

South Lakeland District Council
Cabinet

Wednesday, 10 November 2021

**Consultation Response to Allithwaite and Cartmel
Pre-Submission Draft Neighbourhood Plan**

Portfolio: Housing Portfolio Holder
Report from: Director of Strategy, Innovation and Resources
Report Author: Damian Law – Strategy Specialist
Wards: Cartmel; Grange;
Forward Plan: Key Decision included in the Forward Plan as published on 21 September 2021

Links to Council Plan Priorities:

Working across boundaries – N/A

Delivering a balanced community – The Draft Plan includes measures to support connectivity to facilities and services, requiring digital infrastructure connectivity in new development, supports new and enhanced community facilities and supports new affordable housing and other forms of housing in the Parish (*though restricted in terms of occupancy*).

A fairer South Lakeland – N/A

Addressing the climate emergency – The Draft Plan supports new development that is sustainable, energy efficient with emphasis on renewable energy, addresses flood risk, supports incorporation and enhancement of green infrastructure and biodiversity, requires high quality design and supports walking and cycling connections and enhancement of existing networks.

1.0 Expected Outcome and Measures of Success

1.1 The proposed response to the Allithwaite and Cartmel Pre-Submission Draft Neighbourhood Plan will be submitted to the Allithwaite and Cartmel Parish Council's Neighbourhood Plan Steering Group. The response will assist the Parish Council in making final amendments to the Neighbourhood Plan, enabling progression towards the final stages of preparing the third Neighbourhood Plan in South Lakeland outside the National Parks.

2.0 Recommendation

2.1 It is recommended that Cabinet:-

(1) Approves the proposed response in Appendix 1 (subject to any necessary changes) for submission to the Allithwaite and Cartmel Parish Council and

(2) Delegates authority to the Director of Strategy, Innovation, and Resources to make any changes considered necessary by Cabinet

3.0 Background and Proposals

- 3.1 Allithwaite and Cartmel Parish Council is preparing a Neighbourhood Plan (the Plan) covering the whole of Allithwaite and Cartmel parish in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations'). Officers from the Strategy Team have had regular dialogue with the Parish Council and Neighbourhood Plan Steering Group at key stages throughout the process to date to offer advice and support, including some detailed advice regarding the content of the Plan.
- 3.2 The process of preparing the Plan has now reached the stage under Regulation 14 at which the Parish Council is required to conduct a formal 6- week consultation on their Plan. This involves consultation with the community and a range of organisations and interested parties and sending their proposals for the Plan to the Council. The draft Plan can be found on the Parish website along with the Green Space Assessment and Design Code (see background documents).
- 3.3 The Parish Council is undertaking the consultation from 6 September until 29 October 2021. District Council Officers have prepared and submitted a draft response to the Parish Council (Appendix 1) to this consultation within the specified deadline but with the caveat that the response cannot be confirmed until approved by Cabinet.
- 3.4 The District Council supports Neighbourhood Planning and is providing constructive comments to guide the plan's development as the Parish move it towards the final stages of the preparation process. The comments will help to ensure that the plan will be in general conformity with adopted planning policy for the area in the South Lakeland Local Plan and will help to pre-empt and avoid issues that may be raised at the examination.
- 3.5 Key points raised in the draft response include, but are not limited to:
 - 3.5.1 Whether there is justification to impose a Principal Residence policy across the whole Parish as set out in Draft Policy AC9. This policy would prevent all new houses built (excluding replacement dwellings) from being turned into holiday homes or second homes. The Council questions whether the amount of holiday homes/second homes currently in the Parish is of a level that would provide sufficient justification for the imposition of second home/holiday home restrictive conditions. It is recommended the Steering Group compares the scale of the issue in Allithwaite and Cartmel parish with other Neighbourhood Plan areas which have successfully adopted a Neighbourhood Plan that includes a Principal Residence policy, and compare this with other parishes within South Lakeland both within and outside of the National Parks. Evidence set out in the Neighbourhood Plan identifies 21.3% of properties in Cartmel were second homes or holiday lets, and 'over 10%' of properties are recorded as second homes in the Parish as a whole. SLDC evidence identifies a lower figure of 8.85% for the Parish as at October 2020. In light of the evidence currently available to hand, it is the District Council's view there is insufficient justification for applying a Principal Residence Policy in the Parish based on the current number of second homes/holiday homes alone, but that there may be sufficient justification for applying the policy in Cartmel village given the higher levels (see further details in Appendix 1). The introduction of the policy may have implications for accessing the finance to deliver new homes subject to Principal Residence conditions, which may affect the viability of new housing schemes. We advise the parish review the evidence base supporting the policy in light of the above.
 - 3.5.2 The degree to which the draft Plan is seeking to limit / restrict new housing development in the parish (draft policy AC8), by constraining development to locations within the existing settlement boundaries and allowing for 'small scale' development only: As the Plan does not define what is meant by this term, further clarity is needed on this matter. If the intention is to prevent all housing development outside of settlement boundaries, this would be contrary to current Local Plan policy which allows

