



The Planning Inspectorate

Report to South Lakeland District Council

by Philip Lewis BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 30 January 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the South Lakeland Local Plan Development Management Policies

The Plan was submitted for examination on 28 February 2018

The examination hearings were held on 12 and 13 June 2018

File Ref: PINS/M0933/429/9

Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
CIL	Community Infrastructure Levy
HRA	Habitats Regulations Assessment
MM	Main Modification
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SUD	Sustainable Urban Drainage

Non-Technical Summary

This report concludes that the South Lakeland Local Plan Development Management Policies Development Plan Document (DPD) (The Plan) provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. South Lakeland District Council has specifically requested me to recommend any MMs necessary to enable the Plan 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 Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Revising Policy DM1 for the general requirements for all development so that it accords with national policy in respect of conserving and enhancing the natural environment;
- To adjust policy in respect of the historic environment to accord with national policy;
- Amending policy for green and blue infrastructure, open space, trees and landscaping so that it meets the legal and national policy tests for planning obligations;
- Revising policy on flood risk management and sustainable drainage systems to accord with national policy;
- Amending policy for high speed broadband for new developments so that it would be effective;
- To adjust policy in respect of accessible and adaptable homes to accord with national policy and the Planning Practice Guidance (PPG);
- Revising policy in respect of equestrian development so that it accords with national policy and is consistent with Policy DM15; and
- To set out a schedule of existing Local Plan Policies proposed for replacement by policies in the Local Plan on its adoption to accord with Regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Introduction

1. This report contains my assessment of the South Lakeland District Council Local Plan Development Management Policies (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (the Framework) in 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 Plan, 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 authority has submitted what it considers to be a sound plan. The Publication Document, South Lakeland Local Plan Development Management Policies, published in November 2017 is the basis for my examination.
3. The Plan is concerned with supplementing, updating and superseding the policies of the Core Strategy including updating policy for Rural Exception Sites and the approach to housing development in small villages and hamlets. It also considers accommodation needs of Gypsies, Travellers and Travelling Showpeople and development within Kendal Town Centre and the Kendal Canal Head Area, matters which were originally to be dealt with in specific development plan documents.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan 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.
5. Prior to submission, the Plan 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 Council produced a 'Schedule of Minor Modifications' and a 'Submission Version' of the Plan dated February 2018. Whilst I have had regard to these documents, they have not been published for consultation and this examination is of the Plan dated November 2017.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs, carried out sustainability appraisal of them and assessment under the Habitats Regulations. 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 and added

consequential modifications where these are necessary 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 sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

7. 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 Plan includes in Appendix 2 a proposed policy map for the Kendal Canal Head Area (Policy DM24).
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Councils will need to update the adopted policies map to include all the changes proposed in the Plan.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The Council has prepared a Duty to Co-operate Statement, dated February 2018¹. This document provides evidence on how the Council has engaged with other bodies including neighbouring local authorities in the preparation of the Plan. For example, it sets out the outcomes achieved through cooperation, including how the Council resolved with Lancaster City Council to prepare a joint DPD for the Arnside and Silverdale AONB and that South Lakeland District Council commissioned (working with Cumbria County Council) an update of the Strategic Flood Risk Assessment on behalf of a number of local planning authorities. In addition, the ongoing engagement, such as that with Cumbria County Council in respect of surface water drainage has led to effective policies in the Local Plan.
11. The duty relates to strategic matters involving sustainable development or use of land with significant impact across administrative boundaries. I am not aware of any significant outstanding issues relating to any strategic and cross-boundary matters.
12. The Council has engaged constructively with other neighbouring authorities and the various bodies prescribed in the Regulations. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on

¹ SD013_DM

an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

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

Issue 1 – Are the individual policies clear, justified, effective and consistent with national policy and will they be effective in enabling the delivery of sustainable development?

14. Policy DM1 sets out general requirements for all development. Redrafting of the policy and supporting text is necessary to achieve greater clarity and to make the policy effective in respect of ensuring that development gives rise to acceptable levels of amenity, net gains to biodiversity and regarding the effects of development on landscapes and their settings. To be effective for the protection of designated wildlife sites, the policy should be clear as to how the integrity of such sites would be secured. The explanatory text should address how the policy would be applied and I have added to the MM that adverse effects to landscape character and visual amenity as set out in point 8 should be 'significant' for the policy to be effective (**MM1**). Although the policy does not define what is meant by acceptable levels of amenity, privacy and overshadowing, the policy as amended is sufficiently flexible for development management purposes and would allow for such matters to be taken into account in decision making.
15. Policy DM2 is concerned with achieving sustainable high quality design. To be effective and to provide for flexibility in site layouts, the requirement for clustering of house types and tenures should be clarified. In addition, to be effective, the missing 'by' in point 4 bullet point 2 should be inserted. It is also necessary for the policy to refer to reducing the factors contributing to climate change so as to be consistent with the environmental role of sustainable development as set out in national policy (**MM2**).
16. Policy DM3, which is concerned with the historic environment, should be recast to ensure consistency with national policy in terms of conserving and enhancing the historic environment and in the interests of effectiveness. The policy is phrased so that it sets out the requirements for proposals affecting the historic assets. To be effective, the policy should not specifically refer to direct effects on designated heritage assets in 1) as that would exclude consideration of effects on setting. In addition, the section on listed buildings should be clear that it relates to proposals affecting listed buildings, not just works to them, which would only include those requiring listed building consent. In addition, I have made amendments to the proposed MM to comply with national policy in regards to the weighing of harm against public benefits (**MM3**). The change simply reflects the requirement of national planning policy in paragraphs 133 and 134 of the Framework

17. Policy DM4 is concerned with green and blue infrastructure, open space, trees and landscaping. Policy DM4 seeks a commuted sum of £200 per bedroom from all developments to provide 'worthwhile improvements to local open spaces and other green and blue infrastructure'. The submitted policy seeks to apply a tariff to all development to provide infrastructure to support the development of an area, rather than being concerned with making individual planning applications acceptable in planning terms. This is more properly a matter for the Council's Community Infrastructure Levy (CIL) charging schedule. Furthermore, the universal application of such sums sought through the policy would not be effective in terms of the legal tests for planning obligations set out in CIL (Regulation 122(2)) and national policy, in that they may not be necessary to make a development acceptable in planning terms, be directly related to the development or be fairly and reasonably related in scale and kind to the development. Redrafting of the policy and supporting text is necessary to set out how planning obligations may be required to secure necessary new or improved green and blue infrastructure (**MM4**).
18. In addition, redrafting of Policy DM4 and supporting text is necessary in the interests of clarity and effectiveness as not all developments would bring forward net gains in green and blue infrastructure. To be effective, the policy should also refer to compensatory tree planting rather than replacement planting (**MM4**). Whilst the policy does not include a reference to a 'range of growing opportunities including allotments', I do not find it unsound on the basis of this omission. Subject to the main modifications recommended, I find Policy DM4 sound.
19. The Framework seeks to promote sustainable transport. Policy DM5 (Rights of Way and Other Routes Providing Pedestrian and Cycle Access) excludes equestrian routes within the scope of the policy and does not refer to measures to secure the safety of users. To be effective the scope of the policy should be clarified (**MM5**).
20. The South Lakeland area has experienced a number of significant flood events in recent years. The Framework seeks to ensure that the location of development avoids where possible, flood risk to people and property and that any residual risks are managed, taking account of climate change. Policy DM6 and the supporting text which is concerned with flood risk and sustainable drainage, should be clear in the approach to be taken to surface water disposal including recognising any pre-development flows of water and water courses, to ensure that sustainable urban drainage systems (SUDs) schemes are effective. To ensure a coordinated approach to site drainage, the policy should also include provisions for master drainage strategies where sites form part of wider schemes. For clarity and effectiveness the design of SUDs should recognise the impacts of exceeded SUDs features (**MM6**).
21. The Framework sets out that to prevent unacceptable risks from pollution, planning policies and decisions should ensure that development is appropriate for its location. To be effective, Policy DM7 and the supporting text, which is concerned with pollution, contamination and water quality should be clarified in respect of how the possibility of pollution would be dealt with in determining planning applications. In addition, the policy should refer

to the Water Framework Directive and the safeguarding of Groundwater Source Protection Zones for clarity and effectiveness. **(MM7)**.

22. The Framework refers to the vital role of the development of high speed broadband in enhancing the provision of local services and facilities. Whilst Policy DM8 is sufficiently flexible to allow the needs of different forms of development to be taken into account in the provision of Broadband in new developments, it is not realistic to require the provision of fibre to the premises infrastructure in all developments, given that its provision is not within the control of developers. The policy should therefore be amended to provide clarification **(MM8)**.
23. To be consistent with national policy in paragraph 153 of the Framework, to be effective and in the interests of clarity, Policy DM9 (Parking Provision, New and Loss of Car Parks) should not require a development to be in line with parking standards or guidelines outside of the development plan, but that regard should be had to them **(MM9)**. To be effective in promoting sustainable transport and to accord with paragraph 29 of the Framework, Policy DM10 (Safeguarding Land for Future Transport Infrastructure Improvements) should also refer to equestrian use **(MM10)**.
24. Policy DM11 is concerned with accessible and adaptable homes. There is evidence of need for the provision of accessible and adaptable homes, given that the existing housing stock in South Lakeland is typically older than that in the North West Region and nationally and the level of demand for housing adaptations in the District. In addition, there is also the likely future need for housing for older people in the District, which is significantly greater than both Regional and National averages and the projected significant increase in terms of the percentage of the population with mobility problems in South Lakeland. I am satisfied that viability won't be affected and that the policy would support the achievement of wider public health and social care objectives in Cumbria.
25. Consequently, the policy is justified in seeking to apply the optional Building Regulations Requirement M4(2): Category 2 accessible and adaptable dwellings in all developments and M4(3) wheelchair adaptable homes in 5% of dwellings on sites of over 40 units. However, the policy and supporting text should be reworded to more closely reflect the guidance set out in the PPG and in particular in respect of where step free access cannot be achieved and in regards to evidence of need relating to wheelchair adaptable housing. This would also address the question of the development of split level dwellings **(MM11)**.
26. In Policy DM12 (Self Build and Custom Build Housing) in the interests of clarity and for the policy to be effective in terms of its requirements, the reference to 'material' consideration should be deleted **(MM12)**.
27. Policy DM13 (Housing Development in Small Villages). As drafted the policy would apply to the whole of the District. The Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document takes a different approach to housing development in small settlements and to ensure that there is not inconsistency between different parts of the development plan, the title of the policy should be amended to make clear

that the policy does not apply in the Arnside and Silverdale AONB. To be effective, the policy should be clear that it applies both within and on the edges of small villages and hamlets (**MM13**).

