



The Planning Inspectorate

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# **Report to Lancaster City Council and South Lakeland District Council**

**by Philip Lewis BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 30 January 2019**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD)**

The Plan was submitted for examination on 28 February 2018

The examination hearings were held between 19 and 21 June 2018

File Ref: PINS/A2335/429/7

## **Abbreviations used in this report**

AONB	Area of Outstanding Natural Beauty
DPD	Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document
HRA	Habitats Regulations Assessment
MM	Main Modification
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
WMS	Written Ministerial Statement

## Non-Technical Summary

This report concludes that the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD) provides an appropriate basis for the planning of the Arnside and Silverdale AONB, provided that a number of main modifications [MMs] are made to it. Lancaster City and South Lakeland District Councils have specifically requested me to recommend any MMs necessary to enable the DPD to be adopted.

All the MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording where necessary. I have recommended their inclusion in the DPD after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as changes to policies so that they are justified, effective and consistent with national policy. In particular:

- To adjust the requirements for development in small villages to accord with national policy;
- To clarify that the policies do not apply outside of the AONB and that any issue of its setting is addressed elsewhere in the development plan;
- To adjust and clarify the requirements for affordable housing;
- Revising the policy in respect of Key Settlement Landscapes so that it is not unduly restrictive in regards to development needs of existing land uses;
- To adjust policy in respect of the historic environment to accord with national policy;
- Amending the policy for camping, caravan and visitor accommodation to allow for the redevelopment of existing sites and to address the issue of the occupancy of holiday accommodation;
- Amending the policy in regards to advertisements so as not to conflict with or duplicate the Advertisement Regulations; and
- Adjusting and clarifying the site specific development requirements of the proposed site allocations.

## Introduction

1. This report contains my assessment of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document Local Plan (the DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers firstly whether the DPD's preparation has complied with the duty to co-operate. It then considers whether the DPD is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (the Framework) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised National Planning Policy Framework was published in July 2018 (Framework 2018). It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this DPD, the policies in the 2012 Framework will apply. Unless stated otherwise, references in this report are to the 2012 Framework. Similarly, references to the PPG relate to that in place prior to the publication of the Framework 2018.
2. The starting point for the examination is the assumption that the local planning authorities have submitted what they consider to be a sound plan. The publication document Arnside and Silverdale AONB DPD, November 2017 is the basis for my examination.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, the Councils requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the DPD unsound and not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Prior to submission, the DPD was the subject of consultation for a period of six weeks between 2 November and 14 December 2017. In light of the comments received, the Councils produced a 'Schedule of Minor Modifications' and a 'Submission Version' of the DPD dated February 2018. Whilst I have had regard to these documents, they have not been published for consultation and this examination is of the DPD dated November 2017.
5. Following the examination hearings, the Councils prepared a schedule of proposed MMs, carried out sustainability appraisal (SA) of them and updated the Habitats Regulations Assessment (HRA). The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the MMs for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary I have drawn attention to these amendments in the report.

## **Policies Map**

6. A Council must maintain an adopted policies map for their area which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, a Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Arnside and Silverdale AONB DPD Policies Map and Inset Map Book as set out in Pu002.1\_AONB and Pu002.2\_AONB.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the DPD's policies require further corresponding changes to be made to the policies map.
8. These further changes to the policies map were published for consultation alongside the MMs (Arnside and Silverdale AONB DPD Policies Map – Inset Map Book Main Modifications Consultation Version – October 2018).
9. When the DPD is adopted, in order to comply with the legislation and give effect to the DPD's policies, the Councils will need to update the adopted policies map to include all the changes proposed in the Arnside and Silverdale AONB DPD Policies Map and Inset Map Book and the further changes published alongside the MMs.

## **Assessment of Duty to Co-operate**

10. Section 20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by section 33A in respect of the DPD's preparation.
11. The Councils prepared a Duty to Co-operate Statement, dated February 2018. This document provides evidence on how the Councils engaged with other bodies including neighbouring local authorities in the preparation of the DPD. For example, through cooperation with Natural England, policy in respect of the natural environment and the site specific development requirements for a number of proposed allocations have been revised so to be consistent with national policy and international obligations.
12. The DPD relates specifically to the Arnside and Silverdale AONB. The AONB is set within the respective Council areas and does not have a boundary with any other local authority area. The duty relates to strategic matters involving sustainable development or use of land with significant impact across administrative boundaries. The scope and purpose of the DPD is such that it justifies a proportionate approach to co-operation and I am not aware of any significant outstanding issues relating to any strategic and cross-boundary matters.
13. The Councils have engaged constructively with other neighbouring authorities and the various bodies prescribed in the Regulations. Overall, I am satisfied that where necessary, the Councils have engaged constructively, actively and

on an on-going basis in the preparation of the DPD and that the Duty to Cooperate has therefore been met.

## Assessment of Soundness

### Background

14. National policy as set out in paragraph 115 of the Framework includes that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. Furthermore, the conservation of wildlife and cultural heritage are important considerations in these areas.
15. The Arnside and Silverdale AONB is situated within the Lancaster City Council and South Lakeland District Council areas. The Councils' respective Core Strategies set out the overall development strategies and establish the dwelling requirements for each Council area. It is not within the scope of the examination to re-open discussion on matters and issues which were considered in the examinations of the Councils' strategic plans.
16. The DPD includes a number of allocations of land for housing and mixed use developments. In the examination of the South Lakeland Local Plan – Land Allocations DPD, the Inspector found the approach which had been taken for the selecting and allocating sites in the AONB for that Plan 'unsound'. That Plan was adopted without land allocations being made in the South Lakeland District part of the AONB and included a commitment that South Lakeland and Lancaster City Councils would produce jointly a new AONB Local Plan. The DPD follows on from that commitment.
17. The DPD has been prepared to provide a consistent approach to planning decisions across the AONB, a protected landscape which has the highest status of protection in relation to landscape and scenic beauty. The DPD sets out an overall strategy for development and landscape protection for the AONB and detailed development management policies and is an important means of implementing the statutory AONB Management Plan.

### Main Issues

18. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified three main issues upon which the soundness of the DPD depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 – Are Policies AS01 (Development Strategy) and AS02 (Landscape), justified, effective and consistent with the relevant strategic plans and development plan documents and national policy?**

19. The DPD adopts a landscape capacity approach to new development in the AONB which provides an appropriate balance between conserving the landscape and scenic beauty and maintaining the vitality of local communities.

20. Policy AS01 – Development Strategy identifies Local Service Centres in the AONB, where small scale growth would be supported. This is consistent with existing development plan strategic policies, namely SC3 of the Lancaster City Council Core Strategy and CS1.2 of the South Lakeland Local Development Framework Core Strategy. In Small Villages, development would be limited to the conversion of buildings or reuse of previously developed land. A criteria based approach to development on the edge of and outside of settlements is set out. Whilst concern has been expressed regarding the future vitality of Silverdale in the absence of new housing allocations, there is no evidence of decline of services and facilities in the village. There is also evidence that existing businesses being supported by the tourist economy. Consequently, I consider that the DPD is justified in this regard.
21. The application of Policy AS01, along with the proposed allocations to Local Service Centres, should mean that new housing would be located where it would enhance or maintain the vitality of rural communities in accordance with the Framework.
22. Policy AS01 is consistent with the Framework in regards to major development in the AONB. In addition, the policy is also consistent with the Planning Practice Guidance (PPG) in stating that the question of whether a proposed development in the AONB constitutes a major development is a matter for the relevant decision maker.
23. In regards to development in Small Villages, the policy should be clarified to make clear when development proposals will be permitted and made consistent with national policy as set out in paragraph 115 of the Framework (**MM1**).
24. Policy AS02 is concerned with the landscape of the AONB. Whilst the DPD applies to the whole of the AONB, areas outside of the AONB which may constitute its 'setting' fall outside of the area covered by the DPD. Development proposals falling within the setting of the AONB would be considered therefore against the relevant policies of the development plan applying to those areas. Policy AS02 and supporting text should be revised accordingly (**MM2**).
25. The requirement for a full landscape assessment for all development proposals is not justified as some development proposals would not give rise to appreciable effects on the landscape. To be effective, changes are necessary to the supporting text to Policy AS02 to clarify that a proportionate approach would be taken depending upon the nature of proposed developments and likely level of impact on the landscape (**MM2**).
26. In conclusion, Policies AS01 and AS02 are consistent with relevant strategic plans and development plan documents, and subject to the recommended MMs are justified, effective and consistent with national planning policy.

