determine whether or not the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound.

4. The Inspector asked the Council in his pre-hearing note (1) – **'EX1'** for the Council to consider, as a result of the additional work undertaken, that any aspect of their Plan is unsound and if so what it proposes to do to remedy the situation? The Council confirmed in its response - 'LCC3' that the "*additional work undertaken supports its position that it believes that the DPDs as submitted are sound*".

5. Our Client set out our objections in relation to the Council's suggested modifications (now abandoned) and additional information (February 2019) as part of the consultation process. We made clear that, as a point of process, we have not had sight of an explanation from the Council as to why it has sought to publish additional information and evidence at this

late stage of the plan making process. It is not clear how the Local Plan can have been based on information which has been published circa a year after the document it is intended to support was published. In that regard, it is not clear in what way the Council is asking consultees to consider how the evidence effects the soundness of the Local Plan.

6. Moreover, as set out within Regulation 19 and 35 of The Town and Country Planning (Local Planning) (England) Regulations 2012, the Local Plan should be published with all 'submission documents' relevant to the Plan; i.e. the documents that justify how the plan has been written. As such, if the additional evidence being consulted upon is required to 'support' the Local Plan, that evidence should have been published alongside the Regulation 19 Draft of the Local Plan.

7. We are now disappointed to find that the Council appears to have produced a series of lengthy Examination Statements (which we were notified of on 25 March 2019) that contain new evidence not previously available (please refer to LCC7.2.0 Matter 2). This includes new evidence on supply, suggested proposed changes to the Plan, a new housing trajectory and the Council also appears to be proposing a new supply led housing requirement. We refer to paragraph 2F.11 which states:

> ***"In view of the above assessment and having regard to a 20-year plan period 2011/12 to 2030/31 the Council would propose a reduced supply led housing requirement for the district that is equivalent to 510 dwellings per annum, equivalent to 10,200 dwellings over the plan period."***

8. It is unclear form the Examination process how this is to be treated and whether respondents have an opportunity to fully consider the implications of this new information. Clearly if the Council is now proposing changes to the submitted housing requirement and if this new information is to be considered by the Examination, then it must be subject to public consultation.

9. The reality of the above situation is that the late submission of evidence which seeks to undermine, rather than support, the soundness of the Local Plan flies in the face of the comments made previously by the Inspector and, disappointingly, risks jeopardising the Local Plan's progress. We urge the Council to re-focus its efforts into demonstrating that its Local Plan as submitted is sound and, where necessary, working co-operatively with the Inspector and respondents to the Local Plan to identify modifications that can help make that Plan sound. It should not be undermining the soundness of the approach taken by the submitted Local Plan.

10. The very thrust of preparing (positively) a sound Local Plan is predicated on the Plan having been "based" on a proportionate and robust evidence base. The basing of the Local Plan on that evidence base should be its justification as being the most appropriate strategy for the District or Borough.

> *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.*

11. We are generally comfortable that the objectively assessed needs (OAN) of the District represents a broadly accurate representation of housing need overall. We have a number of detailed comments regarding the methodology that has been applied to reach that quantum of development but, the resulting figure is broadly where we calculate housing needs to be.

12. We note that the calculation of the OAN (as distinct from the housing requirement) has been undertaken by various consultants through a somewhat iterative process through the drafting of the Plan and its various stages of publication. Turley, Edge Analyticals and Arc 4 have all previously been commissioned to provide a robust assessment of and advise the Council about housing (and employment) needs.

13. At all times, the Council outlined its intention for employment-led growth, noting regularly that it is evidenced that Lancaster has a resilient economy with various economic developments projects advancing. We support economic led approach and consider it vital for the future success of the District.

14. The Council's 2018 OAN verification report (**Ho_SHMA_04**) provided a review of the 2015 Independent Housing Requirements Study (IHRS) which concluded that there was an evidence-based need for between 553 and 763 dwellings per annum in Lancaster District, with a narrower OAN range of between 650 and 700 dwellings per annum being recommended by Turley.

15. The verification report tested the latest evidence and most up to date datasets but did not specifically provide an updated OAN figure. Instead, the report ratifies previous work and draws several highly relevant conclusions including:

- *8.22 ……growth in the economy will generate a higher need for housing than suggested by a continuation of long-term demographic trends in Lancaster District, indicating that an adjustment to the OAN remains appropriate and necessary in the context of the PPG methodology.*

- *8.38 The latest evidence indicates that supporting likely job growth, accommodating projected demographic growth and responding to market signals is expected to generate a need for at least 605 dwellings per annum in Lancaster District over the plan period (2011 – 2031). A higher need for around 620 dwellings per annum would, however, be generated by the slightly higher levels of job growth associated with the Baseline+ scenario developed in the RELP. Consideration of the latest baseline economic forecasts strongly indicates that needs are more likely to be aligned with this more positive employment forecast, and a further interrogation of the additionality of specific development projects may indeed elevate the associated housing needs slightly further.*

- *8.39 This verification study has not sought to arrive at a concluded updated OAN. However, the analysis presented strongly indicates that the need for housing in Lancaster District continues to fall within the wider range of projected housing need established through the IHRS, suggesting general consistency between its findings and the updated modelling and analysis presented herein.*

