



South Lakeland District Council

CABINET

Meeting Date: 13 July 2011
Report Author: Dan Hudson – Development Strategy Group Manager
Portfolio: Cllr Peter Thornton
Report from: Interim Corporate Director – (Communities)
Wards affected: All outside National Parks
Key Decision: KD 10/020/H&D
Forward Plan:

LOCAL DEVELOPMENT FRAMEWORK LAND ALLOCATIONS DEVELOPMENT PLAN DOCUMENT PROGRESS AND NEXT STEPS

1.0 PURPOSE OF REPORT

1.1 This report is presented to

- i) set out, in broad terms the outcome of the consultation carried out on emerging options for land allocations and identifies some of the issues raised;
- ii) identify matters which will require further consultation before the allocations document is formally published and seek Cabinet authorisation for that consultation to take place;
- iii) Sets out a revised timetable for delivering the Land Allocations Development Plan Document (DPD) in the light of issues raised during the consultation.

A full report of consultations will be presented to a future meeting of cabinet.

2.0 RECOMMENDATIONS

It is recommended that Cabinet:-

- (1) **note the contents of this report and any matters reported from the Overview and Scrutiny Committee**

- (2) **authorise officers to carry out further consultation on the matters raised in Paragraph 5.1 of this report;**
- (3) **consider the revised timetable set out in Paragraph 7.1 of this report to be developed into a revised Local Development Scheme.**

3.0 BACKGROUND

- 3.1 The South Lakeland Core Strategy was adopted in October 2010. Reflecting the Council's corporate priorities of Housing and Economic Development, this set highly demanding ambitions for the delivery of new housing and employment land outside the Lake District National Park for the period until 2025. The Core Strategy requires the delivery of 400 new homes and 2.5 ha per year between 2003 and 2025. The strategy requires that at least 35% of completions on allocated and other significant sites be affordable.
- 3.3 Although annual dwelling completions exceeded 400 per year in the early 2000s, Housing and employment completions have been running significantly below the level of completions anticipated in the Core Strategy, partly due to the national economic slowdown and partly due to a shortage of available land. It is therefore of critical importance that land is allocated to deliver affordable housing and high quality jobs.
- 3.2 The Council is therefore in the process of preparing a Land Allocations Development Plan Document (DPD) which will allocate available and deliverable sites to meet this need. The Council has been collecting information on sites since 2005. Initial sites consultation was carried out in 2008-9 and since that time a number of additional sites have been put forward.
- 3.3 Following the change in Government, there have been a number of important changes to the Planning System including the intention to abolish Regional Spatial Strategies, the abolition of Regional Development Agencies and Regional Government Offices, the development of proposals to bring forward neighbourhood planning through the Localism Bill and recent ministerial statements placing a strong imperative on planning for growth. All these developments have significantly complicated the allocations process.

4.0 RESEARCH AND CONSULTATION

- 4.1 A major public consultation exercise was undertaken over an extended 12-week period between Friday 21 January and Friday 15 April 2011. Throughout the consultation, the intention was to adopt an open, inclusive approach, which, in addition to the emerging options, also sought views on:
 - **new sites** – which had not yet been put forward;
 - **existing sites** - not put forward as emerging options but which communities may nonetheless see as preferable;
 - **wider community needs and opinions** – reflecting the emerging localism agenda and looking at needs and aspirations that may be able to be realised through development.
- 4.2 A full report of consultation will be presented at publication stage. Consultation measures included 20 manned drop-in days across the District as well as a further 20 meetings with parishes and local groups. The document was publicised through local press and media coverage, posters, articles in South

Lakeland News and reminder leaflets through Council tax correspondence, all of which were delivered to every household as well as the use of social networking sites. Almost all events were very well attended and many challenging questions were put.

4.3 Responses are currently being processed but the current estimate is that there have been around 4,500 responses from around 3,400 individuals and organisations across the District, from external consultees and interest groups and from development industry interests. All responses are now in the public domain and can be viewed on the Council's website. It is likely that the number of responses will grow as the analysis process continues.