28. Policies DM14 (Rural Exceptions Sites), DM15 (Essential Dwellings for Workers in the Countryside) and DM17 (Retention of Community Facilities), include references to a fee being required for the independent review of financial appraisals. This concerns how the Council processes planning applications, through the validation process, rather than being a land use planning consideration. The Framework states in paragraph 154 that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan and consequently the reference should be deleted from the Policies (**MM14**) (**MM15**) and (**MM17**) and the supporting text clarified.
29. Policy DM16 (Conversion of Buildings in Rural Areas) states that where appropriate, the Council will remove the permitted development rights which would normally apply to the building and its curtilage. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so and the PPG advises that conditions restricting the future use of permitted development rights or changes of use "will rarely pass the test of necessity and should only be used in exceptional circumstances". Consequently, the policy should be clear that any such removal of permitted development rights would only occur where necessary to protect landscape or settlement character to accord with national policy and guidance (**MM16**). The requirement that a building is capable of conversion without the need for extension, significant alteration or reconstruction is not inconsistent with national policy.
30. Whilst concern has been raised regarding the approach in Policy DM18 Tourist accommodation – caravans, chalets, log cabins and new purpose built self-catering accommodation (outside the Arnside and Silverdale AONB) in respect of the diversification of agricultural or other businesses, I do not find the policy inconsistent with national policy as set out in paragraph 28 of the Framework. This is because the policy would support sustainable rural tourism. Clarity is required however regarding the use of existing landform, trees or planting to provide screening, the use of materials and in the explanatory text about how the policy would be applied in the context of the Caravan Sites and Control of Development Act 1960 (**MM18**).
31. Policy DM19 (Equestrian related development) sets out that proposals for livery and other commercial equestrian facilities involving overnight accommodation of equines will only be permitted where it will not give rise to the need for an additional new build residential property. There is no justification for the policy to take a different approach to essential dwellings for workers in the countryside to that set out in Policy DM15. The policy and supporting text should be revised to address this inconsistency (**MM19**).
32. To be consistent with national policy in paragraph 153 of the Framework, to be effective and in the interests of clarity, Policy DM20 (Advertisements, Signs and Shopfronts) should not require adherence to documents outside of the development plan and should be amended accordingly (**MM20**).

33. Policy DM21 (Renewable and Low Carbon Energy Development) would not be effective as it would not ensure that adverse impacts of development would be addressed satisfactorily. Consequently, the policy is inconsistent with national policy as set out in paragraph 97 of the Framework in that it considers only residential amenity. Therefore the policy should be modified for clarity and effectiveness (**MM21**).
34. Policy DM23 (Retail Uses Outside of Town Centres) sets local impact thresholds for retail development outside of town centres which are based on the recommendations of the South Lakeland Retail Study 2012. The approach taken in this document broadly follows that set down in the PPG. Whilst the evidence base is dated however, I am satisfied that the floorspace thresholds are proportionate and justified at present. However, I am not satisfied that they would remain effective in the long term. Consequently, a prompt review is necessary and a commitment should be included in the policy to undertake this through the preparation of the Council's Single Local Plan for 2016-2036 (**MM22**).
35. The reference to reducing flood risk in the tenth bullet point of Policy DM24 Kendal Town Centre and Kendal Canal Head Area is a repetition and should be deleted (**MM23**).
36. To be consistent with national policy in paragraph 153 of the Framework, the requirement for compliance with the Council's Enforcement Plan in Policy DM27 (Enforcement) should be amended as this document is not part of the development plan (**MM25**).

Conclusion on Issue 1

37. Subject to the main modifications discussed above I am satisfied that the individual policies of the Plan are clear, justified, effective and consistent with national policy and that they will be effective in enabling the delivery of sustainable development.

Issue 2: Whether the approach to meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople as set out in Policy DM26 is justified and effective?

38. Policy DM26 provides criteria against which proposals to meet accommodation needs of Gypsies, Travellers and Travelling Showpeople will be assessed. The policy supersedes South Lakeland Core Strategy Policies CS6.5a Gypsies and Travellers and CS6.5b Travelling Show People. Housing need, other than for Gypsies, Travellers and Travelling Showpeople is addressed in the Council's Land Allocations DPD.
39. The Cumbria Wide Gypsy and Traveller Accommodation Assessment, which was undertaken in 2013, concludes that there was no need for additional permanent residential pitches or travelling showpeople plots in South Lakeland, but a need for 8 transit pitches and identifies the Bardsea and Birkrigg Common areas, south of Ulverston as being the most frequently recorded locations for unauthorised encampments. The Council's evidence of unauthorised encampments shows such activity has reduced since 2013,

with the need being instead for short term stopover sites, possibly on a tolerated stopover basis, rather than transit sites and there is no further evidence of any unmet need for permanent accommodation. The Federation of Gypsy Liaison Groups had responded at each key stage of the preparation of the Local Plan stressing the need for a new up to date policy for determining applications for traveller sites and for an updated assessment of need.

40. Whilst the evidence of need is dated, the criteria based Policy DM26 would provide an interim framework for the assessment of any applications which came forward and is compliant with the Planning Policy for Travellers Sites (PPTS). However, the policy should be reviewed in the preparation of the Council's Single Local Plan for 2016-2036 where the need for accommodation should be reassessed comprehensively (**MM24**).

Public Sector Equality Duty

41. For the reasons given, I am satisfied that the Plan's provisions for inclusive design and accessible and adaptable housing and proposals for accommodation for Gypsies, Travellers and Travelling Showpeople are consistent with the Framework and the PPTS. In this matter and all other relevant matters, including age, I have had due regard to the equality impacts of the Plan in accordance with the Public Sector Equality Duty, contained in section 149 of the Equality Act 2010 which, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

Assessment of Legal Compliance

42. My examination of the legal compliance of the Plan is summarised below. I conclude that they are all met, other than in respect of Regulation 8 which can be addressed through a MM.
43. Regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. Whilst the Council suggested in their submission version of the Plan that Appendix 3 of the Publication Document is deleted, to comply with Regulation 8, this should be retained and updated (**MM26**).
44. The Plan has been prepared in accordance with the Council's Local Development Scheme.
45. The Council's Statement of Community Involvement (SCI) was adopted in March 2016. Representations were received to the effect that the Council had not made clear that changes had been made to the emerging Local Plan prior to its publication. However, local residents have had the opportunity to make representations and attend the examination hearings to put their points of view on the Plan. I am satisfied therefore that consultation on both the Local Plan and the MMs was carried out in compliance with the Council's SCI.

46. Sustainability Appraisal has been carried out in respect of the submitted Plan and the MMs and is adequate.
47. A Habitats Regulations Assessment (HRA) was undertaken in respect of the Publication version of the Plan dated September 2017. This was updated for the 'Submission Version' dated February 2018, to address points made by Natural England during the Regulation 19 consultation. The HRA did not identify any policy of the Plan as having likely significant effects on European sites. The Council subsequently revised the HRA in response to a Judgement issued by the Court of Justice of the European Union². The revised Habitats Regulations Assessment of the South Lakeland Development Management Policies Development Plan Document – Main Modifications Report (October 2018) sets out that the plan may have some negative impact which requires mitigation and that this mitigation has been secured through the Plan. Natural England is satisfied with the revised HRA.
48. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change and complement those in the Core Strategy and Local Plan Land Allocations DPD.
49. The Plan (as amended) complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

50. The Plan has a number of deficiencies in respect of soundness and legal compliance 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.
51. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the South Lakeland District Council Local Plan Development Management Policies satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework 2012.

Philip Lewis

Inspector

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

² People over Wind, Peter Sweetman v Coillte Teoranta Case C-323/17

Appendix

Schedule of Proposed Main Modifications to the South Lakeland Local Plan Development Management Policies