- *8.40 The narrower range of 650 to 700 homes per annum can also be considered to remain broadly reasonable, particularly given the recognised uncertainties associated with forecasting future job growth and labour force behavior. In the context of potential changes to Government guidance and new data releases, the lowering in the scale of housing growth needed to support this job growth is not considered to justify a departure from the previously concluded OAN used to inform the emerging Local Plan. The retention of this range provides – in the absence of a full updated review of likely employment growth in Lancaster District – a degree of flexibility in supporting the local economy.*

16. The findings of the verification report are such that the IHRS is considered relevant and up to date.

17. Paragraph 7.13 of the Updated Consultation Statement (February 2019) **(LCC4.4)** does note that verification work suggests a modest downshift in overall need, from 675 to 615 homes per year. But has not sought to adjust its OAN on the basis that the Local Plan intends to propose a housing requirement of 522 homes such that an adjustment to the

OAN has little impact on the overall direction of the Plan itself. Whilst we agree that the OAN should not be adjusted downwards, we do not agree with the summation of the verification results at 7.17 of **LCC4.4**. The verification showed an increased in population projections, economic growth and worsening market indicators with updated information which would all suggest an increase in OAN. The changes noted by the verification report related to changes in methodology (arising from the introduction of a standardized methodology) and policy approach which cannot be applied retrospectively to a previous SHMA; we disagree that there is evidence that the OAN for the District is lower than indicated within the IHRS. Indeed, no new OAN evidence exists that would suggest a lower OAN than the 650-700 set out in the original report

18. We agree with paragraphs 9.9 and 9.10 of the Local Plan states that in February 2016, the Council formally decided that the Turley recommendation of the OAN (of 650-700 dwellings per annum) had *established the evidence upon which the Local Plan should be prepared*, and, that that decision followed *a period of much challenge and reflection*.

19. Despite this evidence, paragraph 9.19 of the Local Plan states that the Council does not seek to meet that OAN; choosing to advance a strategy to deliver 12,000 homes (which should comprise 600 per year over the current plan period) instead of the full OAN of 13,000-14,000 (650-700 per year). There is limited explanation as to why the 2,000 homes difference is justifiable other than the District is constrained. We address this below.

20. It is noted at this point that the Council appears to have selected its sites and predetermined what it considers to be a 'realistic supply' and adjusted the housing requirement accordingly. This point is also supported by the very recent Council Matter 2 statement which further seeks to adjust the housing requirement down on grounds of supply (this time to 510 dpa). This is already an approach which the Council mooted in its Suggested Modifications Draft of the Local Plan and which the Inspector has dismissed as something the Council can propose.

21. Further, under Policy SP6 the Council advances a highly unusual adjustment, adjusting the period in which it seeks to deliver that requirement beyond the plan period. This has the net effect of artificially reducing the annual requirement to 522 dwellings per annum as stated in the Policy. There is no justification for this approach and it is essential that the housing requirement must reflect the Plan period. In essence the Council seeks to push the delivery of need within the Plan period to those years beyond it; but this of course discounts the needs that will arise during those additional years outside of the Plan period. We strongly object to this approach.

22. Our Client notes throughout its submissions the Local Plan must plan for a period of at least 15 years from the proposed adoption. Clearly, at the earliest the Plan will be adopted in the year 2019/20 for the purposes of planning. As such, it is essential that the plan period runs to at least include the year 2034/35 (ending 31st March 2035)[1]. As above, the housing requirement must reflect that Plan period accordingly. This is to ensure that there is at least 15 years post adaption of the Local Plan (it is already 8 years into the proposed 20 year plan period). This would lead to an adjusted OAN of 675 (Turley 650-700 dpa midpoint) x 24 years = 16,200 dwellings.

23. Paragraph 7.12 of the Updated Consultation Statement (February 2019) states that the verification work has been able to take account of changes to the demographic projections, economic growth and changes to Government policy. Yet paragraph 7.13 appears to draw a conclusion that the OAN has reduced. This is not the case. The verification report clearly confirms that the IHRS work as robust and therefore the OAN narrow range of 650-700 dpa still applies.

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

24. No. Paragraphs 9.12-9.18 of the Local Plan paint the picture that the Council has undertaken an extensive and exhaustive process of assessment that culminated in no alternative options but to advance a lower housing requirement. This is incorrect. It has instead, selected sites and then sought to justify a housing requirement on the basis of this capacity.

25. Whilst there are several designated areas of constraint in the District, which we accept is a challenge for the Council to overcome, there is insufficient evidence provided within the Local Plan as to the alternative scenarios considered, including further Green Belt releases or other settlement extensions which are capable of meeting the OAN.

26. We note in our Client's comments dated February 2019, that the Council's assessment of those constraints, in particular highway constraints is not considered to be robust. The Council has based its assessment of constraints to the highway network on an insufficient model that cannot properly assess the potential impacts of mitigation across the highway network.

[1] It is a debatable point whether the plan period accounts for calendar years or plan monitoring years (whether the plan starts on the 1st January or 1st April respectively. However, on the basis that all of the Council's evidence is produced on the basis of a full plan monitoring year it is considered necessary for the plan period to include 15 plan monitoring years from adoption (i.e. to the end of the 2034/35 plan monitoring year).

27. The evidence does provide very high-level information as to why alternative approaches (such as rural dispersal, expansion of rural villages, creation of a new settlement) have not been pursued but has not demonstrated what the effect would be of meeting the full OAN through the delivery of additional Sites.

28. The Council's Background Paper on Assessing Reasonable Alternatives **(P_012)** is a note on the stages the Council has undertaken. It is not evidence on the environmental capacity of the district to accommodate full housing needs.