4.4 Although a full analysis of the consultation responses is still in preparation, there are a number of major issues which will of necessity need to be addressed before the DPD is published, some of which may give rise to the need for further consultation. Key issues are;

- i) **Deliverability of some sites** – Deliverability is a key test of soundness against which the Inspector will assess the DPD. The deliverability of new homes on the scale proposed is a matter of almost universal concern. In some cases, consultees have raised issues in relation to the delivery of sites. These include questions in relation to whether site owners are prepared to make sites available for development, as well as questions about technical constraints such as flooding and drainage;
- ii) **Infrastructure needs** – Development on the scale anticipated will give rise to significant infrastructure planning needs including measures to manage traffic and air quality impacts. To achieve soundness, the Allocations DPD will need to demonstrate that there is a reasonable prospect of any necessary infrastructure being delivered. Infrastructure includes hard infrastructure such as transport improvements and flood defences, social infrastructure such as schools, community centres and healthcare and green infrastructure such as parks, playing fields and wildlife corridors and habitats;
- iii) **The Localism Agenda** – The Localism Bill has raised expectations in many communities that they will be able to set appropriate levels of development themselves. Some communities would like to be able to undertake neighbourhood planning. Although the Localism Bill is not due to be enacted until the Autumn, it is important that an approach to localism be agreed. This must be in the context of the key requirement that neighbourhood plans and development orders are ***'in general conformity with the strategic elements of the local plan'***, and the risk of a ***'presumption in favour of development'*** where needs are not met.
- iv) A number of communities, landowners and individuals have suggested ***sites other than those put forward by SLDC as preferable***. Some of these may be equivalent or better in terms of sustainability, deliverability and availability and, in some cases, there is evidence of community support. To achieve a sound plan, it is essential that all sites be given full consideration. With the emerging localism agenda, it is necessary for communities to be consulted on alternative sites. If such sites are to be taken forward as allocations, it will be necessary for parish councils to be engaged, for these sites to be fully assessed, for sustainability appraisal

to be carried out and for communities to be consulted in advance of publication.

The need to address the District's pressing housing needs mean that it is essential to maintain momentum. There is a need to develop and refine the proposals before the final land allocations are formally published in the autumn. This will mean carrying out further consultation prior to publication on issues where changes to the emerging options document may be necessary to ensure soundness.

5.0 PROPOSAL

5.1 It is suggested that, in order to ensure community involvement in the refinement and development of the allocation, a limited period of consultation be undertaken to seek the views of consultees on the following issues;

- i) The **time horizon** of the allocations process – Although the allocations document must be in conformity with the Core Strategy, there is no compelling planning reason for allocating sites for the period until 2025 in a single allocations document. Were the timescale of the land allocations to be amended to 2003-2020, it would allow for a greater degree of certainty about deliverability, the early release of priority sites, soundness in relation to the proper phasing of development and infrastructure provision and the timely updating of the strategic basis of the LDF. Any revised time frame would need to be taken into account in revisions to the Local Development Scheme.
- ii) The possibility of allocating **alternative sites** put forward by consultees;
- iii) Whether site allocations are the appropriate means of meeting the housing needs of small villages **in small villages and the Countryside** and the degree to which needs in very rural areas could be met through small sites, exceptions sites and through neighbourhood and community planning;

5.2 These are all issues on which further pre-publication consultation is both desirable and necessary. It is suggested that a further period of consultation be undertaken over the summer to assess views on these important considerations.

5.3 In the light of the Council's priority to deliver on its housing targets, an updated timetable has been identified. This is an extremely demanding timetable which would require key consultation stages to be conducted in the shortest period of time allowed by the regulations and would require a further timetable adjustment should unforeseen complications require a contingent use of additional time. Assuming that key stages progress without unforeseen complications it is proposed that following Cabinet, consultation be undertaken involving the reconsultation of existing consultees on the additional questions raised above and discussions with key parish councils where alternative sites have been put forward.