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	Policy DM1 – General Requirements for all development Paragraphs 2.1.2 and 2.1.8	Amend 1, second bullet point to read: <ul style="list-style-type: none"> • retention <u>and/or</u> provision of adequate public, private and shared spaces and landscaping; and Amend 6 to read: <p>ensures the protection and enhancement of existing ecological networks, and biodiversity and geological assets⁵, <u>securing adequate measures to avoid and mitigate for any potential impacts and building in net gains for biodiversity as an integral part of development. Harm to these assets will only be allowed as a last resort and where it has been demonstrated that any residual impacts have been fully compensated for; For non-designated assets where this is demonstrably not possible, mitigation, or, as a last resort, compensation will be required. For designated assets⁵ harm will only be allowed in exceptional circumstances⁶; and</u></p> Insert new point 7: <p><u>ensures the protection and maintains designated wildlife sites⁶, securing adequate measures to avoid and mitigate for any potential impacts. Harm to the integrity of such designated sites will not be allowed except where it has been established by the competent authority that there are no alternative solutions that would have a lesser effect on the integrity of the site and there are Imperative Reasons of Over-riding Public Interest (IROPI) and that all</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p><u>necessary compensatory measures are taken to ensure the overall coherence of the network of the designated sites as a whole is protected; and</u></p> <p>Amend 8 to read:</p> <p>ensures the protection <u>conservation</u> and enhancement of the special qualities and settings of the Lake District and Yorkshire Dales National Parks and the Arnside and Silverdale Area of Outstanding Natural Beauty, including views into and out of these protected <u>designated landscapes, by supporting proposals only where it is demonstrated through a proportionate landscape assessment there would be no significant adverse effect upon their landscape character and visual amenity taking account of:</u></p> <ul style="list-style-type: none"> • <u>the AONB Landscape and Seascape Character Assessment, and Cumbria Landscape Character Assessment & Toolkit</u> • <u>the coastline and its particular sensitivities and character (seascape) and</u> • <u>cumulative and incremental impacts of development having regard to the effects of existing developments and the likely further impacts of the proposal in this respect.</u> <p>Amend footnotes to read:</p> <p><u>5 – Ecological networks and biodiversity and geodiversity assets include locally designated wildlife and geological sites, priority habitats and species, habitats that provide a function for wildlife to disperse or connects wildlife sites together, and any area of land or water holding biodiversity or geodiversity of local importance</u></p> <p>5 – Local, National and Internationally protected sites of biodiversity or geodiversity importance</p> <p>6 – In accordance with application of relevant legislation</p> <p><u>6 - International sites include Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Ramsar sites, and sites formally identified for designation or compensatory provision. National sites include Sites of Special Scientific Interest (SSSIs), notified for biodiversity or geodiversity importance.</u></p> <p>Amend paragraph 2.1.2 to read:</p> <p>2.1.2 <u>In applying the principles, requirements and criteria contained within the policy these can be applied to many different forms of development across many different settings, whilst acknowledging they may not all be relevant to all scenarios and places. This policy will therefore be applied to all new developments as relevant to the proposal under consideration in a way that is</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p>appropriate to local circumstances, utilising existing and forthcoming guidelines, including a forthcoming Design Supplementary Planning Document (SPD) which will consider in more detail issues such as separation distances and in engagement with other bodies for example the Highways Authority.</p> <p>Insert new paragraph:</p> <p><u>2.1.8 A landscape assessment will be required as part of the submission of any proposal that may be considered to have a potential impact on the setting of the AONB or the Yorkshire Dales and the Lake District National Parks. In the case of larger and otherwise more sensitive schemes a Landscape and Visual Impact Assessment of a proportionate scale will be required. In all cases, assessments should be proportionate to the scale of the proposal and level of impact of the proposed development on the landscape, in some cases this may be achieved through the Design and Access Statement, for example where it is a more minor application and/or has limited impacts. In addition to guidance specifically referred to in the policy, proposals should have regard to other available landscape character guidance and evidence that may be of relevance.</u></p>
	<p>Policy DM2 – Achieving Sustainable High Quality Design</p>	<p>Amend the final bullet point of 3 to read:</p> <ul style="list-style-type: none"> • interspersing all forms of distributing housing types and tenures throughout in clusters that a site <u>ensuring they are tenure-blind in appearance. Affordable rental housing should be distributed in small clusters where justified (for example for management purposes in respect to social housing provider schemes)⁷.</u> <p>Insert footnote 7 to read:</p> <p><u>7 – It is recognised this will not always be achievable where a scheme is for 100% affordable non-private housing.</u></p> <p>Amend the second bullet point of 3 to read:</p> <ul style="list-style-type: none"> • ensuring there is clear and obvious demarcation between public and private spaces utilising appropriate physical boundary treatments or landscaping elements and ensuring buildings directly address streets and routes <u>by</u> avoiding presentation of blank frontages or gables. <p>Amend 9 to read:</p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p>9. New development should incorporate measures that support and enhance habitat creation and urban greening ensuring that provision reflects the local biodiversity evidence base <u>and reduces the factors contributing to,</u> and responds to the effects of climate change⁷⁸.</p>
MM3	Policy DM3 – Historic Environment	<p>Amend 1 to read:</p> <p>demonstrate a clear understanding of the asset’s significance, including all those parts that would be directly affected by the proposal, as well as the contribution made by its setting; and which is proportionate to whether it is a non-designated or designated asset, and the amount of any change involved; and</p> <p>Amend paragraph 3 to read:</p> <p>Listed Buildings</p> <p>Development proposals will be expected to conserve, enhance and where appropriate better reveal the significance of listed buildings and their settings. Applications for works to <u>relating to</u> listed buildings will be expected to demonstrate how they would:</p> <p>Insert new paragraph under point 9:</p> <p><u>Proposals that cause substantial loss or harm to the significance of listed buildings will be refused unless it can be clearly and convincingly demonstrated that such harm or loss is necessary to achieve corresponding substantial public benefits that outweigh that harm or loss. Less than substantial harm must be clearly and convincingly justified, and this harm weighed against the public benefits of the proposal, including securing its optimum viable use.</u></p> <p>Amend the paragraph under the heading ‘archaeology’ to read:</p> <p><u>Development proposals that cause substantial loss or harm to the significance of a scheduled monument will be refused unless it can be clearly and convincingly demonstrated that such harm or loss is wholly exceptional and necessary to achieve corresponding substantial public benefits that outweigh that harm or loss. Less than substantial harm must be clearly and convincingly justified, and this harm weighed against the public benefits of the proposal, including securing its optimum viable use.</u> unacceptable harm to a scheduled monument, or a site of national or local interest or their setting will not be permitted.</p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p>Amend the paragraph under the heading 'Historic Parks, Gardens and Landscapes' to read:</p> <p><u>Proposals that cause substantial loss or harm to the significance of registered Parks and Gardens will be refused unless it can be clearly and convincingly demonstrated that such harm or loss is exceptional and necessary to achieve corresponding substantial public benefits that outweigh that harm or loss. Less than substantial harm must be clearly and convincingly justified, and this harm weighed against the public benefits of the proposal, including securing its optimum viable use.</u> harm the significance of a registered Park and Garden will not be permitted. Any proposals for development must ensure that it <u>they</u> conserves and enhances its <u>the</u> significance of relevant heritage assets and its <u>their</u> settings <u>including</u> and <u>formal design, layout, character, appearance, setting,</u> and any views or vistas to, from and within the asset. Opportunities to reinstate original features, increase public enjoyment and understanding, and provide interpretation will usually be supported.</p> <p>Amend the paragraph under the heading 'conservation areas' to read:</p> <p>Development proposals affecting, or within the setting of a Conservation Area will be expected to preserve and or <u>and</u> enhance its special character and appearance. Any proposals for development and alterations will need to demonstrate that they:</p> <p>Insert additional text after point 18:</p> <p><u>Proposals that cause substantial loss or harm to the significance of a conservation area will be refused unless it can be clearly and convincingly demonstrated that such harm or loss is necessary to achieve corresponding substantial public benefits that outweigh that harm or loss. Less than substantial harm must be clearly and convincingly justified, and this harm weighed against the public benefits of the proposal, including securing its optimum viable use.</u></p>
MM4	Policy DM4 – Green and Blue Infrastructure, Open Space, Trees and Landscaping	<p>Amend paragraphs 1 and 2 to read:</p> <p>All development proposals <u>should, unless it can be demonstrated that it is not possible, will result in environmental net gains for biodiversity, green and blue infrastructure gains and demonstrate how that they deliver wider requirements and objectives through the use of multifunctional green and blue infrastructure will deliver wider requirements and objectives.</u></p> <p>These gains could <u>should</u> be quantitative and or qualitative as appropriate. <u>should be clearly demonstrated as a net gain as a result of development. Quantitative gains can be</u></p>

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		<p>sought through the provision of new assets, or the <u>enhancement/increased functionality of existing assets.</u> Measures could include <u>habitat creation, improved management or restoration of existing habitat,</u> living/green walls, roofs and roof gardens; nest boxes, hedgehog highways, swift bricks, bat boxes, wildflower areas, ponds, watercourses or wetland areas; fruit trees and innovative use of planting, species and space to provide, protect, enhance and connect green and blue infrastructure and maximise its functions and benefits.</p> <p>Amend paragraphs 2 and 3 under Trees to read:</p> <p>Proposals that would result in the loss or deterioration of trees or woodland that are subject to Tree Preservation Orders, are Ancient, Veteran or located within Conservation Areas, or that are otherwise significant, will only be permitted where:</p> <ol style="list-style-type: none"> 1. an overriding need for the development and its benefits in that location clearly outweigh the loss or harm; and 2. replacement <u>compensatory</u> planting at an appropriate ratio is provided. <p>Development that results in the removal of or damage to other trees* will be required to provide replacement trees* on-site at an appropriate ratio. Where this is demonstrably unviable or <u>inappropriate,</u> alternative soft landscaping that contributes to the wider green infrastructure framework or, exceptionally, off-site provision will be required.</p> <p>Amend paragraph 4 under the heading 'open space requirements' to read:</p> <p>Where new open space is not required through other policies (i.e. where accessibility standards are met), a commuted sum of £200 per bedroom planning obligations will be sought in order to achieve worthwhile improvements to local open spaces and other green and blue infrastructure in accordance <u>having regard to</u> with the Council's current evidence of local needs at the time of the application, <u>as well as relevant regulatory tests.</u></p> <p>Amend paragraph 2.4.2 to read:</p> <p>2.4.2 <u>It is recognised the nature and scale of net gains that can be achieved from proposals will vary depending on the size, location and type of development under consideration. In this respect, policy requirements relating to net gain will be applied to all new developments as relevant to the proposal under consideration.</u> The policy seeks to</p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p>apply a pragmatic approach that contributes to delivering net gains for the natural environment. This reflects local, national and wider objectives to reverse declines in biodiversity and to increase the quality, extent and connectivity of green infrastructure in order to secure the benefits described above and develop a more resilient and healthy environment. The policy allows for appropriate new/replacement green infrastructure where the existing arrangement genuinely hinders the most appropriate use of the site, however the priority should be to retain and enhance existing green and blue infrastructure unless the proposed replacement schemes offer a net qualitative and/or quantitative gain over the retention and enhancement approach.</p> <p>Insert additional supporting text:</p> <p><u>2.4.3 There is scope for even small developments to provide a proportionate net gain and often using simple approaches, although more innovative approaches should also be considered wherever possible. Net gains should be quantified for the development, but can involve enhancement as well as expansion. For example, increasing habitat diversity or GI functionality as well as increasing the physical extent of habitat or GI. Options for smaller developments could include replacing traditional concrete with permeable paving or a grassed area with wildflower planting, small rain gardens, green roofs and walls, wall-integrated planters, pocket gardens/parks, trellis systems and wildflower planting but there are many examples available of the various ways in which net increases can be achieved. If a standard grass lawn is being built upon to create a house extension, car port or garage, could the extension/garage/car port incorporate some wall-integrated planters, a green roof or a trellis system for instance? Understanding the baseline is important for demonstrating a net gain. A development proposal should provide evidence to show gains in extent or functionality compared to the baseline. Where providing a net gain is demonstrably not possible, no net loss should be achieved. Net losses should be wholly exceptional and fully justified.</u></p> <p><u>2.4.4 The Council will seek planning obligations from developments where it is considered appropriate and necessary to do so in line with policy requirements and relevant regulatory tests (including CIL tests or any subsequent replacement test). It will use evidence of needs arising from any green infrastructure strategy to inform decisions on</u></p>

