



## Meeting Agenda

**Planning Policy Scrutiny Committee  
Town Hall, Lytham St Annes  
08 February, 7:00pm**

**The main doors to the Town Hall will be open to the public at 6:40pm**

# **PLANNING POLICY SCRUTINY COMMITTEE**

## **MEMBERSHIP**

CHAIRMAN - Councillor Kevin Eastham  
VICE-CHAIRMAN – Councillor Colin Walton

### **Councillors**

John Bennett	Harold Butler
George Caldwell	Trevor Fiddler
Raymond Norsworthy	Heather Speak
William Thompson	

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## **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

## **CORE VALUES**

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



## A G E N D A

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the Minutes of the Planning Policy Scrutiny Committee held on 30 November 2006 attached at the end of the agenda.</i>	4
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# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEB 2007	4

## St Annes to M55 Link Road

### Public item

This item is for consideration in the public part of the meeting.

### Summary

To update Committee on matters concerning the existing planning permission for the St Annes to M55 Link Road.

### Recommendations

1. That the content of the report be noted.
2. That a report be brought back to Committee in the light of further information, when received from Lancashire County Council.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration

Councillor Roger Small

### Report

1. Background
  - 1.1 Members will recall that the planning permission for the above road, which was granted by Lancashire County Council (LCC), will expire on 22<sup>nd</sup> March 2007 if it is not implemented or renewed. At the Planning Policy Scrutiny Committee meeting on 30<sup>th</sup> November 2006, your officers reported that they had no evidence to suggest that LCC intends make a start on the road in order that the permission remains valid beyond the three year implementation period, or to renew this permission. Furthermore, it was also reported that whilst it was understood that the planning permission was granted in part to allow compulsory purchase of land along the

route, no such proceedings have taken place and LCC's intentions on this matter were unknown.

1.2 At the Planning Policy Scrutiny Committee meeting on 30<sup>th</sup> November 2006, Members resolved to recommend that the Chief Executive, in consultation with the Portfolio Holder and the Chairman of Committee, write to the Director of Environment at Lancashire County Council requesting:

- To renew the planning permission or, if possible that a technical start be made on the construction of the road; and
- To enquire whether the County Council still intended to institute compulsory purchase proceedings in respect of land along the route.

1.3 On 4<sup>th</sup> December 2006 the Chief Executive wrote to the Executive Director of Environment at Lancashire County Council, seeking the authority's position in respect of the matters referred to in 1.2 above.

1.4 A written response, dated 19<sup>th</sup> December 2006, was received from Lancashire County Council, setting out an initial position as follows:-

"In respect of the Central Section it is confirmed that the planning permission expires on 21<sup>st</sup> March 2007. However, it is not considered possible to establish a technical start to safeguard the planning permission and the possibility of renewing it is being explored.

In respect of the Southern Section the acquisition of land is required to complete the Regent Avenue Link Road and to remove the temporary connection into North Houses Lane. Legal advice is being sought on this section so as to determine whether a compulsory purchase order can be pursued in isolation from the Central Section."

1.5 So as to be more informative, the County Council has stated that they will write to this authority when they are able to answer our queries in full. When this information is received it will be reported to this Committee.

IMPLICATIONS	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Mark Sims	(01253) 658656	Jan 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
File I/10		Planning Policy Section Town Hall St. Annes

#### **Attached documents**

None

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEB 2007	5

## Planning Obligations in Lancashire

### Public item

This item is for consideration in the public part of the meeting.

### Summary

To update Committee on work undertaken by the County Council, together with other Lancashire Authorities, to produce Good Practice Guidance on Planning Obligations. The Good Practice Guidance attached at Appendix 'A' has been adopted by the County Council as a policy document and will form the basis for the County Council's approach to this topic.

### Recommendations

That the content of the report be noted.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration

Councillor Roger Small

### Report

1. Background
- 1.1 Planning Obligations under Section 106 of the 1990 Town and Country Planning Act are legal agreements that seek to ensure the potentially harmful impacts of new development are fully mitigated. Developers are required to either provide or fund the necessary improvements. Contributions may be sought towards a wide range of services such as public transport, schools and libraries.



- 1.2 Prior to the production of the document attached at Appendix 'A', consideration of contributions has been dealt with on an inconsistent basis with no clear rationale for requests. This creates problems for developers who have no explicit guidelines as to the likely costs associated with mitigating potential harm arising from their development. District councils have also had no clear picture of the range and magnitude of requests likely to be made by Lancashire County Council (LCC) on any particular application. Equally local authorities, particularly the County Council, have frequently incurred infrastructure costs from new development that would more appropriately have been met by the developer.
- 1.3 In order to address these issues the Lancashire Planning Officers Society (LPOS) instigated a Working Group to produce Good Practice Guidance. This was co-ordinated by the County Council and involved both district councils and the two unitary councils of Blackpool and Blackburn with Darwen. The working group produced an initial Consultation Paper in September 2005. This was circulated to approximately 150 consultees. Comments made were integrated into a second version of the document, which was published for consultation in March 2006. Final amendments were made and the document presented to the LPOS at its meeting in June 2006. LPOS recommended that each authority should take it forward as appropriate.
- 1.4 County Council functions can form a substantial element of many Planning Obligations. Historically this has related to contributions to Transport, but could include Education, Youth Facilities, Libraries and Waste Management. This does not however mean that, Planning Obligations should be seen as a means of merely overcoming existing infrastructure deficiencies. Government guidance (ODPM Circular 05/2005) clearly states that planning obligations should be required only where they are reasonable, fair, necessary and directly related to the proposed development.
- 1.5 LCC is unable to adopt the document through the statutory planning process. Individual district authorities can choose to do this through their Local Development Framework. However, adoption of the Good Practice Guidance as a formal policy statement of the County Council is considered to give the document weight as a material consideration in determining planning applications. Furthermore, it will also help to ensure that the County Council is consistent in its approach to Planning Obligations.
- 1.6 The County Council has appointed a Planning Obligations Officer, based in the Resources Directorate. The Planning Contributions Officer will be the primary point of contact for planning obligations involving LCC with districts and developers. They are planning a website and a protocol to ensure effective working relationships with districts. It is understood that all two-tier authorities will be encouraged to sign a County-District "Good Practice" Compact.
- 1.7 Although it is not a formal Supplementary Planning Document (SPD) under the Planning and Compulsory Purchase Act 2004, the Good Practice Guidance will be referred to when LCC make strategic consultation responses on planning applications.

The document is structured as follows:-

- Part 1 sets out the main guidance on planning obligations.
- Part 2 provides detailed methodologies.

- Part 3 sets out examples of good practice.

The formulae set out in the paper provide a clear, fair and consistent basis for calculating planning obligations. Not all methodologies include a formulaic approach and some require audits specific to local topics. The intention is however that everyone involved in planning obligations can easily work out the amount to be paid, which in turn should avoid time-consuming negotiations.

- 1.8 In addition to County Council services, the LCC the Good Practice Policy Guidance Paper includes a number of methodologies for a range of subject areas which are district council responsibilities. For those topics which require local audits, for matters such as public open space and affordable housing, it will be for this Council to consider local research that will form an evidence base. It is therefore recommended that Committee note Appendix 'A' to this report as a material consideration in determining planning applications on a case-by-case basis.
- 1.9 Recently within Fylde, officers have been examining internal protocols for securing planning obligations and as a result have set up a database of current developments and agreed revised procedures. An officer within the Legal Services Unit as part of her duties has been tasked with the overall monitoring of schemes to ensure the council secures payment on time and that money is spent within agreed timescales.

IMPLICATIONS	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Mark Sims	(01253) 658656	Jan 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
File D/3		Planning Policy Section Town Hall St. Annes

## **Attached documents**

- 1. Appendix 'A' - Planning Obligations in Lancashire, Policy Paper, Lancashire County Council, (July 2006).**

# **Planning Obligations in Lancashire**

## **Policy Paper**

**Lancashire County Council**

**July 2006**



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## PREFACE

This paper puts forward principles, methods and good practice with the aim of developing a consistent and robust approach to planning obligations across Lancashire. It is based upon extensive research undertaken by a working group from the Lancashire Planning Officers' Society (LPOS). The group consisted of representatives from Lancashire County Council, Blackburn with Darwen Borough Council, Blackpool Borough Council, Chorley Borough Council, Hyndburn Borough Council and Preston City Council.

The paper has been through two stages of consultation.

- During the first stage in September 2005 the paper was circulated to 150 organisations, including developers, transport operators, housing and business organisations, environmental organisations and local authorities. 22 replies were received and in January 2006 a summary of the comments made and responses to them was circulated. Workshops were also held with local authorities.
- For the second stage of consultation a revised document was produced based on the comments received. This was circulated to the same organisations in March 2006 and 10 replies were received. The paper was revised further to reflect these additional comments. There has been no political involvement in the content of the Paper.

LPOS considered a final version of the Policy Paper at its meeting on 9th June 2006. It encouraged each local authority to consider the approach proposed in the paper and to take the document forward at the local level as each authority sees appropriate. This document is substantively the Paper the document that was submitted to LPOS with some changes to ordering of methodologies. This was considered as valuable in providing a wider context. The adoption of the Policy Paper by Lancashire County Council reflects the commitment of the Authority to developing a consistent and clear approach to planning obligations.

The document is structured as follows.

- Part 1 sets out the main guidance on planning obligations
- Part 2 provides detailed methodologies in three parts:
  - County Council Services;
  - Combined County Council/Local Authority Services;
  - Other Services.
- Part 3 sets out examples of good practice.

LPOS advised that Lancashire planning authorities may want to use the Policy Guidance as a basis for developing planning obligations policies in their local development frameworks (LDFs). Local authorities will also want to consider local research to form an evidence base for matters such as public open space, individual authorities may also want to develop internal good practice guidance. Lancashire County Council will undertake further internal research as appropriate. This paper is **not** a formal supplementary planning document (SPD) under the Planning and Compulsory Purchase Act 2004.

While this document has been drafted, the Government has published its consultation on the proposed planning gain supplement (PGS). This means that parts of this document may no longer apply after 2008. However, even if the PGS is introduced, this paper will still have value – particularly the methods described which relate to scaled-down on-site contributions and improving internal procedures.



# **Part 1**

# **Policy Guidance**

## PART 1: POLICY GUIDANCE

### BACKGROUND

#### Introduction

- 1.1 The main purpose of the planning system is to promote sustainable development. This includes social, economic and environmental factors, as well as prudent use of natural resources. Development proposals should contribute to this purpose and should minimise the negative impact of development.
- 1.2 Planning obligations are a way of helping to deliver sustainable development. However, if the basic concept of a scheme is not in line with sustainable development principles (particularly those set out in the development plan), then even the most comprehensive planning obligation will not help.
- 1.3 Planning obligations are legal agreements negotiated under Section 106 of the Town and Country Planning Act 1990. They may be negotiated between the developer and the planning authority. They may involve other people or organisations. Unilateral undertakings only involve the developer and are usually drawn up in the context of Planning Appeals but may be appropriately offered by applicants in other specific circumstances. An example would be where all the requirements set out in the Local Development Framework are met and no other party is involved in meeting the Obligation.
- 1.4 Planning Obligations can be used to offset the impacts of new development where these cannot be satisfactorily addressed by conditions attached to the planning consent. This may include the need for 'specific mitigation' – for example, to create new wildlife areas or to provide extra services for the development, such as new school facilities.
- 1.5 Planning obligations can take several forms. These include 'in-kind' contributions, such as financial payments, long-term site management or where a developer builds or provides a facility such as a school. Many local planning authorities and courts have taken a broad view of the issues which can be included in planning obligations. However, the Government has taken a narrower view.
- 1.6 In July 2005 The Office of the Deputy Prime Minister (now the Department for Communities and Local Government – DCLG) published updated guidance on planning obligations in Circular 05/2005. The circular states that planning obligations should be:
  - necessary;
  - relevant to planning;
  - directly related to the proposed development;
  - fairly and reasonably related to the proposed development; and
  - reasonable in all other ways.
- 1.7 Circular 05/2005 identifies the importance of setting a planning policy framework for planning obligations as a means of justifying the range of requests made. It also supports the use of formulae, procedures and good practice to speed up the

negotiation process. This reflects approaches pioneered by several authorities across the country.

- 1.8 Planning obligations should not be used where conditions can be applied to achieve the same result. This is because a developer can appeal against a planning condition to the secretary of state but cannot appeal against a planning obligation.
- 1.9 Some planning authorities have been able to manage the off-site impact of development proposals by using 'Grampian conditions'. The Planning Officers' Society produced a best practice note on this subject in March 2005 which identified where this approach may be a suitable alternative to planning obligations (see Appendix 12). Planning authorities and developers are encouraged to refer to this note for advice.
- 1.10 National planning obligation policy is in a state of change. The Government is currently considering whether to pursue its preferred option of a national planning gain supplement combined with a reduction in site-specific planning obligations. A decision is expected by the end of 2006.
- 1.11 However, many of the general principles which currently underpin planning obligation good practice are likely to remain when any new system is introduced. These relate in particular to:
  - having a clear basis for identifying needs;
  - prioritising requirements; and
  - establishing effective internal procedures for processing and monitoring funds and agreements.

## **Lancashire**

- 1.12 At the moment local planning authorities do not have a consistent approach to planning obligations across the County. There is no strategic policy guidance in the Joint Lancashire Structure Plan.
- 1.13 Several Councils have general local plan policies on the subject, but there is a general lack of detailed guidance and clear procedures for specific topics. The main exception to this relates to public open space.
- 1.14 As a result, solutions have been sought and negotiated for individual proposals, which has often led to inconsistency and long, expensive delays in processing applications. The problem has been made worse by a lack of clear rationale behind requests to developers and vague procedures for processing information within and between organisations. There is a clear need for consistent procedures and suitable guidance on good practice.

## **This Document**

- 1.15 This document provides guidance in establishing principles for the current round of LDF development in Lancashire. It should also be useful in helping to adapt to any new national structure put in place from 2008 onwards.

## ***Aims***

- 1.16 The aims and objectives of this guidance should apply throughout Lancashire. However, it is recognised that individual local authorities will apply the guidance in line with their own circumstances and priorities.
- 1.17 The main aims of this guidance are to:
- provide a clear framework for local planning authorities preparing LDF policies and developing a plan-led approach;
  - provide a systematic basis for officers negotiating Section 106 Planning Agreements; and
  - give specific advice to developers on when contributions will be required and how they will be calculated.

## ***Objectives***

### ***1.18 Transparency***

This guidance sets out the circumstances where an authority may impose planning obligations and, where possible, how it should calculate its requests.

### ***1.19 Consistency***

This guidance aims to minimise the negative effects of development in a way that is fair and reasonable. A Lancashire-wide approach will reduce unnecessary differences and competition between authorities.

### ***1.20 Speed***

This guidance aims to:

- provide a higher level of clarity for everyone involved;
- reduce unnecessary negotiation; and
- increase the speed of planning decisions.

### ***1.21 Certainty***

This guidance makes clear what is expected of developers and the roles of different local authorities. However, it also provides enough flexibility for local authorities to adapt to site-specific circumstances.

## **Methodologies and Priorities**

### **Overview**

- 1.22 New development can have a wide range of effects. This document aims to identify the main areas where an authority may request planning obligations. However, no list can cover all possibilities and there will be circumstances where other planning obligations are requested. In the same way, for many applications the authority will not seek a contribution or will make requests relating to only a limited range of issues.

The main factors to be considered will be the effects and sustainability of the development proposal and the contribution it makes to broader priorities in the area.

- 1.23 In parts of Lancashire the property market is weak and highly sensitive to land costs. This can undermine attempts to regenerate the area and to attract specific types of development. In these cases the local planning authority may choose not to request planning obligations, or it may reduce the scope and amount of obligations. This is likely to be the case where a development proposal would stimulate regeneration but is financially marginal, or where a scheme is fundamental to the District Council's overall development strategy.
- 1.24 Most planning obligations involve developers paying a fixed sum of money to the local authority or to another service provider to reduce any negative impact the development may have. Or the developers may carry out the work themselves to reduce this impact. However, other planning obligations require the developer to take some kind of management action that does not directly involve financial payments. Examples of this include managing a car park or allowing public access to land.

### **Methodologies**

- 1.25 The detailed methodologies set out in part 2 of this guidance represent the main subject areas where planning obligations can be identified and, where possible, calculated. A standard format is followed for each subject area using the following headings.
- 'Background' – the nature of the individual service.
  - 'Identified needs' – reasons for requesting a planning obligation and specific contexts where development would have an impact.
  - 'Assessing contributions' – land uses for which planning obligations may be requested, different types of obligation and a definition of unit costs where possible.
- 1.26 The formulae set out in this paper provide a clear, fair and consistent basis for calculating planning obligations. They have been drawn up so that everyone involved can easily work out the amount to be paid, which in turn should avoid time-consuming negotiations. An electronic calculator has been developed that will enable users to calculate contributions where formulae apply. It has not been possible to provide formulae for all subject areas. This is either because of a lack of detailed information or the difficulty of producing general values for site-specific impacts.
- 1.27 Appendix 6 includes two examples of how these formulae will work in practice. The first is a transport contribution calculation for a mixed-use development. The second is an overall contributions calculation for a residential development.
- 1.28 Whenever possible formulae are based on local sources and national standard figures, for example from the Royal Institute of Chartered Surveyors British Cost Information Service. Figures will need updating each year to reflect inflation.
- 1.29 Detailed costs used in this document are set out in Appendix 5. Where gaps remain in information, these have been identified. Local planning authorities will need to

carry out their own research to underpin specific procedures, for example by preparing appropriate local standards for public open space.

### **Outline Applications**

- 1.30 The local planning authority may need to make assumptions about housing density when considering procedures and formulae relating to residential development. If the number of houses is not specified in the planning application, the authority should base its calculations on the following assumed densities from draft Planning Policy Statement 3.

- In principal urban areas, main towns and key service centres – 40 houses per hectare.
- Outside these areas – 30 houses per hectare than earlier proposals.

Developers should pay additional contributions for:

- any houses which they build over the number agreed at the outline planning stage; and
- other significant changes made after the outline planning stage, where these have an impact measurably greater.

- 1.31 If the authority does not know the type of dwelling involved or the number of bedrooms, it should assume that the proposal is for three-bedroomed houses. (This is particularly relevant to obligations relating to children's centres, education, transport and youth and community services). The authority can then amend its request for contributions if the final approved development is substantially different. Examples of this would be if there were a large number of single-bedroomed properties or large houses.
- 1.32 If an outline application is made for non-residential development and only the site area is known, the planning authority will request further relevant information from the developer on the proposed development. If no information is available at outline stage, the planning authority will base its request for obligations on a worst-case scenario. It is then for the developer to show at reserved matters stage that the request is unreasonable.

### **Priorities**

- 1.33 It is not possible to provide a general approach to prioritising that will apply in all cases – for example, that affordable housing will always be more important than archaeology. Site-specific issues will always be an important consideration, as will the fact that economic, social and environmental circumstances vary considerably across Lancashire as a whole and within different districts.
- 1.34 The most frequently required planning obligations have always related to affordable housing, public open space and transport. This pattern is expected to continue across Lancashire. However, this does not mean that other subject areas are of less value. Indeed, on certain sites the principal obligations may relate to matters such as the public realm and flood defence. The list of methodologies in part 2 of this document is presented in alphabetical order and does not imply any order of priority.

- 1.35 As a general principle, the local planning authority will expect each development proposal to consider all of the negative impacts it may have on the local area and the environment. This includes proposals for affordable and special-needs housing as their impact and the increased demands they will place on services are equivalent to those of a commercial housing proposal. This means that if a specific methodology in this document applies to a proposed development, the developer should expect to pay a contribution.
- 1.36 However, it is entirely up to the local planning authority whether it imposes the full range of costs for planning obligations. The authority may decide not to do so if, for example, it believes that the costs generated by the development will be met by other means or are outweighed by the benefits of the development. Flexibility is required that reflects local and site-specific issues.
- 1.37 In most instances the District Council is the authority determines the nature and scale of planning obligations. The County Council will provide a reasoned and consistent response to District Councils based on the methodologies in this document. It is, however, unable to insist upon or enforce requests for contributions to its services other than where the County Council is the determining authority. Likely requests for contributions to County Council services can be anticipated pre-application based upon Parts 2.1 and 2.2 of this document.
- 1.38 Individual methodologies set out the types and sizes of development where planning obligations will be requested. 10 homes and 1,000m<sup>2</sup>gfa are used as thresholds for a number of methodologies. This reflects the need to consider the cumulative impact of relatively small developments. This has been balanced with the need to process planning applications quickly to meet national targets.
- 1.39 The thresholds chosen reflect the definition of major applications set out in the Town and Country Planning (General Development Procedure) Order 1995. Local planning authorities may request contributions from developments below these thresholds if there is a local issue that justifies this.
- 1.40 The basic principle of planning obligations is that they should genuinely allow an otherwise suitable development to progress. Authorities may tailor the guidance in this document to reflect local and site-specific circumstances, and local physical and political priorities.
- 1.41 Circular 05/2005 indicates that the LDF core strategy development plan document (DPD) will provide the overall framework for the type and nature of planning obligations required across a local planning authority area. Supplementary planning documents (SPD) will be the usual context for developing methodologies in more detail, although some authorities plan to use DPDs for this. Area action plans (AAPs) and development briefs may set out specific planning obligations for smaller parts of the local authority area.
- 1.42 The development plan process provides several opportunities for those with an interest, including local residents and the development industry, to comment on an authority's proposed planning obligation policy. Individual planning applications also provide a formal route for comments and objections. The development of large sites may provide opportunities to actively involve local stakeholders in introducing planning obligations – for example, through Community Trusts.

- 1.43 Although the procedures set out in part 2 of this document deal with individual subject areas, there will be some areas which overlap. For example, a specific item such as a new cycle-way could help to achieve objectives in several subject areas such as countryside access, inland waterways, open space, sport and recreation and transport. It is recognised that this will result in an overlap between methodologies that are predominantly county council related and those that are district functions. The focus of local authorities when addressing such issues will be on ensuring the most appropriate and sustainable approach. In these cases local authorities will adopt a strategic approach to avoid double counting. The emphasis will be on maximising the overall value of the contribution to wider objectives while making the process easier for the developer.
- 1.44 Where a request is sought primarily under a methodology with a specific formula, such as Transport, additional quantified contributions may be sought where a scheme would deliver broader clearly defined cross-cutting benefits.

### **Pooled Contributions and Complementary Funding**

- 1.45 There will be situations where an individual development will have only a slight impact on services but, when combined with similar proposals, will have a noticeable effect. For example, a number of small housing developments in a settlement with no library would together increase demand for a library in a way that could not be identified by considering each development individually. Pooled contributions such as this can therefore be extremely important in addressing service shortfalls. Area action plans and supplementary planning documents should provide the framework for identifying where payments into a joint pot may be appropriate and how they will be spent.
- 1.46 Where a very large-scale development is proposed, such as the Fleetwood (Docks-NE Thornton) Strategic Location for Development identified in Policy 3 of the Joint Lancashire Structure Plan, the local planning authorities involved should consider developing an area-wide agreement to deliver services.
- 1.47 In other circumstances a local cross-border agreement may be relevant, for example in delivering a Regional Park Strategy. All proposals that have a strategic impact should build on the detailed methodologies in this document but should also consider:
- pooling contributions from different developers;
  - identifying key actions and developing a programme to deliver them in stages; and
  - public funding of infrastructure in advance of development, refunding these costs from the profits of development.
- 1.48 In parts of Lancashire there may be circumstances where this last approach is desirable, particularly where developers have benefited from a significant increase in land value. Local planning authorities should set out in advance circumstances where they are likely to apply this as a requirement.
- 1.49 Planning obligations may also be complemented or replaced in full or in part by funds from other public and private organisations to introduce much-needed services before a development has been completed.



- 1.50 When deciding the need for and amount of a planning obligation, the planning authority should consider all possible sources of funding and the wider benefits of allowing the application.
- 1.51 To promote openness, locations where demands for contributions are likely to be reduced should, wherever possible, be set out in development plans.

### **Key Principles and Procedures**

- 1.52 A key objective of this guidance is to speed up the time taken to negotiate and apply Section 106 Agreements. There are several complementary ways to achieve this.

### **Pre-Application Discussions**

- 1.53 Before buying land, developers need to consider the likely costs of any planning obligation. The subject areas identified in this document and the definition of circumstances where they may be applied are intended to provide guidance on the range and amount of contributions a developer may have to pay. An online calculator is currently being developed to make this task easier.
- 1.54 Discussion between developers and local planning authorities should take place at the earliest possible stage of a development scheme. This helps to define relevant issues, problems and priorities for both sides, as well as speeding up consideration of the application when it is formally submitted. Some local planning authorities charge for this service.
- 1.55 Before submitting their planning application, developers should prepare a Heads of Terms Agreement. Some authorities may not consider an application unless it is accompanied by this kind of agreement. It helps to speed up the application process and increases the chances of an application being processed within the relevant statutory period.
- 1.56 Where possible developers should use the planning authority's standard forms and clauses for their Heads of Terms Agreement. Sample copies are included in Appendix 11.

### **Processing the Application**

- 1.57 There must be a clear audit trail for planning obligations within local authorities which enables the authority to monitor the progress of each obligation effectively. Local authorities should develop good practice, including monitoring systems, databases, internal working groups and process trails (see Appendix 3). This means liaising with other council departments which have a relevant interest, such as legal and finance departments. Lancashire County Council is committed to developing and enhancing existing procedures.
- 1.58 Where feasible, authorities should establish codes of practice and benchmarking procedures. They should also seek other internal arrangements to speed up procedures, such as delegating powers to officers.
- 1.59 If a development is phased over a period of time, the local planning authority may require the contribution for each agreed phase to be calculated at the appropriate

trigger date. This system should reflect actual costs at the time and may also reflect any increase in land value since the start of the development.

- 1.60 In other circumstances, the authority may require obligations to be index-linked. Repayable bonds may be used to secure future contributions if the authority feels this is necessary.
- 1.61 Local authorities should wherever possible define the maximum period within which pooled or site-specific contributions must be spent. This approach may be general, may relate to a particular type of contribution, or may be development-specific. Information on how individual contributions are used should be made available to developers on request.
- 1.62 If contributions are not used within the agreed period, the authority should have procedures in place to repay the original amount plus interest. However, if contributions are not spent within the agreed period because of unforeseen circumstances outside the control of the authority, there should be a procedure in the Heads of Terms Agreement for extending the spending deadline. An example of this would be where assembly of several small sites as part of a bigger scheme takes longer than expected. For developments that would cause service demands across local authority borders, including outside Lancashire, Councils should work together to co-ordinate both contribution requests and delivery.
- 1.63 If a developer applies to reduce a contribution based on financial viability and the authority questions this, the developer will need to demonstrate that the project would not be able to go ahead if they paid the full contribution. The authority may request documentary evidence through "open-book accounting" to back up this kind of claim and calculate contributions. Or, if the application is particularly complex and specific valuation or property expertise is required, the authority may appoint an external consultant to assess the viability of the scheme.
- 1.64 If a proposal is viable but the developer and authority cannot agree on the range and amount of contributions, independent mediation and arbitration may be used. The authority and developer must agree on who should mediate, but the developer will normally have to pay any mediation costs.

### **County-District Procedures**

- 1.65 Appendix 2 sets out a draft County-District protocol which will apply to the non-unitary areas of Lancashire but not Blackburn with Darwen or Blackpool. The protocol identifies the roles of different tiers of authority and aims to provide a compact framework for action. Further debate is needed before all relevant authorities can agree to the protocol and the final version may be different in some ways from the current version. However, the aim is for each District Council and the County Council to sign the final protocol, which will also act as a checklist for developers as to what to expect from different authorities.
- 1.66 Lancashire County Council and Preston City Council are examples of authorities that are appointing dedicated officers to co-ordinate the processing of planning obligations. These officers will act as single points of contact for developers within their authorities and will operate to clearly defined response targets. They will also be responsible for streamlining internal procedures such as monitoring. The internal

role proposed in Lancashire County Council is set out in Appendix 4. Other local planning authorities may establish similar procedures.

- 1.67 The planning contributions officer at Lancashire County Council will also act as a clearing house for District Councils seeking contributions for County services.

### **Standard Agreements**

- 1.68 Developers and authorities should use standard legal agreements such as Heads of Term Agreements and model clauses wherever possible. This will reduce the time taken to draw up legal documents. Examples of these agreements are included in Appendix 11.
- 1.69 All local planning authorities should, where possible, use the DCLG/Law Society standard planning obligation agreement. This can be adapted locally to include model clauses building on the guidance in this document.
- 1.70 Developers must pay an authority's reasonable costs for drawing up and finalising agreements and must make sure that their own professional advisers contribute to the timely completion of agreements.
- 1.71 Authorities may include any administrative costs involved in processing and implementing an agreement within the planning obligation if this will provide the developer with a more comprehensive and efficient service.

### **Overall Principles for Considering Section 106 Agreements**

- 1.72 Local authorities in Lancashire should negotiate planning obligations based on the following key principles.
- Planning permission may not be bought or sold.
  - A planning obligation must only be requested if it is relevant to the planning decision on a proposal. If a particular planning obligation is necessary in order to make a development proposal acceptable, planning permission will not be granted without it.
  - A planning obligation must not be requested if a planning condition would be more appropriate.
  - A planning obligation must not be requested to compensate for existing deficiencies or for lack of capacity in existing services.
  - Development that is acceptable on land-use planning and development plan policy grounds must not be refused because a developer is unwilling or unable to offer benefits.
  - Unacceptable development must not be permitted because a developer is offering unnecessary or unrelated benefits. Benefits that exceed what is necessary to make a proposal acceptable must not affect the decision on a planning application.
  - The type of obligation required must be made known as early as possible in the planning process.
  - The planning obligation requested must take into account what is reasonable in terms of the scale of the development and its impact.
  - Relevant planning committees or officers with delegated authority must decide whether a development proposal is acceptable based on its planning merits.