**Issue 2 – Is the Plan positively prepared, justified and consistent with the strategic plans and national policy in respect of its provision for housing and mixed use development allocations?**

*Housing numbers*

27. The respective Core Strategies identify the housing requirements for Lancaster City and the South Lakeland District Council areas. There is no overall housing requirement identified for the AONB through the strategic plans. It is not the role or purpose of the DPD to identify a housing requirement for the AONB and the Councils are therefore justified in not seeking to do through the DPD. Furthermore, the Councils' approach is justified in that the AONB falls within two housing market areas defined by the Councils in their strategic housing market assessments. In addition, the AONB is defined so as to conserve and enhance the natural beauty of the area, is modest in size, has a relatively small population and its extent is not defined by household demand and preferences for housing, nor key functional linkages between places where people live and work.
28. The South Lakeland Local Plan - Land Allocations DPD (2013), whilst not allocating sites for development in the AONB, apportioned the Core Strategy housing requirement between settlements and identified (as of December 2013) a balance of 106 dwellings to be found in the AONB part of the District. The DPD seeks to allocate land for about 66 dwellings in the South Lakeland part of the AONB and South Lakeland District Council has confirmed that there is an outstanding commitment for 22 dwellings with an additional 6 having been built between 1 April 2016 and 31 March 2018. The DPD is therefore broadly consistent with the Land Allocations DPD in terms of the provision for housing in the South Lakeland part of the AONB, with the small shortfall likely to be met through windfall developments during the plan period, based on evidence of past trends. However, any such shortfall would be negligible within the context of housing land supply in the District as a whole. Whilst the development plan for Lancaster City does not include any target figure for housing for the AONB, the proposed allocations in the DPD follow the broad distribution strategy set out in the development plan.

*Affordable housing*

29. Policy AS03 requires no less than 50% affordable housing from new housing developments, unless demonstrably unachievable. This target is supported by the primary purpose of the AONB, in the pursuit of which account should be taken of the social needs of local communities. In addition, the Arnside & Silverdale AONB Management Plan sets out a management objective in respect of the provision of affordable housing. In principle, the 50% target is appropriate given the evidence of unmet affordable housing need within the AONB and the limited opportunities for new housing development in the AONB identified through the preparation of the DPD, given the special qualities of the area.
30. The evidence base includes two viability studies; one dated October 2016 (Pr008\_AONB) which contains specific site assessments and that dated September 2017 (ITV0002.1\_AONB) which includes viability assessments regarding identified development typologies. The viability work shows that

50% affordable housing is deliverable across the identified typologies. Whilst I have had regard to the concerns expressed during the Hearing session about the viability of specific schemes, I am nevertheless satisfied that the 50% target is justified and effective. In any event, the Policy provides sufficient flexibility to deal with situations where viability is an issue.

31. Policy AS03 also seeks affordable housing from all housing developments. The Written Ministerial Statement (the WMS) of 28 November 2014 sets out that due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. The WMS also states that within designated areas including AONBs that authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought.
32. It is neither justified, practical or effective to seek 50% affordable housing from single dwelling developments and the Policy should be amended to apply to schemes of two dwellings or more to be effective (**MM3**).
33. The DPD is a specific plan for the whole of the AONB only. The opportunities for new housing development are very limited to a modest number of dwellings, particularly given the special qualities of the area. The strict application of national policy as set out in the WMS would severely restrict the ability of the Councils to secure affordable housing from the limited housing developments proposed or likely to come forward, to meet the specific identified significant local need for affordable housing arising in the AONB. I am satisfied that there are exceptional circumstances for the Councils to take a different approach to that set out in national policy through the WMS, in applying the affordable requirement to all new housing developments of two dwellings or more.
34. Policy AS03 seeks affordable housing provision on site, which would help to safeguard more sensitive locations from development, given the strategy for new housing development in the AONB in the DPD and limited scope for new development in this designated landscape. However, it is not clear how contributions would be sought from developments, nor how any such contributions would be used. The phasing of the delivery of affordable housing could have implications for the implementation of the allocated sites in terms of viability and could lead to uncertainty for developers and local residents and in this regard, the policy as submitted is not effective and that part of the policy should be deleted (**MM3**).
35. I am satisfied that the 50% affordable housing target is justified. The Policy should be modified so that it applies to developments of two dwellings or more (**MM3**) subject to consideration of site viability, costs and scheme requirements which may be used to demonstrate that such a figure is not achievable and the DPD being clear on how any such contributions would be used to provide affordable housing (**MM22**).

### *Site selection and sustainability appraisal*

36. The Councils assessed a wide range of sites through SA and the site assessment process, in accordance with the broad distribution set out in strategic development plans for each Council area. The SA has been carried out to an accepted methodology and has examined alternative sites on a reasonable and consistent basis, although inevitably involving some degree of professional judgement.
37. I am satisfied that the process for the selection of sites was robust and that an appropriate range and selection of potential sites was assessed and subject to consultation at various stages through the preparation of the DPD. Although it is contended that several of the allocated sites would not be viable with a 50% affordable housing provision, no compelling evidence has been put forward in this regard. In any event, Policy AS03 provides flexibility in terms of affordable housing provision.

### *Site allocations*

38. AS17 – Land off Queen's Drive, Arnside. The site specific requirements do not address existing surface water flooding issues, the presence of water mains or detail the vehicular access requirements. These are necessary to provide a clear indication of what would be permitted in accordance with national policy as set out in paragraph 154 of the Framework (**MM13**).
39. AS18 land on Hollins Lane, Arnside. The site forms part of the larger site previously considered for housing development and not found sound in the examination of the South Lakeland Local Plan – Land Allocations DPD. It is proposed that the portion of the site fronting Hollins Lane is allocated for housing, with the larger part beyond designated as a Key Settlement Landscape under Policy AS06 (A9) which would remain undeveloped.
40. Whilst the site provides the last remaining length of undeveloped frontage onto Hollins Lane, it is capable of being developed in a way which would retain some of the hedge on the site frontage and views from Hollins Lane into the Key Settlement Landscape beyond. It would not therefore give rise to unacceptable harm to the special qualities of the AONB. The Key Settlement Landscape (A9) would retain a separate field access which would prevent the site from becoming landlocked and thereby continue in its present use.
41. Whilst the policy criteria address the site specific requirements including design, layout, drainage and biodiversity mitigation, Hollins Lane is narrow in parts and the policy should be modified to set out the highway requirements for the site in terms of provision of safe access and footways to provide a clear indication of what would be permitted in accordance with national policy as set out in paragraph 154 of the Framework (**MM14**).
42. AS19 Land on Briery Bank, Arnside. The policy wording should be changed to address the need for a survey of the mature trees at the site and future management of trees and hedges. It should also include parking provision within the site to provide a clear indication of what would be permitted in

accordance with national policy as set out in paragraph 154 of the Framework (**MM15**).

43. AS20 land on Church Street, Beetham. The site promotor has confirmed that the site is no longer available for development within the Plan period. The allocation is therefore not developable and should be deleted (**MM16**). As a consequence of the deletion of this allocation, Policy AS15 requires to be updated (**MM12**).
44. AS21 Land North West of Sand Lane, Warton. Whilst concern has been expressed regarding the potential for increased flood risk, Policy AS21 requires that development proposals address surface and foul water disposal. Although visibility to the south west along Sand Lane is restricted by a crest in the road, the 20 mph speed limit and extent of site frontage would allow for adequate visibility to be provided for any new junction. The allocation would not be out of character with the linear development on Sand Lane and subject to the site specific development requirements, should not be harmful to the special qualities of the AONB. Changes are required to Policy AS22 to provide clarity and to make it effective regarding the need for archaeological investigations and provision of parking (**MM17**).
45. AS22 land north of 17 Main Street, Warton. Outline planning permission was granted for the development of the allocated site after the publication of the DPD. To be clear and effective, criteria V of Policy AS22 should refer to parking and access arrangements being from Main Street (**MM18**).
46. AS23 Station Yard, Arnside. Changes should be made to Policy AS23 to make it effective and to provide clarity in respect of flood sensitive development, parking and the potential for contamination on site which constitutes previously developed land. The recommendations of the revised HRA in respect of mitigation measures to safeguard the Morecambe Bay & Duddon Estuary SPA site, the designated Morecambe Bay SAC /Ramsar site and the designated Morecambe Bay SSSI should be included so that the Policy accords with national policy as set out in paragraph 118 of the Framework (**MM19**).
47. AS24 Railway Goods Yard, Silverdale. It is necessary to include the recommendations of the revised HRA regarding mitigation measures to safeguard the Leighton Moss SPA / Ramsar Site and the designated Leighton Moss SSSI so that the Policy accords with national policy as set out in paragraph 118 of the Framework. In addition, changes should be made to address parking and potential contamination issues to provide a clear indication of what would be permitted in accordance with national policy as set out in paragraph 154 of the Framework (**MM20**).
48. AS25 Land on Sandside Road and Quarry Lane, Sandside. The allocation relates to a significant area in the context of the AONB and consists predominately of previously developed land. MMs are necessary in respect of drainage, water supply infrastructure, and transport requirements to provide a clear indication of what would be permitted in accordance with national policy as set out in paragraph 154 of the Framework. The recommendations of the revised HRA in respect of mitigation measures to safeguard the Morecambe Bay & Duddon Estuary SPA site, the designated Morecambe Bay SAC /Ramsar site and the designated Morecambe Bay SSSI should be included so that the

policy accords with national policy as set out in paragraph 118 of the Framework (**MM21**).