for housing development outside of settlement development boundaries in a few exceptional cases; including policy DM14, Rural Exception Sites and policy DM15, Essential Dwellings for Workers in the Countryside. More generally such a policy approach raises potentially significant concerns for opportunities to meet future housing needs (delivery of affordable housing and other types of housing) in locations both within and outside of the existing settlement boundary.

- 3.5.3 The degree to which the draft Neighbourhood Plan is seeking to restrict any new development in certain parts of Cartmel as set out in Draft Policy AC2: The Plan is unclear as to its intention in this respect, both on the locations where any new development would be prevented and the rationale for the proposed approach. Any policy that seeks to prevent all forms of new development is contrary to national and current local plan policy (Policies CS1.2, DM14, DM15) which allow for specific types of development dependent on local circumstances subject to meeting relevant planning policies.3.5.4. The draft Plan would benefit from further clarification in a number of places to aid the application of policies for decision-making purposes. Without this clarification, the Council in its Development Management decision-making role, would find it difficult to apply Neighbourhood Plan policies in determining planning applications.
- 3.6 The proposed response indicates a request to meet with the Parish Council and their consultants to help address these key issues before the draft Neighbourhood Plan moves on to the next stage of preparation.
- 3.7 Subject to Cabinet approval, the response set out in Appendix 1 will be confirmed as the District Council's formal response to the consultation, or confirmed subject to the necessary amendments and resubmitted to the Parish. Following the close of the consultation and receipt of the District Council's confirmed response, the Parish Council will amend the Plan in the light of comments received and submit a final draft Plan to the District Council under Regulation 15. The District Council must then conduct a publication stage consultation on the final Plan for 6 weeks under Regulation 16.
- 3.8 The District Council will appoint an Examiner and the Plan will proceed to independent Examination provided that: the Plan meets a series of nationally-set 'Basic Conditions' relating to the process of preparing the Plan and that there are no objections made or other issues arising at Regulation 16 that result in a need to halt the progress of the Plan. Any representations made at Regulation 16 will be considered by the Examiner as part of the Examination. Subject to a successful Examination, the Plan may proceed to a local Referendum and subject to the majority voting 'yes' vote, the Council would be required to 'make' (adopt) the Plan.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Draft Council Response to the Allithwaite and Cartmel Pre-Submission Draft Neighbourhood Plan
2	Equalities Impact Analysis

5.0 Consultation

- 5.1 The Parish Council and Neighbourhood Steering Group has undertaken earlier, informal consultation on the Plan prior to reaching this stage. Two public consultations have taken place; the first in the summer of 2016 and the second in September 2019. Evidence of the outcomes of these consultations are contained in Appendix 2 of the Draft Neighbourhood Plan. These consultations and the current consultation on the draft Neighbourhood Plan have been undertaken using a range of methods and

publicity to promote and engage communities and other interested parties in the development of the Plan in accordance with the Councils Statement of Community Involvement.

- 5.2 To prepare the draft Council response to this consultation, the Strategy specialist officer circulated the document to other specialists within the Development Management and Housing Strategy teams for comment. The draft response incorporates comments from officers within those teams, where received.