They must take into account the planning application and whether the planning obligation negotiated is enough to overcome any negative impact caused by the development.

# **Part 2**

## **Individual Methodologies**

## **2.1 COUNTY COUNCIL SERVICES**

### **2.1.1 Children's Centres**

#### **Background**

- 2.1.1.1 Children's centres are a national programme implemented at local level to improve services for children under 5. They provide a vital service to many parents, improving social inclusion and giving young children the best possible start to life. The scheme currently operates under the Sure Start banner, with children's centres developing through the Sure Start local programme. Sure Start aims to improve the health and well-being of families and children from birth by improving services for those with children under 5.
- 2.1.1.2 Children's centres are key to this as they aim to integrate education, family support and health services to achieve better standards for children, parents and communities. The centres integrate core services provided by local authorities, health centres, jobcentre plus and private, voluntary and community organisations.

#### **Identified Needs**

- 2.1.1.3 By the end of 2006 there will be 46 children's centres in Lancashire. In line with Government guidance, these centres currently target the top 30% areas of deprivation.

Centres will be located broadly as follows.

#### ***Burnley***

- Sure Start South West Burnley Children's Centre
- The Chai Centre (formerly Sure Start Daneshouse and Stoneyholme)
- Sure Start Duke Bar and Burnley Wood
- Whitegate Children's Centre (formerly Whitegate Nursery School)

#### ***Chorley***

- Highfield Children's Centre (formerly Highfield Nursery School)

#### ***Hyndburn***

- Church and West Accrington Children's Centre      } (Sure Start
- South Accrington Children's Centre                      } Hyndburn)
- Fairfield Children's Centre (formerly Fairfield Nursery School)

#### ***Lancaster and Morecambe***

- Lune Park Children's Centre (formerly Sure Start North Lancaster)
- Poulton Children's and Families' Service Centre

### ***Pendle***

- Sure Start Bradley and Whitefield Children's Centre
- Family Tree Centre (formerly Sure Start Brierfield and Walverden)
- Walton Lane Children's Centre
- Sure Start Waterbridge Children's Centre

### ***Preston***

- Sure Start Preston East Children's Centre
- Sure Start Preston West Children's Centre
- Sure Start Ribblesdale Children's Centre
- Sunshine Children's Centre (formerly Sure Start Fishwick and St Matthews)
- Stoneygate Children's Centre (formerly Stoneygate Nursery School and Centre)
- Sure Start Preston Central Children's Centre

### ***Ribble Valley***

- Ribblesdale Children's Centre (formerly Sure Start Ribblesdale Nursery School)

### ***Rossendale***

- The Maden Community and Children's Centre (formerly Sure Start Bacup and Stacksteads)
- Staghills Children's Centre (formerly Staghills Nursery School)
- Haslingden Community Link and Children's Centre

### ***South Ribble***

- Wade Hall Children's Centre

### ***West Lancashire***

- Tanhouse and Digmoor Sure Start Children's Centre
- Park Children's Centre (formerly Park Primary School)
- St John's Children's Centre (on site with St John's Full Service Extended Primary School)

### ***Wyre***

- Sure Start Fleetwood Children's Centre
- Rural Wyre Children's Centre (on site with St Thomas C of E School, Garstang)

Seven centres will also be constructed in Blackburn with Darwen, and nine in Blackpool.

- 2.1.1.4 The programme will continue to expand, with another 38 centres planned by 2008. 31 of these will be within the Lancashire County Council administrative area. The sites for these schemes are currently subject to negotiation and are as follows:

### ***Burnley***

- Ightenhill Primary School
- Barden Lane BSF Campus

### ***Chorley***

- Coppull Primary School
- Duke Street Primary School
- Clayton Brook Primary School
- Buckshaw Primary School

### ***Fylde***

- Sydney Street Family Support Resource Centre
- Kirkham (site to be identified)
- Freckleton Strike Lane Primary School

### ***Hyndburn***

- Huncoat Primary School
- Great Harwood Primary School
- Mount Pleasant Primary School (Clayton-le-Moors Youth & Community Centre to be developed as a satellite)
- Rishton (site to be identified)

### ***Lancaster***

- Ridge Primary School
- Appletree Nursery School
- Carnforth – New Build on LCC Land Adjacent to Carnforth High School
- Westgate Primary School
- West End Primary School
- Heysham Mossgate Development

### ***Pendle***

- Gisburn Road Primary School

### ***Preston***

- Sharoe Green (site to be identified)

### ***Ribble Valley***

- St. Wilfrid's RC Primary School working in conjunction with Longridge Community Hospital



### **Rossendale**

- Balladen Primary School
- Whitworth (site to be identified)

### **South Ribble**

- Bamber Bridge (site to be identified)
- Kingsfold Primary School
- Wellfield Business & Enterprise College

### **West Lancashire**

- Moorgate Nursery School
- The Grove Youth and Community Centre

### **Wyre**

- Anchorage Family Support Resource Centre
- Burn Naze Primary School

- 2.1.1.5 Centres can be provided in existing buildings where there is enough space and capacity (for example, schools and community centres), or in new buildings if no other suitable facilities are available. Rural areas may need to be more flexible and find innovative solutions such as mobile facilities.

### **Assessing Contribution**

- 2.1.1.6 Local planning authorities may request a contribution from developers towards the capital cost of providing a children's centre within a community. The authority will assess the need for a centre based on anticipated changes in the local population. The ability to use existing and proposed centres will reduce the need to provide additional facilities for families. A developer's contribution to the capital costs of these centres may therefore be substituted for the cost of providing new facilities through the traditional channels.

#### **Residential development (use class C3)**

10 or more dwellings

Local planning authorities should consider requesting contributions from developers if their proposed development falls within a 20-minute walk or 1.5 mile radius of a proposed centre. This is considered to be the limit to which a parent with small children will be prepared to travel to use facilities.

800 children is regarded to be the normal size of a catchment population where the provision of Children's Centres within a community will be required.

In rural areas where the population is dispersed, it is not possible to provide the same level of services as in urban areas. In these areas, the authority should consider other ways of providing for children (for example, mobile facilities and satellite centres).

## **2.1.2 Education**

### **Background**

- 2.1.2.1 Education services are managed through Lancashire County Council and the two unitary authorities of Blackburn with Darwen and Blackpool. Pressure for more school places can be caused by new housing developments, people moving within an area and parental choice of one school over another.
- 2.1.2.2 A residential development for family housing will create demand for school places either in the long or short term. If local schools are unable to meet this demand, the development imposes a burden on the community.
- 2.1.2.3 If existing schools are expected to become over-subscribed, the education authority will seek assistance from the developer in meeting educational needs. This applies only to primary and secondary education and does not include independent schools, pre-school nurseries and crèches, or further education.

### **Identified Needs**

- 2.1.2.4 There is a general trend in Lancashire towards decreasing school rolls in both primary and secondary schools. This has resulted in several schools having significant numbers of spare places. In response, over the last five years there have been detailed reviews of education services in parts of Lancashire such as Skelmersdale and Burnley. As a result, several under-subscribed schools have closed or merged.
- 2.1.2.5 The Department for Education and Skills (DfES) has approved £170 million of capital investment to replace 11 secondary schools in Burnley and Pendle, creating 8 new schools under the Government's Building Schools for Future initiative. This programme will eventually be extended throughout Lancashire.
- 2.1.2.6 As a result of these trends the need for planning obligations for new education facilities will be limited in the foreseeable future. In 2005 only 16 primary schools (three marginally so) in Lancashire were over-subscribed in excess of 10%. A number of these are small rural schools. The equivalent statistic for Secondary Schools is 10 over-subscribed establishments. In Blackpool 5 primary schools (one marginally so) and 2 secondary schools (one marginally so) were over-subscribed. Demand for places at a specific school may be as a result of a range of factors and does not necessarily mean a shortage of places in the wider catchment area (2 miles Primary, 3 miles Secondary).

### **Assessing Contributions**

- 2.1.2.7 Planning Obligations will be sought for educational facilities, such as extra classrooms where schools within 2 or 3 miles are projected to be over-subscribed in excess of 10% above their net capacity, as a direct result of residential developments, as follows:
- In Principal Urban Areas, Main Towns<sup>1</sup> and Key Service Centres<sup>2</sup> – for C3 residential development of 50 or more dwelling units.

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<sup>1</sup> Main Development Locations as identified in JLSP Policy 2.

- In areas outside of Principal Urban Areas, Main Towns and Key Service Centres – for C3 residential development of 10 or more dwelling units.

2.1.2.8 If a major new housing development (over 150 houses) is proposed, a new school may be required. This need will be assessed by the education authority, who will decide whether to build a new school or extend an existing facility. If the authority decides to extend an existing school, the developer will be expected to pay all associated costs.

2.1.2.9 Schools increasingly act as wider community facilities, for example, by providing sports facilities and out-of-hours activities for children and adults. It is also becoming increasingly common for school premises to be used for other services such as health care. Authorities should also assess these factors under the relevant subject areas when considering planning obligations.

2.1.2.10 Contributions will not be requested for:

- developments within the catchment area of a school which has enough places to meet the need generated by the new housing;
- one-bedroomed properties;
- sheltered accommodation; or
- redevelopment or housing replacement schemes which do not increase the number of family houses.

#### **Residential development (Use Class C3)**

Contributions should be made for developments involving dwellings with two or more bedrooms.

##### ***Principal urban areas, main towns and key service centres***

Contributions should be made for residential developments of **50 or more dwellings** in a catchment area (2-mile radius for primary schools and 3-mile radius for secondary schools) where direct impact has been identified.

##### ***Areas outside of principal urban areas, main towns and key service centres***

Contributions should be made for residential developments of **10 or more dwellings** in a catchment area (2-mile radius for primary schools and 3-mile radius for secondary schools) where direct impact has been identified.

Primary schools = 0.35 per unit x DfES multiplier (£10,372) x locational factor (0.97 Lancashire, 1.00 Blackburn with Darwen and Blackpool)  
= £3,521 (Lancashire), £3,630 (Blackburn with Darwen and Blackpool) per dwelling

Secondary schools = 0.25 per unit x DfES multiplier (£15,848) x locational factor (0.97 Lancashire, 1.00 Blackburn with Darwen and Blackpool)  
= £3,843 (Lancashire), £3,962 (Blackburn with Darwen and Blackpool) per dwelling

Local Education Authorities may also seek additional contributions for any additional land costs.

<sup>2</sup> Key Service Centres (Market Towns) as identified in JLSP Policy 4.

**Major residential development (over 150 dwellings)**

If the education authority decides that a new school is needed, the developer will be expected to pay all costs, including for land.

DfES multipliers used are for 2006/07. All costs will be updated each year to reflect current DfES multipliers. If the DfES stops issuing cost multipliers, costs will increase each year in line with RICS indices of inflation.

## **2.1.3 Libraries**

### **Background**

- 2.1.3.1 Library services are provided by the County Council and the unitary authorities of Blackpool and Blackburn with Darwen. A wide range of services is provided, from large town centre buildings to mobile libraries which visit villages on a rota.
- 2.1.3.2 Libraries provide an important social and cultural resource that has increasingly diversified through new services such as the internet. The Department of Culture, Media and Sports guidance 'Public library service standards' identifies a target for 85% of households within Lancashire and 100% of households within Blackpool and Blackburn with Darwen to be within 2 miles of a static library. The methodology set out below relate to static libraries (permanent buildings).

### **Identified Needs**

- 2.1.3.3 In some areas of Lancashire, libraries are running at or above capacity and need to expand or have a new building. Substantial recent housing development in some areas means that libraries are now located away from the core of the communities they are meant to serve. The practice of providing a range of community facilities under one roof also creates opportunities for new buildings.
- 2.1.3.4 Locations where investment in libraries is required are set out below and will be identified through local development frameworks.

*Existing facilities already operating at capacity, where further development would generate need for improved library provision:*

Accrington; Burscough; Padiham; Poulton le Fylde; Preston Central; Rawtenstall; Rosegrove, Burnley

#### *Relocations*

Earby

#### *Joint Community facilities*

Whitworth

Blackburn with Darwen Borough Council and Blackpool Borough Council have not identified any additional need for library services in their areas.

### **Assessing Contributions**

- 2.1.3.5 Local authorities should request contributions from residential developments towards the cost of providing new or improved facilities in the locations identified above and through local development frameworks. This is based on the impact of new residents using both local and central library services.
- 2.1.3.6 Contributions should be made for all new dwellings within a 3km radius of the libraries listed above. These libraries are permanent buildings which focus on joint working with other service providers.

- 2.1.3.7 Libraries are increasingly seen as a base for a growing range of services. These services include health education, meetings for community groups, and children's services. If the redevelopment of community facilities by other providers offers the opportunity to relocate or upgrade library facilities that would directly benefit the development, authorities should request contributions towards both the library and the other facilities.
- 2.1.3.8 A large-scale development may trigger the need for a new or upgraded library in addition to those listed above. A mobile library can generally serve developments of fewer than 1,500 people. A trailer library can serve a population of between 1,500 and 5,000. And a permanent library can serve more than 5,000 people.
- 2.1.3.9 Authorities should also request contributions if the increased demand for services generated by a new development is likely to require extra staff or equipment. Guideline costs are:
- £40,000 a year for an extra librarian;
  - £20,000 for a self-service book facility; and
  - £800 for a new People's Network computer.
- 2.1.3.10 A multiplier can be used to calculate the overall cost of providing a new library for a certain catchment population. The multiplier for libraries is assessed on a catchment population of 5,000. This provides a new permanent library of 400m<sup>2</sup>.

#### **Residential development (Use Class C3)**

10 or more dwellings

Thresholds for residential development apply only where there is a specific need identified through in paragraph 2.11.4.

#### **Flats and single-bedroomed dwellings**

$0.08 \times 1.5$  (average household size)  $\times$  £1,500 (average building cost per m<sup>2</sup>) = £180 per unit

#### **Family housing (2 or more bedrooms)**

$0.08 \times 2.37$  (average household size)  $\times$  £1,500 (average building cost per m<sup>2</sup>) = £284 per unit

#### **Sheltered accommodation**

$0.08 \times 1.25$  (average household size)  $\times$  £1,500 (average building cost per m<sup>2</sup>) = £150 per unit

#### **Major residential development (over 150 dwellings)**

In addition to the above formulae, developers will be expected to contribute to any additional investment required to provide facilities in locations where there is no library within 3 km. This contribution may be financial or may take the form of land or materials.

***Notes on costs***

- £1,500 is the 2005/06 average building cost for libraries per m<sup>2</sup>, general external work and landscaping. (Source: RICS Building Cost Information Service).
- All costs will be updated each year in line with the Building Cost Information Service All-In Tender Price Index.

## **2.1.4 Minerals and Waste Development**

### **Background**

- 2.1.4.1 Minerals Policy Statement 2 and PPG10 'Planning and waste management' provide Government policy and guidance on developing mineral and waste disposal sites. The Government recognises the damage these sites may cause to local communities and the environment. It recommends using planning obligations to minimise this damage.
- 2.1.4.2 The County Council is responsible for making decisions on mineral and waste planning applications in Lancashire. Blackburn with Darwen Borough Council and Blackpool Borough Council carry out this role in their areas. This includes consideration of applications for:
- winning and working minerals;
  - managing waste (including landfill sites, waste transfer stations, incinerators, treatment plants, scrap yards, sewage treatment, dredging, crushing and reprocessing);
  - depositing and reworking mineral waste;
  - stockpiling mineral waste; and
  - erecting buildings to treat minerals.

### **Identified Needs**

- 2.1.4.3 Mineral and waste sites are in limited supply, yet they can be harmful and must be managed carefully in the public interest. These developments are long-lived and demand constant monitoring and maintenance to reduce damage to the environment.
- 2.1.4.4 The County Council has a track record of securing Section 106 Agreements for these developments. To reduce and compensate for the effects of mineral working, developers also contribute to community-based projects through the DEFRA Aggregates Levy.

### **Assessing Contributions**

- 2.1.4.5 Agreements should usually relate to how a site will be managed and restored when it is no longer in use. They should be drawn up where planning conditions are inappropriate or where measures are required to combat potential nuisance. Typical examples cover areas such as:
- managing a site beyond five years;
  - restoring a site for use as public open space or for wildlife; and
  - controlling of the routing of lorries to prevent nuisance to a neighbourhood.

### **All Use Classes**

There is no minimum threshold. Proposals will be dealt with on a site-by-site basis and will primarily relate to mineral extraction and waste proposals.



## **2.1.5 Transport**

### **Background**

- 2.1.5.1 The transport system in many parts of Lancashire is under pressure. This is the result of an intense level of development, limited capacity for all modes of transport, and general traffic growth. Further development could make these problems worse if measures are not taken to make better use of the existing network, introduce extra capacity, and provide additional services.
- 2.1.5.2 Management of the transport network including public transport provision is a function of the County Council and the Unitary Authorities of Blackburn with Darwen and Blackpool in their role as Highways Authorities.

### **Identified Needs**

- 2.1.5.3 Local authorities must address the specific transport requirements of proposed developments. Shortfalls in existing services and the effects of development on the local network should be highlighted using the relevant accessibility questionnaire (see Appendix 10). These are identical to those used in the Joint Lancashire Structure Plan SPG 'Access and parking'.
- 2.1.5.4 The results of the accessibility questionnaire should be complemented by an approved transport assessment and travel plan produced by the developer's consultants.
- 2.1.5.5 Developers' contributions could be used for:
- pedestrian and off- and on-road cycle schemes;
  - bus and rail improvements such as improving infrastructure and subsidising new or better services;
  - community transport and services in areas of defined need;
  - traffic management schemes such as local safety schemes, traffic-calming measures and contributions to Home Zone initiatives;
  - real-time information projects (including hardware and maintenance);
  - parking management schemes such as 'residents only' parking;
  - funding to provide advice with respect to Travel Plan evaluation, promotion, implementation and programmed monitoring through a Section 106 Agreement; and
  - locally relevant schemes as defined in the local transport plan and local development framework.

The specific package of measures identified should be implemented before the development is occupied unless agreed by the Highways Authority.

- 2.1.5.6 Local authorities should request contributions based on typical network and public transport service costs, and the type of development involved. Current contributions are based on 2004/05 information.
- 2.1.5.7 The financial basis for contributions will be reviewed and updated each year, based wherever possible on actual costs. It will also allow for inflation. The range of

development types covered will also be reviewed each year and additional land uses introduced as required.

### **Assessing Contributions**

- 2.1.5.8 Average costs for type and size of development are expressed within an 'accessibility matrix' and the contribution is then converted into site-specific schemes. At this stage the process only considers the most common land uses that will affect the transport network. Land use types will be reviewed each year.
- 2.1.5.9 A breakdown of contributions for specific network, public transport and sustainable transport initiatives to serve the development will be derived from the Transport Assessment, Travel Plans and relevant strategies. The onus will be on the developer to demonstrate with evidence any proposed alternative solution to that put forward by the Highways Authority.
- 2.1.5.10 Use of the accessibility questionnaire, complemented by a transport assessment and travel plan, will allow authorities to assess the range of measures required. Schemes should be dealt with as a package wherever possible. Any highway work funded through a Section 278 Agreement that directly contributes to achievement of sustainable transport initiatives will be discounted from the Section 106 request.
- 2.1.5.11 Authorities should base contributions for mixed used developments on an assessment of each land use within the proposal, unless the scale of these falls below that allowed by permitted development arrangements.
- 2.1.5.12 Highway Authorities will co-ordinate Section 278 contributions for off-site highway work with requests for Section 106 contributions. Section 106 does not remove the need for Section 278 funded work which provides the necessary modifications to the highway. Developers must liaise directly with officers responsible for Section 278 Agreements.
- 2.1.5.13 Contributions towards highway schemes **do not include** those which may be required by the Highways Agency for any trunk roads affected by the development. Pre-application discussions between developers, Planning and Highways Authorities/Highways Agency are encouraged.
- 2.1.5.14 These procedures do not cover strategic locations for development as defined in Policy 3 of the Joint Lancashire Structure Plan or regional investment sites as defined in Policy 15 of the plan. Development contributions in these areas could be based on an area-wide approach if the authority agrees to this.
- 2.1.5.15 The Highways Authority and the local planning authority may also apply an area-wide approach to other large development proposals or where a broader transport strategy has been prepared.

<b>Land use</b>	<b>Development (threshold)</b>
Residential development (C3)	10 dwellings or more
Food retail (A1) Non-food retail (A1) B1(a) office + A2 employment B2 general industrial and B8 storage and distribution	1,000m <sup>2</sup> gfa or more
Other uses	To be determined on a case by case basis

2.1.5.16 All land uses not identified in the table above will be dealt with individually. This may include proposals of less than 1 000m<sup>2</sup> gfa where the Highways Authority identifies a major impact on local transport.

Developer contributions for transport									
Accessibility score  (as determined by the accessibility questionnaire)	Land use type £ per 1,000gfa					Residential contribution per dwelling (number of bedrooms)			
	Food retail	Non-food retail	Office (B1a) and employment (A2)	General industrial (B2) and storage and distribution (B8)	All other uses	1 or 2 or sheltered or communal housing (per unit)	3 or property size not known	4	5
under 9	180,000	120,000	45,000	30,000	Decided on a case-by-case basis	1,440	2,160	2,880	3,600
9	173,200	115,500	43,300	28,900		1,410	2,120	2,820	3,530
10	166,400	110,900	41,600	27,700		1,380	2,070	2,760	3,450
11	159,500	106,400	39,900	26,600		1,350	2,030	2,700	3,380
12	152,700	101,800	38,200	25,500		1,320	1,980	2,640	3,300
13	145,900	97,300	36,500	24,300		1,290	1,940	2,580	3,230
14	139,100	92,700	34,800	23,200		1,260	1,890	2,520	3,150
15	132,300	88,200	33,100	22,000		1,230	1,850	2,460	3,080
16	125,500	83,600	31,400	20,900		1,200	1,800	2,400	3,000
17	118,600	79,100	29,700	19,800		1,170	1,760	2,340	2,930
18	111,800	74,500	28,000	18,600		1,140	1,710	2,280	2,850
19	105,000	70,000	26,300	17,500		1,110	1,670	2,220	2,780
20	98,200	65,500	24,500	16,400		1,080	1,620	2,160	2,700
21	91,400	60,900	22,800	15,200		1,050	1,580	2,100	2,630
22	84,500	56,400	21,100	14,100		1,020	1,530	2,040	2,550
23	77,700	51,800	19,400	13,000		990	1,490	1,980	2,480
24	70,900	47,300	17,700	11,800		960	1,440	1,920	2,400
25	64,100	42,700	16,000	10,700		930	1,400	1,860	2,330
26	57,300	38,200	14,300	9,500		900	1,350	1,800	2,250
27	50,500	33,600	12,600	8,400		870	1,310	1,740	2,180
28	43,600	29,100	10,900	7,300		840	1,260	1,680	2,100
29	36,800	24,500	9,200	6,100		810	1,220	1,620	2,030
30	30,000	20,000	7,500	5,000		780	1,170	1,560	1,950
31						750	1,130	1,500	1,880
32						720	1,080	1,440	1,800
33						690	1,040	1,380	1,730
34						660	990	1,320	1,650
35						630	950	1,260	1,580
36						600	900	1,200	1,500
37						570	860	1,140	1,430
38						540	810	1,080	1,350
39						510	770	1,020	1,280
40						480	720	960	1,200
41						450	680	900	1,130
42						420	630	840	1,050
43						390	590	780	980
44						360	540	720	900
45						330	500	660	830
46						300	450	600	750
47						270	410	540	680
48						240	360	480	600

## **2.1.6 Waste Management**

### **Background**

- 2.1.6.1 The County Council has overall responsibility for waste planning and disposal in Lancashire, except in the unitary authority areas of Blackpool and Blackburn with Darwen. The County Council is directly responsible for providing and managing the County's 23 household waste recycling sites and acts jointly with the 12 District Councils for recycling household waste. The 12 Districts are responsible for waste collection. The unitary authorities of Blackpool and Blackburn with Darwen have a combined role for waste planning, collection and disposal.
- 2.1.6.2 The Lancashire Waste Partnership brings together the County Council, the District Council and the two unitary authorities. This partnership has produced the Lancashire Waste Strategy. To encourage greater recycling and less dependence on landfill, the strategy proposes a network of four central waste treatment facilities and seven waste transfer stations. This is also necessary to meet the requirements of the Waste and Emissions Trading (WET) Act 2003 that implements the European Landfill Directive.

### **Identified Needs**

- 2.1.6.3 There is a shortage of landfill sites throughout Lancashire.
- 2.1.6.4 Landfill tax is currently around £18 a tonne and is expected to rise at a rate of at least £3 a year to £35 a tonne. This will bring the total cost of landfill to £75 a tonne (£40 a tonne gate price). One tonne is the average amount produced by a single household in one year.
- 2.1.6.5 There is a shortage of landfill sites throughout Lancashire. If the County fails to keep landfill under the targets set for Lancashire through the Landfill Allowance Trading Scheme, there will be penalties of £150 a tonne (2005/06 prices). A waste private finance initiative procurement exercise is currently being set up to develop a network of facilities through a design, finance, build and operate arrangement. However, this new approach to waste management has considerable financial implications.

### **Assessing Contributions**

- 2.1.6.6 Local authorities should request contributions towards the cost of the new waste management network. Contributions should be based on the capital cost per household of the new network. The system is designed to deal with waste from properties which have not yet been built and financial commitments are already being made to meet this future need. Contributions will, therefore, be sought from new development to meet the costs of the new network.

**Residential development (Use Class C3)**

10 or more dwellings

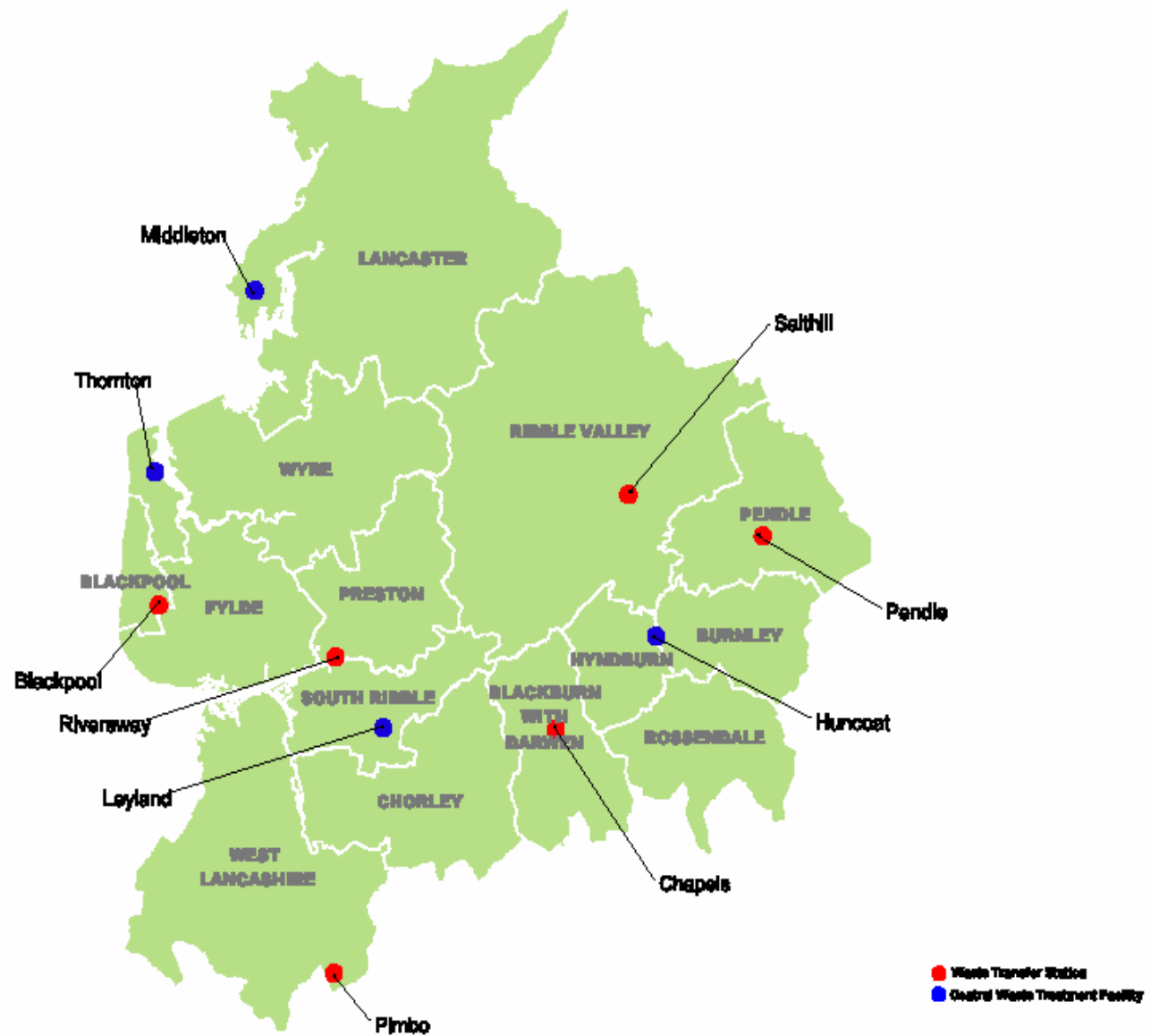
***Capital cost of a new network 2006 to 2013***

Network capital cost (£300,000,000) divided by the number of Lancashire households (625,000) = £480

Contribution per household = £480

After 2013 contributions will be towards revenue costs and the cost of updating facilities. Contributions will be reviewed in 2009.