49. In conclusion, the allocated sites are, with the exception of AS20, deliverable or developable and justified. Taking into account provision of infrastructure, affordable housing and the other policy requirements, the evidence before me indicates that the allocated sites are financially viable, though specific requirements would be determined through the development management process. Consequently, the DPD is positively prepared, justified and consistent with the strategic plans and national policy in respect of its provision for housing and mixed use development allocations.

### **Issue 3 – Are the development management policies clear, justified and consistent with national policy and will they be effective in enabling the delivery of sustainable development?**

50. Policy AS04 Natural Environment. Policy AS04 should address the enhancement of water bodies to provide net gains in biodiversity to be consistent with national policy in paragraph 109 of the Framework. In addition, changes are necessary to be consistent with paragraph 118 of the Framework in respect of trees (**MM4**).
51. Policy AS06 Key Settlement Landscapes. Policy AS06 is not positively worded in that it seeks to prevent all development within the identified Key Settlement Landscapes. In effect, this would preclude development in relation to established land uses. **MM5** and **MM6** are therefore necessary to address this. An additional area is identified as a Key Settlement Landscape on the Policies Map regarding Key Settlement Landscape B79, at Sandside/Storth to make the DPD effective in that regard. Any changes to the Policies Map proposed by the Councils will be published separately.
52. Policy AS07 Historic Environment. The policy does not accord with national policy as set out in paragraphs 133 and 134 of the Framework in regards to the significance of heritage assets and the balance of public benefits against harm. The recommended MMs address this (**MM7**).
53. Policy AS11 camping, caravan and visitor accommodation. The policy is justified in not allowing for the development of new caravan, chalet, cabin or lodge style developments in the AONB in order to conserve its landscape character and natural beauty, given the landscape quality and extent of existing provision within the AONB. However, the policy and supporting text would not be effective in regards to proposals for the redevelopment of existing caravan sites, or in regards to the occupation of holiday accommodation. Changes are required to provide a clear indication of what would be permitted in accordance with national policy as set out in paragraph 154 of the Framework. In addition, having regard to the comments received in respect of the MMs and to make the policy sound, I delete the word 'only' from the MM as proposed in respect of the redevelopment of existing caravan sites. Additional text is added to paragraph 4.8.7 in regards to the master plan requirements for site redevelopment to ensure that the DPD is effective.

The master plan approach is justified to safeguard the landscape and scenic beauty of the AONB (**MM8**).

54. Policy AS12 water quality, sewerage and sustainable drainage. The policy requires changes in respect of how development proposals would be dealt with in areas where there are no mains drainage, to provide a clear indication of what would be permitted in accordance with national policy as set out in paragraph 154 of the Framework (**MM9**).
55. Policy AS13 energy and communications. Policy AS13 includes a reference to the provision of broadband infrastructure. This matter is covered by specific detailed policies in the development plan and the specific element is not clear as to what will or will not be permitted. Accordingly this aspect is not justified or effective and should be deleted (**MM10**).
56. Policy AS14 advertising and signage. Advertisements should be subject to control only in the interests of amenity and public safety. To be effective, Policy AS14 should not repeat the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 nor seek to apply to the 'setting' of the AONB, as that falls outside of the DPD area. (**MM11**).
57. In conclusion, subject to the recommended main modifications, I consider the individual policies clear, justified and consistent with national policy and that will they be effective.

## Assessment of Legal Compliance

58. My examination of the legal compliance of the DPD is summarised below.
59. The Arnside and Silverdale AONB DPD has been prepared in accordance with the Councils' Local Development Schemes.
60. Consultation on the DPD and the MMs was carried out in compliance with the Council's Statements of Community Involvement.
61. SA has been carried out of the submitted DPD and MMs and is adequate.
62. A HRA Screening Report was undertaken in respect of the Publication version of the DPD dated October 2017. This was updated for the 'Submission Version' dated February 2018, to address points made by Natural England during the Regulation 19 consultation. The HRAs did not identify any policy of the DPD as having likely significant effects on European sites.
63. The Councils have subsequently revised the HRA in response to a Judgement issued by the Court of Justice of the European Union<sup>1</sup>. This has involved undertaking a screening exercise in respect of the policies without taking into account any measures intended to avoid or reduce the project's harmful effects on a European designated site and an Appropriate Assessment.

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<sup>1</sup> People over Wind, Peter Sweetman v Coillte Teoranta Case C-323/17

Natural England has confirmed that it has no objections to the revised HRA. The Arnside and Silverdale AONB DPD – Main Modifications HRA (September 2018) sets out that a full assessment has been undertaken and that the DPD may have some negative impact which requires mitigation. Mitigation measures are incorporated into the relevant policies of the DPD (as modified).

64. The respective Council's Local Plans include policies designed to ensure that the development and use of land in the local planning authorities areas contribute to the mitigation of, and adaptation to, climate change. DPD Policies AS01 development strategy, AS04 natural environments, AS12 water quality, sewerage and sustainable drainage and AS13 energy and communications, build upon the adopted strategic policies which apply within the AONB.
65. The Arnside and Silverdale AONB DPD complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Overall Conclusion and Recommendation**

66. The DPD has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
67. The Councils have requested that I recommend MMs to make the DPD sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

*Philip Lewis*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

## Appendix: Schedule of Proposed Main Modifications to the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD)

30 January 2019

The modifications below are expressed in the conventional form of underlining indicating text which will be added or moved within the final version of the document and strikethrough to indicate where original text will be deleted. This final version of the Main Modifications incorporates minor changes to the text of the version which was consulted upon, with new insertions indicated by greyed-over text.

The page and paragraph numbers relate to the publication Draft of the DPD and do not necessarily take account of any additional modifications which the Council may make.

The policies map is not included within the Main Modifications.

Modification Reference	Policy / paragraph	Proposed Modification
MM1	AS01 Development Strategy	Amend paragraph 5 to read: Development proposals within the Small Villages will be permitted only where they: <ul style="list-style-type: none"> <li>(I) <del>reflect and reinforce</del> <u>conserve and enhance the area's distinctive landscape and settlement character of the area's settlements</u>; and</li> <li>(II) <u>closely</u> reflect demonstrable local needs within the AONB; and</li> <li>(III) demonstrate an efficient use of previously developed land or buildings or help sustain an existing business.</li> </ul>
MM2	AS02 Landscape 3.1.27 3.1.28	Amend paragraph 1 to read:  Within the Arnside & Silverdale AONB, development proposals will be required to demonstrate how they conserve and enhance the landscape and natural beauty of the area. Proposals will not be permitted where they would have an adverse effect upon the landscape character or visual amenity of the AONB. <del>or its setting.</del>  Amend paragraph 3.1.27 to read:  The AONB is set within a wider landscape that is highly visible from within the AONB; it is this surrounding landscape that provides the impressive 'setting' to the AONB. The landscape setting is an important aspect of the AONB as the surroundings contribute to how the AONB is experienced, understood and appreciated. Development within the setting of the AONB has the potential to adversely affect the landscape and natural beauty of the AONB and will be considered very carefully by the Councils