29. The Council's Sustainability Appraisal (SA) **(LP08.02)** takes a similarly blinkered approach in assessing Strategic Spatial Options and either supporting or rejecting individual development options. The SA does not assess the impact on sustainability of meeting the OAN for the District but seems to assess the Local Plan approach as a result of delivering Sites which are preferable to the Council. This is not a positive, justified nor an effective approach to planning and is not compatible with the policies of the NPPF.

30. With regard to the above, the housing requirement of 522 dwellings per year as set out in Policy SP6, being based on an argument of constraint, is therefore not soundly based.

31. Appendix A of **P_012** includes a useful list of other sites considered. Many of these sites have been dismissed as not fulfilling an opportunity for allocation on grounds of process rather than constraint. Reasons given including 'being considered by a Neighborhood Plan' or 'lying within the AAP area'. These are not environmental constraints that would prevent the Council from allocating such land now. These scenarios must be tested by the Local Plan as a reasonable alternative of the current proposed approach.

32. Indeed, as made clear within our representations to Matter 3 of this examination (and within previous representations to the Local Plan process), our Client promotes the inclusion of additional land within the proposed allocation SG12 at Land South of Windermere Road, South Carnforth, to accommodate an additional 91 dwellings (circa 3.7ha of additional land). This land is identified in blue on the attached Site Location Plan at Appendix 1.

33. That additional land being promoted by our Client will not only deliver additional housing which the district needs but will provide additional land capable of facilitating the delivery of social and environmental infrastructure. Moreover, the additional land can be promoted without having a materially different impact than the current allocation would with regards to wider policy or environmental constraints; including the purpose and function of the Green Belt. We refer to the Inspector to our Publication Draft evidence in relation to the

above Site which included relevant technical information and indicative layouts.

34. In the context of it being necessary for the Council needing to 'leave no stone unturned' in identifying suitable sites for development to meet its identified need, the Council's approach to identifying sites and providing a robust and transparent site selection methodology is considered to fall significantly short of the standard required.

> *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?*

35. The Council's strategy seeks to only deliver around 522 homes per annum in the plan period, which is 10,440 dwellings. The OAN is 13,000-14,000 over the Plan period. A significant amount of the overall needs is therefore not proposed to be met in the Plan period.

36. Whilst the Plan does extend the delivery period to 12,056 by 2033/34, there is no corresponding adjustment of housing requirements during the 3 years at the end of the plan period.

37. Extrapolating the Council's OAN forward by 4 years would give an OAN of 16,200 dwellings as noted in our response to question a) above. If the Council can only deliver a maximum of 12,056 homes over the same period to 2034/35, it will fall significantly short of meeting even a significantly reduced housing requirement and well as falling further short of achieving the full OAN with an unmet need of 4,144 homes (representing 26% of the full OAN).

38. Indeed, consideration of the Council's recently published Hearing Statements for Matter 2 suggests that this shortfall against unmet need is likely to be further exacerbated through a lack of housing land supply against the Council's currently proposed housing strategy.

39. The Council's Duty to Co-operate Statement of Compliance (May 2018) **(SD_025)** does not indicate that Lancaster and its neighbouring authorities have sought to meet unmet needs from outside their respective boroughs. We note a letter from Lancaster City Council to its neighbouring authorities to request that those Authorities give consideration to meeting the needs of Lancaster; however, there is no evidence to suggest those authorities were willing to assist on that point. Wyre, Ribble Valley and South Lakeland Councils all have adopted Local Plans with strategies based upon meeting their own needs only. There appears to be very limited opportunities for assistance to be provided to Lancaster from adjoining local authorities.

40. The SHMA indicates an annual affordable requirement of some 376 homes per annum across Lancaster District. The Council's affordable homes delivery rate is approximately 101 affordable net additional dwellings annually between the years 2011/2012 and 2017/2018. There is a clear case for an upward adjustment of housing requirements based upon the affordable requirements alone.

41. The Local Plan is not effective or justified in this regard as the Council has sought to undertake the opposite approach, seeking to suppress housing requirements via its arguments of constraint and apply them over a longer delivery period. The evidence suggests that Section 106 remains the principle tool in delivering more affordable homes. Further, the more recent upsurge in market activity has resulted in the most affordable homes being delivery in Lancaster District in many years (148 affordable completions in 2017/18).

42. As set out above, there is very limited evidence to support the assertion that Lancaster District is constrained to the point of being unable to meet its full OAN. There appears to be limited evidence that considers the implication of not meeting the full OAN on the delivery of affordable homes in Lancaster.

43. Failure to meet those housing needs now, including an acute shortfall in affordable housing provision will serve to further compound the issues of affordability within the district for current and future generations.

*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?*

44. Please refer to comments under question c) above. The general approach taken in this part of the North West is that the housing markets in each authority's administration are self-contained. This is also the approach of Lancaster and evidenced in the SHMA. We consider that, as a minimum, Lancaster should be meeting the needs of its own borough.

45. In addition, we note in relation to Matter 3, that Carnforth in the north of the District does have role to play in its interaction with neighbouring South Lakeland in supporting the population of and economic development within those areas. There is an argument that Lancaster could or should be helping to meet the needs of South Lakeland District.

*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?*

46. No comment.

> *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)?*

47. No. In its Matter 2 Statement **(LCC7.2.0 Matter 2)** that has recently been added to the Examination website, the Council has produced a range of new information regarding supply, including an evidence document entitled ***'The Council's Approach to Delivering Housing Supply in Lancaster District' (February 2019).*** This is appended to the Council's Matter 2 Statement and has not previously been in the public domain or subject to any consultation.