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		<p><u>when to seek obligations in this respect, as well as any relevant local guidance to determine the amount of monies sought and where these will be spent.</u></p>
MM5	Policy DM5	<p>Amend policy title to read:</p> <p>Rights of Way and other routes providing pedestrian, and cycle <u>and equestrian</u> access</p> <p>Amend paragraphs 3 and 4 to read:</p> <p>Other routes providing pedestrian, and cycle <u>and equestrian</u> access (non-rights of way, non-definitive)</p> <p>Proposals should seek to maintain, protect and enhance the character of other existing or proposed routes providing pedestrian and cycle access whether of an informal or formal nature.</p> <p>Provision of new Pedestrian routes, Cycle routes and Green Corridors</p> <p>New developments, should seek to support access to sustainable forms of transport and promote active travel. Developments must include safe pedestrian routes enabling access for all and where feasible cycle access proportionate to the scale of development proposed, this may include new walking and cycling routes connected to other routes, and key facilities, neighbouring areas and public open spaces and seek to be located on recognised pedestrian / cyclist desire lines. <u>On new or improved multi-user routes there will be a requirement to take into account measures to ensure safety of pedestrians, cyclists and horse riders including appropriate signage and passing places.</u></p> <p>Amend paragraphs 2.5.1 and 2.5.4 to read:</p> <p>2.5.1 Public rights of way, and other routes providing for safe, attractive pedestrian and, cycle <u>and equestrian</u> access, facilitate sustainable patterns of movement between and within the open countryside and urban areas of the district. They are key to the promotion of active travel and contribute to the district's access and green infrastructure network. It is therefore important such routes are maintained and protected and where possible opportunities for their enhancement and additional links to them are realised.</p> <p>2.5.4 Transport Assessments and Design and Access Statements will be used to help inform and guide decisions in relation to application of the policy. <u>Proposals for the development of land affecting</u></p>

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		<p><u>Public Rights of Way will need to be considered against relevant up to date guidance (currently set out in Defra guidance in Rights of Way circular 1/09).</u></p>
MM6	Policy DM6 – Flood Risk Management and Sustainable Drainage Systems	<p>Amend paragraph 3 to read:</p> <p>Areas shown to be at risk of river, sea or surface water flooding will be regarded as land that is required for current and future flood management. Development should be avoided within these areas unless it is compatible with flooding <u>and/or</u> compensatory flood storage can be provided.</p> <p>Amend paragraph 4 to read:</p> <p>Development proposals should include the use of <u>appropriate</u> sustainable drainage systems which are designed to control surface water run off close to where it falls and mimic natural drainage systems as closely as possible. They provide opportunities to:</p> <p>Amend paragraph 5 to read:</p> <p>Wherever possible runoff from developments should be managed on the surface. It should be of the right proportion and type reflecting local circumstances unless it can be demonstrated by the applicant that ground conditions are unsuitable for such measure or there are other exceptional circumstances.</p> <p>Amend paragraph 8 to read:</p> <p>The approach to surface water drainage should <u>take into consideration existing watercourses, pre-development flows of surface water across the site, and existing drainage infrastructure. Water generated from off site that passes through the site must be managed so that it can continue to pass through the site without increasing flood risk. Proposals should</u> be based on evidence of an assessment of <u>site ground</u> conditions undertaken by a competent qualified person/body and any surface water discharge solution should reflect the non-statutory technical standards for sustainable drainage <u>systems</u>¹⁰ or any subsequent replacement national standards.</p> <p>Amend paragraphs 10 and 11 to read:</p> <p>An appropriate Flood Risk Assessment and Drainage Strategy should be provided with each applications, taking into account current government guidelines and local guidelines^{11,12}.</p> <p>Drainage requirements including detailed maintenance and management arrangements (utilising management</p>

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		<p>companies) for the lifetime of the development will be secured by way of planning obligations and <u>or planning conditions</u> agreed with the Local Planning Authority.</p> <p>Insert new paragraph:</p> <p><u>Master Drainage Strategy</u></p> <p><u>Applications for developments on sites which are part of a wider development proposal especially wider development plan allocations, will be expected to demonstrate how the drainage proposal for the site relates to a wider master drainage strategy for the entire site. Any drainage in early phases of development should have regard to future interconnecting development phases.</u></p> <p>Amend bullet points under the heading 'Designing Sustainable Drainage System' measures as follows:</p> <ul style="list-style-type: none"> • principles in the non-statutory standards are adhered to including <u>allowances for urban creep and climate change are included when estimating surface water run off rates/volume from adjacent land;</u> • incorporate <u>suitable ground exceedance or flood pathways are incorporated</u> to manage the impacts of any failed <u>exceeded</u> Sustainable Drainage System feature, or excessive flows so they do not cause flooding of properties on or off site allowing for climate change and urban creep; • where ever possible ensure runoff from developments is managed on the surface to enable their performance to be more easily inspected and managed with pollution incidents and potential flood risk being visible by ensuring above ground features options are considered as a first resort before underground. These features could include wetlands, swales, ponds, detention basins, filter strips, infiltration basins, rain gardens, green roofs, rainwater harvesting, permeable surfacing and filter drains. Such features should be considered an integral part of the blue and green infrastructure framework of a site and contribute to a proposal sites amenity, recreational and biodiversity benefits where appropriate; • utilise <u>the natural topography of a site is utilised</u> to maximise its function as a Sustainable Drainage System feature, <u>whilst recognising and preserving any pre-development flood storage on the site;</u> • encourage use of trees (single or multiple) and scrub planting as part of a scheme for water storage and treatment in recognition of their natural flood management function; • seek to provide betterment, a lasting improvement that reduces flood risk downstream, especially <u>in</u>

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		<p style="text-align: center;">areas that are subject to flood risk, where previously developed land is being used.</p> <p>Should infiltration methods not be suitable and it is not possible to achieve the greenfield runoff volume then it must be demonstrated that increased volume will not increase flood risk on or off site.</p> <p>Amend supporting text as follows:</p> <p>2.6.3 <u>Surface water drainage discharge should reflect the non-statutory technical standards for sustainable drainage systems, March 2015 and any subsequent standards. On previously developed land, applicants should target a reduction of discharge in accord with these standards and in demonstrating so, should include clear evidence of existing positive connections from the site with associated calculations on rates of discharge.</u></p> <p>2.6.3 Applications for developments on sites which are part of a wider development proposal, especially wider development plan allocations, will be expected to demonstrate how the drainage proposal for the site relates to a wider holistic drainage strategy for the entire site. Any drainage in early phases of development should have regard to future interconnecting development phases.</p> <p>2.6.6 In accordance with national policy, the Council will work with the Local Lead Flood Authority (Cumbria County Council) and the Environment Agency seeking their advice on the risk of flooding from any proposed development and the suitability of a more sustainable drainage approach to the disposal of surface water. The Council's Planning Application Validation Checklist sets out requirements for documentation submission in support of various stages of a planning application. Local Guidance including the Cumbria Design Guide and National Guidance will be used to help inform and guide decisions in relation to application of the policy. <u>The Cumbria Development Design Guide, which includes a drainage checklist and any subsequent local guidance, will be taken into account in determining the required information that a developer should consider providing when submitting a planning application.</u></p> <p>Amend footnote references as follows:</p> <p>9<u>10</u> - Defined in National Planning Policy and Technical Guidance</p> <p>10<u>11</u> - Department for Environment, Food and Rural Affairs – Non-statutory Technical Standards for</p>

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		Sustainable Drainage Systems, March 2015 4412 – Cumbria <u>Development Design Guide</u>
MM7	Policy DM7 – Addressing Pollution, Contamination Impact, and Water Quality	<p>Amend the first paragraph under the heading 'Contaminated Land and exposure to contamination' to read:</p> <p>On a precautionary basis, the possibility of contamination should be <u>considered when determining</u> assumed when considering individual planning applications in relation to all land subject to or adjacent to previous industrial use and also where uses are <u>proposed</u> being considered that are particularly sensitive to contamination – e.g. housing, schools, hospitals, children's play areas, open space and highly sensitive groundwater used for potable supply.</p> <p>Add the following text after the second paragraph under the heading 'Water quality':</p> <p><u>Any proposals for new development within Groundwater Source Protection Zones must reflect Environment Agency guidance set out in its groundwater protection guides, or any subsequent iteration of the guidance.</u></p> <p><u>Proposals will be required to apply and reference the relevant Water Framework Directive, taking account of relevant River Basin Management Plans' requirements.</u></p> <p>Add additional paragraphs of supporting text:</p> <p><u>2.7.7 Though there are no current Groundwater Protection Zones in the District should any be required during the lifetime of the plan as a principle new development sites should be more appropriately located away from locations which are identified as Groundwater Source Protection Zones. Within Source Protection Zone 1, pipework and site design will be required to adhere to a high specification to ensure that leakage from sewerage systems is avoided. New development in such zone will be expected to include masterplanning, a quantitative and qualitative risk assessment and mitigation strategy to manage risk of pollution and a management plan.</u></p> <p><u>2.7.8 The current River Basin Management Plan (the North West River Basin Management Plan) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Any development should safeguard these important water resources and protect and improve water quality with an overall aim of getting water bodies to 'good' status as defined by the Water Framework Directive.</u></p> <p>Renumber footnote from 13 to 14.</p>

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MM8	Policy DM8 – High Speed Broadband for New Developments	<p>Amend point 2 to read:</p> <p>2. be accompanied by a ‘Broadband Statement’ which <u>that</u> explains the current internet connectivity in the site’s locality and the potential for the site to be provided with high speed broadband, <u>including an assessment of the feasibility of providing fibre to the premises (FTTP) infrastructure;</u> and</p> <p>Delete final paragraph and replace:</p> <p>For residential sites of 30 units or more, developers will be expected to ensure that Fibre to the Premises (FTTP) infrastructure is provided. The Council will strongly encourage the provision of Fibre to the Premises (FTTP) infrastructure in all new development, and will generally expect it to be provided on major development sites unless it can be demonstrated through the broadband statement that it is not feasible. The level of detail required in the Broadband Statement should be proportionate to the scale of the development proposal.</p> <p>Renumber footnote 15 to 16.</p>
MM9	Policy DM9 – Parking Provision, new and loss of car parks	<p>Amend first paragraph and sub heading to read:</p> <p>Parking Standards</p> <p>All developments should have acceptable levels of car, motorcycle and bicycle parking in accordance <u>having regard to relevant appropriate guidance^{18,19}. with the Highways Authority, Cumbria County Council published guidelines and any other published local guidelines/standards. Levels of parking provision for any development will be considered on a case by case basis in consultation with the Highways Authority using <u>the relevant guidance</u> these guidelines which will be applied flexibly taking into account the following factors:</u></p> <p>Amend paragraph after point 12 to read:</p> <p>In areas suffering from significant on-street parking problems, greater levels of provision above those set out in <u>relevant guidance</u> the guidelines will be sought. Where not relevant or considered unachievable alternative measures to address the issue will be required.</p> <p>Amend final paragraph to read:</p> <p>The Council will take into account the above factors when assessing proposals for the creation of new car parks or loss of car parks and will expect developers to have regard to the Cumbria <u>Development Design Guide</u> when considering parking design <u>or any subsequent relevant guidance</u>, including incorporation of measures such as</p>