Proposed Waste Network



## **2.2 COMBINED COUNTY COUNCIL/LOCAL AUTHORITY SERVICES**

### **2.2.1 Countryside Access**

#### **Background**

- 2.2.1.1 The County Council manages an extensive rights of way network consisting of paths, bridleways and byways. Rights of way are an important recreational facility which local authorities should protect and improve. There are opportunities to provide better facilities for walkers, cyclists and horse-riders, for example by adding links to existing rights of way networks – especially where these would create useable routes for everyday travel on foot or by bicycle.
- 2.2.1.2 The Lancashire Rights of Way Improvement Plan will guide this work. The plan aims to:
- promote the development of walking and riding trails close to centres of population;
  - identify opportunities for introducing walking, cycling and horse-riding routes which link communities to the countryside; and
  - meet the needs of users with poor mobility.
- 2.2.1.3 The County Council also manages or owns several country parks and, with other relevant organisations, plays a major role in protecting and improving the County's environment.

#### **Identified Needs**

- 2.2.1.4 In some parts of Lancashire the public rights of way network is incomplete, disjointed, difficult to use or in poor repair. Areas with incomplete networks include West Lancashire close to Southport, the area east of Lancaster, and bridleways on the West Pennine Moors. Rights of way in Rossendale are in a particularly poor state of repair. The Rights of Way Improvement Plan identifies key actions to improve the network.
- 2.2.1.5 Local authorities own several countryside-based recreational facilities. Development near these facilities will increase pressure on these already sensitive resources. Examples include Preston Junction Local Nature Reserve, Healey Nab Woodlands, (Chorley) and Fleetwood Nature Park.

#### **Assessing Contributions**

- 2.2.1.6 Local planning authorities should request contributions from all developments which may have a negative impact on the rights of way network or country parks which are managed or owned by local authorities. These contributions will fund new opportunities for walking, cycling and horse-riding, as well as diversions and improvements to existing rights of way.
- 2.2.1.7 Research at the sub-regional level is currently under way to develop the principle of 'green infrastructure'. Draft RSS suggests the growing importance of this concept and the value of taking a strategic approach to achieving it. Rights of way can be an important element of this.



- 2.2.1.8 If an authority identifies the need for strategic green infrastructure, it may focus requested contributions from a range of subject areas to achieve this objective. Other relevant subject areas from this document include flood defences, landscape heritage, inland waterways, natural heritage, the public realm and public art, and open space, sport and recreation.

**Residential development (Use Class C3)**

Contributions should be made for developments of 150 or more dwellings within 3km of a public right of way or country park.

**All other uses**

Contributions should be made for developments of 5,000m<sup>2</sup> within 3km of a public right of way or country park.

**All uses**

If there is loss of or direct harm to a public right of way or country park, there is no minimum threshold. Contributions will be based on the site in question.

## **2.2.2 Cultural Heritage**

### **Background**

- 2.2.2.1 Cultural heritage covers all of an area's historic environment. It includes archaeological remains, listed buildings, conservation areas, and historic landscapes and townscapes. These features are an important cultural asset for the nation and need to be conserved for future generations.
- 2.2.2.2 The Government recognises the importance of the nation's cultural heritage. Guidelines for protecting and improving these features are set out in PPG15 'Planning and the historic environment' and PPG16 'Archaeology and planning'. Further guidance is given in the policy statements made by English Heritage.
- 2.2.2.3 Policy 21 of the Joint Lancashire Structure Plan and its Landscape and Heritage SPG aims to protect and enrich Lancashire's heritage resources. The policy recognises the need for development but requires that it should not be at the expense of cultural heritage.

### **Identified Needs**

- 2.2.2.4 If a development is likely to affect cultural heritage, developers have a duty to:
- provide enough information to allow informed planning decisions;
  - mitigate the impact of their development; and
  - make sure that there is 'no net loss' of heritage assets.
- 2.2.2.5 It is important that developers provide sufficient information as to the maintenance of the site affected and the level of impact expected from their proposed development. Where they do not provide sufficient information powers exist to require that further information in the form of assessments, rapid surveys of potential items of interest, or evaluations are submitted prior to a planning decision being reached (see PPG15 paragraph 2.11 and PPG16 paragraphs 18-27).

### **Assessing Contributions**

- 2.2.2.6 It is not possible to set up a formula to calculate this type of obligation. However, the approach will be similar to that set out in the Design Manual for Roads and Bridges Volume 11, Section 3, Part 2.

Typical obligations may include:

- Provision for the detailed scientific analysis of material where it is thought that this will significantly add to an understanding of the site.
- Provision for public access to the site during excavation by interested members of the public including guided tours led by a senior member of the excavation staff. The developer may be required to ensure that local schools are provided with an opportunity to visit the site

- Provision for continued public access to the site once the development has been completed where it has been possible to retain features or finds of archaeological interest either in-situ or as a display within the new development.
- Provision for the costs of appropriate consolidation, conservation and protection of such features or finds;
- Provision for further dissemination of the results of the archaeological work to the public through the placing of interpretative panels either on or adjacent to the site, or in relevant public buildings (libraries, schools, etc.) or by means of a 'popular' publication.
- Provision for further dissemination of the results of the archaeological work to the academic world by publication in a relevant national journal (for example Proceedings of the Prehistoric Society, Medieval Archaeology, Post-Medieval Archaeology).
- The relocation of, or an increase in, the area of any open space allocated to ensure preservation in situ.

2.2.2.7 All obligations should require a suitable archive of information and a report accessible to the public.

2.2.2.8 Early consultation with relevant groups may help an authority to decide whether a site requires protection measures. It may also be possible for the authority to gauge the general level of protection required by using information already available or by comparing the proposal with similar sites. Detailed responses will, however, normally need to wait until after the results of assessments, rapid surveys or evaluations.

#### **All Use Classes**

There is no threshold for developments in this subject area. The type and level of contribution will depend on the site and the nature of the proposed development.

## **2.2.3 Landscape Character and Design**

### **Background**

- 2.2.3.1 The character and quality of Lancashire's landscape is a valuable asset which makes an important contribution to quality of life in the County. Developments can have a negative impact on the character of the surrounding landscape if they are not located or designed appropriately.
- 2.2.3.2 Policy 20 of the Joint Lancashire Structure Plan (JLSP) and its Landscape and Heritage Supplementary Planning Guidance aim to protect and enrich the landscapes of Lancashire. The policy is designed to accommodate landscape change in a positive way and aims to make sure that development fits in with the local landscape character type in which it occurs. Details of landscape character types can be found on the landscape character and heritage SPG pages of the website at [www.lancashire2016.com](http://www.lancashire2016.com).

### **Identified Needs**

- 2.2.3.3 If a development detracts from the character of the surrounding landscape and opportunities for on-site improvements are restricted, changes to landscape design and management of nearby areas can improve the situation. This is especially the case where landscape degradation is an issue.
- 2.2.3.4 As well as fitting in with the character of the landscape, a development should contribute to its conservation, improvement or restoration. In areas of outstanding natural beauty, developers have a duty to help conserve the natural beauty of the area. Contributions will be sought separately for these functions.

### **Assessing Contributions**

- 2.2.3.5 Local authorities should use planning obligations to provide landscape improvements or restoration near to the development site, or to contribute to wider landscape improvement or restoration projects. These projects might include:
- long-term woodland management;
  - hedgerow management and tree-planting throughout the area;
  - restoring boundary walls;
  - improving urban parks; or
  - providing and maintaining street trees.
- 2.2.3.6 Agreements are likely to link landscape, public open space, recreational, natural and cultural heritage issues.

#### **All Use Classes**

#### **No minimum threshold**

Contributions and management agreements will depend on:

- the nature and scale of the development;
- the character of the landscape where it is located;
- needs highlighted in the JLSP Landscape and Heritage SPG.

## **2.2.4 Natural Heritage**

### **Background**

- 2.2.4.1 PPS9 and Government Circular 06/2005 set out the Government's policy on biodiversity and geological conservation through the planning system. The aims of these documents are:
- to promote sustainable development;
  - to conserve, restore and improve the diversity of England's wildlife and geology; and
  - to contribute to rural renewal and urban revival.
- 2.2.4.2 A key principle in PPS9 is that planning decisions should prevent harm to biodiversity and geological conservation interests. If there is no alternative location for a harmful application, suitable measures must be put in place to reduce or compensate for that harm before planning permission is granted.
- 2.2.4.3 Policy 21 of the Joint Lancashire Structure Plan and its Landscape and Heritage SPG aim to protect and enrich Lancashire's overall heritage. The policy recognises the need for development but also requires that this should not be at the expense of environmental heritage. In applying the 'as a minimum no-net-loss' approach planning conditions and Planning Obligations are seen as key to the delivery of sustainability.

### **Identified Needs**

- 2.2.4.4 Natural Heritage may be site specific or be widely distributed over both the urban and rural landscape. Certain habitats and species are covered by statutory or non-statutory wildlife site designations, others of biodiversity importance may not be.
- 2.2.4.5 Ecological networks and links that allow the movement of species are now recognised as important planning issues. Habitat management is vital to maintaining natural heritage. Changes in land use will inevitably involve changes in land management, which in turn are likely to adversely affect the long-term conservation interest.
- 2.2.4.6 Where development impinges upon natural heritage assets or has adverse implications for biodiversity and planning conditions cannot ensure 'no net loss' then a Planning Obligation will generally be necessary.

### **Assessing Contributions**

- 2.2.4.7 Developer contributions may include:
- keeping or restoring key habitats or features on the development site;
  - re-establishing or creating new habitats on or off the site;
  - aftercare and sympathetic management of key habitats or features on or off the site; and
  - providing access for education and scientific research.

- 2.2.4.8 In most cases method statements and management plans will be a vital part of any planning obligations. Method statements may be appropriate for re-establishing habitats and species, and should cover restoration and providing aftercare for up to 5 years. Management plans should cover periods of up to 30 or more years depending on the development and the scale, nature and importance of the natural heritage at risk.
- 2.2.4.9 Authorities should also consult chapters 3 and 5 of the Landscape and Heritage SPG. Any measures they prescribe should meet recognised biodiversity targets such as those set out in the Joint Lancashire Structure Plan.

**Residential development (Use Class C3)**

There is no minimum threshold.

**Other development (all other Use Classes)**

There is no minimum threshold.

The scale of mitigation and/or compensation required will be assessed on a site-by-site basis and will be dependant on the proximity to and physical impact on the asset. However, the 'as a minimum no-net-loss' approach will be the underlying principle.

The "no-net-loss" approach is not seen undertaking the bare minimum but a means of enhancing the quality of a development to deliver the Government's objectives in PPS9.

## **2.2.5 Youth and Community**

### **Background**

- 2.2.5.1 Youth and community services are provided by a variety of organisations and initiatives using funding and resources from public, private and voluntary groups. While responsibility for youth provision ultimately lies with the County Council all sources provide a valuable contribution, with a variety of facilities required to meet a wide range of local needs. District Councils are also responsible for community development and community facilities in their areas. Services can include a mix of informal social, education and learning opportunities for all sections of the community, including youth work, pre-and after-school clubs, and evening classes and activities for older people.
- 2.2.5.2 Access to these facilities is extremely important as it provides residents of all ages with an opportunity to interact and develop new skills. This in turn improves the social cohesion of the community and opportunities for individuals.
- 2.2.5.3 Provision is essential for all sections of the community. Youth services focus on young people aged between 11 and 25, but in particular on those between the ages of 13 and 19 and those who experience social exclusion. Work with adults concentrates on building stronger communities by increasing skills, breaking down age and race barriers, and increasing confidence within neighbourhoods.

### **Identified Needs**

- 2.2.5.4 There are several Government targets and initiatives to improve access to community services across the country. These focus mainly on youth services, but many of the buildings they are based in offer the opportunity to provide services for the wider community.
- 2.2.5.5 The Extended Schools Programme is an example of this kind of opportunity. It encourages schools to extend their opening hours so that other services can be provided from the premises. The programme aims for a third of all primary schools and half of secondary schools to extend their opening hours and services by 2008, with all schools aiming to be covered by 2010.
- 2.2.5.6 The DfES publication 'Transforming youth work: resourcing excellent youth services' (2002) includes a set of minimum national standards for youth services as specified by the National Youth Agency.
- 2.2.5.7 Authorities must secure convenient and suitable access for young people to high quality youth work, including suitable opening hours, in safe, warm, well-equipped locations based on the following guidelines.
- 80% of young people in County Council areas to be within safe 30-minute walking time of youth services.
  - All young people must have access to youth services for at least 4 hours a week.
  - 90% of larger youth centres must be open at least 24 hours a week.

- There must be one full-time equivalent nationally qualified worker for per 400 young people aged between 13 and 19.

2.2.5.8 Areas identified to date as in need of new, expanded or improved youth facilities include:

- Carnforth;
- Ecclestone (Chorley);
- East Preston;
- Nelson Youth Centre; and
- Star Youth Centre, Ashton, Preston.

2.2.5.9 Through the District Youth and Community and Connexions Advisory Committee, the County Council will provide an updated list of requirements for youth facilities across the County. This responsibility is likely to shift to Lancashire Locals and the youth Councils in the future.

### **Assessing Contributions**

2.2.5.10 Local authorities should request contributions towards the capital cost of providing new or improved facilities in the areas of need listed above. This is based on the impact of new residents using both local and central facilities. Without improvements to these facilities existing and new residents may be affected, with services unable to cope with the increased demand caused by the new development. The sum is calculated on the basis of new family units (2 or more bedrooms) as these are assumed to make an incremental impact on demand.

2.2.5.11 The minimum floor space for new youth facilities should be 302m<sup>2</sup>. This is the standard specification for the most recently built youth and community centres in Lancashire, and is the minimum space required to provide a suitable range of facilities for the catchment area (for example an ICT suite, meeting rooms and internal play areas). Provision should therefore not fall below this level. More space may be required for larger developments, outdoor activities and additional facilities. The developer should discuss these matters with the County Council's Adult and Community Services Directorate at an early stage to establish the exact requirements of the area.

2.2.5.12 The use of a cost multiplier enables to calculate the overall cost of providing a new facility to be fairly related to the catchment population it will serve. In this case, 19% of the total population of Lancashire falls within the target group of 11- to 25-year-olds, so the multiplier has been rounded to 0.2 (20%).

2.2.1.13 Contributions are based on the costs per resident of providing a new building at 2005/06 rates. These figures will be updated each year to reflect inflation.



**Residential development (Use Class C3)**

10 dwellings (2 bedrooms or more) in areas of identified need

$0.2 \times (\text{Average household size } 2.37 \times \text{average building cost per m}^2 \text{ (£1,250)}) = \text{£593}$

**Major residential development (over 150 dwellings)**

In addition to the above formula, developers will be expected to contribute to any new capital investment required where there are no community facilities within a safe 30-minute walk or 2-mile radius plus funding of the first 2 years' revenue costs. The contribution may take the form of a financial contribution and/or an "in-kind" contribution such as land or materials.

It is recognised that in areas of dispersed population it is not possible to provide the same level of services as in urban areas. In such areas, other ways of providing community facilities will be considered (e.g. mobile facilities and satellite centres) and contributions sought.

Building cost for youth centres per m<sup>2</sup> = £1,250 (RICS Building Cost Information Service 2006). This figure will be updated each year using the Building Cost Information Service Construction Index.

## **2.3 OTHER SERVICES**

### **2.3.1 Affordable and Special-Needs Housing**

#### **Background**

- 2.3.1.1 Government guidance in PPG3 'Housing' (2000), its draft replacement PPS3 (2006) and Circular 6/98 'Planning and affordable housing' enables local authorities to seek affordable housing for a range of types and sizes on appropriate sites. The key aims behind this are to promote integrated and balanced communities and to provide access to decent homes for those in need of housing. It is recognised that the normal workings of the housing market will not tackle these issues without policy intervention.

Special-needs housing is a clearly defined sector. It includes hostels for homeless people, group homes and accommodation specifically built to meet the needs of people with mobility problems.

Affordable housing focuses on providing housing at prices below market value for those identified as being in housing need. It may include the following:

- Dwellings for rent from a registered social landlord – contributions through Section 106 Agreements play an increasingly important role in providing housing within this sector. Most affordable housing has been provided through this mechanism.
- Shared-ownership schemes – homes that are part owned and part rented, usually through a RSL.
- Fixed-equity schemes – property that is sold at a discounted price to the first buyer and future buyers.
- Key-worker housing – housing for employees such as nurses and firemen.

#### **Identified Needs**

- 2.3.1.2 All District Councils and Unitary Authorities are required to carry out Housing Needs Surveys to identify those in housing need in their area. These surveys identify both specific categories of need and parts of the area with particular problems, such as rural settlements. All parts of Lancashire have identified needs for affordable housing. This includes districts with large amounts of low-demand housing that may not meet people's needs, as well as relatively affluent areas such as Ribble Valley and Fylde.
- 2.3.1.3 In most cases affordable housing should be on the same site and of the same quality as other housing being constructed. To avoid social segregation and promote integrated communities, it should be scattered among new housing schemes rather than all placed together in one corner of the site. This also avoids the problem of finding suitable sites at a time when building land is scarce. In rural areas local planning authorities may need to identify specific 'rural exception sites'.

## **Assessing Contributions**

- 2.3.1.4 An affordable housing contribution is sought from residential development. Draft PPS3 (2006) states that local planning authorities should set a minimum site-size threshold, above which affordable housing will be sought. The national threshold is 15 dwellings, but local authorities may set a different threshold where justified.
- 2.3.1.5 Local planning authorities should expect development to deal with all negative impacts a project may create. This means that developers of affordable and special-needs housing will be expected to contribute to other relevant services. The reason for this is that the impact of the development and demand for services is the same as for market housing.
- 2.3.1.6 Local planning authorities will identify the specific need for affordable housing within their LDFs. This will include the numbers and types of affordable housing required. Plans to develop windfall sites must also include affordable housing.
- 2.3.1.7 If the local housing market results in requests for affordable housing from developments lower than the normal threshold, the local planning authority should use the research carried out in preparing its local development framework to decide whether this is appropriate.
- 2.3.1.8 Each local planning authority should decide the percentage of affordable housing required as a proportion of the total number of houses on a site based on housing need. This figure should be calculated as a percentage of total housing on the site, not as an element of market provision. For example, on a site of 1ha where 50 dwellings are to be built and 60% of housing is to be affordable, 30 affordable properties would be required.
- 2.3.1.9 The cost of providing affordable housing should be assessed through local negotiation. Wherever possible this should take place in pre-application discussions to avoid delays in the planning application process. Where affordable dwellings for rent are required, the registered social landlord should be involved at an early stage. The rental stream approach (Housing Corporation total cost indicators minus capitalised rent) is a useful starting point for these negotiations.
- 2.3.1.10 Certainty in providing affordable housing is essential. Developers must reach an agreement with the registered social landlord if housing for rent is to be provided. For shared-ownership and fixed-equity schemes, local planning authorities will need documentary proof that the designated properties or a suitable equivalent will be made permanently available at an agreed, affordable price.

### ***Off-Site Affordable Housing***

- 2.3.1.11 Affordable housing should generally be provided on the same site as market housing. However, this may not always be possible. In these exceptional cases the local planning authority may allow the developer to provide a financial obligation or affordable housing on a different site. An example of such a case would be where there is a predominance of a particular type of tenure and an alternative is desirable in the interests of balanced communities.

2.3.1.12 The developer's contribution will be based upon the amount it would cost to build the same number of properties as would have been built on the original site. It will also take into consideration:

- the cost of a serviced site;
- the cost of construction;
- the fact that the site must be in a suitable location, both in terms of planning policies and meeting the need for affordable housing in the area; and
- the additional cost of developing a separate site.

As a result of these factors the developer's contribution will be based on:

the open-market cost of an equivalent dwelling; *less*  
the affordable level of return that would have been paid to the developer for the housing provided on site.

2.3.1.13 The open-market cost of equivalent housing will be agreed through negotiation based on the developer's projected selling price or Land Registry data. The affordable level of return will be based on relevant earnings as identified in the New Earnings Survey (Office for National Statistics). If the developer is able to provide alternative land in a suitable location, subject to planning policies this may also be taken into account.

#### **Residential developments (use class C3)**

Affordable housing should be provided on all sites over 0.5ha, or 15 or more dwellings, whichever is less.

Affordable housing should be provided based on the rate<sup>(A)</sup> and type identified by the local planning authority.

#### **Calculating financial contributions where affordable housing cannot be provided on site**

Equivalent open-market dwelling price <sup>(B)</sup> (£)	<b>less</b>	Affordable level <sup>(C)</sup> (£)	<b>=</b>	Affordable housing contribution per property (£)
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(A) The percentage of affordable housing required as a proportion of the total number of homes being built.

(B) A price negotiated between the developer and the local authority, based on the developer's projected selling price or Land Registry data.

(C) A price less than or equal to the following.

- For a single-income buyer – their relevant average earnings multiplied by three.
- For joint buyers with two incomes – one and a half times the average relevant earnings of one buyer, multiplied by three.

Relevant earnings are identified for the site through the Council's housing needs assessment or the average earnings figure for the area identified in the New Earnings Survey.

Note: Prices will change as average earnings figures change.

## **2.3.2 Crime and Disorder**

### **Background**

- 2.3.2.1 An important part of planning is to create environments in which people feel safe and secure. Section 17 of the Crime and Disorder Act 1998 places a responsibility on the police, the local authority, the probation service and other community groups to draw up a crime prevention strategy.
- 2.3.2.2 Many academic, Government and police reports cite poor design as one of the factors responsible for high crime rates in an area. The ODPM documents 'Safer places' (2004) and 'Secured by design' ([www.securedbydesign.com](http://www.securedbydesign.com)) set out guidance for reducing crime hazards through better design. These guidelines suggest a package of measures to reduce and prevent both the reality and the perception of crime. Authorities may use planning obligations as one way of achieving these measures and ensuring that the safety of the community is protected.

### **Identified Needs**

- 2.3.2.3 All development proposals should demonstrate how crime prevention measures have been considered. Good quality design and management offer the potential to reduce crime and provide safe and secure environments for communities.
- 2.3.2.4 Some new developments may include crime prevention measures for their own security but may unintentionally affect the safety of the wider community, causing impacts beyond the original site. Under the Crime and Disorder Act 1998 and in line with Government guidance, e.g. PPS1, planning authorities should seek to minimise the impact of development on community safety and should make sure that each development contributes to measures to prevent and deter crime and antisocial behaviour.

### **Assessing Contributions**

- 2.3.2.5 The planning system has a key role to play in maintaining the safety of both existing and new communities. Local planning authorities should seek contributions towards wider crime prevention measures if:
- a development may increase the risk to public safety;
  - lead to an increase in vandalism or antisocial behaviour.
- Any development likely to increase the burden on crime prevention initiatives should pay contributions.
- 2.3.2.6 Authorities should request contributions from both residential and commercial development proposals to cover a package of measures. These measures may include installing CCTV, increasing street lighting, providing a neighbourhood warden, and landscaping and environmental work to improve visibility. Items such as security gates must not interfere with emergency access to utility services.
- 2.3.2.7 The type and level of contribution required will depend on the location of the development, how it affects security and the degree of protection required. For residential developments, contributions will be sought in order to reduce the opportunity for crime in both existing and future communities.

2.3.2.8 When deciding the scale of contribution required for commercial development, local authorities should consider:

- what the development will be used for;
- how it is likely to affect community safety;
- the hours of use;
- the total floor space;
- the likely number of users and level of activity;
- the location in terms of public transport and accessibility, including fear of crime;
- how the building and design will affect the immediate area;
- existing safety measures; and
- other practical requirements such as car parks and open space.

2.3.2.9 Where long-term security measures are required a commuted sum may be requested towards ongoing operation, monitoring and maintenance. This should again be determined on a case-by-case basis.

The thresholds below apply where advised by local community safety officers that a crime and disorder issue may exist. In exceptional cases a contribution may be sought at a lower threshold reflecting the perceived risk of crime in that area. This will enable the threshold to be tailored to the location specifics of the area.

**Residential development (use class C3)**

10 or more dwellings

The scale and type of contribution will depend on how the development is likely to affect community safety.

**Retail, leisure and business uses, and residential institutions (use classes A1, A2, A3, A4, A5, B1, B2, B8, C1, C2, D1, D2 and sui generis uses)**

1,000m<sup>2</sup> gfa or more

Contributions from retail, leisure and business proposals will be used to maintain a safe and secure environment for employees, visitors and the general public. Commercial developments will also be expected to contribute to the local authority's wider crime prevention initiatives.

Contributions will generally be requested for:

- all major proposals for leisure and entertainment facilities, including gyms, leisure centres and cinemas, that are likely to be open after 8pm;
- retail, hotel, office and other developments that include the facilities listed above, or that are likely to significantly increase visitor numbers to the area;
- developments such as supermarkets and petrol stations that are open late at night or 24 hours a day;
- all late-night cafés, restaurants, pubs and night clubs that can accommodate 40 or more people and attract customers after 8pm;
- all major town centre developments that will significantly increase visitor numbers and use of public transport; and
- all major development proposals that lead to increased use in isolated areas that are likely to be poorly located in terms of safe, well lit and popular routes and transport facilities.

### **2.3.3 Flood Defences**

#### **Background**

- 2.3.3.1 New developments in flood-risk areas can be at risk from flooding and may also increase the risk of flooding, placing people's lives and property at risk. Building on flood plains and developing large areas of land have reduced the land's natural capacity to store and drain water increasing the risk of flooding. The likelihood of flooding in most areas is also expected to increase in future because of the effects of climate change. Coastal areas of Lancashire will be particularly vulnerable due to increasing sea levels. While it is not possible to eliminate the risk of flooding altogether, its impact can be reduced through good planning and management.

#### **Identified Needs**

- 2.3.3.2 Environment Agency Flood Zone Maps identify areas at risk from flooding across the country. They are based on the three flood-risk zones identified in PPG25 'Development and flood risk' and continued in PPS25 'Development and flood risk' (2005). These zones are as follows.

- Zone 1 – little or no risk of flooding, over 1 in a 1,000 chance.
- Zone 2 – medium to low risk of flooding, up to 1 in a 1,000 chance.
- Zone 3 – high risk of flooding, 1 in 100 river (fluvial) or 1 in 200 tidal chance.

- 2.3.3.3 Development should first be directed to areas at the lowest risk of flooding (zone 1). However, it is inevitable that some development will be necessary in areas of higher risk. In these cases the planning authority must make sure that proposals will not create an unacceptable risk of flooding and will not increase the flood risk to the area. They must also make sure that mitigation measures are in place to minimise all risks of flooding.

- 2.3.3.4 It is the developer's responsibility to:

- fully assess the risk of flooding;
- propose measures to mitigate the risk; and
- demonstrate that any risks remaining after mitigating can be safely managed.

Planning applications for sites in areas at risk of flooding should be accompanied by a Flood-Risk Assessment appropriate to the nature and scale of the proposed development.

- 2.3.3.5 Local authorities must make sure that all new developments in flood-risk areas can suitably survive and resist floods. To do this they are required to produce a Strategic Flood-Risk Assessment (SFRA) in consultation with the Environment Agency. These should be used both to inform the determination of planning applications and the allocation of sites within their LDF. Such assessments form the basis for identifying areas at most risk of flooding. The indicative areas of high flood risk across Lancashire are identified on map 17 of the Joint Lancashire Structure Plan.

- 2.3.3.6 Where specific risks are identified both to the development and/or the surrounding area, the developer must:



- satisfy the planning authority that they will manage the risk effectively and with minimum harm to the environment;
- prove to the authority that they have sufficient funding to provide the flood-risk management measures necessary to develop the site and guarantee safe occupancy throughout its proposed lifetime;
- design proposals in a way which limits flood risk to the development and elsewhere, by including sustainable drainage systems and, if necessary, flood-resilience measures; and
- identify opportunities to reduce flood risk, increase biodiversity and seek partnership solutions to managing flood risk.

2.3.3.7 Developers must usually pay for appropriate flood defence and prevention measures for new developments. They cannot normally use public resources. The only exceptions to this are:

- where previous programmed public flood defences and other measures exist which may provide opportunities for new development, as long as they do not increase the flood risk at other locations; and
- where public investment in land remediation and infrastructure may include flood defence and prevention measures.

### **Assessing Contributions**

2.3.3.8 A threshold for negotiating contributions has not been set; this should be determined on a case-by-case basis dependent on the scale of impact and the degree of protection and mitigation measures required. Contributions will however be sought for all developments located in flood risk areas where appropriate defence, mitigation and management measures are needed.

2.3.3.9 Contributions may be sought from the developer for both onsite and offsite work (e.g. sustainable urban drainage). Such work may be undertaken directly by the developer or through the provision of funds for work to be carried out on their behalf. The level and nature of the contribution required should be informed by the advice of the Environment Agency. Where a canal forms part of any proposed flood alleviation measures the views of British Waterways should be sought.

2.3.3.10 Flood defence or mitigation works to include the whole range of measures that may be appropriate, including:

- Works or contribution to improving flood defences and mitigation such as strengthening to river banks, bridge/culvert widening, improving watercourse bed gradients or general widening of watercourses as appropriate;
- Sustainable Drainage Systems (SUDs) or other measures to reduce surface water run-off (e.g. infiltration devices to allow water to soak into the ground, filter strips and swales, filter drains and porous surfaces, basins and ponds etc.). (It should be noted that the development of any such proposals is likely to have implications for Local Authority asset management and drainage departments as

United Utilities policy is not to adopt any SUDs structure. United Utilities will consider the adoption of surface water sewers draining to a balancing pond subject to a range of established conditions);

- Contribution to monitoring; and
- Commuted sum towards subsequent maintenance. PPS25 advises that a dedicated commuted sum to cover maintenance for a 30-year period should be made for any such works.

2.3.3.11 Local research is currently under way to develop the principle of 'green infrastructure'. The draft Regional Spatial Strategy (RSS) suggests the growing importance of this concept and the value of taking a strategic approach to achieving it. Flood defence can be an important element of this.

2.3.3.12 If an authority identifies the need for strategic green infrastructure, it may focus requested contributions from a range of subject areas to achieve this objective. Other relevant subject areas from this document include public rights of way, landscape heritage, inland waterways, natural heritage, the public realm and public art, and open space, sport and recreation.