6.0 Alternative Options

- 6.1 The alternative option is to not approve the proposed response. This would mean that the draft response submitted would have to be withdrawn and the Council would lose the opportunity to comment on the Plan at this crucial stage at which the Plan can still be influenced before it is formally submitted to the Council for Publication under Regulation 16 (see paragraph 3.4). It is recommended that the draft response is approved, or approved subject to amendments, in order to make best use of this important opportunity to shape the Plan before it is submitted.

7.0 Implications

Financial, Resources and Procurement

- 7.1 Local Planning Authorities are expected to support and advise community groups in preparing Neighbourhood Plans. Officers have been providing this support to the Group as part of their normal roles. In accordance with the Government's current approach to Neighbourhood Plan funding, the Council received a one-off grant of £5,000 following the designation of the Neighbourhood Area to help cover the Council's expenses resulting from supporting the parishes.
- 7.2 The Council would be required to fund the examination and referendum once the final Plan is submitted to the Council. The Referendum covering Grange Town Council Parish cost £5,348. It is likely it will be less for Allithwaite and Cartmel given the smaller population, assuming no hearing is required and depending on the number of comments received and issues raised about the Plan.
- 7.3 SLDC can claim a further £20,000 following a successful examination and once a date for Referendum is set. This is to cover Referendum costs and the cost of any other further steps that may be needed for the neighbourhood plan to come into legal force.

Human Resources

- 7.2 No additional Human Resources are required as a result of this proposal.

Legal

- 7.3 The Council is responsible for organising and running the examination of the Plan and the referendum and bringing the Plan into legal force by and 'making' (adopting) the Plan if both the examination and referendum result in positive outcomes.

Health and Sustainability Impact Assessment

- 7.4 Have you completed a Health and Sustainability Impact Assessment? No
- 7.5 If you have not completed an Impact Assessment, please explain your reasons: A Health, Social, Economic and Environmental Impact Assessment has not been undertaken, on account that providing a consultation response on a draft document will, in itself, have no health, socio-economic or environmental impacts. However, in approving the submission version of the final Plan for consultation, examination and referendum, the different elements of health that are listed in the impact assessment should be taken into account to mitigate any negative impacts and to enhance any positive ones. Once this stage is reached and it is proposed to adopt the Plan, an assessment should be undertaken.

7.6 **Equality and Diversity**

7.7 Have you completed an Equality Impact Analysis? Yes (attached at Appendix 2)

7.8 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"						
Age			0			
Disability			0			
Gender reassignment (transgender)			0			
Marriage & civil partnership			0			
Pregnancy & maternity			0			
Race/ethnicity			0			
Religion or belief			0			
Sex/gender			0			
Sexual orientation			0			
Armed forces families			0			
Rurality			0			
Socio-economic disadvantage			0			

Risk Management	Consequence	Controls required
Non-approval of the draft response submitted	The draft response submitted would have to be withdrawn and the Council would lose the opportunity to comment on the Plan at this crucial stage at which the Plan can still be influenced before it is formally submitted to the Council for Publication.	Approve the draft response.

Contact Officers

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Background Documents Available

Name of Background document	Where it is available
Allithwaite and Cartmel Draft Neighbourhood Plan 2021-2029	https://tinyurl.com/4z3pkudz
Allithwaite and Cartmel Local Green Space Assessment	https://tinyurl.com/kf5nk92a
Allithwaite and Cartmel Design Code	https://tinyurl.com/3uzrk9sx

Name of Background document	Where it is available
SLDC Housing Topic Paper June 2021	https://tinyurl.com/kjj3p6e4

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	21 October 2021	27 October 2021
Monitoring Officer	21 October 2021	26 October 2021
CMT	19 October 2021	21 October 2021

Circulated to	Date sent
Lead Specialist	8 October 2021
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	8 October 2021
Ward Councillor(s)	8 October 2021
Committee	N/A
Executive (Cabinet)	26 October 2021
Council	N/A