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		<p>permeable surfaces, and sustainable drainage systems.</p> <p>Amend paragraph 3.1.2 to read:</p> <p>3.1.2 National policy now makes clear that parking standards should be determined at the local level in response to local circumstances. <u>No parking standards are currently adopted instead relevant guidance will be applied in order to inform decisions relating to parking provision within new developments.</u> The Council currently uses the “Parking Guidelines in Cumbria” to inform decisions on the level of parking for new development, and this will continue to be applied flexibly. These have been incorporated into the Cumbria Design Guide. Current local guidance is contained within the Cumbria Development Design Guide and this will be applied flexibly to inform decisions on the level of parking for new development as well as design. The Council will seek the advice of the Local Highways Authority in its application of this policy, <u>and guidance</u> and <u>any</u> decisions relating to car parking provision and design.</p> <p>Amend footnote to read: 1819 – This is ese are currently set out in the Cumbria <u>Development Design Guide</u></p>
MM10	Policy DM10 – Safeguarding land for future transport infrastructure improvements	<p>Amend paragraph 5 to read:</p> <p>Development will be permitted provided it does not prevent or impair opportunities for existing disused railway lines and their embankments to be converted for walking, cycling, <u>equestrian</u> or rail use. Proposals that support and enhance their economic, social, cultural, recreational and historic value will be encouraged.</p>
MM11	Policy DM11 – Accessible and Adaptable Homes	<p>Amend and restructure the policy to read as:</p> <p>New homes must be designed and constructed in a way that enables them to be adapted to meet the changing needs of their occupants over their lifetime.</p> <p>The Council will require all new homes to meet the optional Building Regulations Requirement M4(2): Category 2 – Accessible and Adaptable Dwellings¹⁹²⁰.</p> <p><u>Additionally the Council will also require a proportion of wheelchair adaptable homes (Category M4(3)²¹) on large development sites in suitable locations. Current evidence supports a requirement for 5% of dwellings on sites of over 40 units to be wheelchair adaptable dwellings. If evidence at the time of a planning application indicates a different level of need then this element of the policy will be applied flexibly.</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p>The Council will only consider exemptions to these requirements where the applicant can provide evidence to robustly demonstrate that any of the following specific circumstances apply:</p> <ol style="list-style-type: none"> 1. it is not practically achievable given the physical characteristics of the site, or 2. it would significantly harm the financial viability of the scheme, or 3. <u>site specific factors mean that step- free access to the dwelling cannot be achieved, or</u> 4. <u>the dwellings are located on the first floor or above of a non-lift serviced multi-storey development.</u> <p>Delete text:</p> <p>Additionally the Council will also require a proportion of wheelchair adaptable homes (Category M4(3)) on large development sites in suitable locations. Current evidence supports a requirement for 5% of dwellings on sites of over 40 units to be wheelchair adaptable dwellings. If evidence at the time of a planning application indicates a different level of need then this element of the policy will be applied flexibly.</p> <p>Where exemptions are sought on viability grounds, applicants must submit a viability appraisal to the Council and pay an additional fee that the Council will use to obtain an independent assessment of the appraisal.</p> <p>Where exemptions are justified on viability or practicality grounds, the minimum number of units necessary will be exempted from the requirements.</p> <p>Amend paragraphs 4.1.5 and 4.1.6 to read:</p> <p>4.1.5 The policy allows for an element of flexibility in recognition of the practicalities of delivering these standards, in particular given the challenges that may arise given the topography of many sites in the district, where access within the gradients specified in the Building Regulations Approved Document may not be achievable. <u>Where step free access to dwellings cannot feasibly be achieved due to site specific factors, the optional standards will not be required for the dwellings affected. Where multi storey flats or apartments are being developed without lift provision, dwellings on the first floor or above will not be required to meet the M4(2) or M4(3) standards. Ground floor flats in multi storey developments will still be required to meet the optional standards. Where lifts are provided the standards will be applied in accordance with the policy.</u></p>

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		<p>4.1.6 Where developers can demonstrate that the M4(2) or M4(3) requirements cannot be achieved on either practicality grounds (for example site topography, flood risk issues etc.) or viability grounds the Council will consider exemptions on a case by case basis. Any requests for exemptions must be clearly evidenced and justified. <u>Where exemptions are sought on viability grounds, applicants must submit a viability appraisal to the Council and pay an additional fee that the Council will use to obtain an independent assessment of the appraisal.</u></p> <p>Amend footnotes to read</p> <p>Footnote 19<u>20</u> - Or any subsequent national equivalent standard should the Building Regulations be reviewed in future.</p> <p><u>Footnote 21 – Or any subsequent national equivalent standard should the Building Regulations be reviewed in future.</u></p>
MM12	Policy DM12 – Self-Build and Custom Build Housing	<p>Amend paragraph 3 to read:</p> <p>The Council’s self-build register will be used as a source of evidence of the demand for self-build and custom build housing locally, and the level of demand will be a material consideration <u>considered</u> in determining proposals.</p>
MM13	Policy DM13 – Housing Development in Small Villages and Hamlets outside the Arnside and Silverdale AONB	<p>Amend policy title to read:</p> <p>Policy DM13 – Housing Development in Small Villages and Hamlets <u>outside the Arnside and Silverdale AONB</u></p> <p>Amend paragraph 1 to read:</p> <p>New small-scale housing development on sites <u>within or</u> on the edge of small villages and hamlets (without development boundaries) will be acceptable provided that:</p>
MM14	Policy DM14 – Rural Exceptions Sites	<p>Amend paragraph 3 to read:</p> <p>The financial appraisal will be subject to independent review by the Council. , the fee for which will be met by the applicant.</p> <p>Amend paragraphs 4.4.1 and 4.4.2 to read:</p> <p>4.4.1 Policy DM14 comprises a revision to Core Strategy policy CS6.4 to take account of national policy in paragraph 54 of the NPPF and the Housing and Planning Act 2016. The policy makes clear that a small proportion of market housing may be acceptable, where justified by independent evidence, to enable a viable scheme to deliver a</p>

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		<p>significant proportion of affordable housing. The revised policy also requires rural exception sites to meet the principles of sustainable development in Core Strategy CS 1.1 by being located in proximity to a settlement with local services and facilities, or a settlement with good public transport links to a larger settlement with services and facilities. <u>The policy will be applied across the whole district including the Arnside and Silverdale AONB.</u></p> <p>4.4.2 The revised policy also encourages the provision of both market and affordable housing as self-build or custom build housing on rural exception sites. <u>A fee will be sought through the planning application validation process required and to be used by the Council to obtain an independent assessment of the financial appraisal.</u></p>
MM15	Policy DM15 – Essential Dwellings for Workers in the Countryside	<p>Amend paragraph 3 to read:</p> <p>The financial appraisal will be subject to independent review by the Council., the fee for which will be met by the applicant.</p> <p>Amend paragraph 4.5.3 to read:</p> <p>4.5.3 Policy DM15 provides updated local criteria to guide the appropriate location and type of new homes required to meet the needs of rural businesses. It introduces the new requirement that only temporary dwellings will be accepted for new businesses established less than three years. This is intended to reduce the risk of new permanent dwellings being constructed for new businesses which subsequently cease to operate. The policy would allow a new permanent dwelling for established, financially sound businesses, which meet all the other criteria within the policy. <u>A fee will be sought through the planning application validation process required and to be used by the Council to obtain an independent assessment of the financial appraisal.</u></p>
MM16	Policy DM16 – Conversion of Buildings in Rural Areas	<p>Amend final paragraph to read:</p> <p>When granting permission under this policy the Council will remove permitted development rights where <u>appropriate necessary</u> to protect landscape or settlement character which would normally apply to the building and its curtilage.</p>
MM17	Policy DM17 – Retention of Community Facilities	<p>Amend paragraph 3 to read:</p> <p>The financial appraisal will be subject to independent review by the Council. , the fee for which will be met by the applicant.</p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p>Amend paragraph 5.2.3 to read:</p> <p>5.2.3 Applicants proposing to redevelop or convert facilities resulting in their loss will be expected to engage with local communities at an early stage in the planning process about the relative importance of the facility to its users in order to demonstrate the degree to which the facility fulfils a need in the locality. A fee will be <u>sought through the planning application validation process required and to be used by the Council to obtain an independent assessment of the financial appraisal.</u></p>
MM18	Policy DM18 – Tourist accommodation - caravans, chalets, log cabins, camping and new purpose built self-catering accommodation (outside the Arnside and Silverdale AONB)	<p>Amend points c and g of 'all proposals' to read:</p> <p>All Proposals:</p> <p>All proposals for both new sites and extensions to, and intensifications within existing sites, shall:</p> <ul style="list-style-type: none"> c. be capable of being effectively screened by <u>existing</u> landform, trees or planting. Additional effective landscaping may be needed to supplement <u>existing landscaping proposals</u> and to minimise/avoid harmful landscape impacts; and g. be constructed of appropriate external materials and colours that are sympathetic to its locality (static caravans, log cabins, chalets, camping pods and similar structures); and <p>Amend paragraphs 5.3.2. and 5.3.4</p> <p>5.3.2 <u>Policy DM18 will not apply within the boundary of the Arnside and Silverdale AONB.</u> Within the District, out-with the AONB, caravan site development is mainly concentrated towards the coast - the Cartmel Peninsula. In the Cartmel Peninsula alone, there are more than ten caravan sites. The largest, Lakeland Leisure Caravan Park, having permission for 993 statics and 120 tourers (includes consent SL/2016/0940). Such development, in appropriate locations and of an appropriate scale, has a role in supporting the demand that the Lake District National Park creates. Over the past few years there have been planning applications in the wider area, for example - for log cabin and chalet development within the Furness Peninsula and applications for extensions to sites in the Kendal rural area. The visitor season is now no longer limited to particular seasons as in the past; visitors are generally now taking shorter but more frequent breaks, resulting in an extended season.</p> <p>5.3.4 <u>In applying policy DM18, a judgement may be</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p><u>required as to whether the proposed accommodation falls within the legal definition of a caravan, as defined in the Caravan Sites and Control of Development Act 1960 (as amended), and the definition of twinned-unit caravans, provided in the Caravan Sites Act 1968. Please see footnote 26 for more details. The legal definition of a caravan is broad and can include a range of structures, which are capable of being moved. A log cabin or chalet for example may fall within the definition of a caravan, or alternatively, may comprise permanent purpose-built, self-catering accommodation. The nature of the accommodation will therefore determine which part of policy DM18 it is relevant to apply.</u>²</p> <p>Insert footnote: <u>26 – Please refer to the legal definition of a caravan: Caravan Sites and Control of Development Act, 1960 (as amended), Part 1, Section 29 (1). Additional provisions also relate to twin-unit caravans. Please refer to Section 12(1) of the Caravan Sites Act 1968.</u></p>
MM19	Policy DM19 – Equestrian related development	<p>Amend paragraph 1 to read:</p> <p>Development proposals for horse <u>equine</u> related facilities, such as field shelters, stables, outdoor exercise arenas, and commercial equestrian enterprises, such as pony trekking or equestrian centres (stables, indoor riding arenas) and liveries, will be supported in principle, subject to the following provisions:</p> <p>Amend point 4 to read:</p> <p>4. the surrounding roads and bridleways are adequate and safe for any increased use by horse/<u>pony</u> riders; and</p> <p>Amend paragraph 5 to read:</p> <p>Proposals for livery or other commercial equestrian facilities involving the overnight accommodation of equines <u>and provision of new dwellings, will be supported where there is a demonstrable essential need.</u> only be permitted where it will not give rise to the need for an additional new build residential property.</p> <p>Amend paragraph 5.4.5 to read:</p> <p>5.4.5 Commercial livery or equestrian activities that provide overnight accommodation for horses/<u>ponies</u> often require 24 hour residential supervision. As new dwellings are not normally acceptable in the open countryside (outside settlement boundaries), proposals for new commercial /livery developments <u>will be</u></p>