#### **Flood-risk assessment**

Developers must provide a Flood-Risk Assessment for major developments and all developments in flood-risk zones (zones 2 and 3). This assessment should be produced in consultation with the local authority.

PPS25 defines a major development as follows.

#### **Residential development (Use Class C3)**

10 or more dwellings, or a site equal to or greater than 0.5ha.

#### **Other development (all other use classes)**

A development involving a floor space equal to or greater than 1,000m<sup>2</sup>, or a site equal to or greater than 1ha.

## **2.3.4 Health**

### **Background**

2.3.4.1 It is Government policy to make sure that the planning system delivers high quality development which promotes community cohesion and social inclusion (PPS1 'Delivering sustainable development') (2005). Accessibility for all members of the community to health facilities is seen as key element of social inclusion.

2.3.4.2 The Cumbria and Lancashire Strategic Health Authority (SHA) manages the NHS locally on behalf of the secretary of state. Its role involves:

- developing plans for improving health services in the area;
- making sure local health services are of a high quality and are performing well; and
- increasing the capacity of local health services so that they can provide more services.

The SHA provides a key link between the Department of Health and the NHS.

2.3.4.3 There are eight NHS primary care trusts (PCTs) in Lancashire, and one each in Blackpool and Blackburn with Darwen. They are the local health organisations responsible for managing health services. They work with local authorities and other agencies that provide health and social care locally to make sure the community's needs are met.

2.3.4.4 PCTs must make sure there are enough services for people in their area and that they are accessible to patients. They must also make sure that all other health services are provided, including hospitals, dentists, opticians, mental health services, NHS walk-in centres, NHS Direct, patient transport (including accident and emergency), screening and pharmacies. They are also responsible for getting health and social care systems working together to the benefit of patients.

### **Identified Needs**

2.3.4.5 When considering whether a developer should make contributions towards health services, the planning authority should liaise with its local PCT and other relevant agencies.

2.3.4.6 In assessing whether contributions should be required, the following will need to be considered:

- Will the development create a demand for new facilities or services?
- Can existing facilities or services absorb the new patients and/or users?
- Will new patients/users generated by the development be able to easily access existing services and facilities?
- Will the development result in the loss of existing health facilities and is adequate alternative provision being made?

- Can the increased needs arising from the development be met by existing resources and funding regimes?

Contributions will be sought where, as a result of the development:

- New premises/facilities are required as a result of the increased needs arising from the development.
- Current facilities are inadequate for the additional users, in terms of their quality or accessibility (based on accepted NHS standards) and therefore need to be improved or extended.
- Inadequate funding is available to provide the additional facilities or services required as a result of the development.

2.3.4.7 Funding for health care services is usually based on residential catchment. However, non-residential developments can also have a significant effect on health care services even though their impacts may not be as direct. It is the Government's policy to provide patients with access to health care near their work places, mainly through walk-in centres.

2.3.4.8 Walk-in centres (WICs) are designed to offer basic primary health care services in accessible settings without an appointment. The first pilots opened in 2000 and the Government announced an extension of the scheme in November 2004 to provide WICs in stations. WICs are intended to boost, not replace, primary care services. They are targeted at workers, commuters and visitors, as well as local residents. There is currently a WIC in Blackpool and one in Skelmersdale.

### **Assessing Contributions**

#### **2.3.4.9 *Residential Development (Use Class C3)***

There is likely to be greatest justification for contributions to local services which benefit patients and users from the new development. Local authorities will request contributions for residential developments of 150 or more dwellings. These contributions will depend on the scale of development proposed and existing services with spare capacity, including:

- primary care from GPs;
- intermediate care such as day places and beds; and
- mental health services.

#### **2.3.4.10 *Non-Residential Development***

When estimating how a non-residential development will affect health care services, PCTs and local authorities should consider:

- numbers of additional commuters arising from the development;
- numbers of additional workers;
- numbers of additional visitors; and
- numbers of construction workers.

**Residential development (Use Class C3)**

150 or more dwellings

**Other development (all other use classes)**

Contributions sought will depend on the nature and scale of the proposed development.

## **2.3.5 Inland waterways**

### **Background**

- 2.3.5.1 Inland waterways are navigable rivers and canals. In Lancashire these consist of the River Ribble as far as Preston, the River Lune up to Lancaster, the River Wyre up to St Michaels-on-Wyre, and the Lancaster and Leeds-Liverpool canals.
- 2.3.5.2 Commercial activity on inland waterways is limited to traffic on the River Lune as far as Glasson Dock, and the Irish Sea ferry and fishing traffic at Fleetwood. The remaining waterways are only used by leisure craft.
- 2.3.5.3 Inland waterways have a valuable role, not only for the boats that use them but also for the wider community. They play a part in flood prevention and drainage, act as wildlife links, offer safe towpaths for walking and cycling, promote tourism and act as focal points for regeneration. New development close to inland waterways can benefit from this environment but can also harm the waterways.

### **Identified Needs**

- 2.3.5.4 New development can affect inland waterways in several ways. The following are among the most significant effects.
- Flood prevention and drainage – if a development drains directly into a canal, this can have a direct impact on water levels that may need correcting.
  - Access issues – a new development may use existing paths for access. This may mean upgrading the paths or adding new stretches of walkway to the network. This will also mean adding new signs on the paths. In some locations a new bridge across a waterway may be required.
  - New moorings and waterway facilities – there is currently a shortage of suitable moorings and facilities such as boatyards on the canal network. There may also be circumstances where existing wharves, boatyards and moorings should be protected.
  - Protecting structures – larger developments may damage structures such as canal banks and locks and may create the need for additional dredging and restoration of historic features.
  - Restoring derelict facilities – British Waterways has identified the northern reaches of the Lancaster Canal as a priority for restoration. There are also proposals by Preston City Council to reinstate the Lancaster Canal into the centre of Preston.
  - Wildlife habitats – development proposals may require the creation of alternative habitats or improved facilities for wildlife.
- 2.3.5.5 Local authorities should consult British Waterways and the relevant navigation authorities about all planning applications that will affect inland waterways. This will help them to identify any specific contributions that may be required. British

Waterways has, for example, no specific budget for towpath upgrading or maintenance.

### **Assessing Contributions**

- 2.3.5.6 Local authorities may request contributions towards any of the issues identified above. Contributions should be based on the impact of individual proposals.
- 2.3.5.7 Developments that front onto waterways benefit from their location. British Waterways estimates that residential developments next to canals have a 20% higher value than identical non-waterfront properties. There are also benefits to non-residential developments such as pubs and hotels. Maintaining and improving the waterside environment is central to creating and sustaining the overall attractiveness of these developments. Planning authorities should seek contributions on behalf of British Waterways towards the maintenance of towpaths, canal infrastructure and litter removal. Wherever possible, Planning Obligations for inland waterways should be managed in a strategic manner. Ideally this should be co-ordinated through an Area Action Plan (AAP) or a Supplementary Planning Document (SPD). Improvements to the towpath, signage, seating, etc should be co-ordinated as part of a broader Public Realm Strategy. A formulaic approach may be appropriate in such circumstances.
- 2.3.5.8 Large-scale regeneration schemes which involve inland waterways should maximise the benefits of their waterside location and avoid turning their backs on the waterway.
- 2.3.5.9 Local research is currently under way to develop the principle of 'green infrastructure'. The draft RSS identifies the growing importance of this concept and the value of taking a strategic approach to achieving it. Inland waterways can be an important element of this.
- 2.3.5.10 If an authority identifies the need for strategic green infrastructure, it may focus requested contributions from a range of subject areas to achieve this objective. Other relevant subject areas from this document include flood defences, landscape heritage, public rights of way, natural heritage, the public realm and public art, and open space, sport and recreation.

The following obligations apply to developments within 50 metres of an inland waterway or where recommended by the navigation authority.

#### **Residential development (Use Class C3)**

Contributions should be made for developments of 10 or more dwellings.

#### **All other land uses**

Contributions should be made for developments involving an area of 1,000m<sup>2</sup> gfa or more.

## **2.3.6 Open Space, Sport and Recreation**

### **Background**

- 2.3.6.1 PPG17 'Planning for open space, sport and recreation' states that well-designed and applied planning policies for these facilities are fundamental to delivering the Government's aim of supporting urban community cohesion and sustainable development.
- 2.3.6.2 Development proposals can affect open space and sport and recreation facilities in several ways. In some cases a development can reduce existing services, for example, by building on existing playing fields. In other situations, a development may generate extra demand which existing facilities cannot meet.
- 2.3.6.3 PPG17 suggests a logical five-step approach to planning for open space, sport and recreation. This approach involves:
- identifying local needs;
  - assessing existing services;
  - establishing service requirements as a result of the development;
  - applying those requirements; and
  - drafting policies.

A companion guide to PPG17 – 'Assessing needs and opportunities' – explains in some detail how authorities should apply this approach.

- 2.3.6.4 The procedures set out here relate specifically to new housing developments. Local authorities must identify service shortfalls as a result of the new development and consider how best to meet those shortfalls. This may require a financial contribution from the developer.

### **Identified Needs**

- 2.3.6.5 There is no Lancashire-wide assessment of open space, sport and recreation facilities. Local needs vary considerably from one place to another depending on the age, lifestyle and cultural characteristics of communities. Local authorities should therefore carry out their own assessments in line with PPG17 to identify local need.
- 2.3.6.6 This assessment should be followed by an audit of existing open space and sport and recreation facilities. This will help the authority to identify:
- distance thresholds for facilities;
  - areas where the quality and quantity of services are lacking; and
  - opportunities for new services.
- 2.3.6.7 In carrying out their assessment and audit, local authorities should consider both public and private spaces. These range from civic spaces to parks and gardens (see Annex A to the PPG17 companion guide). They also include natural green spaces which also contribute to the health and well-being of residents.
- 2.3.6.8 In relation to indoor sport and recreation facilities, PPG17 indicates that local authorities should at least assess:



- facilities in large buildings – for example, indoor sports halls and swimming pools; and
- community centres and village halls.

2.3.6.9 This section is concerned with the first of these.

2.3.6.10 Setting standards for open space, sport and recreation should involve assessing quantity, quality and access. Standards should be set out in a development plan policy, with detailed guidance on how to apply them in a supplementary planning document.

2.3.6.11 If local authorities have carried out needs assessments and audited existing facilities in line with PPG17, their service standards will meet the tests of reasonableness set out in Circular 05/2005. Authorities may use planning obligations to reduce or prevent shortfalls in both the quality and quantity of provision.

2.3.6.12 English Nature has researched and developed Accessible Natural Greenspace Standards or 'ANGSt' (see 'A Space for Nature' 1996). These standards emphasise the contribution which natural greenspace can make to quality of life. They recommend that every home should be within 300 metres of an accessible natural greenspace. They also set out other targets for larger natural greenspaces.

2.3.6.13 Authorities should look to develop their own local standards and policies for accessible natural greenspace. They may seek developer contributions to achieve these standards as long as the standards are based on an appropriate assessment of need. Further guidance is available at [www.english-nature.gov.uk](http://www.english-nature.gov.uk).

2.3.6.14 Quantity standards can be expressed in several ways, and local authorities must decide which is the most meaningful. Traditionally these standards have been expressed as 'X hectares per 1,000 people', but it is more practical to express them in terms of 'Y m<sup>2</sup> per bed space'. Like many other authorities, Preston City Council has completed a playing pitch strategy using Sport England's method. This recommends a standard of 0.82ha per 1,000 people for each pitch (8,200 m<sup>2</sup> per 1,000 people, or 8.2 m<sup>2</sup> per bed space). These standards will need to take account of the specific needs of particular types of development, such as student accommodation or sheltered housing.

2.3.6.15 Quality standards are more difficult to prescribe, but must be based on the audit and take account of community views. They can be linked to Best Value benchmarks.

2.3.6.16 Accessibility standards relate to distance thresholds – the maximum distance that typical users can reasonably be expected to travel to each facility using different methods of transport. These thresholds should be based on the needs assessment and audit.

2.3.6.17 If authorities have both urban and rural communities in their areas, they may need different accessibility standards. Parents with small children would not expect to walk for more than 5 minutes (250 metres) to a local play area. On the other hand, young people and adults would normally be prepared to walk for 15 minutes (600 metres) to a playing pitch. Catchment areas for indoor facilities will often extend across a whole District, or beyond District boundaries.

- 2.3.6.18 In the case of both indoor and outdoor facilities, the assessment and audit should lead to a strategy which sets out a programme for new and upgraded facility requirements. For indoor facilities, this should take the form of a Sports Strategy Action Plan. This strategy will clearly identify requirements that would be triggered by new developments, and so should shape an authority's decisions as to how to use developer contributions.
- 2.3.6.19 The spatial implications of these strategies should be reflected in the local development framework and should dictate where an authority will request planning obligations. Authorities will also need to develop a system for pooling developer contributions for larger off-site schemes.
- 2.3.6.20 In addition to the comprehensive guidance set out in the PPG17 companion guide 'Assessing needs and opportunities', Sport England also publishes detailed advice. In particular, it has published:
- good practice guidance on providing for sport and recreation through new housing development; and
  - a Planning Contributions Kitbag which offers advice and techniques for assessing local needs and auditing service levels, and includes examples of good practice.

For more information, visit [www.sportengland.org](http://www.sportengland.org).

### **Assessing Contributions – Outdoor Space**

- 2.3.6.21 When considering outdoor space requirements and related developer contributions, local authorities should explore the following questions.

#### ***1. Does the development generate a demand for recreational open space?***

Some types of housing development may not need to provide certain categories of open space. For example, sheltered schemes would not be expected to provide play areas. The local authority should set out in its SPD what these exemptions will be.

Some local authorities may also define a threshold (for example, 5 dwellings) below which contributions will not be requested. However, this approach is not recommended as most new housing developments will increase demand for open space and recreation facilities and should therefore contribute towards them.

#### ***2. After the development, will there be enough open space in each of the defined categories to meet the needs of existing and new residents?***

When applying standards, authorities' decisions about seeking developer contributions should be linked to their needs assessment and audit. If there is more than enough open space near a development, it would not be reasonable to expect a developer to contribute towards new space.

**3. Does the quality of open spaces within the recommended distance thresholds match the standard in the assessment and audit?**

A developer contribution may be justified if the quality of existing facilities falls short of the standards required.

**4. What is the requirement for each type of open space?**

and

**5. Should recreational open space be provided on site?**

The open space requirement for a development may be provided through:

- on-site facilities;
- facilities which are partly on site and partly off site; or
- off-site facilities.

Developers may create these facilities themselves or provide a financial contribution towards them.

Table A shows an example of a ready-reckoner for calculating the total open space requirement for a development based on the number of bed spaces and an overall standard of 2.85 hectares per 1,000 people.

**Table A**

	Intermediate play area/ LEAP			Local open space		Major open space		Playing pitches		
	Number of dwellings	Open space requirement per home	Total open space requirement	Open space requirement per home	Total open space requirement	Open space requirement per home	Total open space requirement	Open space requirement per home	Total open space requirement	Total
1 bed		0		12.9		7.9		17.2		38.0
2 bed		4		17.3		10.6		23.0		54.7
3 bed		6		24.4		14.9		32.5		77.8
4 bed		9		30.6		18.7		40.8		99.1
Total										269.57

*Source: Swindon Borough Council.*

This table could be used to make an initial calculation of the total open space requirement. The authority would then need to assess whether the open space should be provided on or off site.

It is helpful if local authorities include a minimum size for open space within their standards as this provides a way of deciding whether a developer should contribute. Individual assessments should also take into account the characteristics of the site.

If an authority calculates that on-site facilities may be too small to be of benefit, it should request contributions from developers for off-site facilities and pool these to create facilities which will cater for several new developments in an area.

If the authority believes that some recreational open space should be provided on site, the developer should provide the relevant types of open space within the development itself. For example, there may be land within or next to the site which cannot be used for construction because of major underground utility services. A developer may be able to use this land for open space facilities.

#### ***6. Should the open space be provided on a site elsewhere?***

The authority and developer will need to decide whether there is a site within the recommended distance thresholds which could be used to provide the required open space. If so, the authority may request a contribution from the developer towards the cost of buying the land. If no site is available, the authority should request a contribution towards upgrading an existing open space within the recommended distance thresholds.

Under the REMADE and NEWLANDS land reclamation programmes, sites have been identified throughout Lancashire which may be suitable for open space facilities. Information on these programmes is available from Lancashire County Council.

Local research is currently under way to develop the principle of 'green infrastructure'. The draft RSS suggests the growing importance of this concept and the value of taking a strategic approach to achieving it. Open space and sports facilities can be important elements of this.

If an authority identifies the need for strategic green infrastructure, it may focus requested contributions over a range of subject areas to achieve this objective. Other relevant subject areas from this document include public rights of way, landscape heritage, inland waterways, natural heritage, the public realm and public art and flood defences.

#### ***7. What size of contributions is recommended for open space?***

Table B shows an example of a ready-reckoner for calculating the size of contributions for new on- and off-site open space and improvements to existing facilities. Local authorities should set their own realistic figures expressed as amounts per bed space. (RICS publishes a local cost index which may be useful, and the National Playing Fields Association also publishes information on open space costs.)

Contributions may be requested towards the cost of land, construction and essential equipment.

Table B

Dwelling Size		Intermediate Play Area/LEAP			Local Open Space			Major Open Space			Playing Pitch			Total	
		No of dwellings	Contribution <sup>1</sup> per dwelling	Total Contribution	No of dwellings	Contribution <sup>2</sup> per dwelling	Total Contribution	No of dwellings	Contribution per dwelling	Total Contribution	No of dwellings	Contribution per dwelling	Total Contribution	Total Contribution per dwelling	Total Contribution
1-bed	<b>New Open Spaces</b>														
	Construction		£0.00			£190.27						£84.60			
	Maintenance		£0.00			£147.80						£50.97		£473.64	
	<b>Upgrading</b>		£0.00			£190.27			£62.96			£67.78		£321.01	
2-bed	<b>New Open Spaces</b>														
	Construction		£105.52			£305.29						£113.59			
	Maintenance		£112.91			£237.14						£68.43		£942.88	
	<b>Upgrading</b>		£105.52			£305.29			£84.48			£91.01		£586.30	
3-bed	<b>New Open Spaces</b>														
	Construction		£168.84			£441.74						£160.32			
	Maintenance		£108.66			£343.12						£96.58		£1,391.26	
	<b>Upgrading</b>		£168.84			£441.74			£119.28			£128.45		£858.31	
4-bed	<b>New Open Spaces</b>														
	Construction		£253.26			£574.43						£201.14			
	Maintenance		£293.57			£446.29						£161.16		£1,929.85	
	<b>Upgrading</b>		£274.37			£574.43			£149.60			£201.14		£1,199.54	
Total	<b>New Open Spaces</b>														
	Construction														
	Maintenance														
	<b>Upgrading</b>														

NB These figures are for illustrative purposes only, and are derived from Swindon Borough Council's SPG (2004) – each Local Authority will need to derive its own figures.

1 – Intermediate Play Area/LEAP are provided for children. The costs quoted are based proportionately to the average no. of children per household, based on 15 sq m space per child.

2 – Local Open Space Costs are discounted as follows: 1 bed 60%, 2 bed 52%, 3 bed 51%, 4 bed 49%.

## **2.3.7 Public Realm and Public Art**

### **Background**

- 2.3.7.1 The quality of spaces around and between buildings can have a significant impact on how a new development relates to the urban area. Features such as high quality paving, seating, signs, lighting and the use of public art can greatly improve the urban environment. Public realm improvements also offer the opportunity to achieve biodiversity action plan targets and to provide access to green space.

### **Identified Needs**

- 2.3.7.2 A development which adversely affects an existing open area or fails to provide features such as street furniture which complement existing or planned initiatives can have a negative impact on the environment. Public realm improvements may be necessary to enhance the environment, improve pedestrian routes and further more general regeneration objectives in areas such as town centres and canal corridors.

### **Assessing Contributions**

- 2.3.7.3 For major development it will generally be preferable to take a comprehensive approach to the public realm, where this cannot be achieved through a planning condition.
- 2.3.7.4 If public realm and public art requirements cannot be met on site, they should be provided near the site. For smaller-scale developments, authorities should pool contributions to contribute to a larger scheme or project in order to achieve the best planning outcomes.
- 2.3.7.5 Planning obligations towards public realm improvements and public art may include maintenance costs.
- 2.3.7.6 Local research is currently under way to develop the principle of 'green infrastructure'. The draft RSS suggests the growing importance of this concept and the value of taking a strategic approach to achieving it. Public realm and public art can be important elements of this.
- 2.3.7.7 If an authority identifies the need for strategic green infrastructure, it may focus requested contributions from a range of subject areas to achieve this objective. Other relevant subject areas from this document include public rights of way, landscape heritage, inland waterways, natural heritage, outdoor space and sport and recreation, and flood defences.

### ***Public Realm Improvements***

- 2.3.7.8 Local authorities should usually request contributions towards public realm improvements from developments which are next to or within areas identified in their local development documents or other strategies. Advice is also available from specialist organisations such as CABI, English Heritage and the Civic Trust.

## **Public Art**

- 2.3.7.9 Initiatives such as Percent for Art have gained international recognition. Where they have been identified in local planning policy, these initiatives will form the basis for planning obligations. Local authorities should encourage contributions of at least 1% of the total development cost (excluding land costs) for each individual development. This is particularly important in town centres and conservation areas, and at gateways to major developments such as business parks.

### **Town centre, retail, leisure and business uses (Use Classes A1, A2, A3, A4, A5, B1, B2, B8, C1, D1 and D2)**

1,000m<sup>2</sup> gfa or more

### **Residential and related development (Use Classes C2 and C3)**

50 or more dwellings

For use class C2, contributions should be made for developments of 1,000m<sup>2</sup> gfa or more.

## **2.3.8 Utilities**

### **Background**

- 2.3.8.1 United Utilities distributes electricity and supplies water and waste-water services throughout most of the north west of England. It takes a 'demand led' approach to the provision of new infrastructure. Its capital investment programme is set by OFGEM (the Office of Gas and Electricity Markets) and OFWAT (the Office of Water Services), in consultation with the Environment Agency and the Drinking Water Inspectorate.
- 2.3.8.2 The utilities investment programme is agreed and allocated over five-year asset management periods. These have to be matched with development plan periods of 10 to 15 years and the uncertainty of developments taking place.

### **Identified Needs**

- 2.3.8.3 A new development proposed that exceeds the capacity of the utility services available in the area may not be able to proceed without causing significant problems for other utilities customers in the area. This may include low water pressure, foul flooding or environmental pollution.
- 2.3.8.4 Major development proposals which may place unrealistic demands on United Utilities' capacity should involve a utility impact assessment (similar to a traffic impact assessment). PPG3 provides specific policy support for assessing the capacity of key networks such as water, sewerage and other utility services.

### **Assessing Contributions**

- 2.3.8.5 If United Utilities believes that a development may overstretch its capacity, the developer will be required to carry out a utility impact assessment.
- 2.3.8.6 Depending on the impacts of the proposal this assessment may cover:
- the electrical distribution capacity;
  - the water resources capacity;
  - the water treatment capacity;
  - the water supply distribution capacity;
  - the waste-water network (sewerage) capacity; and
  - the waste-water treatment capacity.
- 2.3.8.7 Local authorities should request contributions if normal infrastructure charges do not apply. Infrastructure charges are used to upgrade the local water and sewerage networks. They are not raised for other utilities (gas and electricity) as these costs are contained within the main charges for those utilities.
- 2.3.8.8 If the utility provider's investment programme does not allow for increased capacity as required by the development, the authority may request contributions towards provision of the necessary infrastructure.



**All Use Classes**

There is no minimum threshold. Proposals will be dealt with on a site-by-site basis.

The type and scale of any management agreement or contribution will be dependant on the nature and scale of the development, and on the landscape character type within which it is located.

# **Part 3**

## **General Information and Good Practice Guidance**

## Appendix 1

### Land Use Thresholds for Planning Obligations

Obligation	Type of Development	Threshold
Affordable Housing	Residential (C3)	15 dwellings or more, or 0.5 ha, whichever is less
Children's Centres	Residential (C3)	10 dwellings or more (2 bedrooms or more) where there are no services within a 20-minute walk or 1.5-mile radius
Countryside Access	All use classes	Based on each site where there is loss or direct harm to a country park or public right of way
	Residential (C3)	150 dwellings or more within 3km of a country park or public right of way
	All other uses	5,000 m <sup>2</sup> gfa within 3km of a country park or public right of way
Crime and Disorder	Residential (C3)	10 dwellings or more
	Residential institutions (C2)	Based on consultation
	Retail, leisure and business uses (use classes A1, A2, A3, A4, A5, B1, B2, B8, C1, D1, D2)	Based on consultation
Cultural and Heritage	All use classes	Individual site basis
Education	Residential (C3)	50 dwellings or more (2 bedrooms or more) in Principal Urban Areas, Main Towns and Key Service Centres in a catchment area (2 mile radius Primary; 3 mile radius Secondary) where direct impact has been identified
		10 dwellings or more (2 bedrooms or more) in areas outside of Principal Urban Areas, Main Towns and Key Service Centres – in a catchment area (2 mile radius Primary; 3 mile radius Secondary) where direct impact has been identified

Obligation	Type of Development	Threshold
Flood Defence	Residential (C3)	10 dwellings or 0.5 ha, whichever is less (also required to submit a flood risk assessment)
	All other use classes	1,000 m <sup>2</sup> or 1ha, whichever is less (also required to submit a flood risk assessment)
Health	Residential (C3)	150 dwellings or more
	All other use classes	Individual site basis
Inland Waterways	Residential (C3)	10 dwellings or more within 50 metres of an inland waterway
	All other uses	1,000 m <sup>2</sup> gfa within 50 metres of an inland waterway
Landscape Character and Design	All use classes	Individual site basis
Libraries	Residential (C3)	10 dwellings or more within 3 km of existing libraries where a specific need has been identified
		150 homes where there are no libraries within 3 km
Minerals and Waste Development	All use classes	Individual site basis
Natural Heritage	All use classes	Individual site basis
Open Space, Sport and Recreation	All use classes	Individual site basis
Public Realm and Public Art	Residential (C3)	50 dwellings or more
	Residential (C2)	1,000 m <sup>2</sup> gfa
	Town centre, retail, leisure and business uses (use classes A1, A2, A3, A4, A5, B1, B2, B8, C1, D1 and D2)	1,000 m <sup>2</sup> gfa
Transport	Residential (C3)	10 dwellings or more
	Retail (A1)	1,000 m <sup>2</sup> gfa
	B1(a) office and A2 employment B2 general industrial and B8 storage and distribution	1,000 m <sup>2</sup> gfa
	Other uses	Individual site basis
Utilities	All use classes	Individual site basis

Obligation	Type of Development	Threshold
Waste Management	Residential (C3)	10 dwellings or more
Youth and Community	Residential (C3)	<p>10 dwellings or more (2 or more bedrooms)</p> <p>Developments of 150 dwellings or more (2 bedrooms or more) will also be expected to contribute to any new capital investment required where there are no community facilities within a safe 30-minute walk or 2-mile radius.</p>

## **Appendix 2**

### **Protocol Between the County Council and District Councils**

This protocol applies to areas covered by the County Council and District Councils. It recognises that the local planning authority (LPA) assessing a planning application will decide whether a particular contribution is justified and the priority that requests for contributions towards County Council services should receive.

#### **This protocol aims to make sure that:**

- developers are aware of the likely requirements for contributions, the procedures to be used and the responsibilities of all those involved as early as possible in the development process;
- County and District Councils consult effectively on applications that are likely to affect County Council services;
- District Councils receive suitable information from the County Council to help in negotiations with developers;
- the County Council's requests for developer contributions are properly justified;
- District Councils consider fully the County Council's requests for developer contributions;
- the negotiation process is as consistent and efficient as possible reducing any negative impact on the ability of District Councils to meet their Best Value Performance Indicators; and
- individual procedures can be updated to reflect latest good practice.

#### **District Councils will:**

- make sure that local development frameworks provide suitably for the need to consider all relevant contribution requirements associated with different types and locations of new development;
- involve the County Council and other relevant individuals and groups in early discussions about likely policies and proposals in local development frameworks;
- involve the County Council and other relevant individuals and groups in the early stages of preparing design briefs where planning obligations may be requested; and
- members of planning committees are properly briefed and trained in handling the relevant financial and technical information presented to them;
- establish effective internal procedures, codes of practice and systems for processing planning obligations;

- make sure that enough staff have the appropriate planning, negotiation and management skills;
- consult the County Council planning contributions officer and other relevant individuals and groups with a direct interest in an application at the earliest opportunity if a development proposal is likely to give rise to planning obligations either because it meets a threshold or the specific nature of the site triggers the need for a contribution;
- involve the County Council in pre-application discussions with developers and other relevant individuals and groups wherever possible;
- consider fully the views expressed by the County Council and other relevant individuals and groups on the need for additional services;
- provide the County Council and other relevant individuals and groups with a copy of the decision notice and Section 106 Agreement;
- wherever possible provide the County Council and other relevant individuals and groups with a reasonable opportunity to respond to proposals to improve working arrangements.

The County Council and District Councils should hold discussions each year to review this procedure.

**The County Council will:**

- act in line with national and regional planning policy and its own policies as set out in the Joint Lancashire Structure Plan and other policy documents;
- appoint a dedicated planning contributions officer to co-ordinate its internal policies and procedures on planning obligations and to provide Districts and developers with a single co-ordinated response on potential contributions towards County Council services;
- use its planning contributions officer to respond to District Council consultations on all local development frameworks, supplementary planning documents, development briefs and planning applications;
- assess the suitability of a location and the capacity of existing services and facilities, and consider what scope there is for those services to cope with the anticipated demand arising from development proposals;
- share any background information it has with the District Council and other relevant individuals and groups at an early stage;
- if necessary, take part in early discussions with the District Council to agree the nature and scale of contributions;
- invite the District Council to be involved in any direct discussions with developers relating to the need for and scale of planning obligations;

- co-ordinate agreements under Sections 106 and 278 of the Highways Act in highways matters;
- if necessary, provide expert witnesses at appeals and local planning inquiries to support its requirements;
- meet any costs awarded against the District Council as a result of a requirement sought by the County Council; and
- make the planning obligations calculator for County Council services available to the Districts and developers on a dedicated website.