48. The Paper appears to present a housing supply position for the District as of the 31st December 2018, updating that submitted to the Inspector and Examination previously. It also proposed changes to the Local Plan which is unhelpful at this stage (please see our opening comments) and particularly when contrasted against other evidence submitted during the course of this examination.

49. Paragraphs 2F.9-2F.13 of the Council's Statement states that there is not enough land to meet the proposed adjusted housing requirement of 522 as set out in Policy SP6. A revised Table is provided at paragraph 2F.11 (proposing to replace that on page 37 of the Local Plan) which suggests the supply is now reduced form 12,056 dwellings to 10,564[2].

50. Paragraph 2F.11 of the Council's Statement also states:

***2F.11 In view of the above assessment and having regard to a 20 year plan period 2011/12 to 2030/31 the Council would propose a reduced supply led housing requirement for the district that is equivalent to 510 dwellings per annum, equivalent to 10,200 dwellings over the plan period. The Council would continue to propose to roll this figure over for three additional years to meet the NPPF requirement to plan for 15 years.***

[2] This is at odds with the housing trajectory paper published with the Council's suggested modifications draft of the Local Plan (now abandoned) that notes that it expects that, post adoption, sources of supply will deliver 6,391 dwellings, which will add to the 2,595 completions (and 392 expected completions in 2018/19) to total 9,378 dwellings which will be delivered over the plan period.

51. This appears to be a very late proposal by the Council to advance a yet lower housing requirement based upon its supply led argument.

52. Clearly and in response to the Inspector's question, the Council is not proposing sufficient land to meet the housing requirement as set out in the Plan.

53. Paragraphs 2F.15-2F.29 also provide an update to the Council's supply position on Strategic Sites, Urban Area Sites (Policy H1 sites) and Rural Area Sites (Policy H2 sites). It has not been possible to further consider the implications of the revised supply assessments, given the time constraint between when this information has been made available and in preparing this statement. However, it is noted that the Council has reduced its anticipated delivery in 2033/34 from the Strategic Sites (Table 2F.1), which also extends beyond the plan period.

54. The Council's position on the capacity from sites with permission has also reduced.

55. The above evidence reaffirms our Client's position that there is an acute need to release further land for development in the Lancaster District.

56. With regard to ensure delivery of the appropriate type of housing where it is required within the District, we have a number of comments as below.

57. We note that Policies SG11 and SG12 have not been included for consideration by the Inspector in relation to Matter 2 Question f). The Council's approach to those policies are addressed within our Statement to Matter 3.

58. Policy H1 should be amended to express development quantum as a minimum making clear that those housing numbers can be exceeded where appropriate. Our Client's Site at land to the south of Windermere Road, South Carnforth has been included as an allocation for 500 dwellings which we consider should be increased to a minimum of 600 units. We consider that development of Carnforth should further be boosted where this can be achieved, including the inclusion of additional land at Allocation SG12 as above.

> *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?*

59. No. The Council states at 2G.28 of its Statement:

***60. 2G.28 The above calculations confirm that despite substantial effort to identify a deliverable supply the council is unable to demonstrate a 5 year housing land***

***supply.***

61. The above evidence reaffirms our client's position that there is an acute need to release further land for development in Lancaster.

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

62. No comments.

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

63. The Council has a good process to monitor housing delivery completion and has helpfully prepared several land monitor reports and an Annual Monitoring reports. It has also been proactive in tracking the progress of existing allocations and completion rates on sites with permission. This is useful in understanding the progress being made.

64. A housing trajectory is also proposed to be included in Appendix E of the Local Plan. We would support that provision subject to it taking into account our comments regarding the Plan period and negative phasing of the housing requirement as above.

65. What is not clear is the intended "Monitoring Framework" as set out in Chapter 25 of the Local Plan and what the measures would be should housing delivery fall below expected levels. The Local Plan should specify the Monitoring Framework in full in the appendices to the Local Plan.

> *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?*

66. The more recent work on viability undertaken by Lambert Smith Hampton (LSH) provides a general overview of headline viability assessments. This was not available to the Council during the policy formulation stages and assessment of each site. It followed on after the Local Plan has been published.

67. As per our representations to additional evidence submitted by the Council (February 2019) the LSH assessment are a useful indicator of viability. However, the assessments appear to have been undertaken with a scheme in mind or detailed information on the costs of infrastructure. Noticeably information regarding the County Council's education strategy

was not factored in and the Council's open space strategy and provisions has only recently been completed. The assessments must therefore be treated as broad brush at this stage.

68. As set out within our representations to the Publication Draft of the Local Plan, Policy SG12 identifies a need for 40% affordable housing (consistent with Policy DM3), which includes a full "range" of affordable products. Our Client is in principle agreeable to the provision of affordable homes (across a range of types and tenures) but disagrees with the requirement to provide 40%.

69. As above, the deliverability of the Site and the mix of units cannot be fully tested until a scheme, which takes account of other policy requirements including planning obligations which have not yet been fully tested by a detailed viability assessment. Such an assessment cannot be fully undertaken until such time as policy requirements (including the land take and extent of various social and environmental infrastructure is known).