Modification Reference	Policy / paragraph	Proposed Modification
		<p><u>supported where it can be demonstrated that there is an essential need in the context of meeting criteria set out in Policy DM15.</u> will only be considered where they will not give rise to the need for an additional new build dwelling.</p>
MM20	Policy DM20 – Advertisements , Signs and Shopfronts	<p>Amend paragraph 1 point 5 to read:</p> <p>5. they accord with <u>have regard to</u> relevant design guidance adopted by the Council</p> <p>Amend paragraph 2 point 1 to read:</p> <p>1. they preserve and enhance the special qualities and character and appearance of the rural landscape, including protected <u>designated</u> landscapes; Conservation Areas; Listed Buildings; other heritage assets and their settings; and</p>
MM21	Policy DM21 – Renewable and Low Carbon Energy Development	<p>Amend point 4 to read:</p> <p>4. safeguard residential <u>and local</u> amenity by fully assessing and appropriately mitigating potential effects including visual intrusion, glint and glare, shadow flicker, noise, smell or other pollutants;</p> <p>Amend point 10 to read:</p> <p>10. will not have <u>unacceptable</u> cumulative adverse impacts with other installed and permitted renewable and low carbon energy projects and vertical infrastructure structures²³²⁷.</p>
MM22	Policy DM23 – Retail Uses Outside of Town Centres	<p>Add the following to the end of the policy:</p> <p><u>This policy will be reviewed through the 2016-2036 Single Local Plan.</u></p>
MM23	Policy DM24 – Kendal Town Centre and Kendal Canal Head Area	<p>Delete 10th bullet point</p> <p>• ensure development reduces flood risk.</p> <p>Amend footnotes as follows:</p> <p>2630 – Assumption within current local plan (2010-2015) area can accommodate 200 dwellings, this will be reviewed <u>through next Single Local Plan (2016-2036)</u>.</p> <p>2731 – As defined on the proposed Kendal Canal Head Area Policies Map as land to be safeguarded as an existing employment site. Proposals within the site will be considered against the provisions of Policy LA1.5 of the Land Allocations DPD – acceptable uses B1, B2 and B8 uses.</p> <p>2832 – As defined on the policies map (see Appendix 2 Canal Head Area Policies Map as land to be safeguarded</p>

Modification Reference	Policy / paragraph	Proposed Modification
		for public open space). Proposals within the open spaces will be considered against the provisions of Policy LA1.10 of the Land Allocations DPD.
MM24	Policy DM26 – Gypsies, Travellers and Travelling Showpeople	<p>Add the following text to the end of the policy:</p> <p><u>This policy will be reviewed through the 2016-2036 Single Local Plan to include a comprehensive re-assessment of the housing needs of Gypsies, Travellers and Travelling Showpeople.</u></p> <p>Update footnote text:</p> <p>2933 – Including foul and surface water</p>
MM25	Policy DM27 – Enforcement	<p>Amend point 1 to read:</p> <ol style="list-style-type: none"> 1. investigate reported breaches of planning control and monitor development for compliance in <u>accordance having regard to</u> with its Local Planning Enforcement Plan;
MM26	Appendix 3	Replace Appendix 3 with amended schedule (below)

Replace Appendix 3 with the text below:

Appendix 3 – Schedule of Existing Local Plan Policies Proposed for replacement by policies in the DM DPD on its adoption

This Appendix sets out those:

- saved and extended Local Plan and Alteration Policies that will be superseded by the DM DPD on its adoption either wholly through new replacement policies contained in the DM DPD and/or partly in conjunction with other existing Local Plan policies (Land Allocations DPD and Core Strategy)
- existing Local Plan policies in the Core Strategy DPD that will be superseded either wholly or partly by replacement policies contained in the DMDPD on its adoption

It also provides an explanation of how the DMDPD will replace the policy.

This Appendix relates to the area for which South Lakeland is the planning authority. Within areas which were transferred to the Lake District and Yorkshire Dales National Parks in August 2016, policies which would otherwise be superseded by South Lakeland's DMDPD will remain part of the Development Plan for those areas until superseded by new Local Plans prepared by the relevant national park authorities. Please refer to the Local Development Scheme for the relevant National Park Authority for their proposals to supersede these policies.

In addition to the DM DPD, the Arnside and Silverdale Area of Outstanding Natural Beauty Development Plan Document (AONB DPD) on its adoption replaces wholly or partly saved and extended Local Plan and Alteration Policies, and existing policies in the Core Strategy in the South Lakeland part of the AONB. The schedule of South Lakeland superseded policies for the Development Management Policies DPD and Arnside & Silverdale AONB DPD document makes clear which policies will be replaced wholly or partly by the AONB DPD as well the DM DPD.

The existing development plan covering South Lakeland District outside the two national parks 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 Arnside & Silverdale AONB DPD (on its adoption)
- the Development Management Policies DPD (on its adoption)

The South Lakeland Local Plan comprising the September 1997 Local Plan and Alteration 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 the 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

*Note the references to the National Planning Policy Framework relate to the 2012 edition.