## **Appendix 3**

### **Financial Guidelines for Managing Planning Obligations**

#### **Establishing Internal and External Procedures**

Local planning authorities (LPAs) should establish effective procedures to identify and liaise with key contacts in internal departments and external organisations in relation to negotiating and implementing financial agreements. They should also consider holding regular inter-departmental liaison groups on major applications.

There should be a clear audit trail and process chart to identify the roles of everyone involved. If appropriate, this can include relevant targets to assist in handling contributions efficiently.

#### **Drafting Agreements**

Planning obligations should be clearly drafted so that financial obligations are set out clearly. Standard clauses should be used as much as possible.

When drafting agreements, LPAs should remember to include details of:

- when payments should be made;
- how payments should be made;
- any index-linking or re-negotiation arrangements required for payments in instalments;
- any limitations on how or where contributions may be spent; and
- any arbitration procedures required.

#### **Receiving Payments**

The Section 106 Agreement should set out the date when the developer must pay contributions. This should be no more than 28 days before the start of the development. This avoids situations where the developer makes a payment immediately after gaining permission but allows permission to lapse without starting the development.

Payments made to the LPA should be recorded on a spreadsheet or database and integrated into the authority's planning application management system. This system should include details of:

- the site;
- the commitment set out in the Section 106 Agreement;
- what the contribution will be spent on;
- cost codes assigned to the contribution;
- relevant budget holders;
- the date the payment was made;
- the payment receipt number;
- the date any refund may be required;
- interest calculations;
- the ongoing balance; and
- how the funds were finally used.

Each subject area for planning obligations should have a separate cost code.

## **Monitoring**

LPAs should have clearly defined procedures for keeping the planning obligation spreadsheet and database up to date.

The finance department should also maintain a compatible monitoring system that identifies the total amount of money under each cost code, and what has been spent out of each. This department should provide the planning department with regular reports of funds received or used under each cost code.

Departments must liaise effectively so that all monitoring systems can be kept up to date.

## **Using Contributions**

LPAs must develop a clear system for authorising and approving the release of funds so that they are spent in line with the original Section 106 Agreement. This system should include procedures for the relevant project manager to confirm that the necessary work has been completed.

The system should also identify where costs are higher than predicted and any costs not included in the Section 106 Agreement.

## **Other Issues**

The LPA's procedure should include:

- a means of responding to developers' requests for progress on the spending of funds;
- a system for repaying unspent funds;
- clear liaison with legal colleagues to sign off agreements; and
- procedures for reporting to relevant Council committees.

## Possible headings for a Planning Application Monitoring Table

Planning application number	Site name or description	Application expiry date	Financial contribution subject areas	Budget codes	Budget holders	Date contributions are due (including instalments)	Date contributions received	Complementary funding type	Date complementary fund received	Interest due	Date money spent (in whole or part)	Balance	Repayment required?	Reports required	Comments

## Appendix 4

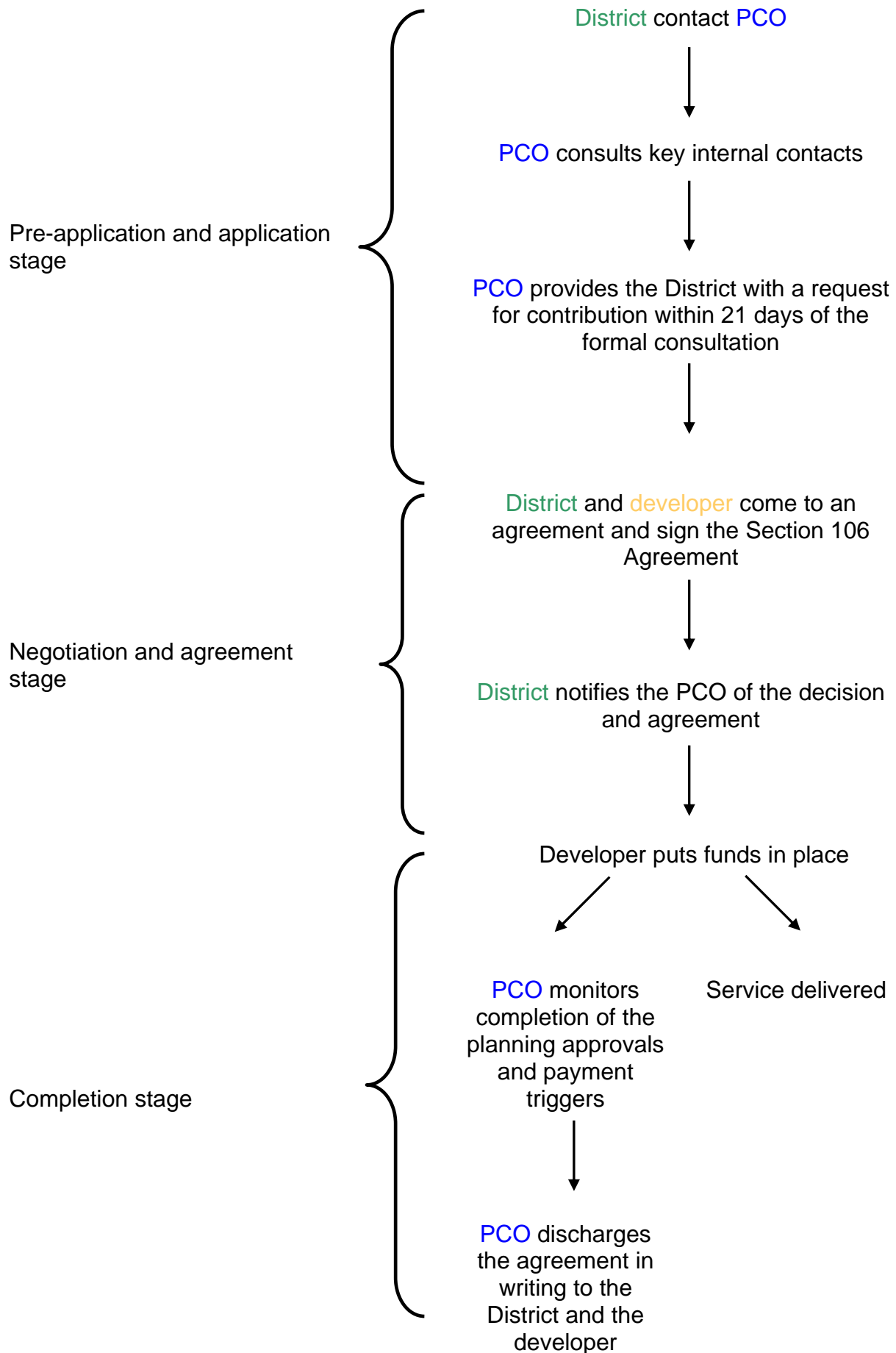
### Lancashire County Council Planning Obligation Procedures

- 1) We will provide District Councils with details of the County Council's planning contributions officer (PCO).
- 2) The County Council PCO will visit the Districts regularly to:
  - make sure that consultations are taking place as set out in the guidance document;
  - take part in pre-application discussions with the District Council and developers.
- 3) We will consider existing consultation arrangements and establish new procedures to make sure that:
  - our requirements are considered as a whole; and
  - co-ordinated responses are given at both pre-application and application stages.

The County Council PCO will work closely with our Section 278 officer to achieve this.

- 4) We will set up a network of key internal contacts covering each planning obligation contribution topic area. This group will meet regularly, and in addition, as required to discuss specific large or complex applications.
- 5) We will develop suitable databases, spreadsheets and websites so that applications and agreements can be monitored effectively. The County Council PCO will update these systems regularly using information from several identified sources.
- 6) We will record all consultations (including pre-application discussions) on the central database.
- 7) The County Council PCO will prepare a standard list of the information District Councils require for planning application consultations. Wherever possible we will carry out the consultation process electronically and also file paper copies.
- 8) Responses to planning application consultations should be made within 21 days of receipt, on a standard pro forma.
  - i) Smaller developments (fewer than 150 dwellings) – requests for contributions should be made in accordance with the figures detailed in the guidance document.
  - ii) Larger developments (150 dwellings or greater) – and those sites where specific nature of it triggers the need for a contribution – we will hold meetings with the key internal contacts.

- iii) Where applications fall within any identified areas of need, e.g. as identified in the Youth and Community and Libraries methodologies, we will prioritise the contribution request.
  - iv) We will make responses within 21 days for applications received from Local Planning Authorities outside of Lancashire but which raise cross-border issues and where a contribution is likely to be required.
- 9) We will record target decision dates on the database. The County Council PCO will contact the District Development Control Case Officer for an update on the status of each application and request made. We will also record the outcome of the planning application process on the database.
  - 10) In some cases we may use an independent mediator to finalise the obligations agreement or speed up the process of agreeing obligations. Any final decision will remain with the local planning authority.
  - 11) We will request from the District Council a copy of the Section 106 Agreement or unilateral agreement for all applications which are approved.
  - 12) The County Council PCO will be responsible for monitoring the completion of planning approvals and any necessary payment triggers by liaising with the District Councils.
  - 13) When we receive contributions we will inform the County Council PCO, who will update the database. We will forward the money to a named contact in the Resources Directorate. This money will be placed in a defined account with a clear reference.
  - 14) The County Council PCO will then consult the named contact for providing the service. Once the service has been provided, the PCO will update the database and discharge that part of the agreement in writing.
  - 15) We will review this guidance each year and update it as necessary.



## Appendix 5

### Average Building Costs 2006

#### Royal Institute of Chartered Surveyors Building Cost Information Service

Type of Building	Cost per m <sup>2</sup> of Gross Floor Area	
	From (£)	To (£)
Library	1,080	1,320
Community centre	930	1,140
General purpose halls	1,020	1,250
Club, youth club, student union, and so on	900	1,100
Day centre (social services)	1,080	1,320
Health centre, clinic, group practice surgery	920	1,120

#### Notes

- All costs are based on April to June 2006 prices.
- There is no allowance for general external work, drainage or landscaping. The average cost of these is 15% to 25% in addition to building costs.
- There is no allowance for abnormal building costs, loose furniture or equipment, design fees or disbursements.

## **Appendix 6**

### **Practical Examples**

#### **Example of a Transport Contribution Calculation**

A suburban proposal consists of:

- 4,000m<sup>2</sup> gfa of office space;
- 10,000m<sup>2</sup> gfa of general industrial space;
- a crèche; and
- a pub/restaurant.

The current accessibility score is calculated at 13 (see below). The questionnaire highlights site weaknesses and where contributions will have the greatest impact on the needs of the development. The post-development accessibility score includes measures required by a planning obligation.



Accessibility questionnaire (as used to work out parking facilities)				Sub-score (Current level of accessibility)	Sub-score (After development)
Access type	Criteria	Criteria	Score		
Walking	Distance to the nearest bus stop from main entrance to buildings (via a direct, safe route)	<200m <300m <500m >500m	5 3 1 0	5	5
	Distance to nearest railway station from main entrance to building	<400m <1km >1km	3 2 0	2	2
Cycling	Proximity to defined cycling routes	<100m <500m <1km	3 2 1	2	2
Public transport	Bus frequency of principal service from the nearest bus stop during operational hours at the development	<b>Urban/ Suburban</b> 15 minutes or less 30 minutes or less >30 minutes  <b>Villages and Rural Areas</b> Hourly or less 2-hourly or less 1 or more a day	5 3 1  5 2 1	1	5
	Number of bus services serving different localities which stop within 200 metres of main entrance	4 or more localities served	5 3 2 1	1	3
	Train frequency from the nearest station (Monday to Saturday daytime)	30 minutes or less 30 to 59 minutes Hourly or less	3 2 1	2	2
	Drive to the nearest station	10 minutes or less 15 minutes or less	2 1		2
Other	Travel reduction opportunities	Facilities on site or within 100 metres that reduce the need to travel: *food shop/café *newsagent *crèche *other	1 1 1 1		1 1
Questionnaire total				13	23

The calculation to work out the individual elements and total contribution is shown below.

<b>Contribution</b>			
<b>Land type</b>	<b>Gfa (m<sup>2</sup>)</b>	<b>Cost per 1,000m<sup>2</sup>gfa (£)</b>	<b>Cost (£)</b>
Office	4,000	32,000	128,000
General industry	10,000	16,000	160,000
Crèche	400	Decided locally	0
Pub/restaurant	1,000	Decided locally	20,000
<b>Total development contribution</b>			<b>£308,000</b>

## **Example of an overall contribution calculation**

**The proposal consists of 10 three-bedroomed dwellings in a town centre in a principal urban area.**

### **County Council Services**

Transport – based on an accessibility score of 22: £1,530 per dwelling.

Total: £15,300

Education – the development falls below the threshold of 50 dwellings in a principal urban area.

Library Service – the development meets the threshold but is not within 3km of any of the libraries specified.

Youth and Community Services – £593 per dwelling as the development is within an area of defined need.

Total: £5,930

Waste Management – £480 per dwelling.

Total: £4,800

Minerals and Waste – Depends on the site.

Children's Centres – depends if there are no facilities within a 20-minute walk or 1.5-mile radius.

Countryside Access – depends on whether there is any direct loss or harm to a country park or public right of way.

**Sub-total: £26,030**

### **District Council Services**

Affordable Housing – the development falls below the threshold of 0.5ha or 15 dwellings.

Flood Defences – the development meets the threshold but the contribution is unknown.

Crime and Disorder – the development meets the threshold but the contribution is unknown.

Cultural Heritage – depends on the site.

Landscape Character and Design – depends on the site.

Natural Heritage – depends on the site.

Open Space, Sport and Recreation – depends on the site.

Public Realm and Public Art – the development falls below the threshold.

## **Other Services**

Health – the development falls below the threshold of 150 dwellings.

Inland Waterways – the development meets the threshold but the contribution is unknown.

Utilities – depends on the site.

## Appendix 7

### Glossary

**ANGST** – Accessible Natural Greenspace Standards.

**BCIS** – the Building Cost Information Service. Information on building costs for different land uses provided through the Royal Institute of Chartered Surveyors.

**CABE** – the Commission for Architecture and the Built Environment.

**Capitalised Rent** – a landlord's income over the unexpired period of a lease, calculated using a discount rate multiplier.

**CITB** – the Construction Industry Training Board.

**Core strategy** – sets out the general vision and objectives to be delivered in the local development framework.

**DCLG** – the Department for Communities and Local Government.

**DEFRA** – the Department for Environment Food and Rural Affairs.

**Development Plan Documents (DPDs)** – the documents which outline the key development goals of the local development framework. They include the core strategy, site-specific allocations of land and a proposals map. But they may also include optional development documents such as area action plans.

**DfES** – the Department for Education and Skills.

**Elevate** – the Housing Market Renewal Pathfinder for East Lancashire. The Government has identified nine pathfinders which are typically areas with low housing demand.

**Gate Price** – fee charged per tonne at 'gate' of a waste disposal facility. (It does not include transport costs.)

**gfa** – gross floor area. This is all the floor area enclosed within a building, including space such as kitchens, toilets and corridors.

**GP** – general practitioner.

**Green Infrastructure** – a concept that recognises the multi-functional value of green spaces, including for recreation, flood control and communications, in particular when spaces are linked together as a whole across an area in a strategic network.

**Heads of Terms (HOTS)** – set out the principal issues agreed within a planning obligation.

**Highways Authority** – responsible for developing and managing certain types of roads and rights of way.

**IT/ICT** – Information technology or information and communications technology.

**JLSP** – Joint Lancashire Structure Plan.

**Lancashire Planning Officers' Society (LPOS)** – a society representing all the Chief Planning Officers in Lancashire.

**LEAP** – Local Equipped Areas for Play.

**Local Development Framework (LDF)** – a folder of documents prepared by District Councils and unitary authorities to outline the spatial planning strategy for an area.

**Local Planning Authority (LPA)** – Lancashire County Council decides on planning applications relating to waste management and minerals development, as well as for its own development. District Councils are the local planning authority for most other types of planning application.

**Local Transport Plan (LTP)** – a five-year plan prepared by the County Council and unitary authorities to set out their transport strategy and for the area.

**NHS** – the National Health Service.

**NPFA** – the National Playing Fields Association.

**ODPM** – the Office of the Deputy Prime Minister.

**PCO** – planning contributions officer.

**PCT** – primary care trust.

**PFI** – private finance initiative.

**PPG** – planning policy guidance notes which set out Government policy on particular planning issues such as housing and transport. They are being replaced by PPS.

**PPS** – planning policy statements. These have been introduced as part of the Government's review of the planning system. They are a more focussed version of PPGs.

**Planning Obligations** – legal agreements negotiated under Section 106 of the Town and Country Planning Act 1990. They are used to reduce the negative impact of new development.

**Real Time** – up to the minute information communicated in electronic format, e.g. through signs and mobile phones, used to provide information to transport users, e.g. on car park availability, train or bus running times.

**REMADE** – an initiative funded by the North West Regional Development Agency to reclaim derelict land for uses such as public open space, sport and recreation, wildlife, footpaths and cycle paths.

**RICS** – the Royal Institute of Chartered Surveyors.

**RSL** – registered social landlord.

**RSS** – Regional Spatial Strategy.

**Rural Exception Sites** – small sites identified by authorities which are within or near to small rural communities. These sites may be covered by development restrictions such as green belt and will not be available for housing development unless affordable housing is required to meet local needs.

**Section 278 Agreement** – a legal agreement under Section 278 of the Highways Act 1980 to secure improvements to the highway network.

**Supplementary Planning Document (SPD)** – expands or adds detail to policies in the core strategy. It may take the form of a design guide, an area development brief, a master plan or an issue-based document.

**Supplementary Planning Guidance (SPG)** – expands or adds detail to policies in local plans.

**Sure Start** – a Government scheme to achieve better outcomes for children, parents and communities.

**Sustainable Drainage Systems (SuDS)** – a means of controlling surface water run-off as close as possible to its origin before it enters a watercourse.

**TCI** – total cost indicator. The system used by the Housing Corporation to calculate costs for affordable housing.

**Transport Assessment** – a statement which analyses ease of access to a site by all modes of transport. It also identifies measures to improve access, especially by walking, cycling and public transport.

**Travel Plan** – a plan committing the current or prospective user of a property to reduce the number and impact of car trips by introducing specific measures such as encouraging the use of public transport, cycling and car-sharing.

**WET Act** – the Waste and Emissions Trading Act 2003.

**WIC** – Walk In Centre

**Windfall Site** – land or buildings that become available for development which are not identified for this purpose in development plans.

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### **Telephone Conversations and Emails with the following Local Authorities**

Brighton and Hove City Council

Chesterfield Borough Council

Leeds City Council

London Borough of Greenwich

Manchester City Council

Newcastle City Council

Royal Borough of Windsor and Maidenhead

Stockport Metropolitan Borough Council

Sussex County Council

## Appendix 9

### Key contacts

#### Local Authorities

##### Blackburn with Darwen Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	Adam Scott	01254 585425	adam.scott@blackburn.gov.uk	01254 664481
<b>Development Plan/ Transport</b>	Chris Hayward	01254 585344	chris.hayward@blackburn.gov.uk	01254 585599

##### Blackpool Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control/ Transport</b>	Tim Brown	01253 476240	planning.transportation@blackpool.gov.uk	01253 476201
<b>Development Plan</b>	Graham Page	01253 476241	graham.page@blackpool.gov.uk	01253 476201

##### Burnley Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	Sue Graham	01282 425011	planning@burnley.gov.uk	01282 477272
<b>Development Plan</b>	Margaret Whewell	01282 425011 Ext. 2536	mwhewell@burnley.gov.uk	01282 477272
<b>Transport</b>	Gordon Leighton	01282 425011	gleighton@burnley.gov.uk	01282 477272

##### Chorley Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	Wendy Gudger	01257 515349	wendy.gudger@chorley.gov.uk	01257 515297
<b>Development Plan</b>	Julian Jackson	01257 515280	julian.jackson@chorley.gov.uk	01257 515211
<b>Transport</b>	Alison Marland/ Louise Nurser	01257 515281	alison.marland@chorley.gov.uk louise.nurser@chorley.gov.uk	01257 515211

Fylde Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	Mark Evans	01253 658460	marke@fylde.gov.uk	01253 713113
<b>Development Plan</b>	Tony Donnelly	01253 658610	tonyd@fylde.gov.uk	01253 713113
<b>Transport</b>	Andrew Shore	01253 658640	andrews@fylde.gov.uk	01253 713113

Hyndburn Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control/ Transport</b>	Brendan Lyons	01254 388111	brendan.lyons@hyndburnbc.gov.uk	01254 391625
<b>Development Plan</b>	Paul Worswick	01254 370174	paul.worswick@hyndburnbc.gov.uk	01254 391625

Lancaster City Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control/ Development Plan</b>	Andrew Dobson	01524 582303	adobson@lancaster.gov.uk	01524 582323
<b>Transport</b>	Graham Powell	01524 58242	gpowell@lancaster.gov.uk	01524 582424

Lancashire County Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	Stuart Perigo	01772 531948	stuart.perigo@env.lancscc.gov.uk	01772 533898
<b>Development plan</b>	Philip Megson	01772 534162	philip.megson@env.lancscc.gov.uk	01772 530641
<b>Transport</b>	Adrian Smith	01772 534160	adrian.smith@env.lancscc.gov.uk	01772 530641
<b>Resources</b>	Kate Grimshaw	01772 533856	kate.grimshaw@property.lancscc.gov.uk	01772 532825

Pendle Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	Neil Watson	01282 661661	planning@pendle.gov.uk	01282 661720
<b>Development Plan</b>	Christine Douglas	01282 661718	christine.douglas@pendle.gov.uk	01282 661720
<b>Transport</b>	Simon Bucknell	01282 661945	simon.bucknell@pendle.gov.uk	01282 661940

Preston City Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	David Forshaw	01772 906580	d.forshaw@preston.gov.uk	01772 906718
<b>Development Plan</b>	John Crellin	01772 906704	j.crellin@preston.gov.uk	01772 906718
<b>Transport</b>	Russell Rees	01772 906792	r.rees@preston.gov.uk	01772 906718

Ribble Valley Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	John Macholc	01200 414502	john.Macholc@ribblevalley.gov.uk	01200 414487
<b>Development Plan</b>	Colin Hirst	01200 414503	colin.hirst@ribblevalley.gov.uk	01200 414488
<b>Transport</b>	John Heap	01200 414476	john.heap@ribblevalley.gov.uk	01200 414488

Rossendale Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	Brian Sheasby	01706 244582	planning@rossendalebc.gov.uk	01706 871613
<b>Development Plan</b>	Anne Storah	01706 252418	annestorah@rossendalebc.gov.uk	01706 873577
<b>Transport</b>	Daniel Herbert	01706 871617	danielherbert@rossendale.gov.uk	01706 871619

## South Ribble Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	John Dalton	01772 625380	jdalton@southribble.gov.uk	01772 622287
<b>Development Plan</b>	Paul Bland/ Joanne Macholc	01772 421491	pbland@southribble.gov.uk jmacholc@southribble.gov.uk	01772 622287
<b>Transport</b>	Susan Hackett	01772 625449	shackett@southribble.gov.uk	01772 455766

## West Lancashire District Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	Stephen Byron	01695 585165	stephen.byron@westlancsdc.gov.uk	01695 585113
<b>Development Plan</b>	Ian Gill	01695 585192	ian.gill@westlancsdc.gov.uk	01695 585113
<b>Transport</b>	Colin Brady	01695 585125	colin.brady@westlancsdc.gov.uk	01695 585113

## Wyre Borough Council

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Development Control</b>	David Thow	01253 887287	dthow@wyrebc.gov.uk	01253 887252
<b>Development Plan</b>	Jane Wright	01253 887240	jwright@wyrebc.gov.uk	01253 887252
<b>Transport</b>	Anna Wilson	01253 887216	awilson@wyrebc.gov.uk	01253 899000

## Government Organisations

	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Fax</b>
<b>Sport England</b>	Stewart Kellett	0161 834 0338	sophie.coulson@sportengland.org	0161 835 3678
<b>English Heritage</b>	Henry Owen-John	0161 242 1400 Ext. 1411	henry.owen-john@english-heritage.gov.uk	0161 242 1401
<b>English Nature</b>	Jon Hickling	01942 614015	jon.hickling@english-nature.org.uk	01942 614026



## Appendix 10

### Accessibility Questionnaires

Accessibility questionnaire – non-residential development				
<b>Application reference:</b>				
<b>Site description:</b>				
Access type	Criteria	Criteria scores		Sub-score
Walking	Distance to the nearest bus stop from the main entrance to the building (using a direct, safe route)	<200m <300m <500m >500m	5 3 1 0	
	Distance to the nearest railway station from the main entrance to the building	<400m <1km >1km	3 2 0	
Cycling	Distance to defined cycle routes	<100m <500m <1km	3 2 1	
Public transport	Bus frequency of principal service from nearest bus stop during operational hours of the development	<b>Urban/ suburban</b> 15 minutes or less 30 minutes or less >30 minutes  <b>Villages and rural</b> Hourly or less 2-hourly or less 1 or more a day	5 3 1  5 2 1	
	Number of bus services serving different localities stopping within 100 metres of the main entrance	4 or more localities served 3 2 1	5 3 2 1	
	Train frequency from the nearest station (Monday to Saturday daytime)	30 minutes or less 30 to 59 minutes Hourly or less	3 2 1	
	Drive to the nearest station	10 minutes or less 15 minutes or less	2 1	
Other	Travel reduction opportunities	Facilities on site or within 100 metres that reduce the need to travel: * food shop/cafe * newsagent * crèche * other	1 1 1 1	
<b>Total</b>				

### Accessibility level

**High:** 24-30      **Medium:** 16-23      **Low:** 15 or less

Accessibility questionnaire – residential development				
<b>Application reference:</b>				
<b>Site description:</b>				
Access type	Criteria	Criteria scores		Sub-score
Walking distance from the centre of the site to facilities using a safe, direct route	Distance to nearest bus stop	<200m <400m <500m >500m	5 3 1 0	
	Distance to nearest railway station	<400m <800m >800m	3 2 1	
	Distance to nearest primary school	<200m <400m <600m >600m	5 3 1 0	
	Distance to nearest food shop	<200m <400m <600m >600m	5 3 1 0	
Cycling distance from the centre of the site	Distance to defined on- or off-road cycle route	<100m <500m <1km	3 2 1	
	Distance to the nearest secondary school	<400m <600m <1km >1km	3 2 1 0	
	Distance to the nearest town centre	<1km <3km <4km	3 2 1	
	Distance to the nearest business park or employment concentration	<1km <3km <4km	3 2 1	
Public transport	Bus frequency from the nearest bus stop (Monday to Saturday daytime)	<b>Urban/Suburban</b> 15 minutes or less 30 minutes or less >30 minutes <b>Rural Areas including Villages</b> Hourly or less 2-hourly or less 1 or more a day	5 3 1  5 3 1	
	Train frequency from nearest station (Mon-Sat daytime)	30 minutes or less 30 to 59 minutes Hourly	3 2 1	
Other	Access to other basic services (GP, post office, library, bank and pub)	At least 3 within 400m At least 3 within 800m At least 3 within 1.5km	5 3 1	
	Access to a play area or park	<200m <400m <600m	5 3 1	
<b>Total</b>				

### Accessibility level

**High:** 35-48      **Medium:** 20-35      **Low:** less than 20

## Appendix 11

### Sample Standard Heads of Terms Section 106 Agreements

**Example 1: The Association of London Government recommended standard heads of terms agreement based on the London Borough of Camden (used with the permission of the Association of London Government)**

#### **INFORMATION REQUIRED TO DRAW UP A SECTION 106 PLANNING OBLIGATION**

##### **Town and Country Planning Act 1990 (as amended) Section 106 Planning Obligation**

Please supply the following information and return to:

**Aidan Brookes**, Commercial Law Team, Legal Services, Room 223, Town Hall, Judd Street, WC1H 9LP.

Name of Property:

Planning Registration No:

Applicant:

Name, address and telephone number of legal representative:

Evidence of the title for the above property, by way of current HM Land Registry office copies, although this information may be subsequently provide by your legal representative.

Title evidence attached **YES/NO**

Title evidence being compiled and will be forwarded **YES/NO**

Please note that all parties with an interest in the property (i.e. lessees and mortgages) must be a party to the agreement.

#### **STANDARD SECTION 106 PLANNING OBLIGATION**

Planning Obligation reference number: [       ]

Dated: [       ] of [       ] 200[       ]

(1) [       ] Limited (Company Registration No. [       ])

-and-

#### **(2) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN**

#### **AGREEMENT**

**Relating to Development at [       ]  
Pursuant to Section  
106 of the Town and Country  
Planning Act 1990 (as amended)**

Alison Lowton  
Borough Solicitor  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Ref: CLS/CLT/100 [       ]

Tel: 020 7974 [       ]

Fax: 020 7974 [ ]

S:/abr/plan/106. [ ]

This Agreement is made the [ ] day of [ ] 200 [ ]

## BETWEEN

(1) [ ] **Limited** (Company Registration No. [ ]) whose registered office is [ ] situate at [ ]  
("the Owner") of the first part

(2) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN (hereinafter called "the Council") of Town Hall Judd Street, London, WC1H 9LP of the second part

## WHEREAS

(a) The Owner is registered as the Proprietor with Title Absolute at HM Land Registry under Title Numbers [ ] in respect of the Property.

(b) A planning application ("the Application") was submitted by the Owner to the Council on [ ] in respect of the Property and granted permission conditionally under reference number [ ] subject to the conclusion of this Agreement.