70. We support the allowance within Policy DM3 for the use of viability assessments.

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

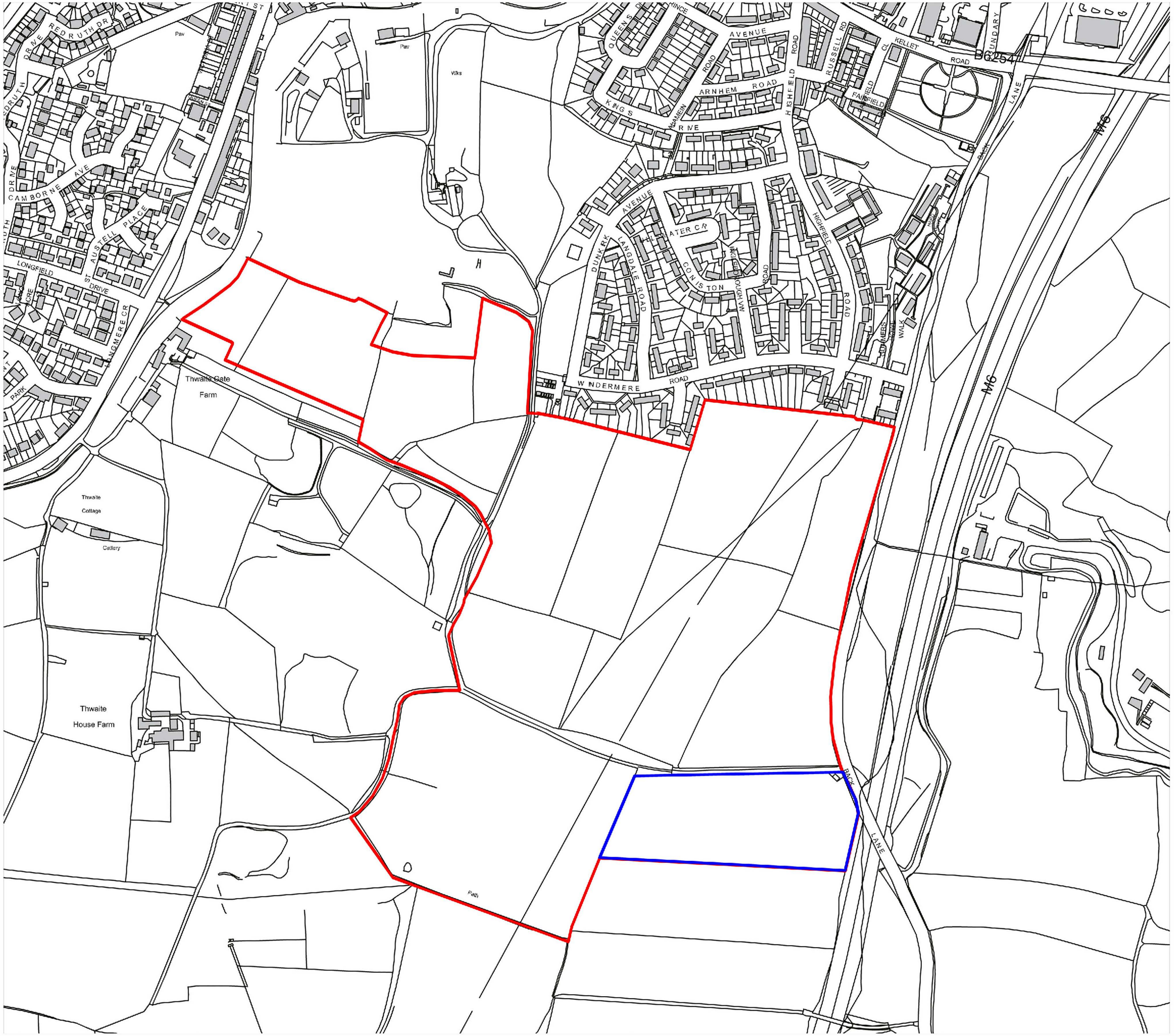
*71.* No comment.

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

72. No comment.

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

*73.* We consider that the Council has over-estimated the contribution from Neighbourhood Plans in Lancaster. In those submissions we provided an assessment of progress of each of the Neighbourhood Plans. Except for Halton with Aughton NP, which benefitted from the inclusion of several planning permissions in its figures, very few other Neighbourhood Plans are making any significant contribution to supply. The Council has not set out the overall anticipated contribution from Neighbourhood Plans.

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Allocation SG12

Additional Land for Inclusion in SG12

Project
Back Lane,
Carnforth

Drawing Title
Additional Land for Inclusion in SG12

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**Barton Willmore on behalf of H20 LLP**

**Examination into the Lancaster District Local Plan**

**Matter 3**

**Representation ID: 51**

## Matter 3: Spatial Strategy

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

> *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?*

1. Subject to our Client's comments made in relation to Matter 2 (regarding the need for a housing requirement that meets the OAN for the District) we are generally supportive of the spatial approach to development; we argue that there needs to be more.

2. However, as set out below there are individual elements of Policies SP1 – SP6 that we consider to be unsound. We provide a commentary on those matters below. However, as a whole, we do consider that a spatial strategy that does not meet the unmet housing needs of the District, as far as is sustainably practicable, is not sound. As set out in relation to Matter 2, we are concerned that the ability of the District to meet those needs within the District has not been robustly tested and therefore the Plan is unsound.