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>H9 Agricultural and Forestry Dwellings in the Countryside</u>	<u>Superseded by DM DPD Policy DM15</u>	<u>Policy DM15 sets out a policy framework with criteria to guide when a new dwelling may be acceptable in the open countryside to meet the needs of agriculture and rural businesses.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>H10 Removal of Occupancy Conditions</u>	<u>Superseded by DMDPD Policy DM15</u>	<u>Policy DM15 sets out a policy framework with criteria to guide when a new dwelling may be acceptable in the open countryside to meet the needs of agriculture and rural businesses.</u>
<u>H11 Conversion of buildings within Development Boundaries</u>	<u>Superseded by DMDPD policies DM1 and DM2</u>	<u>Policies DM1 and DM2 provide appropriate criteria to guide decisions for conversion of buildings within development boundaries.</u>
<u>H12 Conversion of buildings outside of Development Boundaries</u>	<u>Superseded by DMDPD Policy DM16</u>	<u>Policy DM16 sets out criteria to indicate how and when buildings in rural areas may be converted to other uses, including housing, employment, tourism, recreation and community uses.</u>
<u>H13 Conversion of rural facilities</u>	<u>Superseded by DMDPD Policy DM17</u>	<u>Policy DM17 sets out policy criteria that must be met to permit the loss of community facilities outside of defined town centre locations.</u>
<u>H14 Dwellings Constructed from Temporary Materials</u>	<u>Deleted not replaced</u>	<u>Policy no longer considered required/of relevance</u> <u>Policy deleted on adoption of DMDPD</u>
<u>E1 Land Allocated for Business Parks – reference to Parkside Road allocation</u>	<u>Allocations for Kendal Canal Head Area superseded by DMDPD Policy DM24.</u> <u>Parkside Road Business Park Implemented</u>	<u>Business Park allocations outside the Kendal Canal Head area superseded by Local Plan - Land Allocations Policy LA 1.6.</u> <u>Policy DM24 identifies Parkside Road site as an existing employment site, and criteria set out in Land Allocations DPD Policy LA1.5 applies.</u> <u>No allocations are proposed in the DMDPD.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>E4 New Development and Extensions to Property</u>	<u>Superseded by DMDPD Policies DM1 and DM2</u>	<u>Policy DM1 and Policy DM2 provide appropriate criteria for guiding decisions relating to new development and extensions to premises within existing employment sites.</u>
<u>E5 Redevelopment</u>	<u>Superseded by DMDPD Policies DM1 and DM2.</u>	<u>Policy DM1 and Policy DM2 provide appropriate criteria for guiding decisions relating to redevelopment of obsolete employment premises.</u>
<u>E6 Loss of Employment Sites and Premises</u>	<u>Superseded by DMDPD Policies DM1 and DM2</u>	<u>Policy DM1 and Policy DM2 provide appropriate criteria for guiding decisions relating to loss of employment sites and premises to other non-employment uses.</u> <u>Provisions of Policy LA1.5 Land Allocations, Core Strategy Policy CS7.1 and CS7.2 and also application of National Policy also relevant.</u>
<u>E9 Homeworking</u>	<u>Superseded by DMDPD policy DM1 and Core Strategy Policy CS7.4</u>	<u>Policy DM1 provides appropriate criteria for assessing home-based working businesses</u> <u>Criteria in Core Strategy Policy CS7.4 also relevant</u>
<u>E10 Farm Diversification</u>	<u>Superseded by DMDPD Policy DM1 and Core Strategy Policy CS7.4</u>	<u>Policy DM1 provides appropriate criteria for assessing proposals for farm diversification</u> <u>Criteria in Core Strategy Policy CS7.4 also relevant</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>R1 Retail Development, Kendal Town Centre</u>	<p><u>Policy criteria in part (criterion a) superseded by DMDPD Policy DM24, alongside NPPF and Core Strategy Policy CS7.5 and by DMDPD DM1 – with respect to criterion b-d.</u></p> <p><u>Town Centre and Primary Shopping Area boundary superseded by Land Allocations Policy LA1.2</u></p>	<p><u>Policy DM24 provides criteria for assessing retail development in Kendal town centre in respect to viability and vitality), alongside criteria in Core Strategy CS7.5 also applies and application of national policy.</u></p> <p><u>DM1 provides appropriate criteria respect to access, design and traffic movements.</u></p> <p><u>Town Centre and Primary Shopping Area boundary superseded by Land Allocations Policy LA1.2.</u></p>
<u>R2 Retail Development outside Kendal Town Centre</u>	<p><u>Policy criteria a-c superseded by NPPF</u></p> <p><u>Policy criteria d-g superseded by DMDPD Policies DM1 and DM2.</u></p>	<p><u>Policy criteria a – c superseded by National Planning Policy.</u></p> <p><u>DM1 and DM2 provide criteria covering travel, design, parking and landscaping.</u></p> <p><u>DM23 provides additional policy relating to local impact thresholds for assessing retail proposals outside of defined town centres.</u></p>
<u>R4 Conversion and Extension of Retail Premises, Ulverston Town Centre</u>	<p><u>Policy criterion ‘a’ superseded by Core Strategy CS7.5 and Land Allocations DPD Policy LA1.2.</u></p> <p><u>Policy criteria b-c superseded by DMDPD Policies DM1 and DM2</u></p>	<p><u>Town Centre and Primary Shopping Area boundary superseded by Local Plan - Land Allocations Policy LA1.2.</u></p> <p><u>National Policy and Core Strategy Policy CS7.5 replace criterion ‘a’.</u></p> <p><u>Policy DM1 and DM2 provide criteria covering criteria b-c (traffic and access).</u></p>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<p><u>R5 Retail Development outside Ulverston Town Centre</u></p>	<p><u>Policy criteria a – c superseded by NPPF Policy</u></p> <p><u>Policy criteria d-g superseded by DMDPD policies DM1 and DM2.</u></p>	<p><u>Criteria a-c superseded by National Planning Policy (needs assessment, sequential test and type of provision).</u></p> <p><u>DM1 and DM2 provide criteria covering criterion d-g (travel, design, parking and landscaping).</u></p> <p><u>DM23 provides additional policy relating to local impact thresholds for assessing retail proposals outside of defined town centres.</u></p>
<p><u>R7 Retail Development outside shopping centres</u></p>	<p><u>Superseded by National Planning Policy and Core Strategy policy CS7.5</u></p>	<p><u>Town Centre, Primary and Secondary Shopping Area boundaries superseded by Local Plan – Land Allocations Policy LA1.2.</u></p> <p><u>Policy, superseded by Policy CS7.5.</u></p>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<p><u>R8 Protection of Retail Frontages in the Primary Shopping Areas of Kendal and Ulverston Town Centres</u></p>	<p><u>Town Centre, Primary and Secondary Shopping Area boundaries superseded by Land Allocations policy LA1.2.</u></p> <p><u>Regard to Primary Shopping Area in Kendal Criteria a- e superseded by Core Strategy policy CS7.5 and Land Allocations policy LA1.2 and DMDPD Policy DM24</u></p> <p><u>With regard to Ulverston Primary Shopping Area Criteria a - e superseded by Core Strategy policy CS7.5 and Land Allocations policy LA1.2</u></p> <p><u>With regard to Kendal Primary Shopping Area and Ulverston Primary Shopping Area. Criterion f superseded by DMDPD policy DM1</u></p>	<p><u>Town Centre, Primary and Secondary Shopping Area boundaries superseded by Land Allocations Policy LA1.2.</u></p> <p><u>Regard to Kendal Primary Shopping Area – Criteria a-e superseded by CS7.5 and LA1.2 – provide policy for assessing location of uses in Primary Shopping Area and in addition Policy DM24.</u></p> <p><u>Regard to Ulverston Primary Shopping Area – criteria a-e superseded by CS7.5 and LA1.2.</u></p> <p><u>DM1 provides criteria supersedes criterion f for both Kendal and Ulverston primary shopping areas.</u></p>
<p><u>R9 Non-Retail Uses in Minor Shopping Areas</u></p>	<p><u>Superseded by National Planning Policy, Core Strategy CS7.5 and also Land Allocations LA1.2</u></p> <p><u>Criterion a, b and c also superseded by DMDPD policy DM1</u></p> <p><u>With regard to Kendal, criterion c superseded also by DMDPD policy DM24</u></p>	<p><u>CS7.5 and LA1.2 provide policy basis on which to determine proposals for use of ground floor premises within the defined town centres. In addition Policy DM24 applies with respect to Kendal – supersedes criterion c.</u></p> <p><u>DM1 also supersedes criteria a, b and c.</u></p> <p><u>*Note no secondary shopping areas are defined within SLDC; only primary shopping areas.</u></p>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>R10 Hot Food Takeaways in Primary Shopping Areas</u>	<u>Superseded by DMDPD policy DM22.</u>	<u>DM22 criteria for assessing hot food takeaways.</u>
<u>R11 Hot Food Takeaways in Secondary Shopping Areas</u>	<u>Superseded by DMDPD policy DM22.</u>	<u>DM22 criteria for assessing hot food takeaways.</u>
<u>R12 Hot Food Takeaways in Residential Areas</u>	<u>Superseded by DMDPD policy DM22.</u>	<u>DM22 criteria for assessing hot food takeaways.</u>
<u>R13 Amusement Arcades</u>	<u>Superseded by DMDPD Policy DM1 and Core Strategy policy CS7.5 and Land Allocations DPD policy LA1.2</u>	<u>Policy DM1 provides criteria for assessing impacts of Amusement Arcades.</u> <u>Core Strategy CS7.5 and LA1.2 provide policy criteria for assessing location of Amusement Arcades.</u>
<u>T2 Conversion of Buildings to Hotels and Serviced Accommodation</u>	<u>Superseded by Core Strategy policies CS1.1 and CS7.6 and DMDPD policies DM1 and DM16</u>	<u>Policy DM1 provides general criteria</u> <u>Policy DM16 provides criteria for assessing conversion of buildings to hotels and serviced accommodation in the open countryside (outside Service Centres and the scope of policy DM13 on Development in Small villages and Hamlets)</u> <u>Policy CS1.1 and CS7.6 provide general non-specific criteria for assessing tourism development more generally.</u>
<u>T2a Retention of Holiday Accommodation in Grange-over-Sands</u>	<u>Deleted not replaced</u>	<u>Policy no longer considered to be required/or of relevance.</u> <u>Policy deleted on adoption of DMDPD.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>T4 Self-catering accommodation outside development boundaries</u>	<u>Superseded by DMDPD policies DM1, DM2 and DM18 and Land Allocations DPD policy LA1.1 and CS7.6</u>	<u>DM1 and DM2 provide general criteria to apply in addition to DM18.</u> <u>DM18 provides criteria for considering self-accommodation proposals new build outside of development boundaries.</u> <u>LA1.1 and CS7.6 also provide relevant non-specific criteria.</u>
<u>T6 Caravan Site Development outside the Arnside-Silverdale AONB</u>	<u>Superseded by DMDPD policy DM18</u>	<u>DM18 sets criteria for assessing caravan development outside the Arnside – Silverdale AONB.</u>
<u>T7 Extensions to Caravan Park Developments' Open Season'</u>	<u>Superseded by DMDPD policy DM18.</u>	<u>DM18 sets criteria for consideration of extensions to caravan park developments' open season.</u>
<u>T8 Tented Camping Sites</u>	<u>Superseded by DMDPD policy DM18.</u>	<u>DM18 sets criteria for considering tented camping sites.</u>
<u>T9 Camping Barns</u>	<u>Superseded by DMDPD Policies DM1 and DM16 and Core Strategy policies CS1.1, CS1.2 and CS7.6</u>	<u>DM1 sets general criteria for Consideration DM16 sets criteria consideration of conversion of buildings in open countryside (outside Service Centres and the scope of policy DM13 on Development in Small villages and Hamlets).</u> <u>CS1.1, CS1.2 and CS7.6 also apply.</u>
<u>C3 Agricultural Land</u>	<u>Deleted not replaced</u>	<u>Covered by provisions of National Policy (NPPF Paragraph 112)</u>
<u>C5 External Lighting</u>	<u>Superseded by DMDPD policy DM2.</u>	<u>DM2 sets policy criteria for considering applications requiring external lighting.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>C6 Sites of International Nature Conservation Importance</u>	<u>Superseded by DMDPD policy DM1 and DM4</u> <u>National Planning Policy also applies.</u>	<u>DM1 and DM4 provide appropriate criteria for addressing proposals that may affect sites of international nature conservation importance. Provisions of National Policy also applies.</u>
<u>C7 National Sites</u>	<u>Superseded by Core Strategy Policy CS8.4 and DMDPD policy DM1 and DM4</u>	<u>DM1 provides appropriate criteria for addressing proposals that may affect sites of national nature conservation importance.</u> <u>Provisions of National Policy and CS6.4 also apply.</u>
<u>C11 Tree Preservation Orders</u>	<u>Superseded by DMDPD policy DM4</u>	<u>DM4 sets criteria for assessing proposals affecting trees subject to a TPO.</u>
<u>C15 Listed Buildings and their Settings</u>	<u>Superseded by DMDPD policy DM3</u>	<u>DM3 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 DMDPD policy DM3</u>	<u>DM3 sets out approach towards Conservation Areas, and builds on Core Strategy CS8.6.</u>
<u>C18 Satellite Dishes</u>	<u>Superseded by DMDPD policy DM3</u>	<u>DM3 sets out approach towards Conservation Areas.</u> <u>Policies DM1 and DM2 also apply</u>
<u>C19 Sites of Archaeological Interest</u>	<u>Superseded by DMDPD policy DM3 and application of Core Strategy policy CS8.6</u>	<u>DM3 sets out approach towards Sites of Archaeological Interest, and build on Core Strategy CS8.6.</u>
<u>C20 Historic Landscapes</u>	<u>Superseded by DMDPD policy DM3 and DM4</u>	<u>DM3 sets out approach towards Historic Landscapes, and builds on Core Strategy CS8.6.</u> <u>DM4 sets out approach to green infrastructure.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>C21 Derelict Land</u>	<u>Deleted not replaced</u>	<u>National Policy provisions (NPPF) apply to the approach to Derelict Land.</u>
<u>C23 Tidal and River Defences</u>	<u>Superseded by DMDPD policies DM4 and DM6</u>	<u>DM4 sets out the approach to Green Infrastructure.</u> <u>DM6 sets out the approach to Tidal and River Defences – policy criteria to apply.</u>
<u>C24 Watercourses and Coastal Margins</u>	<u>Superseded by DMDPD policy DM6</u>	<u>DM6 sets out approach to Watercourses and Coastal Margins and policy criteria to apply.</u>
<u>C26 Wind Energy</u>	<u>Superseded by DMDPD policy DM21</u>	<u>DM21 sets out approach to Wind Energy development and other forms of renewable energy development and policy criteria to apply.</u>
<u>C28 Hydro Electricity</u>	<u>Superseded by DMDPD policy DM21</u>	<u>DM21 sets out approach to Hydro Electricity development and other forms of renewable energy development and policy criteria to apply.</u>
<u>C29 Slurry</u>	<u>Superseded by DMDPD policy DM21</u>	<u>DM21 sets out approach to Slurry development and other forms of renewable energy development and policy criteria to apply.</u>
<u>C30 Solar Power</u>	<u>Superseded by DMDPD policy DM21</u>	<u>DM21 sets out approach to Solar Power development and other forms of renewable energy development and policy criteria to apply.</u>
<u>C31 Cumulative Impact of Renewable Energy projects</u>	<u>Superseded by DMDPD policy DM21</u>	<u>DM21 sets out approach to renewable energy development and policy criteria to apply.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>L5 Village Halls</u>	<u>Superseded by DMDPD policies DM1 and DM2</u>	<u>DM1 and DM2 policy criteria to apply to proposals involving use of village halls including their conversion.</u> <u>Core Strategy CS9.1 also applies regarding principle of use of community facilities.</u>
<u>L6 Golf Courses and Driving Ranges within the AONB.</u>	<u>Superseded by DMDPD policies DM1, DM2, DM3 and DM4</u>	<u>Non-specific policy on golf courses and driving ranges required only; policies DM1, DM2, DM3 and DM4 apply.</u> <u>Policy DM5 and DM6 also of relevance.</u> <u>Core Strategy CS8.2 also applies.</u>
<u>L7 Golf Courses and Driving Ranges elsewhere (outside of AONB)</u>	<u>Superseded by DMDPD policies DM1, DM2, DM3 and DM4 and application of Core Strategy policy CS8.2</u>	<u>Non-specific policy on golf courses and driving ranges required only, policies DM1, DM2, DM3 and DM4 apply.</u> <u>Policy DM5 and DM6 also of relevance.</u> <u>Core Strategy CS8.2 also applies.</u>
<u>L8 Provision of Club Houses and Car Parking</u>	<u>Superseded by DMDPD policies DM1, DM2, and DM9 (parking)</u>	<u>DM9 sets out approach to car parking development.</u> <u>Other aspects of policy – DM1 and DM2 provide relevant criteria.</u>
<u>L9 Equestrian Development</u>	<u>Superseded by DMDPD policy DM19.</u>	<u>DM19 sets out approach to equestrian development and policy criteria to apply.</u>
<u>L10 Rights of Way</u>	<u>Superseded by DMDPD policies DM4 and DM5</u>	<u>DM5 sets out approach to development affecting rights of way and policy criteria to apply.</u> <u>DM4 sets out approach to green infrastructure.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>L11 Disused Railway Lines</u>	<u>Superseded by DMDPD policies DM4 and DM10</u>	<u>DM10 sets out approach to safeguarding of land for future transport infrastructure improvements including protection and re-use of disused railway lines.</u> <u>DM4 sets out approach to green Infrastructure.</u>
<u>L12 Lancaster Canal</u>	<u>Superseded by DMDPD policies DM4 and DM10</u>	<u>DM10 sets out approach to safeguarding of land for future transport infrastructure improvements including safeguarding of Lancaster Canal.</u> <u>DM4 sets out approach to green infrastructure.</u>
<u>Tr2 Safeguarding Land for Transport Infrastructure Improvements</u>	<u>Superseded by DMDPD policy DM10 – schemes not identified.</u>	<u>No reservations at present time. DM10 sets out approach to safeguarding of land for future transport improvements, but no schemes are identified other than protection of Lancaster Canal.</u>
<u>Tr5 Town Centre Car Parking</u>	<u>Superseded by DMDPD policy DM9</u>	<u>DM9 sets out approach to provision of car parking in new development and policy criteria to apply.</u>
<u>Tr6a Disabled Access and Parking Arrangement</u>	<u>Superseded by DMDPD policies DM2 and DM9.</u>	<u>DM9 sets out approach to provision of car parking in new development and policy criteria to apply.</u> <u>DM2 sets out policy criteria to ensure high quality design is achieved in new Development.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>Tr9 Better ways to School</u>	<u>National Planning Policy applies and superseded by Core Strategy policy CS10.1 and DMDPD Policy DM5</u>	<u>DM5 sets approach to routes providing pedestrian and cycle access.</u> <u>CS10.1 sets approach to accessing services including schools.</u>
<u>S2 South Lakeland Design Code</u>	<u>Superseded by DMDPD policy DM2.</u>	<u>DM2 sets approach to design and policy criteria to apply.</u>
<u>S3 Landscaping</u>	<u>Superseded by DMDPD policy DM4.</u>	<u>DM4 sets out the requirements for a holistic approach to new Green Infrastructure.</u> <u>DM2 also of relevance.</u>
<u>S4 Important Open Space</u> <u>Kendal Canal Head Area</u>	<u>Kendal Canal Head Area – Superseded by DM DPD Policy DM24</u>	<u>DM DPD identifies open space for protection within the Kendal Canal Head Area.</u> <u>Provisions of Land Allocations Policy LA1.10 will apply.</u>
<u>S10 Parking Provision in new Development</u>	<u>Superseded by DMDPD policy DM9.</u>	<u>DM9 sets out approach to provision of car parking in new development and policy criteria to apply.</u>
<u>S12 Crime and Design</u>	<u>Superseded by DMDPD policy DM2.</u>	<u>DM2 sets out approach to design and policy criteria to apply with regard to crime and design.</u>
<u>S13 Security Measures in Town Centres</u>	<u>Superseded by DMDPD policy DM2.</u>	<u>DM2 sets out approach to design and policy criteria to apply with regard to security measures and crime.</u>
<u>S14 Shop Fronts</u>	<u>Superseded by DMDPD policies DM2 and DM20.</u>	<u>DM2 sets out approach to design and policy criteria to apply.</u> <u>DM20 sets out approach to advertisements, signs and shopfronts and policy criteria to apply.</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>S15 External Blinds</u>	<u>Superseded by DMDPD policy DM2.</u>	<u>DM2 sets out approach to design and policy criteria to apply with regard to external blinds.</u>
<u>S16 External Cashpoint Machines</u>	<u>Superseded by DMDPD policy DM1 and DM2.</u>	<u>DM1 and DM2 set relevant policy criteria to apply to consideration of external cashpoint machines.</u>
<u>S18 Trees Close to Buildings</u>	<u>Superseded by DMDPD policy DM4 and application of BS5837.</u>	<u>DM4 sets approach to trees and relevant policy criteria to apply. Also application of BS5837.</u>
<u>S19 Percent for Art</u>	<u>Deleted not replaced</u>	<u>No longer consider necessary to have a policy seeking a percentage for art in new development.</u>
<u>S20 Control over Advertisements</u>	<u>Superseded by DMDPD policy DM20</u>	<u>DM20 sets out approach to control of advertisements and policy criteria to apply.</u>
<u>S21 Areas of Special Control of Advertisements</u>	<u>Superseded by DMDPD policy DM20</u>	<u>DM20 sets out approach to areas of special control of advertisements and policy criteria to apply.</u>
<u>S22 Advance Directional Signs</u>	<u>Superseded by DMDPD policy DM20</u>	<u>DM20 sets out approach to advance directional signs and policy criteria to apply</u>
<u>S23 Agricultural Buildings</u>	<u>Superseded by DMDPD policy DM25.</u>	<u>DM25 sets approach to agricultural buildings and policy criteria to apply</u>
<u>S24 Temporary Buildings</u>	<u>Deleted not replaced</u>	<u>No longer necessary to include a specific policy relating to temporary buildings</u>