Modification Reference	Policy / paragraph	Proposed Modification
		<p>against the policies in this DPD. <u>Proposals that may affect the setting of the AONB will be considered against the provisions of the relevant Local Plan policies contained within the Councils' other Local Plan documents.</u></p> <p>Amend paragraph 3.1.28 to read:</p> <p>Development proposals within the AONB or affecting its setting will have to demonstrate clearly that they are appropriate to the landscape character type and designation, taking into account the wealth of landscape character evidence and guidance available. <u>In all cases, a landscape assessment that is proportionate to the scale of the proposal and level of impact on the landscape will be required as part of the submission material supporting a development proposal.</u> The Councils may require the submission of a Landscape and Visual Impact Assessment (LVIA) undertaken to recognised Landscape Institute standards, and will also expect proposals to have regard to the content of the AONB Management Plan. <u>In some cases, where a scheme is considered minor development and/or has limited impacts, the assessment requirement can be covered through the Design and Access Statement.</u></p>
MM3	AS03	<p>Amend paragraph 1 to read:</p> <p>Within the Arnside &amp; Silverdale AONB, the number, size, types and tenures of all homes provided should closely reflect identified local needs in accordance with current AONB housing needs evidence at the time of the application. <u>Proposals for new housing development of two or more properties will be supported where they deliver no less than 50% affordable housing. Only where this is demonstrably unachievable will a lower percentage be acceptable. In assessing the level and type of affordable housing provision on each site, the Councils will have regard to site viability, individual site costs, other scheme requirements, and the guidance on affordable housing provision set out in Appendix 4.</u></p> <p>Insert after paragraph 1:</p> <p><u>Meeting the affordable housing requirement by commuted sums rather than by the provision of housing on site will be exceptional and require justification on a case-by-case basis.</u></p> <p>Delete paragraph 3:</p> <p><del>Affordable housing needs are forecast to apply over a period of time and not all the identified need is required straight away. The delivery of affordable housing should be phased in line with demand to ensure that the market is not over-supplied at any time. This can be done by close working with and between housing developers,</del></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p><del>landowners and appropriate Registered Providers of affordable housing.</del></p> <p>Paragraph 4.1.4 insert:</p> <p><u>(III) The Councils will apply relevant guidance on affordable housing provision including that contained in Appendix 4 in order to assess the level and type of affordable housing provision on each site, how and where commuted sums may be used and the eligibility criteria on a case-by-case basis.</u></p>
MM4	AS04 – Natural Environment	<p>Amend paragraph 2 to read:</p> <p>To protect and enhance the robustness, function and value of the natural environment, development proposals must protect and contribute to the appropriate enhancement of the extent, value <u>and/or</u> integrity of:</p> <p>Amend paragraph 6 to read:</p> <p><u>Development should restore and enhance water bodies, prevent deterioration, promote recovery, reduce flood risk and conserve habitats and species that depend directly on water. Where relevant, this should involve the opening up of culverts.</u> Proposals that enable or facilitate specifically tailored or targeted action to restore or enhance rare or priority species or habitats will be particularly supported.</p> <p>Amend paragraphs 7 and 8 to read:</p> <p>New development should <del>positively incorporate new, and</del> protect and enhance existing trees unless there are clear and demonstrable reasons why their removal would aid delivery of a better development overall, <u>and should also positively incorporate new trees.</u></p> <p>Proposals that would result in the loss or deterioration of trees that are subject to Tree Preservation Orders, are Ancient, Veteran or located within Conservation Areas, or that are otherwise significant, will <del>only not</del> be permitted <del>where unless</del>:</p> <ul style="list-style-type: none"> <li>(X) an overriding need for the development and its benefits in that location clearly outweigh the loss or harm; and</li> <li>(XI) <del>replacement compensatory</del> planting is provided.</li> </ul>
MM5	Paragraph 4.3.2	<p>Key Settlement Landscapes are private (not publicly accessible) areas of open space <u>within the four AONB Local Service Centres settlements</u> that make a particular and important contribution to the character of the AONB by</p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p>bringing the countryside into the settlements and reinforcing their rural character as well as by providing key views and offering variety in settlement form, fabric and feel. <u>Some are part of significant tracts of land within settlements. All the Key Settlement Landscapes form an important part of the distinctive character of the settlements within which they lie and form part of their setting.</u> This policy protects the areas identified as Key Settlement Landscapes on the Policies Map (Appendix 1) and listed at Appendix 3 from <u>development that may harm their integral function in this respect</u> to ensure that they can continue to perform this role in perpetuity.</p>
MM6	<p>AS06 – Key Settlement Landscapes</p> <p>Paragraphs 4.3.10, 4.3.11</p>	<p>Amend paragraph 1 to read:</p> <p>Key Settlement Landscapes are <u>private areas of open space that</u> make an important contribution to the character of the AONB and its settlements. The areas identified on the Policies Map as Key Settlement Landscapes are designated for protection from development.</p> <p>Delete paragraph 2:</p> <p><del>Development proposals will not be permitted within Key Settlement Landscapes; or where they would compromise the integrity, setting, open nature or rural characteristics.</del></p> <p>Insert replacement paragraph 2:</p> <p><u>Proposals for development within Key Settlement Landscapes will only be permitted in exceptional circumstances, where they appropriately reuse existing buildings or are associated with the functional activities of established land uses within these identified areas and cannot be located elsewhere, and where they do not compromise the open nature, rural characteristics, and landscape character of the Key Settlement Landscape concerned. Proposals within the AONB should also not adversely affect the setting of the Key Settlement Landscape concerned.</u></p> <p>Delete paragraph 4.3.10</p> <p><del>All the Key Settlement Landscapes identified for protection are listed in Appendix 3. Key Settlement Landscapes are designated within the four AONB Local Service Centres. All the spaces identified as Key Settlement Landscapes form an important part of the distinctive characters of the settlements within which they lie. Some are part of</del></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p><del>significant tracts of land within settlements. All Key Settlement Landscapes contribute to the settlements' rural nature and settlement form and give the sense of the countryside and landscape of the AONB being an integral part of the settlements as well as being the setting for them.</del></p> <p>Amend paragraph 4.3.11 to read:</p> <p>The protection of Key Settlement Landscapes is important for their visual and amenity value but also for the wider role that these areas perform, contributing to the distinctive characters of the AONB's settlements, to the wider AONB landscape and to the Special Qualities of the AONB. The proposed policy is designed to protect the areas identified as Key Settlement Landscapes from development <u>that would harm their integral function</u>, including development that may be proposed outside of the areas but that would harm their integrity as Key Settlement Landscapes.</p>
MM7	AS07 – Historic Environment	<p>Amend paragraph 1 to read:</p> <p>All development proposals in the AONB must take into account the unique heritage assets and historic character of the area, including built, natural, <u>historic</u> and cultural heritage features, and protect, <u>conserve</u> and enhance <u>the significance of heritage assets (including any contribution made by their setting)</u>, historic landscape character, <del>locally important heritage assets and their settings</del>, and the distinctiveness of settlements.</p> <p>Amend (I) to read:</p> <p>(I) conserve and enhance the <del>special architectural and historic interest</del> <u>significance</u> of the asset, including its contribution to the wider historic character and landscape of the AONB. This may include schemes that specifically aim to (or include measures to) protect, restore, enhance, reveal, interpret, sensitively and imaginatively incorporate or record historic assets or features;</p> <p>Amend paragraph 4 to read:</p> <p>Development proposals will not be permitted where they <u>are unjustified or where public benefits do not offset any harm that would occur to the significance of heritage assets</u>, <del>significantly affect the value, setting, fabric or condition of heritage assets; result in or contribute to the loss of fragmentation of heritage assets; or where they have a significant adverse impact on</del> <u>including the area's historic landscape character and including cumulative impacts.</u></p>
MM8	AS11 –	Amend (II) to read:

Modification Reference	Policy / paragraph	Proposed Modification
	Camping, Caravan and Visitor Accommodation  Paragraph 4.8.7	<p>(II) may be supported within existing caravan or camping sites for small-scale <b>tented camping and other low impact visitor accommodation</b>. Proposals should be within the <u>developed screened</u> footprint of an existing site, able to diversify the local offer and enhance the landscape character and natural beauty of the AONB. Proposals will be required to show no adverse impact on the capacity of road, sewerage or other infrastructure.</p> <p>Insert additional text after (III)</p> <p><u>Redevelopment proposals within the developed footprint of an existing caravan site will <del>only</del> be permitted when submitted as master-planned improvements for the whole site, and which shall:</u></p> <ul style="list-style-type: none"> <li>(IV) <u>be of a scale and design appropriate to the locality; and</u></li> <li>(V) <u>not have an adverse impact (individually or cumulatively) on the countryside or coast, in terms of landscape character and visual amenity; and</u></li> <li>(VI) <u>be capable of being effectively screened by existing landform, trees or planting. Additional effective landscaping may be needed to supplement existing landscaping; and</u></li> <li>(VII) <u>not have an adverse impact on surrounding residential amenity; and</u></li> <li>(VIII) <u>not give rise to unacceptable impacts on the local road network, either through traffic generation from the site itself, or through cumulative impacts alongside other sites; and</u></li> <li>(IX) <u>not give rise to any adverse impact on sewerage infrastructure; and</u></li> <li>(X) <u>protect and enhance biodiversity assets; and</u></li> <li>(XI) <u>provide demonstrable net gains to the special qualities of the AONB through enhancements to its landscape character and natural beauty; and</u></li> <li>(XII) <u>be constructed of appropriate external materials and colours that are sympathetic to its locality; and</u></li> <li>(XIII) <u>demonstrate the delivery of tangible local economic benefits; and</u></li> <li>(XIV) <u>not introduce inappropriate levels of use to the location</u></li> <li>(XV) <u>control winter storage and the opening period</u></li> </ul> <p>Insert additional text at end of policy:</p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p><b><u>Occupancy of holiday accommodation – such as caravans (or other year round stationed units)</u></b></p> <p><u>The Councils will control occupancy to ensure that the proposed accommodation is only used as holiday accommodation and not as primary or main residence. This may require the provision of a register of occupants. The exceptional use of holiday accommodation as a primary or main residence for a site owner or manager will be considered under relevant Local Plan policies.</u></p> <p><u>In order to minimise any environment or landscape impacts, the Council will consider the need to impose planning conditions to restrict the opening period(s) for proposed touring caravan pitches and to control the storage of caravans over the winter period.</u></p> <p>Amend paragraph 4.8.7 to read:</p> <p>The policy is <del>more</del> restrictive towards the use of land for static caravans, chalets, cabins or lodge style development because of their <del>unsuitable appearance impact on the</del> <u>within a protected designated</u> landscape. The policy restricts <del>new static caravan development sites or intensification,</del> but <u>allows for redevelopment proposals, in the context of a master planned approach for the whole site, subject to meeting a range of criteria.</u> It also opens up opportunities for existing operators to diversify into new markets. This may include, for example, a scheme that has a high proportion of yurts, shepherds huts or other units manufactured from low impact materials, designed in organic shapes and with colours that are sympathetic to the locality. The design, number and appearance of units will be key to their satisfactory accommodation into the landscape.</p>
MM9	AS12 – Water quality, sewerage and sustainable drainage	<p>In areas not connected to mains drainage, development proposals that will increase <u>flows will only be approved if drainage discharges will require evidence about the condition and capacity of the existing infrastructure can be shown to be adequate to receive the increased flows or, if new infrastructure is required to achieve this, it will not have an adverse impact on the environment or landscape.</u></p>
MM10	AS13 – Energy and Communications	<p>Amend paragraph 5 to read:</p> <p><del>New development will include sufficient on-site superfast and ultrafast broadband infrastructure.</del> Opportunities to share communications infrastructure in order to enhance services whilst avoiding or minimising landscape impacts should be fully explored and the results evidenced before additional infrastructure is considered. Sensitive developments that enhance mobile ‘phone coverage will be supported.</p>

Modification Reference	Policy / paragraph	Proposed Modification
MM11	<p>AS14 – Advertising and Signage</p> <p>Paragraphs 4.11.1, 4.11.5, 4.11.6</p>	<p>Amend paragraphs 1 – 3 to read;</p> <p><del>Part of Warton and the whole of the area of the AONB that falls within South Lakeland are Areas of Special Control of Advertisements. The special requirements for these areas set out in the relevant District's Local Plan should be adhered to.</del></p> <p>Further to the wider requirements relating to advertising and signage set out in both relevant District-wide Local Plans, in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and elsewhere in this document, <u>All forms of advertisement that require consent must not cause a public safety hazard or contribute to a loss of amenity. Proposals for adverts and signs in the AONB should have regard to requirements within relevant regulations and will be permitted only where:</u></p> <p style="padding-left: 40px;">(I) they conserve and enhance the landscape character and visual amenity of the AONB <del>and its setting</del>;</p> <p>Delete paragraph 3:</p> <p><del>Illuminated signage and advertisements and advertisements or signage on hoardings, telephone kiosks or balloons will not be permitted in the AONB in line with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.</del></p> <p>Insert new paragraphs into supporting text:</p> <p>4.11.4 <u>Advertisements may only be controlled by Councils on public safety and amenity grounds. The display of advertisements is subject to a separate consent process within the planning system set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).</u></p> <p>4.11.5 <u>In addition, part of Warton and the whole of the area of the AONB that falls within South Lakeland are Areas of Special Control of Advertisements. An Area of Special Control of Advertisements is an area specifically defined by the Councils because its scenic, historical, architectural or cultural features are so significant that a stricter degree of advertisement control is justified in order to conserve the visual amenity within the area. Within the area of the AONB covered by the Area of Special Control of Advertisements, three main categories of outdoor advertising are permitted. These are:</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<ul style="list-style-type: none"> <li>• <u>Public notices</u></li> <li>• <u>Advertisements inside a building</u></li> <li>• <u>Advertisements for which there is deemed consent</u></li> </ul> <p>4.11.6 <u>The main consequence for advertisements which can be displayed with deemed consent in the Area of Special Control is that there are stricter limits on the permitted height and size of the advertisement than elsewhere. In addition, illuminated signage and advertisements, and advertisements or signage on hoardings, telephone kiosks or balloons are not permitted in the AONB.</u></p>
MM12	AS15 Housing Allocations	Delete Site AS20 (B108) Land on Church Street, Beetham from table.
MM13	<p>Paragraph 5.3.2</p> <p>AS17 (A6) – Land off Queen’s Drive, Arnside</p>	<p>Amend paragraph 5.3.2 to read:</p> <p>Key considerations for this site are <u>presence of water mains and the need for easements</u>, the relocation of the garages and the rock face adjacent the site.</p> <p>Amend AS7 (1) to read:</p> <p>(I) Development proposals and must be accompanied by drainage, surface water and sewerage plans and reports, demonstrating to the satisfaction of the relevant authorities that they provide resilience against flood, surface water and wastewater/sewerage issues and will not create or worsen flood, surface water or sewerage risks to existing properties. <u>There is an existing risk of surface water flooding and the applicant must place land uses most sensitive to flood damage in areas within the site are at least risk of flooding, and ensure that the development and any measures to protect the site from flooding will not cause any increase in flood risk off-site and elsewhere (e.g. provide compensatory surface water storage).</u></p> <p>Amend (III) to read:</p> <p>(III) Appropriate access arrangements from Queen’s Drive and parking arrangements are to be agreed to the satisfaction of the highway authority. <u>This would include alteration of the existing access width, justification with a Road Safety Audit (or a combination of the two).</u></p> <p>Insert additional criterion (IX)</p> <p>(IX) <u>The presence of water mains and the need for easements will need to be taken into account in</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<u>the design of the scheme.</u>
MM14	AS18 (part of A9) – Land on Hollins Lane, Arnside	Amend IV to read:  IV. Appropriate <u>parking and</u> access arrangements <u>including a requirement for the widening of Hollins Lane and the provision of a footway alongside it to enable acceptable means of access</u> from Hollins Lane are to be agreed to the satisfaction of the highway authority.
MM15	AS19 (A11) – Land on Briery Bank, Arnside	Amend criteria IV, VI and VII to read:  IV. Appropriate <u>parking and</u> access arrangements from Briery Bank are to be agreed to the satisfaction of the highway authority.  VI. <u>An Arboricultural Survey (Tree Survey) will be required in support of submission of any development proposals.</u>  VII. The mature hedge and trees on the northern and eastern boundaries must be <u>appropriately managed and</u> retained.
MM16	AS20 (B108) – Land on Church Street, Beetham	Delete Policy
MM17	AS21 (W88) – Land North West of Sand Lane, Warton	Amend criteria V and VII to read:  V. Appropriate <u>parking and</u> access arrangements from Sand Lane are to be agreed to the satisfaction of the highway authority. All parking provision must be within the development site.  VII. Development must retain the mature trees and hedges on the south eastern ( <u>subject to achieving satisfactory access</u> ) and north eastern boundaries and create a sensitive yet robust and defensible boundary to the north western edge.  Insert new criteria:  VIII. <u>A proper investigation and recording of any archaeological interest on the site must be undertaken in line with relevant policies of the Lancaster Local Plan.</u>
MM18	AS22 (part of W130) – Land North of 17 Main Street, Warton	Amend V to read:  V. Appropriate <u>parking and</u> access arrangements from Main Street are to be agreed to the satisfaction of the highway authority. All parking provision must be within the development site.
MM19	AS23 (A26/A27) – Station Yard,	Amend IV to VI to read:  IV. Residential development must avoid Flood Risk