5.4 Following consultation, it is proposed that a report be taken to Cabinet in September/October and Council in November including a submission edition of the DPD and a full responses report with a view to pre-submission consultation being undertaken in December, formal submission in March, Independent Examination during the summer and, subject to a soundness finding by the

Inspector, adoption in November 2012. It cannot be emphasised too much that this is an extremely challenging timescale which requires careful management and review to avoid increased risk of an unsoundness finding. This must be balanced with the corporate objective of achieving increasing housing and employment delivery.

6.0 ALTERNATIVE OPTIONS

- 6.1 Do not undertake any further consultation in relation to alternative sites and proceed to publication without significant changes to the emerging options. Whilst this option would improve the deliverability of the timetable for adoption, this would not allow engagement on potential changes to the plan. Changes in the light of consultation are essential to respond to community concerns. It would not allow for engagement or consultation on additional sites which communities have come forward through the process and essentially mean that no substantive change could be made to the emerging options position. Finally it would restrict the Council's scope to make necessary changes in advance of the formal publication stage to provide further confidence on soundness issues.
- 6.2 The key consequence of this option would be to further increase the risk of the Document being found unsound with very serious consequences in terms of housing delivery, in terms of the resource and timetabling issues of revisiting major areas of work, and in terms of the reputational impact on the Council. This option carries significant risk and is not recommended.
- 6.2 Take forward the allocations process over a longer timetable allowing for the fuller consideration of alternative sites, working with local communities to bring proposals forward and achieving an orderly transition to the localism agenda. Proceed on the basis of a longer timescale allowing for fuller consultation with local communities on an individual basis, the timely re-inforcement of the evidence base, the strengthening of the approach to infrastructure planning and greater scrutiny of the process. This would increase the confidence of Local Communities in the process and significantly reduce the risk of an unsoundness finding. However further delays to the process mean further delays the delivery of essential housing and employment land and increase the risk of the Council losing planning appeals. A balance is required so that the process is conducted openly, fairly and resulting in an adoptable Document. The report's recommended course of action seeks to achieve this.
- 6.3 Suspend the allocations process pending the publication of the Localism Bill and associated guidance. This would allow for an approach to the allocations process which would allow for the implications of the localism bill to be fully considered. However this would result in a major delay to the process and major uncertainties over delivery as new processes and issues emerge. Recent ministerial statements have made it clear that Councils and communities should continue to develop up to date plans and that, where they fail to do so, and identified needs are not met, applications and planning appeals will be determined on the basis of a presumption in favour of sustainable development. This option would result in very significant delays to the delivery of sites for new homes and jobs.

7.0 NEXT STEPS

- 7.1 If members accept the recommendation, the next steps are to proceed with the further consultation. In the light of the Council's priority to deliver on its housing targets, a timetable has been identified. This is an extremely demanding timetable which would require key consultation stages to be conducted in the shortest period of time allowed by the regulations and would require a further timetable adjustment should unforeseen complications require a contingent use of additional time. The approach requires careful management and review to avoid increased risk of an unsoundness finding. Assuming that key stages progress without unforeseen complications it is proposed that following Cabinet, consultation be undertaken involving the reconsultation of existing consultees on the additional questions raised in section 5 above and discussions with key parish councils where alternative sites have been put forward.
- 7.2 Following consultation, it is proposed that a report be taken to Cabinet in September/October and Council in November including a submission edition of the DPD and a full responses report with a view to pre-submission consultation being undertaken in December, formal submission in March, Independent Examination during the summer and, subject to a soundness finding by the Inspector, adoption in November 2012. It cannot be emphasised too much that careful management and review required to deliver the timetable and avoid an increased risk of an unsoundness finding. This must be balanced with the corporate objective of achieving increasing housing and employment delivery.

8.0 IMPLICATIONS

8.1 Financial and Resources

- 8.1.1 The costs of additional consultation measures in association with the Local Development Framework will be borne through existing budgets and if necessary, proposals will be brought forward for use of part of the Housing and Planning Delivery Grant Reserve if additional resources are required.