3. We do not comment on the ability of the wider Strategic HMA to accommodate any residual growth which cannot sustainably be met within the District (if there is any) but note that Lancaster City Council have sought the cooperation of neighbouring local authorities in meeting its housing needs but have not been offered any such assistance. In that regard, it is reasonable to expect Lancaster to achieve only what it can with its Local Plan within the District whilst actively engaging with other authorities throughout their plan making processes.

4. We do not comment on Policies SP4 and SP5 which deal with economic growth, however, we note and support the various economic growth initiatives listed under SP4 as priorities

of the Council, and paragraph 8.3 of the Local Plan which notes that economic *growth* is a *priority* of the Council's Corporate Plan. Clearly, the delivery of sufficient housing land to support the levels of economic growth envisaged will be crucial to the soundness of the Plan.

SP1: Presumption in favour of sustainable development

5. We are supportive of the inclusion of the presumption in favour of sustainable development within the Local Plan and welcome the Council's commitment to a positive approach to planning for the district.

6. However, notwithstanding this Local Plan is to be assessed for soundness against the NPPF 2012 we consider that it is inappropriate to refer specifically to the presumption in favour of sustainable development within the 2012 NPPF which has not been superseded. We suggest that the presumption for decision making within the current (NPPF 2019) is referred to or, preferably, simply the most up to date National Planning Policy such that the Local Plan can remain flexible and adaptable to the most up to date guidance.

7. We note that the NPPF makes clear the role of Neighbourhood Plans within the planning framework (as a DPD) and therefore it is unnecessary for the Policy to refer specifically to Neighbourhood Plans.

SP2: Lancaster District Settlement Hierarchy

8. As set out within our representations to the publication draft of the Local Plan (and subsequently accepted by the Council within its suggested modifications to the Local Plan) we consider that Carnforth's role within the Settlement Hierarchy (Policy SP2) should be akin to Morecambe and Heysham as a "Main Town" in recognition of focus for growth and its role as the northern hub for the District as recognised by paragraph 7.7 of the Local Plan. Carnforth must play a key role in delivering sustainable development for the northern part of the District and in its supporting role to South Lakeland District.

SP3: Development Strategy for Lancaster District

9. We support the general approach to the location of development and support the focusing of development towards Carnforth as one of the District's main towns. We support the case for the release of greenfield Sites in urban locations, including Carnforth. However, we consider that the Policy should specify that exceptional circumstances exist to justify the release of Green Belt land to deliver the Council's Development Strategy.

10. With regard to Green Belt release, the supportive text for Policy SP3 (paragraph 7.22 of the Local Plan) must make clear that there are exceptional circumstances justifying the release of Green Belt land to the south of Carnforth. The supporting text as drafted suggests that the decision to release Green Belt land was made on balance and justified on the basis that that Green Belt land served a limited Green Belt function. Whilst those points may be true, the Local Plan must satisfy the tests of expectational circumstances (which certainly exist) for releasing Green Belt land.

11. In this case, those exceptional circumstances include an acute shortfall in land to meet housing needs outside of the Green Belt and, specifically, land to meet the needs of Carnforth which acts as a northern hub for the District and meets the housing and service needs of its rural hinterland both within the District and beyond. As set out in relation to Matter 2, we consider that exceptional circumstances exist by way of unmet housing need to justify the release further land to the south of Carnforth which is also of limited value to the Green Belt; we attach a plan showing our Client's proposed addition to Allocation SG12 at **Appendix 1** of this Statement.

12. Paragraph 7.23 of the Local Plan confirms that there are significant constraints to growth within Carnforth due to flood risk, quarries, motorway infrastructure and its proximity to AONB and SPA. It states that the only option for growth within Carnforth is to the south, and the Green Belt boundary has been revised on this basis. Whilst we support those conclusions, we note that reasons to justify the exceptional circumstances for the release of that land from the Green Belt are not exhaustive. There is a need for Carnforth to grow. It is recognised as a Main Town for growth; there are no existing brownfield sites within Carnforth to accommodate the levels of development required; and our Client's Site (SG12 and proposed additional land at Appendix 1) does not fulfil a Green Belt function.

SP6: The Delivery of New Homes

13. We have provided detailed comments in relation to Policy SP6 in relation to the plan period and the overall quantum of development proposed by the Local Plan which will not be repeated here.

14. As above, we are generally supportive of the broad strategy for spatial distribution across the District through the Settlement Hierarchy which we agree with. However, when that settlement hierarchy at SP2 is compared with the allocations set out within SP6 the two do not correlate. The Council does not provide an apportionment of housing distribution per settlement or category of settlement. Instead, Policy SP6, H1 and H2 collectively set out the strategic and non-strategic site-specific delivery. Student accommodation is also listed

as a component of the supply. This makes the understanding of the overall distribution and relationship with the settlement hierarchy difficult to interpret.

15. The lack of apportionment of housing is not explained. As the Local Plan is reliant on specific sites to meet the spatial strategy rather than a distribution of development apportioned between settlements, this means that it is challenging to monitor whether the spatial approach is being achieved. The approach provides no certainty or flexibility and if a site fails, there is no other distribution policy basis that could be used to justify other land. It would simply mean that a particular settlement did not achieve the spatial strategy intentions of growth.

16. Beyond this, no readily available breakdown of completions and commitments is provided on a settlement by settlement basis. As such it is unclear whether allocations set out under Policy H2 are sufficient to meet the needs of these settlements further to the commitments made.

17. It is our Client's contention that to make the spatial strategy sound, the Council should seek to identify a specific housing requirement for each of its sustainable rural settlements as a proportion of the overall housing requirement. Sites need to be allocated in each settlement to achieve a degree of growth.