Modification Reference	Policy / paragraph	Proposed Modification
	Arnside	<p>Zone 3 areas. A site-specific flood risk assessment <u>and drainage strategy will</u> <del>may</del> be required. <del>by the Environment Agency.</del></p> <p>V. <del>The site adjoins a site designated as SSSI, SAC, SPA and under the Ramsar Convention adjoins the designated Morecambe Bay &amp; Duddon Estuary SPA site and the designated Morecambe Bay SAC /Ramsar site and the designated Morecambe Bay SSSI. A project-level Habitats Regulation Assessment should be undertaken (prior to planning permission being granted) to determine which biodiversity mitigation measures are expected to be required. Guided by existing evidence, the following mitigation measures are likely to be necessary:</del></p> <ul style="list-style-type: none"> <li>a. <u>Timings of construction works to avoid the wintering period (October – March inclusive).</u></li> <li>b. <u>Sensitive scheme design to take account of potential impacts on the designated site(s).</u></li> <li>c. <u>The erection of acoustic &amp; visual screening throughout the construction period.</u></li> <li>d. <u>Barriers to prevent debris entering the nearby watercourse/designated site, and</u></li> <li>e. <u>Standard best practice approaches such as pollution prevention measures</u></li> </ul> <p><del>The ecological survey and assessment undertaken to inform the project-level HRA will also identify the requirement for any other measures which may be needed as a result of development at the site. Biodiversity mitigation measures will be required, guided by existing evidence and an appropriate ecological survey. This should include assessment of potential impacts upon the designated sites and any likely significant effects identified would require appropriate mitigation and / or compensation to enable planning permission to be granted. Reference to the Habitats Regulations Report accompanying this DPD should be made in considering the assessments and mitigations needed. Standard best practice approaches such as pollution prevention measures must be implemented.</del></p> <p>VI. <u>Appropriate parking and access arrangements from Sandside Road are to be agreed to the satisfaction of the highway authority.</u></p> <p>Insert new VII:</p> <p>VII. <u>Consideration of possible contamination on the site through submission of Preliminary Investigation (Phase 1 desk study, site reconnaissance and preliminary risk assessment)</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
MM20	AS24 (S70) – Railway Goods Yard, Silverdale	<p>Amend IV and V to read:</p> <p>IV. <u>The site is hydrologically linked to the designated Leighton Moss SPA / Ramsar Site and the designated Leighton Moss SSSI. A Project-level HRA should be undertaken (prior to planning permission being granted) to determine which hydrological mitigation measures are expected to be required. Guided by existing evidence, the following mitigation measures are likely to be necessary:</u></p> <ul style="list-style-type: none"> <li>a. <u>Sensitive Scheme design to take account of potential impacts on the designated site(s).</u></li> <li>b. <u>Barriers to prevent debris entering the nearby watercourse/designated site, and</u></li> <li>c. <u>Standard best practice approaches such as pollution prevention measures</u></li> </ul> <p><u>The hydrological assessment undertaken to inform the project-level HRA will also identify the requirement for any other measures which may be needed as a result of development at the site.</u>  <u>Biodiversity mitigation measures will be required, guided by existing evidence and an appropriate ecological survey of the site.</u></p> <p>V. <u>Appropriate parking and access arrangements from Red Bridge Lane are to be agreed to the satisfaction of the highway authority.</u></p> <p>Insert new VI</p> <p>VI <u>Consideration of possible contamination on the site through submission of Preliminary Investigation (Phase 1 desk study, site reconnaissance and preliminary risk assessment).</u></p>
MM21	AS25 (B35 / B38 / B81 / B125) – Land on Sandside Road and Quarry Lane, Sandside  Paragraph 5.3.9	<p>Amend</p> <p>III. Development proposals will require an Environmental Permit and relevant discharge consents and must be accompanied by drainage, surface water and sewerage plans and reports, demonstrating to the satisfaction of the relevant authorities that they provide resilience against flood, surface water and wastewater/sewerage issues and will not create or worsen flood, surface water or sewerage risks to existing properties. <u>The drainage system must accommodate off site water as well as run-off generated within the site.</u></p> <p>IV. Residential development must avoid Flood Risk Zone 3 areas. A site-specific flood risk assessment <u>and drainage strategy will</u><del>may</del> be required. <del>by the</del></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p>Environment Agency-</p> <p>V. <u>The site is hydrologically linked to the designated Morecambe Bay &amp; Duddon Estuary SPA site and the designated Morecambe Bay SAC / Ramsar site and the designated Morecambe Bay SSSI. A project-level HRA should be undertaken (prior to planning permission being granted) to determine which hydrological mitigation measures are expected to be required. Guided by existing evidence, the following mitigation measures are likely to be necessary:</u></p> <ul style="list-style-type: none"> <li>a. <u>Sensitive Scheme design to take account of potential impacts on the designated site(s),</u></li> <li>b. <u>Barriers to prevent debris entering the nearby watercourse/designated site, and</u></li> <li>c. <u>Standard best practice approaches such as pollution prevention measures.</u></li> </ul> <p><u>The hydrological assessment undertaken to inform the project-level HRA will also identify the requirement for any other measures which may be needed as a result of development at the site.</u></p> <p><del>adjoins a site designated as SSSI, SAC, SPA and under the Ramsar Convention. Biodiversity mitigation measures will be required, guided by existing evidence and an appropriate ecological survey. This should include assessment of potential impacts upon the designated sites and any likely significant effects identified would require appropriate mitigation and / or compensation to enable planning permission to be granted. Reference to the Habitats Regulations Report accompanying this DPD should be made in considering the assessments and mitigations needed. Standard best practice approaches such as pollution prevention measures must be implemented.</del></p> <p>Insert new point VI:</p> <p>VI. <u>Consideration of possible contamination on the site through submission of Preliminary Investigation (Phase 1 desk study, site reconnaissance and preliminary risk assessment).</u></p> <p>Amend VII and XVI to read:</p> <p>VII. <u>Appropriate parking and access arrangements from Park Road, supported by a <del>Transport statement</del> Assessment or Road Safety Audit, are to be agreed to the satisfaction of the highway authority.</u></p> <p>XVI. <u>The site will benefit from master-planning to ensure best and most appropriate redevelopment of the site. The presence of trunk and distribution mains and the need for maintenance strips, as well as the</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p><u>pumping station and sewers on and adjacent the site will need to be taken into account in the design of the scheme.</u></p> <p>Amend paragraph 5.3.9 to read:</p> <p>5.3.9 Key issues for this site are taking a comprehensive approach to redevelopment, careful management of flood risk and impacts on Morecambe Bay <u>and consideration of the trunk main, pumping station and sewers on/adjacent the site,</u> as well as the retention of The Ship Inn as a community facility.</p>
MM22	Appendix 4	Insert Appendix 4
MM23	Appendix 5	Insert Appendix 5

## **Appendix 4: Affordable Housing Guidance**

This appendix sets out guidance on the implementation of policy AS03 on affordable housing within the AONB for developers and those applying for planning permission. While some aspects of the guidance apply within both the South Lakeland and Lancaster City parts of the AONB, other aspects differ between the two housing authorities, as set out below.

### **1. Guidance applying to both the South Lakeland and Lancaster City Council parts of the AONB**

- 1.1 Policy AS03 requires that no less than 50% of dwellings to be provided as affordable housing on all housing sites of two or more properties. The Councils' preference is for the requirement to be met on-site; achieved in discussion and in negotiation with the Councils and subject to agreement. Any off-site provision will need to be clearly justified on a case-by-case basis.
- 1.2 Developers should engage in pre-application discussions with the Councils at an early stage of their proposals to determine the appropriate affordable housing provision on a case by case basis. In implementing Policy AS03 and advising on the site specific requirements Lancaster City Council and South Lakeland District Council will have regard to available local evidence of housing need at the time of the planning application, including their Strategic Housing Market Assessments, parish housing needs surveys, local housing register and other appropriate evidence. The most recent housing needs survey undertaken for the AONB was completed in 2014 and survey responses indicated a need for 36 affordable rent properties, 32 affordable sale properties and 4 sheltered housing properties within 5 years from the survey date.
- 1.3 The Councils will secure the new affordable housing in perpetuity and ensure it is restricted to those in housing need with a local connection to the AONB through legal agreements, in accordance with their respective guidance on affordable housing provision.