(c) The Council is the local planning authority for the purposes of the Act and for the area within which the Property is situated and for the purposes of enforcing planning obligations pursuant to Section 106 of the Act.

(d) The Council consider it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Agreement.

For that purpose the parties are willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

## 1 DEFINITIONS

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:

1.1 "the Act" the Town and Country Planning 1990 (as amended by the Planning and Compensation Act 1991)

1.2 "the Agreement" this Planning Obligation made pursuant to Section 106 of the Act

1.3 "the Application" the planning application for development at the Property submitted to the Council on [ ] and granted permission conditionally under reference number [ ] subject to the conclusion of this Agreement.

1.4 "the Development" the proposal for development at the Property as set out in the Application [ ].

1.5 "Implementation" the implementation of the Development by the carrying out of a material operation as defined in Section 56 of the Act (and the date of such Implementation shall be referred to as the "Implementation Date").

1.6 "Occupation Date" the earliest date when any part of the Development is occupied for any purpose

1.7 "the Planning Permission" a planning permission granted in respect of the Application.

1.8 "the Property" [ ] which for the purposes of identification only is shown edged red on Plan [ ] annexed hereto

## 2 NOW THIS DEED WITNESSETH as follows:

2.1 This Agreement is entered into by the Owner in relation to the Property to the extent that its provisions constitute planning obligations under Section 106 of the Act and such obligations herein shall be enforceable by the Council and to the extent that its provisions are not planning obligations they shall be enforceable under any other relevant powers of the Council.

2.2 It is hereby agreed between the parties that save for the provisions of clauses [ ] and [ ] (in their entirety) and sub clauses [ ] below all of which clauses and sub clauses shall come into effect on the date hereof any covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.

2.3 The expressions "the Owner" and "the Council" shall include their successors in title and their assigns.

2.4 If the Planning Permission is quashed or revoked or lapses without Implementation this Agreement shall cease to have effect with respect to that permission and all entries relating to it on the Register of Local Land Charges shall be deleted (at the Owner's expense) should the Owner so request the Council in writing.

## 3 THE OWNER HEREBY COVENANTS WITH THE COUNCIL:

3.1 [ ]

## 4 NOTICE TO THE COUNCIL/OTHER MATTERS

4.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place.

4.2 The Owner shall give written notice to the Council on or prior to the date of the Occupation Date specifying that occupation of the Development has taken or is about to take place.

4.3 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein and that it shall not make any claim for compensation in respect of any condition restriction or provision imposed by this Agreement and further shall indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein.

**5 IT IS HEREBY AGREED AND DECLARED by the parties hereto that:**

**5.1** The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and parties to the Agreement and shall cite the number and clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Sites and Projects Team, Planning Division, Environment Department, Town Hall Annex, Argyle Street, London WC1H 9LP and any notice or approval of the Council shall be signed by a representative of the Council's Environment Department.

**5.2** Payment of any money under this Agreement shall be made by the Owner sending the full amount payable in the form of a Banker's Draft or Solicitors client account cheque within the time specified in this Agreement to the Council together with a letter specifically referring to the name date and parties to the Agreement and citing the number and clause of the Agreement to which the relevant sum relates and identifying which portion of the amount relates such to any sum calculated to take account of inflation in accordance with the terms of this Agreement to be addressed to the Finance and Business Unit, Environment Department, Camden Town Hall, Argyle Street, London, WC1H 8EQ.

**5.3** This Agreement shall be registered as a Local Land Charge.

**5.4** The Owner agrees to pay the Council its proper and reasonable costs incurred in preparing and monitoring / overseeing this Agreement on or prior to the date of completion of the Agreement.

**5.5** The Owner hereby covenants with the Council that it will within 28 days from the date lodge its Land or Charge Certificates in relation to the Property with HM Land Registry and apply to the Chief Land Registrar to register this Agreement in the Charges Register thereof and will furnish the Council forthwith on written demand with office copies of such titles to show the entry of this Agreement in the Charges Register of the title to the Property.

**5.6** Each party shall act in good faith and shall co-operate with the other to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Property or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.

**5.7** Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

**5.8** Insofar as different parts of the Property are owned or become owned by different persons and therefore the term "the Owner" consequently comprises more than one person the Owner covenants with the Council on behalf of any successors in title that each such person who owns an interest in the Property shall co-operate insofar as they are able with all other persons holding an interest in the Property and shall do anything reasonably necessary so as to ensure that the covenants herein expressed to be made on behalf of "the Owner" are fulfilled as expeditiously as possible.

**5.9** The Council hereby covenants with the Owner that it will issue the Planning Permission within 7 days of the date of this Agreement.

**5.10** All consideration given in accordance with the terms of this Agreement shall be exclusive of any value added tax properly payable in respect thereof and the Owner shall pay and indemnify the Council against any such value added tax properly payable on any sums paid to the Council under this Agreement upon presentation of an appropriate value added tax invoice addressed to the Owner.

**5.11** Any sums referred to in this Agreement as payable or to be applied by the Owner under this Agreement shall be paid or applied TOGETHER WITH if such payment or application is made more than three months from the date of this Agreement a further sum being equal to the original sum payable multiplied by a figure being a fraction of which the All Items of Retail Prices ("the AIIRP") figure published by the Central Statistical Office at the date hereof is the denominator and the last AIIRP figure published before the date such payment or application is made less the last published AIIRP figure at the date hereof is the numerator.

**5.12** All costs and expenses payable to the Council under this Agreement shall bear interest at the rate of 4% above the Base Rate of the National Westminster Bank plc from time to time being charged from the date such payment is due until payment is made.

**IN WITNESS whereof the Owner and the Council has caused their respective Common Seals to be affixed the day and year first above written**

THE COMMON SEAL OF THE MAYOR       )  
AND BURGESSES OF THE LONDON       )  
BOROUGH OF CAMDEN                       )  
was hereunto affixed                )  
in the presence of:                       )  
Authorised Signatory

SIGNED AS A DEED BY LIMITED                )  
in the                                        )  
presence of:                                )  
Director  
Director/Secretary

## **UNDERTAKING TO PAY THE COUNCIL'S COSTS OF PREPARING, MONITORING AND OVERSEEING A SECTION 106 PLANNING OBLIGATION**

### **Town and Country Planning Act 1990 (as amended) Section 106 Planning Obligation**

This is an undertaking that you will meet the Council's costs incurred in connection with the agreement, including drafting and preparation and monitoring and overseeing costs. Drafting and preparation costs will be payable whether or not the Agreement proceeds to completion. **YES/NO**

If Yes please fill in the following declaration

I \_\_\_\_\_ of \_\_\_\_\_ undertake on behalf of (applicant) to ensure that the Council's fees in preparation of the above Agreement (which incorporate a contribution to future monitoring costs) will be met in full whether or not the Agreement is completed. I undertake to meet these fees on completion for the Agreement unless the agreement takes 3 months or more to complete, in which case I undertake to make payments on account as may be required by the Council.

Signed by:

Name in Capitals:

For and on behalf of (applicant):

Date:

## **Example 2: Chesterfield Borough Council Standard Heads of Terms for Public Art Agreements (used with the permission of Chesterfield Borough Council)**

### **Definitions**

“Artist”	the artist or craftsperson (or artists and craftspersons) agreed pursuant to Clause 3.1 to create the Work of Art
“SPON’s Index”	the edition of SPON’s Architects’ and Builders’ Price Book current at the date of the determination referred to at Clause 3.1 of this Deed
“Work of Art”	a work (or works) of art or craft to the value of £                      being not less than one per cent of the total cost of the Development
“First Occupation”	the date of first occupation of the Development

### **Recitals**

Policy ENV27 (Percent for Art) of the Chesterfield Borough Local Plan

### **Covenants**

#### **PERCENT FOR ART**

- (a) To provide the Council on demand with details of the estimated cost of the Development (excluding the cost of acquisition of the Application Site and Value Added Tax) and to provide to the Council if so required such supporting information as may be reasonably requested and any dispute about such costs shall be conclusively determined by reference to SPON’s Index (or its replacement)
- (b) To liaise with the Council in devising a design brief for the Work of Art
- (c) Jointly with the Council to select
  - (i) the identity of Artist and
  - (ii) the Work of Art and
  - (iii) the location of the Work of Art
- (d) (if a grant of planning permission is required for the Work of Art) to submit to the Council an application for planning permission for the Work of Art
- (e) Not to permit First Occupation before the Company have procured the creation of the Work of Art
- (f) To procure the installation of the Work of Art within 6 months of First Occupation
- (g) To maintain at its own expense the Work of Art
- (h) To retain the Work of Art in the location agreed with the Council pursuant to this Clause for a period of 30 years from the date of installation of the Work of Art
- (h) To inform the Council in writing of
  - (i) First Occupation
  - (ii) the date of installation of the Work of Art

### **Example 3: Standard of Definitions and Clauses for use in a Section 106 Agreement (used with the permission of Chorley Borough Council)**

#### **Definitions and Interpretations**

“Affordable Houses”	Dwellings to be provided on the site in accordance with the Initial Proposal (as defined in clause[--]) which are accessible to persons whose income does not enable them to afford or buy or rent appropriate housing for their needs in the free housing market.
“Index”	<p>Means the Halifax Regional Standardised Quarterly Indices for House Prices (All Buyers) New Houses in the North West of England provided that:</p> <p>(a) If the base used to compile the Index or the Index shall change after the date of this Deed then the figure taken to be shown in the Index after the change shall be the figure which would have been shown in the Index if the reference based current at the date of this Agreement had been retained; or</p> <p>(b) If it becomes impossible by reason of any change after the date of this Agreement in the method used to compile the Index or for any other reason whatsoever to calculate any sum which is expressed to be “Index Linked” then the determination of such sum or matter in dispute shall be determined by the Expert in accordance with clause [--] who shall have full power to determine on such dates as he shall deem appropriate what would have been the increase in the Index had it continued on the basis assumed to be available for the operation of this clause:</p>
“Index Linked”	<p>Where used in relation to “the Cost”: adjusted according to any increase occurring in the Index between the last index figured issued as at the date of this Agreement and the last Index figure issued as at the date(s) specified for in the relevant clauses of this Agreement;</p> <p>Where used in relation to payments under clause [--] of this Agreement: adjusted according to any increase occurring in the Retail Prices Index between the last index figure issued prior to the date on which this Agreement is entered into and the last index figure issued on the date on which the payment becomes payable; and</p> <p>Where used in relation to payments under clause [--] of this Agreement: adjusted according to any increase occurring in the Index between the last index figured issued as at the date of this Agreement and the last index figure issued as at the date the relevant payment becomes payable;</p>



**“Market Value”**

The best price at which the sale of the interest to be valued would have been completed unconditionally for cash consideration on the date of valuation assuming:

- (a) a willing seller;
- (b) that prior to the date of valuation there had been a reasonable period (having regard to the nature of the property and the state of the market) for the proper marketing of the interest for the agreement of price and terms and for the completion of the sale;
- (c) that no account is taken of any additional bid by a purchaser with a special interest;
- (d) that both parties to the transaction had acted knowledgeably prudently and without compulsion; and
- (e) that no account is taken of the restrictions and covenants imposed by this Agreement.

**CLAUSES THAT CAN BE INSERTED INTO S106 OBLIGATIONS - Agreement Declarations**

It should be noted that the following clauses included here are extracts from a range of Section 106 Agreements. It is not therefore intended that the clauses set out below be read as a complete agreement, nor that they relate to a specific development proposal.

**A. Affordable Houses**

A.1 At any time following the issue of the Outline Planning Permission the Owner may provide the Council with the types and general specification of the houses proposed to be erected on the Site and the then market value of each house type proposed and provided always that such details have first been provided to the Council the Owner may request in writing that the Council provides the Owner with the Council's proposal (“the Initial Proposal”) in respect of the following within three (3) months following the date of such written request from the Owner:

A.1.1 the desired numbers of Affordable Houses to be provided on the Site;

A.1.2 the desired mix of apartments and terraced houses forming the Affordable Houses; and

A.1.3 the desired numbers of bedrooms required in each Affordable House; and

A.1.4 any terms upon which the Offer is to be made

and in formulating the Initial Proposal the Council shall act properly and reasonably and shall take account of the ability of an RSL to fund the purchase of the Affordable Houses pursuant to the Initial Proposal having regard to the provisions of clause A.5.

- A.2 The Owner shall incorporate the Initial Proposal in every relevant Reserved Matters Application save to the extent that as at the date of such Reserved Matters Application (a) the obligations under this clause A have previously been complied with and/or (b) the Council has notified the Owner in writing that one or more elements of the Initial Proposal are no longer required by the Council. In submitting relevant Reserved Matters Applications the Owner shall identify:
- A.2.1 those Dwellings which it proposes to form the Affordable Houses required by the Initial Proposal; and
- A.2.2 the location of the Affordable Houses within the Site.
- A.3 At any time following the grant of a Reserved Matters Approval the Owner shall be entitled to serve notice ("a Market Value Notice") on the Council containing the Owner's assessment of the then current Market Value of each of the proposed Affordable Houses identified by the Initial Proposal and incorporated into the Reserved Matters Application. The Market Value Notice shall:
- A.3.1 identify the RSL or RSLs to which the Offer is to be made;
- A.3.2 identify the Discounted Price as at the date of service of the Market Value Notice at which the Offer is to be made;
- A.4 The Council shall within 3 months following the receipt of the Market Value Notice notify the Owner in writing whether or not the Council agrees with the Market Value Notice. In the event that the Council fails to respond in any way to the Market Value Notice within 3 months the Council's agreement to the Market Value Notice shall be deemed to have been given.
- A.5 If the Council accepts the Market Value Notice the Owner shall make the Offer within one (1) month following receipt of such approval by the Council. In the event that the Council does not agree with the Market Value Notice the dispute may, upon the election of either party, be referred to the Expert in accordance with clause B.1 in which case the Offer shall be made within one (1) month of determination by the Expert.
- A.6 The Owner shall (a) use reasonable endeavours to enter into an unconditional agreement with a RSL to whom the Offer is made on the terms of the Offer as soon as is reasonably practicable following the making of the Offer and (b) provide to the Council a copy of any agreement for the disposal of the Affordable Houses entered into with a RSL pursuant to the Offer within 14 days of the date of exchange of such agreement.
- A.7 Save as provided in clause A.8 the Owner shall not occupy or permit to be occupied more than **[INSERT NUMBER]** private market dwellings permitted to be constructed on the Site by the Outline Planning Permission and any Reserved Matters Approval(s) until an agreement has been entered into with the RSL to transfer the Affordable Houses to the RSL in accordance with clause A.6 and the Owner shall thereafter use all reasonable endeavours to transfer such Affordable Houses to the RSL as soon as reasonably practicable provided that in any event the Owner shall not occupy or permit to be occupied more than **[INSERT NUMBER]** private market dwellings permitted to be constructed on the Site by the Outline Planning Permission and any Reserved Matters Approval(s) until such transfer has taken place.

- A.8 If within four (4) calendar months of the date upon which the Offer is made no binding agreement has been entered into for the sale of the Affordable Houses by the Owner to a RSL to whom the Offer is made (the Owner having complied with its obligations under clause A.6(a)) then the Owner shall within two (2) months thereafter (but only before such an agreement is entered into) pay to the Council a sum equal to the Cost as at the date of service of the Market Value Notice and upon such payment the provisions of this clause A other than clause A.10 shall cease to be of any further force or effect.
- A.9 Subject to the provisions of clauses A.8 the Owner shall not dispose or offer to dispose of the Affordable Houses other than to a RSL in accordance with the Offer.
- A.10 Following receipt of a written request from the payer of the Cost to the Council in accordance with clause A.8 the Council will repay to such payer the balances (if any) of any of the monies paid to the Council under clause A.8 which at the date of receipt of such request have not been expended together with any interest which has accrued to the Council on them (after deduction of tax where requisite and any other sum required to be deducted by law) Provided Always That (a) no such request shall be made prior to the expiration of five (5) years from the date of payment of the contribution in question and (b) any part of any contribution which the Council has contracted to expend prior to the date of receipt of such request shall be deemed to have been expended by the Council prior to that date.

## **B. Agreements and Declarations**

### **B.1 Dispute Provisions**

- B.1.1 In the event of any dispute arising between the parties hereto in respect of any matter contained in this Agreement then the same shall be referred to an expert ("the Expert") being an independent person to be agreed upon between the parties hereto or at the request and option of either of them to be nominated at the expense of the Owner by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors (in relation to valuation disputes) and the President for the time being of the Law Society (in respect of all other disputes) and the Expert shall act as an expert and not as an arbitrator and whose decision shall be final and binding on the parties hereto and whose costs shall be in his award.
- B.1.2 The Expert shall be appointed subject to an express requirement that he reaches his decision and communicates it to the parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than fifty six days from the date of his appointment to act.
- B.1.3 The Expert shall be required to give notice to each of the said parties inviting each of them to submit to him within ten working days of such notice written submissions and supporting material and shall afford each of the said parties an opportunity to make counter submissions within a further five working days in respect of any such submission and material.
- B.1.4 Save in the case of manifest error the decision of the Expert shall be binding on the said parties.

**C. Commuted Sum in respect of Off-Site Public Open Space**

The owners agree with the Council.

- C.1 Prior to the commencement of the development to pay to the Council the Commuted sum of **(-----pounds)** in respect of Off-Site Public Open Space as a contribution towards the provision layout equipping and maintenance of an open space in accordance with the Council's planning policy. The Commuted Sum is **(-----pounds)** (being the cost per dwelling) x (the number of Dwellings forming the development).
- C.2 Not to occupy or cause or allow to be occupied any dwelling forming part of the Development before the payment of the Commuted Sum in respect of Off-Site Public Open Space has been made.

**D. Interest**

The Owner agrees with the Council to pay interest on sums due to the Council under this Agreement but not paid on the due date from the date until actual payment. The rate of interest shall be 4% above the National Westminster Bank plc base rate.

**E. Costs**

The Owner agrees with the Council to pay to the Council its legal costs incurred in preparing and entering into this Agreement amounting to **(-----pounds)** inclusive of VAT.

## Appendix 12

### **Planning Officers' Society Guidance on the Use of Conditions in Place of Section 106 Agreements (used with the permission of the Planning Officers' Society)**

#### **BEST PRACTICE NOTE ON HIGHWAY/ENVIRONMENTAL IMPROVEMENT WORKS AND AFFORDABLE HOUSING SECURED BY PLANNING CONDITIONS**

##### **General**

Section 72 of the Town and Country Planning Act 1990 contains a general power to impose conditions on a planning permission but judicial decisions have limited this, and to be lawful a planning condition must be reasonable and relate to the development permitted by the planning permission. Conditions may not be used to require the payment of money or to require a developer to enter into a S106 obligation.

Detailed advice on the use of conditions is given in Circular 11/95 which stipulates that conditions should be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

##### **Grampian Conditions**

This expression derives from the decision in *Grampian Regional Council v City of Aberdeen (1984)* and in essence it provides that a condition precluding the implementation of development permitted by a planning permission until some step has been taken is valid. There have been a number of subsequent High Court decisions on this point, in particular *British Railways Board v SSE* in 1994. As a result of these it is lawful for a local planning authority to grant planning permission, even in respect of land not within the planning applicant's ownership, subject to a negative condition restricting its implementation, in whole or in part, until some event has occurred. As a result of the judgement in *Merritt v SSETR and Mendip District Council* it is not possible to impose such a condition when there are no prospects at all of the action in question being performed within the time-limit imposed by the permission (see para. 40 Circular 11/95). The utility of 'Grampian' conditions is nevertheless underestimated. They can be used to secure benefit across the whole spectrum of environmental and infrastructure improvements.

##### **Use of Conditions and Planning Obligations**

The determination of major planning applications can be delayed by the requirement for the applicant to enter into a Section 106 obligation. In a limited range of appropriate circumstances it is possible to use Grampian conditions as a prelude to obligations being entered into, so as to enable the application to be determined, but preventing implementation of the permission until such time that alternative arrangements i.e. s106 obligation has been put in place. Suggested model conditions are set out later in this paper.

Clearly for such a condition to be acceptable to the Secretary of State it must satisfy the tests in Circular 11/95 and also Circular 1/97 which relates to planning obligations. Circular 1/97 specifies that a planning obligation should be necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the development and reasonable in all other respects. Planning obligations should not duplicate the substance of planning conditions and should only be sought where necessary to make a proposal acceptable in land use planning

terms. When to use this type of condition is a matter for judgement by individual local planning authorities. It is probably most suitable for use where the obligations have been negotiated and there is general agreement between the applicant and local planning authority as to what the requirements of a s106 obligation will be, but the expected delay before the agreement can be signed is too long, given that the applicant needs the assurance of having a planning permission before proceeding with land acquisition or disposal, or finalising a sale subject to conditional contract. Use of the model conditions is probably inappropriate where the substance of the proposed planning obligation is still unclear, either generally or with regard to important elements, it is substantial and wide-ranging, or contains unusual provisions. In such circumstances delaying the determination of the application until a s106 obligation or unilateral undertaking has been entered into would be preferable. In all cases the written agreement of the applicant should be obtained to the course of action proposed.

Subject to the above qualifications model conditions in this form are not dissimilar from others commonly used by local planning authorities precluding the commencement of development until certain steps have been taken. Examples can be seen in the model conditions in paragraphs 25-32 of Appendix A to Circular 11/95 dealing with landscaping matters and paragraph 37 dealing with access to land and buildings for disabled people.

Main advantages of the use of this type of condition:

- it enables the administrative side of the processing of a planning application to be completed when the planning issues have been resolved;
- it assists local planning authorities to comply with the Audit Commission's Best Value indicator relating to the timeliness of the processing of planning applications;
- the conclusion of the planning issues by the grant of planning permission sooner than would otherwise be the case if it had to await the completion of a legal agreement sets the time from when a judicial review can be brought at an earlier date;
- granting the planning permission immediately with a Grampian condition precludes any later discussion as to whether or not the planning application should be formally reconsidered by the local planning authority if there is a long delay between the resolution to grant planning permission and its actual grant, whether by reason of the legal process or otherwise;
- the third and fourth bullet points above are equally of benefit to planning applicants, in particular developers. An advantage to developers alone is that it may allow them to exercise an option to purchase at an earlier date, certain in the knowledge that planning permission has been granted and that the development will be able to proceed on the completion of the planning obligation;
- it avoids the need for the planning obligation to be entered into by the existing owners where land is to be sold for development. This can sometimes be inconvenient and expensive as there may well be no contractual provision requiring an existing landowner to enter into a s106 agreement and sometimes a misunderstanding as to exactly what it entails.

## **Main Disadvantages in using this approach**

- Use of such conditions is still somewhat novel and has not yet been tested in the courts. There is the risk that it will be found to be unlawful, notwithstanding that its form appears generally to be in the interests of everyone it could nevertheless be the subject of judicial review as the various cases on Grampian conditions have shown.

## **Enforceability**

This is relatively straightforward in that it is normally abundantly obvious when a development has begun (i.e. the permission has been implemented) and allows a local planning authority to take enforcement action if appropriate where the condition has been breached.

## **Model Conditions**

The following conditions (1 and 2) are examples of existing good practice which should continue to be used for simple highways &/or environmental improvements:

1. Where the details have not been finalised but where a legal agreement is considered to be unnecessary.
  - The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for improvement to:
    - (i)
    - (ii)
    - (iii) etcThe occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.
2. Where the details have been finalised but where a legal agreement is considered to be unnecessary.
  - The occupation of the development authorised by this permission shall not begin until the highway/improvement works shown on the drawings hereby approved and described in the letter dated ..... from ..... has been completed in accordance with those drawings and that letter and have been certified in writing as complete by or on behalf of the local planning authority.  
(letter/drawings may be replaced by reference to whatever are the relevant documents)

The following conditions (3 and 4) are suggested for imposition for highways and/or environmental improvements in advance of a legal agreement being entered into, where the applicant has given written confirmation of their acceptance to this approach.

3. Where the details have not been finalised

- The occupation of the development authorised by this permission shall not begin until:
  - a. the local planning authority has approved in writing a full scheme of works of improvement to:
    - (i)
    - (ii)
    - (iii) etc

and

- b. the approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority;

unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

4. Where the details have been finalised

- The use authorised by this permission shall not begin until the works shown on the drawings hereby approved and described in the letter dated .... from .... have been completed in accordance with those drawings and that letter and have been certified in writing as complete by or on behalf of the local planning authority unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

The following condition (5) is suggested for imposition for affordable housing provision where the applicant has given written confirmation of their acceptance to this approach.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- i) The numbers, type and location of the site of the affordable housing provision to be made;
  - ii) The timing of the construction of the affordable housing;
  - iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
  - iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.



## **Information**

For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING & DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEB 2007	6

## Business and Industrial Land DPD

### Public item

This item is for consideration in the public part of the meeting.

### Summary

This report considers whether it is prudent to continue with the preparation of the Business and Industrial Land Development Plan Document (DPD) in the light of current circumstances.

The relevant (and changed) circumstances are described in order to enable Committee to take an informed view.

The decision on this issue will be one for determination by Council since it is concerned with the formulation of policy.

### Recommendations

That the Committee recommends to Council that:

1. further work on the Business and Industrial Land DPD be not pursued.
2. the Local Development Scheme be altered to reflect the above.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration: Councillor Roger Small

## **Report**

### Current Situation

1. A 'Business and Industrial Land' Development Plan Document (DPD) is currently identified in the March 2006 Local Development Scheme (LDS). Work on assembling the base-line information was started in 2005 with the commissioning of GVA Grimley to undertake an Economic Development and Employment Land Study. The study was to inform the preparation of an Economic Development Strategy as well as to inform the Development Plan Document.
2. Stage 1 of the Grimley study was received in June 2006 and Members will recall that the draft final report was considered by this Committee at its meeting on 8<sup>th</sup> June 2006.
3. Work has also been undertaken on the sustainability assessment scoping report, in respect of which a report was included on the agenda of the October meeting.
4. A report was considered on the potential future of this DPD by Committee on 30<sup>th</sup> November 2006. In this, your officers indicated that on the basis of a number of changing circumstances, it was now considered unsafe to proceed with the DPD. In particular, it was felt that an Inspector, at formal examination, could consider the plan unsound because planning at the detailed level of land allocation was taking place before the spatial vision, strategic objectives and spatial strategy for the borough has been established in the Core Strategy.
5. Further contributory factors were that emerging RSS now contains no district wide land requirements for business and industrial land (a county-wide figure only is provided) and that general guidance seems to be pointing to the sense of preparing housing and industrial allocations DPDs at the same time (after the Core Strategy) so that these can be prepared so that they reflect and integrate with each other.

### Alternative Way Forward

6. The proposed 2007 Local Development Scheme (to be discussed later in this agenda) provides for parallel working with Blackpool and Wyre on the Core Strategy. It also suggests that the way forward is to prepare a general land allocations DPD after the Core Strategy. This would propose land allocations for a number of purposes including housing and employment development. The intention is to define the general distribution of housing and employment development within the Core Strategy and subsequently undertake the allocations DPD to define the proposals on an OS base map. This would also allow time for the county based RSS employment land figures to be disaggregated to the district level.
7. Committee at its last meeting authorised discussions with Blackpool and Wyre regarding the parallel preparation of a business and industrial land DPD. These discussions have taken place, however neither Council considers that it has the resources to programme a further separate DPD in the forthcoming 2007 Local Development Scheme.
8. In the changed circumstances described above, your officers still consider that it would be unsafe to continue with the preparation of the business and industrial land DPD and that the Council's main priority should be the preparation of the Core Strategy.

9. Members will be aware from the separate report on 'Saved Policies' that this Council is applying to the Secretary of State seeking to save most of the existing policies in the Fylde Borough Local Plan so that they remain valid in the period after 28<sup>th</sup> September 2007. On this basis, it is hoped that suite of business and industrial policies contained in the plan will be saved until such time as they are replaced by relevant parts of the new LDF.
10. The work that GVA Grimley has undertaken would not be wasted since it would inform the preparation of the Core Strategy and would be used in the interim, as currently planned, in the preparation of an Economic Development Strategy.
11. Any planning applications for business and industrial development which are submitted in the meantime would have to be determined having regard to existing Regional Spatial Strategy, Structure Plan and Local Plan Policies, and other relevant material considerations.

IMPLICATIONS	
Finance	Costs of participation/consultation and SA will be saved in 2007/08.
Legal	No direct implications.
Community Safety	No direct implications.
Human Rights and Equalities	No direct implications.
Sustainability	Sustainability Appraisal of DPDs is necessary as part of the statutory process.
Health & Safety and Risk Management	No direct implications.

Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	Jan 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
File P28: Local Development Framework		Local Plans Section Town Hall St Annes

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEB 2007	7

## Blackpool International Airport Area Action Plan

### Public item

This item is for consideration in the public part of the meeting.

### Summary

In relation to a report to a previous meeting of the Committee on this issue, to report back on whether an Area Action Plan for the Airport should be pursued at this time.

### Recommendations

That the Committee recommends to the Portfolio Holder that:

1. An Area Action Plan for Blackpool Airport be not pursued at this time;
2. No reference be made to the Area Action Plan within the March 2007 revision to the Local Development Scheme.
3. That the parties consulted be advised of the Council's position.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration: (Councillor Roger Small)

## **Report**

### **Background**

1. A report was considered previously at the April 2006 meeting of this Committee. The report at that time indicated that City Hopper Airports Group were proposing to develop the business to a significant degree with a view to significantly increasing passenger numbers over future years.
2. The report anticipated that an Area Action Plan (AAP) under the new LDF system may be required to consider the various development issues that might arise. A reference to the plan was included in the Local Development Scheme although this was conditional on further studies taking place. The studies referred to were: the Blackpool Airport Master Plan and an Economic Impact Study carried out on behalf of the Lancashire Economic Partnership and partners (including Fylde Borough).
3. The report indicated that the Council did not have all the necessary information to make a definitive decision on the need for an AAP at that time and that the decision should be delayed until the results of the above studies were known and consultation had been carried out with relevant parties.
4. Both of the above studies have now been completed and have been reported on separately to this Committee. Consultations on the need for a formal AAP at this time have been carried out with Blackpool Borough Council, Re Blackpool, the Local Strategic Partnership and the airport company itself.