18. We set out within our comments to Matter 2, we consider that the Local Plan lacks detail in relation to how the plan will respond to any shortfalls identified through monitoring. Policy SP6 of the Local Plan is similarly vague in relation to how the Local Plan will respond to the changes in the housing requirement or government policy and local circumstances (including delivery rates) which it proposed to monitor. The Council needs to provide more certainty on how it will respond to changes in local circumstances in particular; as required by the NPPF.

19. Of concern in relation to Policy SP6 is the Council's Matter 2 Examination Statement has now sought to amend many of the anticipated supply figures for individual sites, introducing new site assessments. This reduces the supply overall based upon the Council's new and updated evidence. As per our comments in our Matter 2 statement, the Council now appears to be advancing a position where the overall supply does not meet its own requirements, and there would be no 5-year supply at the point of adoption of the Plan.

20. Notwithstanding the above, we are supportive of the identification of our Client's Land South of Windermere Road, Carnforth within Policy SP6. Overall, we broadly agree with the proportionate level of growth that has been allocated towards Carnforth. However, as

above, we consider that level of development should be increased as part of an overall increase in the housing requirement for the District.

21. Policy SP6 needs to be updated to include the correct Site Allocation Reference for SG11 and SG12 (currently listed as SG13 and SG14 respectively).

22. Moreover, as set out within our representations to the Council's suggested modifications Local Plan we consider that Site SG12's anticipated capacity has been underestimated and should stated as 600 dwellings rather than 500. The development quantum listed within SP6 should be stated as a minimum. Please see our comments below in relation to housing trajectory.

> *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).*

23. Our Client has land interests at the south of Carnforth, specifically land to the south of Windermere Road; including land comprising proposed allocation SG12 and additional land to the south of that allocation.

24. Our Client is supportive development to the south of Carnforth as a matter of principle and therefore supports the allocation of both SG11 and SG12 within the Local Plan for a residential led development.

25. For the reasons set out above and in relation to Matter 2, the focusing of growth to Carnforth is fundamental to the soundness of the Local Plan in meeting both district wide housing needs but also in maintaining the sustainability of Carnforth as the main northern hub within the District and the role it serves in enhancing the sustainability of South Lakeland.

26. As set out earlier in this Statement, and within our representations to the Publication Draft Local Plan we consider that allocation SG12 and additional land (Appendix 1) should be allocated for a minimum of 600 dwellings. Our Client has submitted to the Council indicative design work that demonstrates that the Site can accommodate 640 dwellings. Our submission to the Publication Local Plan demonstrate that the proposed addition land

does not cause any greater harm to the purposed of including land within the Green Belt than the current allocation.

27. The Council's updated housing trajectory submitted with its Matter 2 Hearing Statement identifies only 225 dwellings being delivered through the plan period (to 2032) with a further 105 being delivered in the 3 years post plan period; 430 units in total for the purposes of calculating the Site's contribution to the housing requirement to 2034.

28. We object to the reduction of the expected level of delivery from the Site during the curse of the plan period. Our Client has provided significant amounts of information to the Council through the Local Plan process in relation to the Site's deliverability via a promotional document, technical notes in relation to transport and noise to support the release of the Site.

29. Subject to the advancement of a suitable design brief for the development of the Site and its allocation within the Local Plan there are no physical or policy constraints that would prevent the Site coming forward quickly. Provided that the Council does not unduly cut short its Plan period, as drafted, and plans for a period of 15 years post adoption of the Plan, there is no reason why the scheme cannot be delivered in full within the Plan period.

30. We note earlier in these representations that the Council considers Carnforth to be constrained in part by the presence of the quarry and noisy activities from that use. For the avoidance of doubt, our Client has undertaken work to demonstrate that the presence of the quarry does not negatively impact the deliverability of SG12.

31. We share the Council's view within its Hearing Statement for Matter 3 that land to the south of Carnforth will make an important contribution to housing over the plan period. We agree that the inclusion of the Site within the Local Plan is sustainable and, subject to our comments above, suitably justified. At paragraph 3B.27 of the Council's Statement it notes that conversations with our Client have been undertaken to ensure all issues relating to the suitability and deliverability of the Site have been understood.

32. As described by the Council, those conversations have been ongoing, positive and proactive. We agree with this Statement. We do, nonetheless, have some comments in relation to the detail of the policy requirements of Policy SG12 and SG13. For the avoidance of doubt, we do not question the deliverability of Sites SG11 or SG12, however, we do consider that the policy requirements of the Local Plan must be carefully considered to ensure that the development of the Site is not overburdened by planning obligations and non-residential land uses that would then go on to harm deliverability. We request that the

Local Plan is drafted flexibly to enable agreement on the exact nature of the development to come forward through later phases of design.

33. At this stage, we consider that neither the Council nor our Client has sufficient information to demonstrate exactly what is required to be delivered on the Site with regards to physical, social and environmental infrastructure. As such, the impacts of that infrastructure on design, density and viability considerations must, inevitably, be broad brush at this stage and there needs to be a flexibility to change within Policies SG12 and SG13.

34. We support the preparation of a development brief (as set out within SG12) and consider that the above detail can and should be progressed as part of that document. As such, we consider that it is unnecessary for Policies SG12 and SG13 to be overly prescriptive (or rigid) in their policy requirements at this stage.