### Commuted Sums

- 1.4 Meeting the affordable housing requirement by commuted sums rather than by the provision of housing on site will be exceptional and require justification on a case-by-case basis.
- 1.5 Any commuted sums will be used to meet affordable housing need, for example to assist affordable housing schemes proposed by Registered Housing Providers; or bringing private empty homes back into use as affordable housing.

- 1.6 Within the Lancaster part of the Arnside & Silverdale AONB, any commuted sums in lieu of on-site provision will be used to meet the need for affordable housing as a first priority in the parishes of Warton or Silverdale within a four year period to ensure that any sums collected are directly related to meeting the affordable needs of the Lancaster part of the AONB. If no suitable schemes are identified within the Lancaster part of the AONB during this time period, any funds collected will be prioritised on schemes within Carnforth, or again should no suitable schemes be available in this area, then any funds collected will be used on schemes within the wider district.
- 1.7 Within South Lakeland, any commuted sums collected in lieu of on-site provision will be used to meet the need for affordable housing firstly within the parishes of Arnside, Beetham or Milnthorpe within a 2 year period to ensure that any sums collected are directly related to meeting the affordable housing needs of the local area. If no suitable schemes become available within this area and time period, then any funds collected will be used on schemes within the remainder of the South Westmorland LAP area and then the wider South Lakeland District.

## **2. Guidance Applying in the Lancaster City Council Part of the AONB**

2.1 Additional guidance and policy to support the implementation of Policy AS03 within the Lancaster City Council part of the AONB can be found in:

- The Lancaster Development Management Development Plan Document 2014<sup>1</sup> specifically policy DM41 (or any emerging review)
- The Meeting Housing Needs Supplementary Planning Document 2013 (or any future successor)

2.2 Policy AS03 updates the threshold and percentage requirements applicable within AONB.

2.3 Documents can be accessed on the Council's website at the link above.

### Eligibility

2.4 Lancaster City Council operates a cascade provision in order to prioritise applicants who have the strongest rural connection for social housing within rural parishes in Lancaster district. In respect of the AONB Plan, priority within the Lancaster part of the AONB will be applied as follows:

- persons residing or having a rural connection to the parish of Silverdale, Warton, Yealand Redmayne or Yealand Conyers;

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<sup>1</sup> It should be noted at the time of adoption a review of the Development Management DPD has been submitted to the Planning Inspectorate for Examination in public, once adopted this document will supersede the 2014 DPD.

- persons residing or having a rural connection to the surrounding parishes of Priest Hutton, Borwick, Over Kellet, Nether Kellet and Carnforth;
- persons residing or having a rural connection in the remainder of the rural parishes of the City of Lancaster (unless as part of Duty to Co-operate arrangements with neighbouring authorities, any rural parishes outside of Lancaster district are added into the cascade provision having secured agreement between the relevant local authorities);
- persons residing or having a local connections Lancaster district.

2.5 Rural connection is defined as:

- have lived in the defined parish for 6 (six) out of the last 12 (twelve) months or 3 (three) out of the last 5 (five) years;
- have previously lived in the defined parish for at least 5 (five) years;
- are permanently employed in the defined parish;
- have close family (i.e. mother, father, adult sibling or adult child), who currently live in the Lancaster district and have done so for the previous 5 (five) years; or
- can demonstrate a rural connection for another significant reason.

2.6 Any applicants must be eligible for inclusion on the Council's Housing Register. Once the cascade provision has been applied, applicants fulfilling the rural connection set out above will subsequently be prioritised in accordance with the Council's Allocation Policy.

2.7 Developers are encouraged to enter early discussions with the Planning and Housing Policy team to understand tenures of affordable housing that will be considered, requirements on housing mix and any other relevant matters to affordable need.

### **3. Guidance Applying in the South Lakeland Part of the AONB**

3.1 Additional guidance to support the implementation of Policy AS03 within the South Lakeland District Council part of the AONB can be found in:

- [The South Lakeland Core Strategy \(October 2010\)](#)<sup>2</sup> pages 81-82 and 143-153
- [SLDC Affordable Housing Guidance for Developers](#)<sup>3</sup>

3.2 Parts of the guidance in the Core Strategy are superseded and updated by the SLDC Affordable Housing Guidance for Developers which is updated

<sup>2</sup> <https://www.southlakeland.gov.uk/planning-and-building/south-lakeland-local-plan/local-plan-core-strategy/>

<sup>3</sup> <https://www.southlakeland.gov.uk/housing/affordable-housing/affordable-housing-building/>

annually (last updated December 2017) and can be accessed on the Council's website at the link above.

### Eligibility

- 3.3 The existing guidance prepared by the Council provides advice on the local connection definition that is used by the Council, the tenures of affordable housing that will be considered, and the process that developers should undertake including early pre-application discussions with the Housing Strategy team. The online affordable housing guidance provides minimum size requirements for new affordable properties and sets initial fixed sale prices for affordable housing for sale prices.
- 3.4 The Council's Local Lettings and Local Connection Policies were reviewed in 2014 to update the guidance within the Core Strategy and were approved at a Council meeting on 29th September 2014. Details of these changes and the current definition of local connection can be found on the Council's [website](#)<sup>4</sup>.
- 3.5 The South Lakeland part of the AONB falls within the 'South Westmorland' locality which comprises of a number of parishes as stated in the table below. In line with the guidance above affordable properties in the AONB will in the first instance be restricted to those with a local connection to the South Westmorland Local Area Partnership (LAP) with priority given to eligible applicants who live or work in the immediate parish in which the affordable home is located.

<b><u>Local Area Partnership</u></b>	<b><u>Parishes included in LAP area</u></b>
<u>South Westmorland</u>	<u>Burton-in-Kendal, Hincaster, Holme, Lupton, Hutton Roof, Arnside, Beetham, Preston Patrick, Preston Richard, Sedgwick, Stainton, Natland, Milnthorpe, Heversham, Crosthwaite &amp; Lyth, Witherslack, Meathop &amp; Ulpha, Helsington, Levens, Crook, Underbarrow &amp; Bradleyfield .</u>

<sup>4</sup> <http://democracy.southlakeland.gov.uk/ieDecisionDetails.aspx?ID=1853>

## **Appendix 5: Schedule of Existing Local Plan Policies Proposed for replacement through the adoption of the Arnside & Silverdale AONB DPD (AONB DPD)**

This Appendix sets out those existing policies that will be superseded by the AONB DPD. The existing policies in the area for which South Lakeland District Council is the local planning authority are addressed first, followed by those in Lancaster City.

### **1. Existing Policies in South Lakeland**

This Appendix sets out, firstly, those saved and extended South Lakeland Local Plan and Alteration Policies that will be superseded by the AONB DPD on its adoption, either wholly through new replacement policies contained in the AONB DPD /or partly in conjunction with the Development Management Policies DPD on its adoption. Secondly, those existing Local Plan policies in the Core Strategy DPD that will be superseded either wholly or partly by replacement policies contained in the AONB DPD in its adoption. References to Development Management policies and Core Strategy policies are included where relevant.

The existing development plan cover South Lakeland District outside the two national parks and includes the Arnside and Silverdale AONB. It consists of:

- the South Lakeland Local Plan – Core Strategy – Adopted October 2010
- the South Lakeland Local Plan – Land Allocations Document – Adopted December 2013
- the South Lakeland Local Plan – Adopted September 1997
- the South Lakeland Local Plan Alteration – Adopted March 2006
- the Development Management Policies DPD (on its adoption)
- the Arnside & Silverdale AONB DPD (on its adoption)

The South Lakeland Local Plan comprising the September 1997 Local Plan and Alterations (Final Composite Plan adopted in 2006) covers the period up to 2006. This represents the end date for housing and industrial allocations contained in the Plan. The Plan's other policies have a general validity, which extend beyond 2006.