### **Need for an Area Action Plan**

5. The (draft) Airport Master Plan identifies possible growth in passenger numbers from the 2005 figure of 350,00 to 3.3 million (base case) or 4.3 million (high case). It anticipates very significant changes to the airport's infrastructure with a large new terminal building being required by about 2011, an extension of the adjacent existing business park, extensions to car parking areas and aircraft aprons, provision of taxiways and relocation of general aviation hangars and other development to the south side of the runway.
6. Most of this development is defined as operational development and may not require planning permission. The proposed new terminal building and the extension to the business park will require planning permission. However, it is anticipated that planning applications will be submitted for these elements in the near future and in advance of the likely completion of any AAP. On the basis of recent discussions it is understood that Mar Properties hope to submit a planning application for a major new terminal, car parking areas and other related development in June 2007.
7. The Economic Impact Study assesses the degree of economic growth that could take place on the basis of the identified growth in passenger numbers in the (draft) Master Plan. On the basis of the Master Plan Base Scenario, the study suggests that employment could increase from around 390 full-time equivalent jobs to between 1,740 and 2,060 in 2030. Likewise growth in the Lancashire economy could increase from around £11 million of income to between £86.0 and £101.3 million of income over the same period (2005 prices).
8. The study identifies various priority actions for public sector support. Whilst these include the improvement of airport infrastructure, there is no reference to the need to

produce a formal Action Area Plan to support this. Improvements in rail access to Preston and wider Lancashire and Cumbria is highlighted as an issue. This Council is already engaged in the joint preparation of a surface access strategy.

9. The consultation responses received in respect of whether an AAP should be carried out are mixed. ReBlackpool consider that a plan for the airport could be extremely effective in guiding and promoting airport and associated business development. It believes that it is only with a formal plan, which is owned by the community, that the airport will secure the serious involvement of the North West Regional Development Agency.
10. Blackpool BC has significant concerns regarding the staffing and financial resources that would have to be committed to a formal AAP. It also considers that preparation of an AAP would be a potentially abortive and counter-productive course of action given the Airport's intentions to submit early planning applications.
11. Blackpool Airport itself has not responded to the consultation.
12. The Economy and Employment group of the Local Strategic Partnership has indicated that it is not in a position to form a view on the matter.
13. In conclusion, having regard to the following factors, it is concluded that preparation of an Area Action Plan at the present time would not be justified.
  - The very significant staff and financial resource implications for this Council involved in preparation;
  - The fact that most of the additional airport infrastructure identified in the (draft) Airport Master Plan may not require express planning permission and those elements that do are likely to be submitted well in advance of any AAP being completed.
  - The concerns of Blackpool Borough Council which endorse the above;
  - The risks associated with undertaking an AAP in advance of the Core Strategy.
  - The fact that Blackpool Airport itself has not supported the preparation of An AAP.
  - The fact that available staff resources should be directed to the preparation of the Core Strategy
1. The recommendation to this report has been taken into account within the separate report on the Local Development Scheme which is to be considered later in the agenda.

IMPLICATIONS	
Finance	Preparation of an Airport AAP would involve significant financial and staff resources.
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	January 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
File I15 Airports		Local Plans Section Town Hall St Annes



# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEB 2007	8

## LDF – Saved Policies

### Public item

This item is for consideration in the public part of the meeting.

### Summary

To seek the Committee's approval on those local plan policies which are to be saved beyond 27<sup>th</sup> September 2007

### Recommendations

1. To recommend to Council that the list of saved local plan policies, attached as Appendix 1 to this report, be submitted to Government Office for the North West.
2. That officers undertake any necessary editorial changes to the list of saved local plan policies so as to reflect the imminent supplementary advice from the Department for Communities and Local Government.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration

Councillor Roger Small

### Report

1. Background
  - 1.1 The Planning and Compulsory Purchase Act 2004, provides for the saving of policies in adopted local plans for a period of 3 years from the commencement date of the Act, which was 28<sup>th</sup> September 2004. The Fylde Borough Local Plan 1996 – 2006 was adopted on 19<sup>th</sup> May 2003 and the policies within it are therefore saved until 27<sup>th</sup> September 2007. If we wish to retain specified policies we will need to seek the Secretary of State's agreement to issue a direction to save them. We are

required to submit a list of policies to be saved beyond that date to Government Office North West (GONW) by 1<sup>st</sup> April 2007.

- 1.2 The policies introduced in the Alterations Review to the Fylde Borough Local Plan will be subject to consideration at a later date. The Alterations Review was adopted on 10<sup>th</sup> October 2005, and the 10 policies introduced at that time are saved until 9<sup>th</sup> October 2008. We will be required to write to GONW in respect of their being saved by 9<sup>th</sup> April 2008.
- 1.3 The intention behind extending the lifetime of the saved policies is to avoid a policy vacuum. When the Secretary of State issues a direction to save particular policies they will be operative until such time as they are replaced by policies within the Local Development Framework.
- 1.4 The matrix which is included as Appendix 1 to this report relates to the 108 policies which are the subject of the current consideration. The matrix proposes that 105 saved policies be extended beyond the 3 year saved period, with reasons. It also proposes that the remaining 3 saved policies are not extended beyond the 3 year saved period, with reasons, namely TR9, TR11 and EP31. If the removal of TR11 (Fylde Coast Easterly By Pass), is accepted by the Secretary of State, it is proposed that an addendum be published on the Local Plan Proposals Map stating that the line of the route is no longer effective.
- 1.5 A protocol has been issued by the Department for Communities and Local Government (DCLG) which sets out the procedures for applying to the Secretary of State. PPS12 paragraph 5.15, states that policies to be extended should comply with the following criteria:-
  - i. where appropriate, there is a clear central strategy;
  - ii. the policies have regard to the Community Strategy for the area;
  - iii. the policies are in general conformity with the regional spatial strategy or spatial development strategy;
  - iv. the policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);
  - v. there are effective policies for any parts of the authority's area where significant change in the use or development of land or conservation of the area is envisaged; and
  - vi. the policies are necessary and do not merely repeat national or regional policy.

The matrix which is included as Appendix 1 to this report addresses the above mentioned criteria individually for each local plan policy. The column entitled 'Other' refers to additional factors, which the government will also have particular regard to. The final column in the matrix identifies whether or not it is proposed to save the policy concerned.

- 1.6 In preparing the list of saved policies your officers have been in dialogue with GONW. Appendix 1 to this report was sent to GONW so as to seek their thoughts on compatibility with DCLG protocol. A response was received from GONW on 3<sup>rd</sup> January 2007 which states that they had no comments/suggestions at that time and that the draft was easy to read and was clearly set out. Subsequent

correspondence has however recently been received which suggests that discussions are still taking place between GONW and DCLG in respect of what is to be submitted to the Secretary of State. It may be the case therefore that supplementary advice will be received from DCLG in respect of the saving of local plan policies beyond 3 years. Consequently, your officers have been advised not to finalise the list at this time.

- 1.7 In light of the comments received from GONW, it is proposed that the list of saved local plan policies, attached as Appendix 1 to this report, be treated as a final draft and that Committee recommends this list to Council on 26<sup>th</sup> March 2007. On the basis that additional advice may be received prior to that meeting it is proposed that Committee allows your officers to undertake any editorial changes considered necessary to the list of saved policies before consideration by Council and this be formally submitted to Government Office for the North West, before the due date of 1<sup>st</sup> April 2007.

IMPLICATIONS	
Finance	No direct implications
Legal	The Local Plan is a key document in promoting the Council's plans, policies and objectives for spatial planning. It represents the statutory planning framework which meets national, regional and local requirements and priorities until such time as it is replaced by a Local Development Framework. If policies were not saved there would be a policy vacuum.
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

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List of Background Papers		
Name of document	Date	Where available for inspection
File P/28		Planning Policy Section Town Hall St. Annes

## **Attached documents**

- 1. APPENDIX 1 : Fylde Borough Council Matrix - Proposals to save adopted Local Plan policies beyond the 3 year saved period.**

## **APPENDIX 1**

**FYLDE BOROUGH COUNCIL  
PROPOSALS TO SAVE ADOPTED LOCAL PLAN POLICIES BEYOND 27<sup>th</sup>  
SEPTEMBER 2007.**

**JANUARY 2007**

**FYLDE BOROUGH COUNCIL  
PROPOSALS TO SAVE ADOPTED LOCAL PLAN POLICIES BEYOND THE  
3 YEAR SAVED PERIOD**

The Fylde Borough Local Plan 1996 – 2006 was adopted on 19<sup>th</sup> May 2003. The policies within it are automatically saved until 28<sup>th</sup> September 2007 by virtue of Schedule 8 of the Planning and Compulsory Purchase Act 2004. If the Council wishes to save policies beyond this three year period, it is required to submit a list of such policies to GONW by 1 April 2007.

The matrix below identifies whether or not the 108 policies in the adopted local plan should be saved beyond the three year period. The references (i) – (vi) refer to the criteria included in PPS12 para 5.15. Each of the criteria has been considered as follows:-

(i) This is understood to mean that the Fylde Borough Local Plan has a clear central strategy and that the policies to be saved are in line with that strategy.

(ii) 'A Vision for Fylde : Community Plan 2003 - 2013' is the Community Strategy for the area. Its six themes are referenced in brackets below, where relevant.

(iii) Regional Planning Guidance for the North West, RPG13 (March 2003) is now Regional Spatial Strategy (RSS). Consequently, it is this document against which conformity has been considered. Whilst the adopted Joint Lancashire Structure Plan (JLSP) is in general conformity with RPG13, there are however original policies in the local plan, which are not in general conformity with the JLSP. In assessing conformity with RSS, particular regard has therefore also been given to those policies which do not conform with the JLSP.

(iv) Fylde Borough Council does not have an adopted core strategy development plan document. An assessment has therefore not been made in this respect for any of the policies.

(v) This is understood to mean that we can justify the extending a policy's life if it is needed to guide development in areas where significant change is envisaged or where conservation is needed.

(vi) A reasoned justification is given as to the how necessary a policy is felt to be.

'Other' refers to additional factors, which the government will also have particular regard to; as stated in the DCLG protocol for requesting the extension of saved policies, which was issued to local authorities on 11 August 2006.

## ADOPTED LOCAL PLAN POLICIES

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
SP1 : Development Within Settlements	Is in conformity with central strategy of the FBLP.  Key strategic policy. Provides for the necessary growth and development of the Borough.	Directly relates to 'Improving safety and vibrancy of town and village centres' (Improving Community Safety); and 'An enhanced built environment...' (Protecting and Enhancing the Environment).	Conforms generally to RSS policy SD3.	N/A	Effective policy which establishes a settlement hierarchy.	This policy is necessary. It is specific to Fylde and refines RSS policy SD3.	Supports development and provides detailed settlement boundaries.	Yes.
SP2 : Development in the Countryside Area	Is in conformity with central strategy of the FBLP.  Key strategic policy. Limits development in the open countryside to that appropriate to a rural area.	Directly relates to 'The maintenance and provision of variety of natural local environments...' (Protecting and Enhancing the Environment).	Conforms to RSS policy SD8.	N/A	Effective policy specific to Fylde.	Refines RSS policy SD8.	Strictly controls development and provides detailed boundaries.	Yes
SP3 : Development in the Green Belt	Is in conformity with central strategy of the FBLP.  Key strategic policy. Seeks to limit development to that appropriate to a rural area.	Directly relates to 'The maintenance and provision of variety of natural local environments...' (Protecting and Enhancing the Environment).	Conforms to RSS policy SD5.	N/A	Effective policy. Operates a strong presumption against inappropriate development.	This policy is specific to Fylde. Refines the advice in PPG2 : Green Belts.	Defines the extent of green belt.	Yes.
SP4 : Kirkham Prison	Is in conformity with central strategy of	Directly relates to 'An enhanced built	Conforms to RSS policy SD5.	N/A	Effective policy. Identifies the site	This policy is specific to Fylde.	Facilitates limited forms of development	Yes.

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	the FBLP.  Location specific policy. Seeks to limit development to that appropriate to a rural area.	environment...' (Protecting and Enhancing the Environment).			as a major developed site within the green belt.	Refines the advice in PPG2 : Green Belts.	essentially required for operational purposes.	
SP5 : Conversion of Existing Buildings Outside Settlements (Non Residential)	Is in conformity with central strategy of the FBLP.  Seeks to limit development to that appropriate to a rural area.	Directly relates to 'An enhanced built environment...' (Protecting and Enhancing the Environment).	Conforms to RSS policy SD8.	N/A	Supports the objectives of sustainable development.	Refines the advice in PPG2 : Green Belts, and PPS7 : The Countryside – Environmental Quality and Economic and Social Development. .	Remains relevant.	Yes.
SP6 : Conversion of Existing Buildings Outside Settlements (Residential)	Is in conformity with central strategy of the FBLP.  Seeks to limit development to that appropriate to a rural area.	Directly relates to 'An enhanced built environment...' (Protecting and Enhancing the Environment).	Conforms to RSS policy SD8.	N/A	Supports the objectives of sustainable development.	Refines the advice in PPG2 : Green Belts, and PPS7 : The Countryside – Environmental Quality and Economic and Social Development. .	Remains relevant.	Yes.
SP7 : Large Developed Sites in the Countryside	Is in conformity with central strategy of the FBLP.  Location specific policy. Seeks to limit development to that appropriate to a rural area.	Directly relates to 'An enhanced built environment...' (Protecting and Enhancing the Environment).	Conforms to RSS policy SD8.	N/A	Identifies several sites as large developed sites within the countryside.	Offers opportunities for environmental improvement and retention of commercial development and local employment sources.	Remains relevant.	Yes.
SP8 : Expansion of Existing Business and Commercial	Is in conformity with central strategy of the FBLP.	Contributes to 'An economy focused on retaining	N/A. No directly relevant RSS policy.	N/A	Maintains and improves opportunities for	Does not provide for large scale or significant	Remains relevant.	Yes.



Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
Operations	Provides for reasonable expansion so that viability of the business can be maintained.	existing investment...' (Promote Enterprise and Employment).			employment.	expansion.		
SP9 : Diversification of the Rural Economy	Is in conformity with central strategy of the FBLP.  Improves the attractiveness of business and industrial locations for those seeking to develop new enterprises.	Contributes to 'A diversified economic base...' (Promote Enterprise and Employment).	Conforms with RSS policies EC1, RU1 & RU2.	N/A	Effective policy which improves opportunities for employment.	Acknowledges there may be legitimate circumstances where new building development is appropriate in a rural area.	Supports economic development.	Yes.
SP10 : Agricultural Workers Dwellings	Is in conformity with central strategy of the FBLP.  Aids the rural economy.	N/A	Conforms with RSS policy RU3.	N/A	N/A	Refines the advice in PPS7 : The Countryside – Environmental Quality and Economic and Social Development.	N/A	Yes.
SP11 : Agricultural Workers Dwellings	Is in conformity with central strategy of the FBLP.  Aids the rural economy.	N/A	Conforms with RSS policy RU3.	N/A	N/A	Refines the advice in PPS7 : The Countryside – Environmental Quality and Economic and Social Development.	N/A	Yes.
SP12 : Agricultural Workers Dwellings	Is in conformity with central strategy of the FBLP.	Directly relates to 'An enhanced built environment...'	Conforms with RSS policy DP3.	N/A	N/A	Refines the advice in PPS7 : The Countryside –	N/A	Yes.

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	Secures high quality design.	(Protecting and Enhancing the Environment).				Environmental Quality and Economic and Social Development.		
SP13 : Stables and Equestrian Centres, Kennels and Catteries	Is in conformity with central strategy of the FBLP.  Aids the rural economy.	Contributes to 'A diversified economic base...' (Promote Enterprise and Employment).	Conforms with RSS policies DP3, SD8 & EC9.	N/A	N/A	Refines the advice in PPS7 : The Countryside – Environmental Quality and Economic and Social Development.	N/A	Yes.
SP14 :Special Needs Dwellings	Is in conformity with central strategy of the FBLP.  Seeks to limit development to that appropriate to a rural area.	Contributes to 'The maintenance and provision of variety of natural local environments...' (Protecting and Enhancing the Environment).	Conforms with RSS policy RU3.	N/A	N/A	Refines the advice in PPS7 : The Countryside – Environmental Quality and Economic and Social Development.	N/A	Yes.
SP15 : British Aerospace Airfield	Is in conformity with central strategy of the FBLP.  Location specific policy. Seeks to preserve and enhance the quality of environment for those living and/or working in the Borough.	Contributes to 'The maintenance and provision of variety of natural local environments...' (Protecting and Enhancing the Environment).	Conforms with RSS policy DP2.	N/A	N/A	This policy is necessary as it is site specific.	Remains relevant.	Yes.
SP16 : Weeton Camp	Is in conformity with central strategy of the FBLP.	Directly relates to 'An enhanced built environment...'	Conforms with RSS policy SD8.	N/A	Effective policy should the site cease its present	This policy is necessary as it is site specific.	N/A	Yes..

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	Location specific policy. Seeks to limit development to that appropriate to a rural area.	(Protecting and Enhancing the Environment).			use.			
EMP1 : Business and Industrial Land Allocations	Is in conformity with central strategy of the FBLP.  Location specific policy.  Allocates land to meet identified needs.	Contributes to 'An economy focused on retaining existing investment...' (Promote Enterprise and Employment).	Conforms with RSS policy DP4.	N/A	This policy proposes significant change in the development of land.	This policy is specific to Fylde.	Includes unimplemented site allocations.	Yes.
EMP2 : Existing Business and Industrial Areas	Is in conformity with central strategy of the FBLP.  Location specific policy.  Allocates land to meet identified needs.	Contributes to 'An economy focused on retaining existing investment...' (Promote Enterprise and Employment).	Conforms with RSS policy DP4.	N/A	Seeks to resist non-business and industrial uses.	Identifies specific sites which are to be retained primarily for business and industrial uses.	Remains relevant.	Yes.
EMP3 : Business and Industrial Uses outside Defined Business and Industrial Areas	Is in conformity with central strategy of the FBLP.  Aims to maintain and improve the quality of environment throughout the borough having primary regard to	Directly relates to 'An enhanced built environment...' (Protecting and Enhancing the Environment).	Is in general conformity with RSS policy DP1.	N/A	Seeks to aid the objective of sustainable development and safeguard existing residential amenity.	N/A	N/A	Yes.

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	sustainability objectives.							
EMP4 : Buffer Zones and Landscaping on Industrial Areas	Is in conformity with central strategy of the FBLP.  Seeks to maintain and improve the attractiveness of business and industrial locations. Also seeks to protect the character and amenities of residential areas.	Directly relates to 'An enhanced built environment...' (Protecting and Enhancing the Environment).	Conforms with RSS policy ER1.	N/A	N/A	N/A	N/A	Yes
EMP5 : Hazardous Installations	Is in conformity with central strategy of the FBLP.  Seeks to provide an acceptable relationship between land containing hazardous installations and other land uses.	Directly relates to 'An enhanced built environment...' (Protecting and Enhancing the Environment).	Conforms with RSS policy DP2.	N/A	N/A	N/A	N/A	Yes
TR1 : Pedestrians	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Promotes key outcome of 'improved safety of highways'.	N/A No directly relevant RSS Policy.	N/A	N/A	Refines the advice in PPG 13: Transport.	N/A	Yes
TR2 : Bridleways	Is in conformity with central strategy of the FBLP.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS	N/A	N/A	N/A	N/A	Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	Promotes recreation objectives.		Policy.					
TR3 : Cyclists	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Promotes key outcome of 'improved safety of highways'.	Conforms to RSS Policy T8	N/A	N/A	Refines the advice in PPG 13: Transport.	N/A	Yes
TR4 : Public Transport	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Promotes objective of 'improving access and availability of public transport'.	Conforms to Policy T2	N/A	N/A	Refines the advice in PPG 13: Transport.	N/A	Yes
TR5 : Public Transport	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Promotes objective of 'improving access and availability of public transport'.	Conforms to RSS Policy DP3	N/A	N/A	Refines the advice in PPG 13: Transport.	N/A	Yes
TR6 : Parking	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS Policy.	N/A	N/A	Local site specific policy not covered in national guidance.	N/A	Yes
TR7 : Parking	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS Policy.	N/A	N/A	Local site specific policy not covered in national guidance.	N/A	Yes
TR8 : Parking	Is in conformity with central strategy of the FBLP.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS Policy.	N/A	N/A	Local site specific policy not covered in national guidance.	N/A	Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	Promotes transport objectives.							
TR9 : Car Parking Within New Developments	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS Policy.	N/A	N/A	Local site specific policy not covered in national guidance.	Policy relates to Appendix 7 which was deleted from FBLP by means of the Alterations Review.  Car parking standards now provided by LCC.	No
TR10 : Car Park Design	Is in conformity with central strategy of the FBLP.  Promotes transport and environmental objectives.	Promotes the key outcomes of 'an enhanced built environment' and 'improvement in the safety and vibrancy of town and village centres'.	N/A No directly relevant RSS Policy.	N/A	N/A	Local policy not covered in national guidance.	Those parts of the policy which relate to Appendix 7 are not viable since the appendix has been deleted from the FBLP.  Car parking standards now provided by LCC.	Yes (part)
TR11 : Fylde Coast Easterly By-Pass	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Promotes the key outcome of 'a transport system that everyone can use...'	N/A No directly relevant RSS Policy.	N/A	Policy TR 11 is not effective since it has almost no chance of implementation. The route is no longer safeguarded by LCC.	The policy is not necessary because it is not effective.	LCC studies are being undertaken to review the options for the M55 to Norcross link road.	No
TR13 : St. Annes to M55 Link Road	Is in conformity with central strategy of the FBLP.  Promotes transport objectives.	Promotes the key outcome of 'a transport system that everyone can use...'	N/A No directly relevant RSS Policy.	N/A	N/A	Policy is necessary to link Lytham St Annes with the main business and industrial area.		Yes
TR14 : Blackpool Airport	Is in conformity with central strategy of the FBLP.	Promotes the key outcome of 'a transport system	Conforms to RSS Policy T5	N/A	Effective policy in an area of potential	Necessary local policy.	Policy supports economic development.	Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	Promotes environmental (greenbelt) objectives.	that everyone can use...'. 			significant change.	Not covered in national guidance.		
TR15 : Motorway Service Areas	Is in conformity with central strategy of the FBLP.  Promotes environmental (countryside) objectives.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary local policy.  Refines policy provided in national guidance.		Yes
TREC1 : Primary Holiday Areas	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'. 	Conforms to Policy CZ3	N/A	Effective policy in an area of potential significant change.	Necessary local policy.  Refines policy provided in national guidance.	Policy supports economic development.	Yes
TREC2 : Secondary Holiday Areas	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'. 	Conforms to Policy CZ3	N/A	N/A	Necessary local policy.	Policy supports economic development.	Yes
TREC3 : Tourist Accommodation Outside Lytham St Annes	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'. 	Conforms to RSS Policies EC9 and RU2.	N/A	N/A	Necessary local policy.	Policy supports economic development.	Yes
TREC4 : Ribby Leisure Village	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'. 	Conforms to RSS Policies EC9 and RU2.	N/A	Effective policy in an area of potential significant change.	Necessary local policy.	Policy supports economic development.	Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
TREC5 : Large Scale Tourist and Leisure Development	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'.  	Conforms to RSS Policies EC9 and RU2	N/A	N/A	Necessary local policy.	Policy supports economic development.	Yes
TREC6 : Static Caravans and Chalets	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'.  	Conforms to RSS Policies EC9 and RU2	N/A	N/A	Necessary local policy.	Policy supports economic development.	Yes
TREC7 : Touring Caravan and Camping Sites	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'.  	Conforms to RSS Policies EC9 and RU2	N/A	N/A	Necessary local policy.	Policy supports economic development.	Yes
TREC8 : Tourism Development on the Seafront	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'.  	Conforms to RSS Policy EC9.	N/A	Effective policy in an area of potential significant change.	Necessary local policy.	Policy supports economic development.	Yes
TREC9 : Tourism Development on the Seafront	Is in conformity with central strategy of the FBLP.  Promotes tourism objectives.	Promotes the key outcome of 'a diversified economic base...'.  	Conforms to RSS Policy EC9.	N/A	N/A	Necessary local policy.	Policy supports economic development.	Yes
TREC10 : Countryside Recreation	Is in conformity with central strategy of the FBLP.  Promotes recreation and environmental objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.  	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary local policy.		Yes



Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
TREC11 : Lancaster Canal	Is in conformity with central strategy of the FBLP.  Promotes recreation and environmental objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary site specific local policy.		Yes
TREC12 : Indoor Sports and Leisure Facilities	Is in conformity with central strategy of the FBLP.  Promotes recreation objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary local policy. Not covered in PPG 17.		Yes
TREC13 : Public Open Space	Is in conformity with central strategy of the FBLP.  Promotes recreation objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary local policy.  Refines the guidance in PPG 17.		Yes
TREC14 : Recreational Areas	Is in conformity with central strategy of the FBLP.  Promotes recreation objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary local policy.  Refines the guidance in PPG 17.		Yes
TREC15 : Golf Courses	Is in conformity with central strategy of the FBLP.  Promotes recreation objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary local policy.  Refines the guidance in PPG 17.	Policy supports economic development.	Yes
TREC16 : Golf Courses	Is in conformity with central strategy of the FBLP.  Promotes recreation objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary local policy.  Refines the guidance in PPG 17.	Policy supports economic development.	Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
TREC17 : Public Open Space Within New Housing Development	Is in conformity with central strategy of the FBLP.  Promotes recreation and housing objectives.	Promotes the key outcome of 'an enhanced built environment...'	N/A No directly relevant RSS Policy.	N/A	Effective policy in an area of potential significant change.	Necessary Local Policy  Refines the guidance in PPG 17.		Yes
TREC18 : Allotments	Is in conformity with central strategy of the FBLP.  Promotes recreation objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy  Refines the guidance in PPG 17.		Yes
TREC19 : Blackpool Airport	Is in conformity with central strategy of the FBLP.  Promotes recreation objectives.	Promotes the key outcome of '...access to leisure, sports and cultural opportunities'.	N/A No directly relevant RSS Policy.	N/A	Effective policy in an area of potential significant change.	Necessary Local Policy		Yes
EP1 : Built Environment	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'an enhanced built environment'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.		Yes
EP2 : Open Spaces Within Towns and Villages	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives	Promotes the key outcomes of 'an enhanced built environment'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary site specific local policy.		Yes
EP3 : Conservation Areas	Is in conformity with central strategy of the FBLP.  Promotes	Promotes the key outcomes of 'an enhanced built environment'.	Conforms with RSS Policy DP2.	N/A	Effective policy in an area of potential significant change.	Refines the guidance in PPG 15.		Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	environmental aim.							
EP4 : Listed Buildings	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'an enhanced built environment'.	Conforms with RSS Policy DP2.	N/A	Effective policy in an area of potential significant change.	Refines the guidance in PPG 15.		Yes
EP5 : Listed Buildings	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'an enhanced built environment'.	Conforms with RSS Policy DP2.	N/A	Effective policy in an area of potential significant change.	Refines the guidance in PPG 15.		Yes
EP6 : Historic Parks and Gardens	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'an enhanced built environment'.	Conforms with RSS Policy DP2.	N/A	Effective policy in an area of potential significant change.	Refines the guidance in PPG 15.		Yes
EP7 : Features and Artefacts of Local Importance	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'an enhanced built environment'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.		Yes
EP8 : Shop Fronts	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'an enhanced built environment'.	N/A No directly relevant RSS Policy.	N/A	Effective policy in an area of potential significant change.	Necessary Local Policy.		Yes
EP9 : Shop Front Advertisements	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'an enhanced built environment'.	N/A No directly relevant RSS Policy.	N/A	Effective policy in an area of potential significant change.	Necessary Local Policy.		Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
EP10 : Building Design and Landscape Character	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'the maintenance and provision of a variety of natural local environments..'	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.		Yes
EP11 : Building Design and Landscape Character	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Promotes the key outcomes of 'the maintenance and provision of a variety of natural local environments..'	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.		Yes
EP12 :Conservation of Trees and Woodlands	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Promotes the key outcomes of 'the maintenance and provision of a variety of natural local environments..'	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.		Yes
EP13 : Conservation of Trees and Woodlands	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Promotes the key outcomes of 'the maintenance and provision of a variety of natural local environments..'	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.		Yes
EP14 : Conservation of Trees and Woodlands	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Promotes the key outcomes of 'an enhanced built environment'.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.		Yes
EP15 : Nature Conservation	Is in conformity with central strategy of	Promotes the key outcomes of 'the	Conforms with RSS Policy ER5	N/A	N/A	Necessary Local Policy.		Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	the FBLP.  Promotes environmental objectives.	maintenance and provision of a variety of natural local environments..’.				Refines advice in PPG 9		
EP16 : Nature Conservation	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Promotes the key outcomes of ‘the maintenance and provision of a variety of natural local environments..’.	Conforms with RSS Policy ER5	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 9		Yes
EP17 : Nature Conservation	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Promotes the key outcomes of ‘the maintenance and provision of a variety of natural local environments..’.	Conforms with RSS Policy ER5	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 9		Yes
EP18 : Nature Conservation	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Promotes the key outcomes of ‘the maintenance and provision of a variety of natural local environments..’.	Conforms with RSS Policy ER5	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 9		Yes
EP19 : Nature Conservation	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Promotes the key outcomes of ‘the maintenance and provision of a variety of natural local environments..’.	Conforms with RSS Policy ER5	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 9		Yes
EP20 : Protection of Coastline, Estuaries and Sand Dunes	Is in conformity with central strategy of the FBLP.	Promotes the key outcomes of ‘the maintenance and provision of a	Conforms with RSS Policy CZ2A	N/A	N/A	Necessary Local Policy.  Refines advice in		Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	Promotes environmental objectives.	variety of natural local environments..’.				PPG 9		
EP21 : Archaeology	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Promotes the key outcomes of ‘ An enhanced built environment that reflects cultural and historic value...’.	Conforms with RSS Policy ER3	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 16		Yes
EP22 : Protection of Agricultural Land	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Does not conflict with Community Plan outcomes.	Conforms with RSS Policy RU1	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 7		Yes
EP23 : Pollution of Surface Water	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Does not conflict with Community Plan outcomes.	Conforms with RSS Policy EQ3	N/A	N/A	Necessary Local Policy.		Yes
EP24 : Pollution of Ground Water	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Does not conflict with Community Plan outcomes.	Conforms with RSS Policy EQ3	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 23		Yes
EP25 : Development and Waste Water	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Does not conflict with Community Plan outcomes.	Conforms with RSS Policy EQ3	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 23		Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
EP26 : Air Pollution	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Does not conflict with Community Plan outcomes.	Conforms with RSS Policy EQ2	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 23		Yes
EP27 : Noise Pollution	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 24		Yes
EP28 : Light Pollution	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.  No relevant PPG/PPS		Yes
EP29 : Contaminated Land	Is in conformity with central strategy of the FBLP.  Promotes environmental objectives.	Does not conflict with Community Plan outcomes.	N/A No directly relevant RSS Policy.	N/A	N/A	Necessary Local Policy.  Refines advice in PPG 24		Yes
EP30 : Development Within Floodplains	Is in conformity with central strategy of the FBLP.  Promotes environmental aim.	Does not conflict with Community Plan outcomes.	Conforms with RSS Policy ER8	N/A	N/A	Necessary Local Policy.  Refines advice in PPS 25		Yes
EP31 : Managing Water Resources	Is in conformity with central strategy of the FBLP.  Promotes	Does not conflict with Community Plan outcomes.	Conforms with RSS Policy ER7	N/A	N/A	Necessary Local Policy.  No relevant PPG/PPS		No