35. In addition, the development of allocation SG11 and SG12 are interlinked and, as development proposals advance (including comprehensive design of both sites) discussions and assessments will need to be ongoing as to how and where infrastructure is delivered. We consider that Policy SG13 should be updated to ensure that sites SG11 and SG12 share the infrastructure costs for the South of Carnforth proportionately.

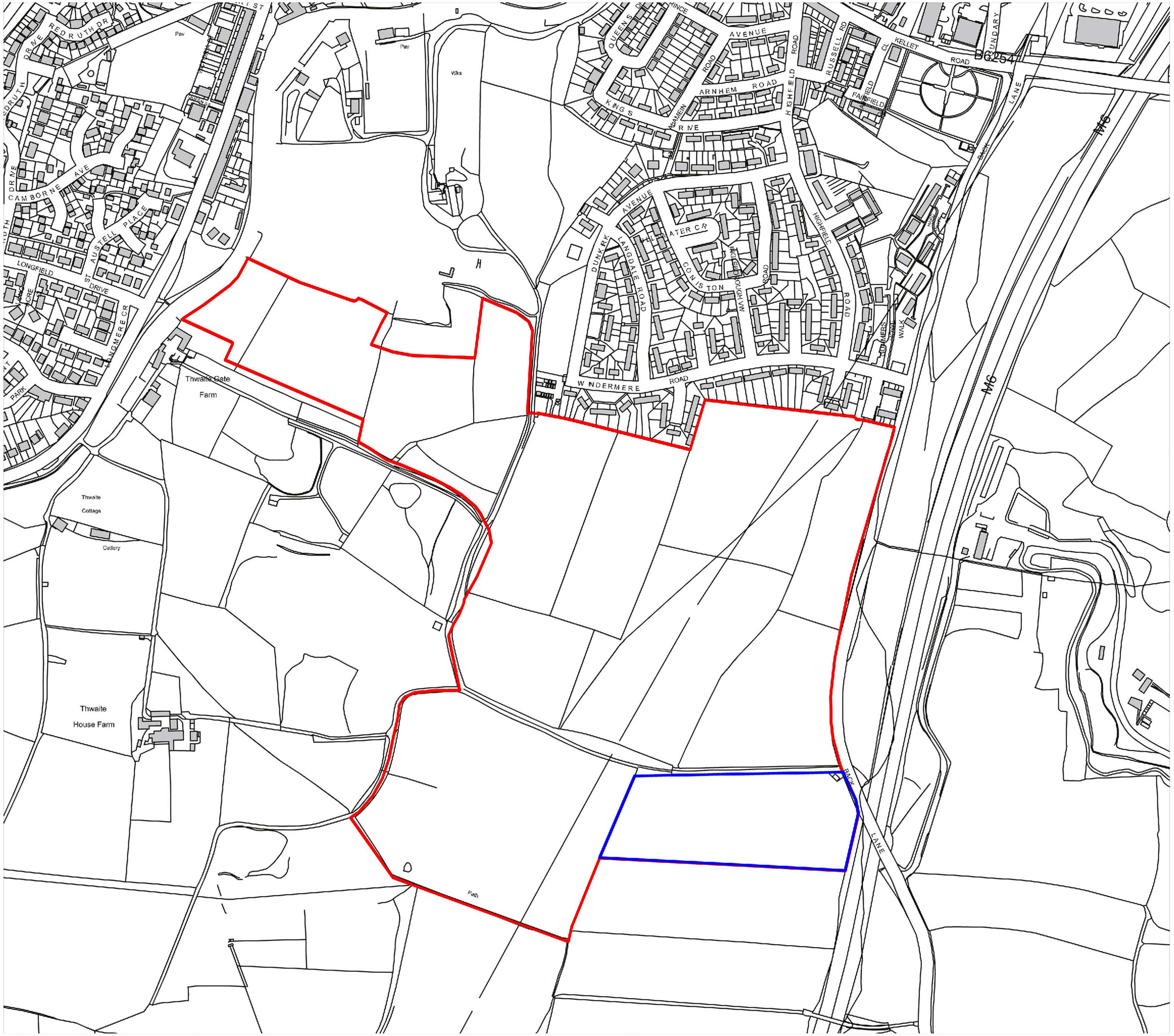
36. In terms of the specific requirements of Policy SG12 and Policy SG13 we have a number of comments as set out below.

37. The Council has proposed a requirement to up to 40% affordable housing which is to include a full range of affordable products. Whilst we support the delivery of affordable housing, we consider that Policy DM3 sets out the affordable housing requirement of 40% for greenfield sites for the Local Plan and provides suitable flexibility to take into account viability; there is no need for this requirement to be repeated here without that flexibility. SG12 should simply require compatibility with other Development Management Policies within the Plan.

38. The Policy includes detailed design considerations, which the proposed development will have to address as part of any potential application or design brief preparation. Our Client is supportive in principle of this requirement to ensure the design and landscaping of the Site is sympathetic with the surroundings, due to its location on the southern approach to Carnforth.

39. It is our Client's view that as drafted, without detailed assessment and accompanying viability testing of the listed infrastructure improvements, Policy SG12 and SG13 cannot

robustly require detailed obligations for affordable housing, housing mix and standards, infrastructure contributions or other requirements, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner, and willing developer to enable the development to be deliverable.

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Allocation SG12

Additional Land for Inclusion in SG12

Project
Back Lane,
Carnforth

Drawing Title
Additional Land for Inclusion in SG12

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