<u>Saved and extended Local Plan Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>S26 Sewage Treatment and Disposal</u>	<u>Superseded by DMDPD policies DM1, DM6 and DM7.</u>	<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>
<u>S27 Overhead Lines</u>	<u>Superseded by DMDPD policy DM2</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>Deleted and not replaced outside of Arnside and Silverdale AONB area</u>	<u>National Policy provides relevant criteria for assessing telecommunication masts and equipment outside of AONB.</u>
<u>S29 Waste Recycling Facilities</u>	<u>Superseded by DMDPD policies DM1 and DM2 and Core Strategy CS8.9</u>	<p><u>DM1 and DM2 provide appropriate criteria for assessing waste recycling facilities.</u></p> <p><u>CS8.9 also applies National policy also applies.</u></p>

Core Strategy Policies superseded wholly or in part by the DMDPD

<u>Core Strategy Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<p><u>CS1.2 The Development Strategy</u></p>	<p>To be superseded as a whole by <u>Single Local Plan 2016-2036</u></p> <p><u>DMDPD Policy DM13</u> supersedes element of <u>CS1.2 and supporting paragraph 2.25 relating to 'infilling and rounding off' housing development on the edge of small villages and hamlets' except within the AONB</u></p>	<p><u>Single Local Plan 2016-2036 will review development strategy and include new policy as necessary.</u></p> <p><u>Policy DM13 updates approach to infilling and rounding off housing development on the edge of small villages and hamlets.</u></p> <p><u>Policy CS1.2 to be applied in conjunction with Development Management DPD policies – particularly DM12, DM13, DM15, DM16, DM17, DM18, DM19, DM22 and DM25</u></p>
<p><u>CS6.4 Rural Exceptions Sites</u></p>	<p><u>Superseded by DMDPD policy DM14</u></p>	<p><u>Single Local Plan 2016-2036 will review this policy and include new one as necessary.</u></p> <p><u>Development Management Policies DPD DM14 replaces the policy to take account of national policy in paragraph 54 of NPPF and the Housing and Planning Act 2016.</u></p>
<p><u>CS6.5a Gypsies and Travellers</u></p>	<p><u>Superseded by DMDPD policy DM26</u></p>	<p><u>Policy DM26 updates the approach to determining planning applications or allocation of sites to meet the accommodation needs of Gypsies, Travellers and Travelling Show People.</u></p> <p><u>Single Local Plan 2016-2036 will review this policy and include new one as necessary</u></p>

<u>Core Strategy Policy</u>	<u>Superseded Policies (if any)</u>	<u>Explanation</u>
<u>CS6.5b Travelling Show People</u>	<u>Superseded by DMDPD policy DM26</u>	<p><u>Policy DM26 updates the approach to determining planning applications or allocation of sites to meet the accommodation needs of Gypsies, Travellers and Travelling Show People.</u></p> <p><u>Single Local Plan 2016-2036 will review this policy and include new one as necessary.</u></p>