8.2 Human Resources

- 8.2.1 Resource needs will be met from existing staff resources within the Development Strategy Group and temporary additional resources re directed from within the Directorate.

8.3 Legal

- 8.3.1 Once adopted, the Allocations of Land Development Plan Document will be a Development Plan Document and be part of the Development Plan in terms of its weight in decision making processes.

8.4 Social, Economic and Environmental Impact

- 8.4.1 A sustainability appraisal has been carried out on the Emerging Options proposals. Wider sustainability impacts have already been considered through the Core Strategy. Sustainability appraisal ensures that positive impacts in terms of the delivery of affordable homes and jobs are maximised whilst any adverse impacts such as on landscape, biodiversity, flooding etc, are minimised and provision made for appropriate mitigation. The sustainability appraisal concluded that most negative impacts could be avoided, minimised or mitigated against and

that many positive impacts could be maximised. On that basis, the proposal is considered to have a positive impact on sustainability.

9.0 RISK ASSESSMENT

Risk	Consequence	Controls required
The DPD is found unsound;	No means of achieving the housing ambitions set out the Core Strategy; Severe reputational damage to the Council; Risk of losing appeals and uncontrolled and piecemeal development; Resource implications of repeating major areas of work. Uncertainty over the basis for neighbourhood planning as proposed in the localism bill.	Rigorous approach to process and procedure and ongoing soundness self assessment process; Consideration of appropriateness of 15 year timeframe for allocations DPD; Key issues such as deliverability robustly assessed; Acceptance that flexibility in the timetable may be required to address soundness issues;
Ongoing uncertainty over meeting development needs;	The District is currently under-delivering on housing and employment land. The Allocations DPD is a key means of delivering the sites which will enable a significant increase in provision.	Timely preparation of Allocations DPD. Strong focus on soundness issues;
Shortage of sites for affordable housing;	The Allocations DPD is essential to bring forward sites to meet affordable housing needs, particularly through provision in association with market housing.	Timely preparation of Allocations DPD. Strong focus on soundness issues;
Need for a robust basis for neighbourhood and community planning. Need to clarify needs at local level	The Core Strategy contains grouped targets for key and local service centres. The Allocations DPD defines the balance of development between these settlements.	Strong community engagement through the allocations process.

10.0 EQUALITY AND DIVERSITY

10.1 The Core Strategy, which guides the Allocations Document, has been subject to a full Equality and Diversity Impact Assessment. When the emerging options for Land Allocation are developed and refined, a full Equality and Diversity Assessment of the Land Allocations DPD will be carried out.

11.0 LINKS TO THE CORPORATE PLAN AND PERFORMANCE INDICATORS

11.1 The proposals link to the Corporate Plan objective of Housing by enabling the delivery of new housing, and Economic Development by enabling investment and growth in key service centres.

11.2 The Corporate Plan seeks to increase annual housing provision to 400 by 2012.

12.0 CONCLUSION AND EXPECTED OUTCOMES

12.1 This report will enable further consideration to be given to alternative sites, facilitate discussion of some key issues necessary to take the allocations process forward and set out a framework and draft timetable for the conclusion of pre-publication consultation. It will enable the timely progression of the land allocations document to publication stage which will, in turn, seek to enable the adoption of the document by the end of 2012 and consequent delivery of housing and employment sites.

APPENDICES ATTACHED TO THIS REPORT

None.

CONTACT OFFICERS

Dan Hudson

BACKGROUND DOCUMENTS AVAILABLE

None

TRACKING

Assistant Director	Portfolio Holder	Solicitor to the Council	CMT	Scrutiny Committee
10/06/2011	21/06/2011		23/06/2011	07/07/2011
Executive (Cabinet)	Committee	Council	Section 151 Officer	Monitoring Officer
<i>13/07/2011</i>				21/06/2011
Human Resource Services Manager				