Under the 2004 Planning and Compulsory Purchase Act, Local Plan policies adopted when the Act came into force in September 2004 were automatically saved for three years, or, if adopted after September 2004, saved for three years from the date of adoption. On this basis, South Lakeland Local Plan policies were automatically saved for an initial three years as follows:

- Policies adopted in September 1997 were saved until September 2007;

- Altered policies adopted in March 2006 were saved until March 2009

As these policies approached their expiry date, the Secretary of State confirmed, following a request from the District Council, that:

- All saved Local Plan policies, which had been adopted in 1997 were extended beyond September 2007, except for policies R3, C4, C17 and Tr6
- All saved Local Plan Alteration policies were extended beyond March 2009

## South Lakeland District Council, Saved and Extended Local Plan Policies

<u>Saved and extended Local Plan Policy</u>	<u>Superseded by</u>	<u>Explanation</u>
<u>H5 Settlements suitable for growth</u>	<u>Development Boundaries of Arnside and Storth/Sandside settlements within the AONB are superseded by AONB DPD, which removes development boundaries</u>	<p><u>Development boundaries for Arnside and Storth/Sandside to be superseded and removed by the AONB DPD.</u></p> <p><i>AS01 sets out the Development Strategy for the AONB including the settlement hierarchy.</i></p>
<u>E3 Land Allocated for Local Employment uses</u>  <u>Quarry Lane, Storth</u>	<u>Superseded by AONB DPD policies AS16 and AS23-AS25.</u>	<u>Employment allocations in the AONB superseded by AONB DPD policies AS16 and AS23-AS25</u>
<u>E10 Farm Diversification</u>	<u>Superseded by AONB DPD policies AS01 and AS09</u>	<p><u>AONB DPD policies AS01 and AS09 include criteria relating to farm diversification.</u></p> <p><u>DM1 provides general criteria for assessing proposals for farm diversification. Criteria in Core Strategy CS7.4 also relevant</u></p>
<u>T5 Caravan Site Development within the Arnside and Silverdale AONB</u>	<u>Superseded by AONB DPD policy AS11.</u>	<u>AONB DPD policy AS11 builds on previous policy to set out the types of camping, caravan and other visitor accommodations that are considered appropriate in the AONB.</u>

<b><u>Saved and extended Local Plan Policy</u></b>	<b><u>Superseded by</u></b>	<b><u>Explanation</u></b>
<u>C11 Tree Preservation Orders</u>	<u>Superseded by AONB DPD policy AS04.</u>	<u>AS04 sets out policy for the natural environment, including criteria for development affecting trees with TPO's in the AONB.</u>
<u>C15 Listed Buildings and their Settings</u>	<u>Superseded by AONB DPD policy AS07</u>	<u>AS07 sets out the approach to the historic environment within the AONB.</u>  <u>Development Management Policies DM3 also applies and sets out a policy approach towards listed buildings and their settings, and builds on Core Strategy CS8.6.</u>
<u>C16 Control of Development affecting Conservation Areas</u>	<u>Superseded by AONB DPD policy AS07</u>	<u>AS07 sets out the approach to the historic environment within the AONB.</u>  <u>Development Management Policies DM3 also applies and sets out a policy approach towards Conservation Areas, and builds on Core Strategy CS8.6.</u>

<b><u>Saved and extended Local Plan Policy</u></b>	<b><u>Superseded by</u></b>	<b><u>Explanation</u></b>
<u>C19 Sites of Archaeological Interest</u>	<u>Superseded by AONB DPD policy AS07</u>	<p><u>AS07 sets out the approach to the historic environment within the AONB.</u></p> <p><u>Development Management Policies DM3 also applies and sets out a policy approach towards Sites of Archaeological Interest and builds on Core Strategy CS8.6.</u></p>
<u>C20 Historic Landscapes</u>	<u>Superseded by AONB DPD policies AS02 and AS07</u>	<p><u>AS02 sets out criteria for consideration of landscape, including the historic character of the landscape. AS07 sets out the approach to the historic environment within the AONB.</u></p> <p><u>DM3 also applies and sets out approach towards Historic Landscapes, and builds on Core Strategy CS8.6.</u></p> <p><u>DM4 sets out approach to green infrastructure.</u></p>
<u>C26 Wind Energy</u>	<u>Superseded by AONB DPD policy AS13</u>	<u>A13 sets out criteria for the development of renewable energy in the AONB.</u>
<u>C28 Hydro Electricity</u>	<u>Superseded by AONB DPD policy AS13</u>	<u>AS13 sets out criteria for the development of renewable energy in the AONB.</u>

<b><u>Saved and extended Local Plan Policy</u></b>	<b><u>Superseded by</u></b>	<b><u>Explanation</u></b>
<u>C29 Slurry</u>	<u>Superseded by AONB DPD policy AS13</u>	<u>AS13 sets out criteria for the development of renewable energy in the AONB.</u>
<u>C30 Solar Power</u>	<u>Superseded by AONB DPD policy AS13</u>	<u>AS13 sets out criteria for the development of renewable energy in the AONB.</u>
<u>C31 Cumulative Impact of Renewable Energy projects</u>	<u>Superseded by AONB DPD policy AS13</u>	<u>AS13 sets out criteria for the development of renewable energy in the AONB.</u>
<u>S4 Important Open Space</u>	<u>Superseded by AONB DPD policies AS05 and AS06</u>	<u>AONB DPD policies AS05 and AS06 identify open space and recreation and key settlement landscapes for protection within the Arnside and Silverdale AONB area.</u>
<u>S20 Control over Advertisements</u>	<u>Superseded by AONB DPD policy AS14</u>	<u>AS14 sets out criteria for new advertisements in the AONB.</u>  <u>DM20 sets out approach to control of advertisements and policy criteria and also applies (exception points 1- 5)</u>

<b><u>Saved and extended Local Plan Policy</u></b>	<b><u>Superseded by</u></b>	<b><u>Explanation</u></b>
<u>S21 Areas of Special Control of Advertisements</u>	<u>Superseded by AONB DPD policy AS14</u>	<p><u>AS14 sets out criteria for new advertisements in the AONB – an area of special advertising control.</u></p> <p><u>DM20 sets out approach to areas of special control of advertisements and policy and also applies (exception points 1-5)</u></p>
<u>S22 Advance Directional Signs</u>	<u>Superseded by AONB DPD policy AS14</u>	<p><u>AS14 sets out criteria for new signage in the AONB.</u></p> <p><u>DM20 sets out approach to advance directional signs and policy criteria to apply and also applies (exception points 1-5)</u></p>
<u>S26 Sewage Treatment and Disposal</u>	<u>Superseded by AONB DPD policy AS12.</u>	<p><u>AS12 sets out how water quality, sewerage and sustainable drainage will be addressed in relation to development in the AONB.</u></p> <p><u>DM6 sets approach to flood risk and consideration of foul drainage, treatment and disposal and policy criteria to apply.</u></p> <p><u>DM7 sets approach to consideration of contamination and pollution, water quality issues and policy criteria to apply.</u></p> <p><u>DM1 also of relevance regarding infrastructure provision.</u></p>

<b><u>Saved and extended Local Plan Policy</u></b>	<b><u>Superseded by</u></b>	<b><u>Explanation</u></b>
<u>S27 Overhead Lines</u>	<u>Superseded by AONB DPD policy AS13.</u>	<u>AS13 sets out how communications infrastructure and overhead lines will be managed in the AONB.</u>  <u>DM2 sets approach to design and policy criteria to apply – of relevance to consideration of overhead lines</u>
<u>S28 Telecommunication Masts and Equipment</u>	<u>Superseded by AONB DPD policy AS13.</u>	<u>AS13 sets out how new communications infrastructure will be managed in the AONB.</u>

<b><u>Adopted Development Plan Policy – Core Strategy</u></b>	<b><u>Superseded by</u></b>	<b><u>Explanation</u></b>
<u>CS1.2 The Development Strategy</u>	<u>Element of policy relating to development which comprises ‘infilling and rounding off of small villages and hamlets’ wholly superseded by AONB DPD policy AS01 with respect to that part of South Lakeland within the AONB</u>	<u>AS01 sets out approach to development on the edge of and outside settlements in AONB and supersedes element of CS1.2 regarding infilling and rounding off</u>
<u>CS6.3 Provision of affordable housing</u>	<u>Affordable housing requirements wholly superseded by AONB DPD policy AS03 within that part of South Lakeland within the AONB</u>	<u>AS03 applies to the AONB and wholly supersedes affordable housing requirements set out within CS6.3 with respect to new housing developments within the AONB; applying guidance in Appendix 4.</u>

**Lancaster City Council, Saved and Extended Local Plan Policies**

The AONB DPD on adoption will not replace any existing Lancaster City Council Local Plan policies. It will supplement existing Local Plan policies only.