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	environmental aim.							
SH1 : Kirkham Town Centre	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically retailing and town centres.	Yes
SH2 : Kirkham Town Centre	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically retailing and town centres.	Yes
SH3 : St Annes Town Centre	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically retailing and town centres.	Yes
SH4 : St Annes Town Centre	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically retailing and town centres.	Yes
SH5 : St Annes Town Centre	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically retailing and town centres.	Yes
SH6 : St Annes Town	Is in conformity with	Promotes	Conforms to RSS	N/A	N/A	Refines the advice	Supports economic	Yes



Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
Centre	central strategy of the FBLP.  Promotes shopping and related services.	objective of 'a revitalised economy in the town centres and villages of Fylde'.	policies SD3 & EC8.			in PPS 6 : Planning for Town Centres.	development and regeneration, specifically retailing and town centres.	
SH7 : Lytham Town Centre	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically retailing and town centres.	Yes
SH8 : Lytham Town Centre	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres..	Supports economic development and regeneration, specifically retailing and town centres.	Yes
SH9 : New Development in Town Centres	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically retailing and town centres.	Yes
SH10 : Local Shopping Centres and Village Shops	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policy EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports small scale retailing and other local facilities.	Yes
SH11 : Local Shopping Centres and Village Shops	Is in conformity with central strategy of the FBLP.	Does not conflict with Community Plan outcomes.	Conforms to RSS policy EC8.	N/A	Identifies a site where there is an acknowledged	Local site specific policy. Refines the advice in PPS	Supports economic development and regeneration,	Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	Promotes shopping and related services.				deficiency in retail and other community facilities.	6 : Planning for Town Centres.	specifically local needs retailing.	
SH12 : Local Shopping Centres and Village Shops	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Does not conflict with Community Plan outcomes.	Conforms to RSS policy EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically local needs retailing.	Yes
SH13 : Large Retail Stores	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically retailing and town centres	Yes
SH14 : Large Retail Stores	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Promotes objective of 'a revitalised economy in the town centres and villages of Fylde'.	Conforms to RSS policies SD3 & EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	N/A	Yes
SH15 : Small Out of Centre Retail Development	Is in conformity with central strategy of the FBLP.  Promotes shopping and related services.	Does not conflict with Community Plan outcomes.	Conforms to RSS policy EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration, specifically local needs retailing.	Yes
SH16 : Restaurants and Hot Food Shops	Is in conformity with central strategy of the FBLP.  Promotes shopping	Does not conflict with Community Plan outcomes.	Conforms to RSS policy EC8.	N/A	N/A	Refines the advice in PPS 6 : Planning for Town Centres.	Supports economic development and regeneration.	Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	and related services.							
CF1 : Provision of Community Facilities	Is in conformity with central strategy of the FBLP.  Facilitates the development of social and community facilities.	Promotes an enhanced built environment.	N/A. No directly relevant RSS policy.	N/A	N/A	N/A	Encourages the provision of infrastructure which would support housing and other development.	Yes
CF3 : Redevelopment of Redundant Schools	Is in conformity with central strategy of the FBLP.  Facilitates the development of social and community facilities.	Promotes an enhanced built environment.	Conforms to RSS policy DP1.	N/A	N/A	N/A	This policy potentially supports the delivery of housing and economic development and regeneration.	Yes
CF4 : Children's Nursery Schools	Is in conformity with central strategy of the FBLP.	Does not conflict with Community Plan outcomes.	N/A. No directly relevant RSS policy.	N/A	N/A	N/A	Remains relevant.	Yes?
CF5 : Residential Care Facilities	Is in conformity with central strategy of the FBLP.	Does not conflict with Community Plan outcomes.	N/A. No directly relevant RSS policy.	N/A	N/A	N/A	Remains relevant.	Yes?
CF6 : Community use of School Facilities	Is in conformity with central strategy of the FBLP.	Does not conflict with Community Plan outcomes.	N/A. No directly relevant RSS policy.	N/A	N/A	N/A	Remains relevant.	Yes?
CF7 : Overhead Cables	Is in conformity with central strategy of the FBLP.	Does not conflict with Community Plan outcomes.	N/A. No directly relevant RSS policy.	N/A	N/A	N/A	Remains relevant.	Yes?
CF8 : Telecommunications	Is in conformity with central strategy of the FBLP.  Facilitates the development of social and	Promotes an enhanced built environment.	N/A. No directly relevant RSS policy.	N/A	N/A	N/A	Remains relevant.	Yes

Policy Title/Ref	PPS12 Criteria						Other	Save
	(i)	(ii)	(iii)	(iv)	(v)	(vi)		
	community facilities.							
CF9 : Renewable Energy	Is in conformity with central strategy of the FBLP.  Facilitates the development of social and community facilities.	Promotes an enhanced built environment.	Conforms to RSS policy ER13.	N/A	N/A	Includes criteria against which planning applications will be judged.	Promotes wind energy.	Yes

## **ALTERATION REVIEW LOCAL PLAN POLICIES**

The Alterations Review to the Fylde Borough Local Plan was adopted on 10<sup>th</sup> October 2005. The 10 policies introduced in the Alterations Review will be saved until 9<sup>th</sup> October 2008. We will be required to write to GONW in respect of their being saved by 9<sup>th</sup> April 2008.

NB : SP2 is addressed in the matrix above as it was only alterations to the Proposals Map which were introduced by the Alterations Review.

The following policies will be subject to separate consideration at a later date:-

HL1 : The Quantitative Housing Issue/Affordable Housing

HL2 : Development Control Criteria for Housing Proposals

HL3 : Rural Exception Site Affordable Housing

HL4 : Enlargement and Replacement of rural Dwellings

HL5 : House Extensions

HL6 : Design of Residential Estates

HL7 : Site for Travelling Show People

HL8 : Sites for Gypsies

TR12 : Warton By-Pass

CF2 : Provision of new Schools

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEB 2007	9

## Housing Needs Survey

### Public item

This item is for consideration in the public part of the meeting.

### Summary

To re-consider the position in relation to the undertaking of a new Housing Needs Survey in 2007.

### Recommendation

1. That the Committee recommends to the Portfolio Holders that a full new Housing Needs Survey be not carried out; but that Fordham Research Ltd be asked to undertake an up-date of the 2002 survey report.

### Cabinet Portfolio

The item falls within the following Cabinet portfolios:

Development and Regeneration:

Councillor Roger Small

Community and social Wellbeing:

Councillor Patricia Fieldhouse

### Background

1. Members will recall that at the Planning Policy Scrutiny Committee meeting on 12<sup>th</sup> October 2006, it was resolved that that a new in depth housing needs survey be commissioned to inform the preparation of an interim housing land release policy which

Continued....

would be needed as the Regional Spatial Strategy approaches adoption. In preparing to commission that study it was also resolved that the framework for the survey be brought back for agreement by Committee at a later date.

2. A copy of the draft framework was brought to and approved by Committee on 30<sup>th</sup> November 2006.
3. Ideally, the Council should review its housing needs and conditions at 5 yearly intervals to inform the Housing Strategy. Fordham Research carried out the previous survey in 2002. Therefore there is a need to update the 2002 survey because this is now five years old.
4. In November, Members were informed that there would be significant financial implications associated with undertaking new survey. The previous survey was a combined Housing Needs and Stock Condition Survey which cost £92,000 of which about £50,000 can be attributed to the needs element of the survey.
5. Members had indicated that any new survey should be prepared on a parish basis in the rural areas and the project brief was drawn up on that basis. Members were advised that a project brief requiring this additional level of detail would almost certainly result in significantly increased costs.

#### Current Position

6. PPS3: Housing was published on 29th November 2006 and includes policy changes which have direct implications in respect of this matter. In particular, PPS3 now requires the undertaking of Strategic Housing Market Assessments (SHMA). These assessments have to be undertaken in relation to the whole housing market (i.e. Blackpool/Fylde/Wyre) not just the borough of Fylde. They will include the work formerly undertaken in respect of Housing Needs Surveys but the range of work now required by government is much wider since additionally it has to estimate the needs in the open housing market for different types of housing and in respect of nominated sectors of society e.g. the elderly and students.
7. In these circumstances, and taking into account the need to make best use of limited financial resources and avoid the need to commission two major studies it was considered that it would be prudent not to ask the Portfolio Holders to endorse the need for the study for the time being, pending officer discussions with Blackpool and Wyre to try to determine when it may be possible to jointly undertake a joint SHMA and reporting back on this matter to this Committee. Both Portfolio Holders agreed with this approach and no action has been taken in respect of tendering for a housing needs survey.
8. Discussions have taken place with Blackpool and Wyre Councils, and whilst there is an acknowledgement at officer level that a joint SHMA will be necessary to inform the Local Development Framework process, at the time of writing, there is no agreement as to when such a piece of work would be commissioned or how it would be paid for. There is little prospect that such a joint piece of work could be undertaken in time to inform the interim housing policy work which is needed this year.
9. On this basis, three options appear to be open to the Council:

- Prepare the interim housing policy without an up-to-date evidence base on the issue of affordable housing needs (not recommended);
- Commission a full housing need survey to underpin the work (very expensive and not in accordance with PPS3);
- Commission an up-date of the Fordham Housing Needs Survey, with a view to undertaking the joint SHMA at a later time.

10. On the basis of discussions with Fordham Research Ltd it is anticipated that an up-date would cost in the region of £6 - 7K.

11. Given the need to provide an up-to-date evidence base for the interim housing policy work, and mindful of the significant costs of the full survey, it is recommended that Fordham Research be asked to update the 2002 Housing Needs Survey.

IMPLICATIONS	
Finance	Significant financial implications would arise out of commissioning a new housing needs survey.
Legal	The housing needs survey will be a key document in supporting the council's planning policies that relate to housing. As such, it will need to be demonstrably independent, robust and thorough. Only a survey carried out by external professionals will carry the weight needed to satisfy planning inspectors and others.
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	Jan 2006	

List of Background Papers		
Name of document	Date	Where available for inspection
File H7		Planning Policy Section Town Hall St Annes



# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEB 2007	10

## Local Development Scheme

### Public item

This item is for consideration in the public part of the meeting.

### Summary

The Local Development Scheme (LDS) is a key document within the Local Development Framework. It tells people what programmes of work the local planning authority is proposing to undertake over a three year period (and beyond) in terms of developing the particular Local Development Documents which constitute the Local Development Framework in Fylde Borough.

The purpose of this report is to obtain authority to formally submit the LDS (attached) to GONW.

### Recommendation

1. That the Committee recommends to Council that the draft amended Local Development Scheme as attached to this report be adopted and submitted to the Secretary of State before the end of March 2007.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration: (Councillor Roger Small)

## **Report**

### Background

The Local Development Scheme is a key document within the Local Development Framework. It tells people how the Council will develop its local development framework over a three year period and beyond. It serves two purposes:

1. It provides the starting point for the local community to find out what the Council's planning policies are for the area in which they live, as it sets out the current documents which form the development plan for the area; and
2. It sets out the programme for the preparation of local development documents over a three year period, including timetables which will tell people when the various stages in the preparation of any particular development document will be carried out.

The Local Development Scheme includes reference to both development plan documents (DPDs), which are subject to independent examination (local inquiry/hearing) and supplementary planning documents (SPDs), which are not subject to independent examination.

It also indicates in general terms what future work is proposed, beyond the three-year period covered formally by the scheme.

The attached document is the third document to be submitted.

In considering the local development scheme, the government office will look at whether:

- Any of the proposed supplementary planning documents ought to be prepared as development plan documents because they ought to be subject to independent examination;
- The time-scales for the preparation of the proposed local development documents are realistic;
- The information base which the Council proposes to use to underpin its development plan documents is sufficiently comprehensive;
- There are any obvious omissions from the scheme;
- The Council has identified the correct priorities for the preparation of its local development documents.

## **LDS Content**

Informal discussions have been undertaken with GONW over the last few weeks in relation to the content of the 2007 Local Development Scheme and it is understood that the draft as attached to this report is broadly supported by them.

Last year's submission contained reference to the preparation of the following documents:

- Statement of Community Involvement
- Core Strategy
- Business and Industrial Land Allocations DPD
- Housing Land Allocations DPD
- Blackpool Airport Action Area Plan (Possible)
- Residential Extensions SPD

Uncertainties in relation to the new LDF system and in particular the failure of the first two Core Strategies (and others) submitted to the Inspectorate for independent examination to meet the government's tests of soundness have caused most local planning authorities to take a backward step in their preparation programme.

At the same time, and possibly in response to the national lack of progress, government advice in respect of what should go into the Core Strategy appears to be changing. Informal advice from GONW again appears to be suggesting that Council's should be cautious about the contents of the April 2007 LDS and that they should concentrate on the preparation of the Core Strategy.

For this reason, the reasons indicated in the separate reports elsewhere on this agenda, and to more realistically reflect the available staff resources, it is proposed not to pursue the Business and Industrial Land Allocations DPD, the Blackpool Airport AAP and the Housing Land Allocations DPD but to concentrate on the preparation of the Core Strategy.

In line with government advice, and to improve their relevance and value, it is proposed to prepare two documents to a similar timetable with Blackpool and Wyre Councils. The relevant documents are:

- Core Strategy DPD
- Residential Extensions SPD

The latter of these projects is already under way.

This will allow joint commissioning of background studies which should allow all authorities to benefit from savings arising out of economies of scale. Members should note that preparation of the Core Strategy will have significant financial implications in terms of the purchase of necessary background studies. These will include the commissioning of a Strategic Housing Market Assessment (jointly with Blackpool and Wyre) a retail study (jointly with Wyre) and an assessment of open space, sports and recreation facilities. These studies together could cost up to or above £100,000.

The two other main elements of the LDS are:

- a Site Allocation Policies DPD: to be commenced (pre-production stages) in July 2008;and
- an Interim Housing Policy to be commenced this year.

The former document will make site specific land allocations and designations in respect of a range of matters including housing and employment land.

The latter document is needed to address housing issues when the emerging RSS is published by the Secretary of State.

IMPLICATIONS	
Finance	It is understood that the future payment of PDG will be based in part on how well Councils meet their identified timetables for DPDs published within the Local Development Scheme.  Preparation of the Core Strategy will involve significant costs at the outset of preparation.
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	Sustainability appraisal will be undertaken as part of the statutory process of document preparation.
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	Jan 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
File P27		Local Plans Section Town Hall St Annes

#### Attached documents

1. Local Development Scheme

# Fylde Borough Council

## Local Development Scheme

March 2007

### Introduction

The government announced in the *Planning Green Paper, Planning – delivering a fundamental change* (December 2001) proposals for reforming the planning system. The government's reforms relate to all levels of the planning system including the national, regional and local levels.

At the national level the government is in the process of reviewing and reforming national planning guidance. The existing system of Planning Policy Guidance Notes is being replaced by a system of Planning Policy Statements.

At the regional level, the Regional Spatial Strategy (formerly Regional Planning Guidance) now forms part of the statutory development plan.

At the local level, a new system of Local Development Frameworks has replaced the old system of structure plans, local plans and unitary development plans.

The Local Development Framework will consist of a portfolio of local development documents which will provide the local planning authority's policies for meeting the community's economic, environmental and social objectives where these affect the development and use of land.

There are two types of Local Development Document. Development Plan Documents (DPDs) form part of the development plan and are the means of changing policy at the local level. DPDs are subject to independent examination by an external Inspector. Supplementary Planning Documents (SPDs) do not form part of the development plan and are prepared (if necessary) to supplement policies and proposals in Development Plan Documents. Whilst they will not be subject to independent examination, SPDs will be subject to rigorous procedures of community involvement.

One of the advantages of the new system is that not all of the documents need to be prepared / reviewed at the same time. If one document becomes out-of-date, there is only a need to up-date that element. In this way, the documents under the new system should be easier to up-date and thus more responsive to changes in national or regional planning policy or changes in local circumstances.

As part of the process of producing the Local Development Framework for the area, local planning authorities are required to produce a *Local Development Scheme*. The Local Development Scheme, which is reviewed at least annually, has two key objectives:-

- It informs the community and stakeholders in respect of the local planning authorities intentions regarding what local development documents are to be

included in the Local Development Framework, and what the status of those documents will be; and

- It outlines the details of and timetable for the production of local development documents over a three-year period.

The Council's progress in respect of the preparation of local development documents is monitored and reported on in the annual monitoring report which is published at the end of each calendar year.

### **Transitional Arrangements**

At the present time, the development plan for Fylde Borough comprises:-

- Regional Spatial Strategy for the North West (formerly Regional Planning Guidance for the North West) (prepared by the Regional Assembly);
- The Joint Lancashire Structure Plan 2001 – 2016 (prepared jointly by Lancashire County Council, Blackburn with Darwen Council and Blackpool Borough Council);
- The Lancashire Minerals and Waste Local Plan 2006 (prepared by Lancashire County Council);
- The Fylde Borough Local Plan (As Altered) (prepared by Fylde Borough Council).

Under the new system, adopted structure and local plans and unitary development plans and become 'saved' plans for a period of three years from commencement of the new system and thus retain development plan status for this period. Old style plans in preparation at the time of the introduction of the new system are 'saved' for three years starting from adoption of the plan.

The policies of the Joint Lancashire Structure Plan will be saved until at least March 2008 (unless the revision of the Regional Spatial Strategy replaces policies either in whole or in part).

The position with regard to the Fylde Borough Local Plan (As Altered) is slightly more complex. Those policies within the plan which were originally contained within the former Fylde Borough Local Plan 1996 – 2006 will be saved until at least 28<sup>th</sup> September 2007 (three years from the start of the new system). Those policies introduced in the Alterations Review which was adopted on 10th October 2005 will be saved until at least October 2008 (three years from adoption).

Where local planning authorities can demonstrate that a saved plan or elements of it are fully in line with local development document principles and meet other set criteria, it is possible for the Local Planning Authority to seek to extend the three-year period by application to the Secretary of State.

It is apparent now that the Council will have to make such an application to the Secretary of State before 1<sup>st</sup> April 2007.

### **Joint Working Arrangements**

Under the new planning system there is a much greater emphasis on joint working arrangements with neighbouring authorities. In particular there is widespread recognition from the Government and within the planning profession for greater co-operation in determining the main strategic policy framework and key decisions to meet needs across single market areas.

Reflecting this, the three Fylde Coast Authorities (Fylde, Wyre and Blackpool Borough Councils) recognise that the Fylde Coast sub-region, although having different strengths and facets, effectively functions as a single housing and employment market. This justifies a need for a more co-ordinated approach to the review and updating of local development documents, based on a better understanding of sub-regional market areas. It is recognised joint working between the authorities should greatly improve the quality and consistency of the development of planning policy and should also help to make more efficient use of limited resources.

Accordingly, the 2007 Review of the LDS for the Fylde Peninsular authorities contains an aligned timetable for production of the Core Strategy as a priority for the future co-ordination of planning across the sub-region. Implicit within this approach is also the need for joint working on a range of baseline information collection to inform the evidence base and feed into the local development document process.

In addition, the 2007 LDS includes joint working arrangements for the preparation of a House Extensions SPD on which work is already proceeding. The intention is that a common SPD which can be operated over the whole area of the three boroughs. This will be of great benefit to agents, applicants and the general public.

### **Composition of LDF in Fylde Borough**

Work will take place on the following Local Development Documents within the period April 2007 – March 2010 and beyond.

#### Statement of Community Involvement

This document explains to stakeholders and the community how and when they will be involved in the preparation of other Local Development Documents.

Preparation of the statement (which itself is subject to public consultation) was commenced in 2005.

The document was submitted to the Secretary of State in August 2006. The remaining timetable anticipates that adoption will take place in July 2007. A timetable for completion of the SCI is shown in Appendix 1.

### Development Plan Documents

- Core Strategy: to be commenced (pre-production stages) in July 2007;
- Site Allocation Policies DPD: to be commenced (pre-production stages) in July 2008;
- Proposals Map: this will follow progress on the above DPD.

Commencement of the Core Strategy has been programmed to enable it to take into account the review of the Regional Spatial Strategy which is likely to be adopted early in 2008. The programme has also been agreed with Blackpool and Wyre Borough Councils to allow joint progress to be made on the respective documents within the same time frame thus allowing each individual strategy to have regard to the others within the Fylde Coast Sub-region.

All three Councils consider that it would be better to take a sub-regional approach to the housing and employment issue since markets extend over broader areas than individual boroughs. However, once the strategic location of housing and employment sites have been identified within the Core Strategy there will be less need for the detailed allocation documents to be pursued in tandem, since the strategic cross-border issues would have been resolved.

However, on the basis that the Core Strategy and the Site Allocations Policies DPD will not be completed until at least 2010, there will be a need for an interim housing policy to provide guidance in the intervening period. See below.

In the meantime, those policies which, in effect, will constitute an Interim Core Strategy in the early years of the new system are identified in Appendix 2. On its formal publication, the policies of the (currently emerging) Regional Spatial Strategy, will replace the JLSP policies listed in Appendix 2 and will form part of the statutory development plan.

Profiles for each of the above Development Plan Documents are attached in Appendices 3 – 5.

### Supplementary Planning Documents

- Residential Extensions SPD : was commenced in June 2006 and work currently continues on the document;

The principles to be contained in the Residential Extensions SPD will be common to Fylde, Blackpool and Wyre Borough Councils. In order to share costs and expertise, it is proposed to prepare the document jointly although SPDs will be adopted in each borough separately.

A profile of the proposed Residential Extensions SPD is attached as Appendix 6.

### Interim Housing Policy



At the present time, the release of additional housing land is significantly restricted because the housing requirement for Fylde Borough contained in the Joint Lancashire Structure Plan has been exceeded. Policy HL1 in the Fylde Borough Local Plan governs this issue. The housing requirement figure for the borough contained in the emerging Regional Spatial Strategy is much higher than that in the JLSP such that when the RSS is formally published (or sooner), the above policy will have little relevance and a replacement policy will be required to provide the necessary guidance.

The provision of a DPD in advance of the Core Strategy would not be appropriate and in any event would take too long to prepare. The preparation of an SPD would not be appropriate since it would be changing a main policy item and not refining it.

In these circumstances, the Council believes that the preparation of an interim policy is the only reasonable course open to it. To do otherwise would leave the Council without policy guidance on this central planning issue. The Council will prepare the interim policy having regard to the principles of Local Development Document preparation. However the policy will lie outside the formal Local Development Framework.

A profile of the proposed Interim Housing Policy is attached as Appendix 7.

A schedule of saved Supplementary Planning Guidance (SPG) documents is shown in Appendix 8. This includes two SPGs prepared by Lancashire County Council on 'Access and Parking' and 'Landscape Heritage'.

A Programme Management (Gantt) Chart in respect of all Local Development Documents is attached as Appendix 9.

### **Timetable for DPD Production & The Need To Save Existing Policies.**

The time-scales indicated in this LDS for local development document production demonstrate that by July 2007, whilst the Statement of Community Involvement will have been completed, no development plan document will have been adopted. On this basis it is evident that an application to the Secretary of State is needed to save existing policies if a local planning policy base is to be retained. This submission will be made before the end of March 2007.

### **Evidence Base**

In the new planning system, emphasis is placed on the provision of a sound evidence base to underpin and inform the development of policy. The Council collects itself and obtains from other sources a variety of types of information which will help to inform the policies within Local Development Documents. The following table details some of the main elements of information and documents held by the Council which are up-dated periodically.

Information/Evidence	Date	Proposed Action
Urban Capacity Study	2003	This will be replaced by a Strategic Housing Market Assessment (undertaken with Wyre and Blackpool Councils) as defined within PPS3.
Housing Land Availability	March 2006	Up-dated annually but will now incorporate all elements as defined in PPS3.
Housing Needs Survey (Affordable and Special Needs housing)	2002	This will be updated in 2007 as baseline information for the Interim Housing Policy. After this the required information will be collected within the Strategic Housing Market Assessment as baseline information for the Core Strategy and the subsequent Site Allocation Policies DPD.
Strategic Housing Market Assessment	2007	This will be undertaken jointly with Wyre and Blackpool Councils to inform the preparation of the Core Strategy and subsequent Site Allocation Policies DPD.
Business and Industrial land Availability	March 2003	Up-dated annually. This will inform the preparation of the Core Strategy and the subsequent Site Allocation Policies DPD.
Employment Land Study	June 2006	Study commissioned from GVA Grimley to report on the local economy and assess the need for additional business and industrial land. This will inform the preparation of the Core Strategy and the subsequent Site Allocation Policies DPD.
Economic Development Plan	2000	Runs 2001-2004  This will be replaced during 2007 by a new Economic Development Strategy which will be born out of the Employment Land Study (see above).
2001 Census	2001	Up-dated every 10 years
Off-Street Car Parking	2004	Some information collected annually.

Information/Evidence	Date	Proposed Action
Biological Heritage Sites Register	2005	Up-dated annually by LCC
Biodiversity Action Plan Priority Habitats Map		
Indicative Floodplain Maps	2005	Up-dated annually by Environment Agency
Listed Buildings Register		Up-dated periodically
Register of Historic Parks and Gardens		Up-dated periodically
Fylde Shopping Study	1994 Up-dated 1995	No immediate plans to up-date  Will need to be up-dated to inform the preparation of the Core Strategy.
Town Centres	1998	There are plans to undertake a formal town centre health check within the next twelve months.
Lancashire Shopping Study	2003	Produced on behalf of Lancashire County Council for key towns in the county.
Housing Strategy	2004 – 2007	Will be up-dated before the expiry of the document.
Tourism Strategy	2001	Runs 2001-2006
Parks and Open Spaces Strategy	2003 – 2007	No immediate plans to up-date  Strategy contains proposals to undertake further work  Some additional work may be needed to inform the preparation of the Core Strategy.
Sport and Recreation Strategy	1999 – 2004	Some additional work may be needed to inform the preparation of the Core Strategy.
Arts Strategy	2002 – 2006	No up-date is now being considered.
Local Housing Costs/	2006	Up-dated quarterly

Information/Evidence	Date	Proposed Action
Local Incomes		

## Resources

### Staff Resources

Fylde Borough Council is a relatively small partly rural district authority with corresponding staff resources. Specifically, the Development Plans Section currently has an establishment of two full time and one part time professional planning officers, and a monitoring officer.

The planning officers concerned will also be working on other projects including the normal activities undertaken by all local planning authorities including; commenting on the plans of other Councils, responding to consultations on national policy and the Regional Spatial Strategy and commenting to the development control section on the policy implications of certain planning applications.

The work associated with the preparation of the Local Development Framework will clearly need to be tailored to reflect these competing demands on staff time.

On the basis of existing staff establishment over the next twelve months it would be reasonable to expect that work could progress on:

- the completion of the Statement of Community Involvement;
- the commencement of work on the Core Strategy
- the continuation of work on the Residential Extensions SPD

Work on the Residential Extensions SPD is being undertaken in part by staff within the Development Control section.

Progress on document preparation will be monitored against the timetables set out in the Local Development Document profiles, and appropriate action will be taken if significant slippage occurs. This may include re-appraisal of existing work programmes, re-prioritisation of work elements, and or the engagement of additional staff or consultants.

### Financial Resources

Like most small district councils, Fylde Borough Council is tightly constrained in terms of its revenue budget. It is anticipated that the level of financial resources available in the next few years is not likely to be significantly increased. In particular, given the front-loaded nature of the LDF system, and the evidence based approach, the Council will rely to a large degree on Planning Delivery Grant to fund significant elements of LDF work.

### Time Constraints

The timetables included in the LDD Profiles have been set having regard to current

and anticipated future staff resources.

## **Risk Assessment**

The Local Development Framework is a series of separate but linked projects and project management plays a key role in identifying, monitoring and mitigating risk. In general, the LDF can be considered to be a high-risk activity due to the presence of a significant number of areas of risks. These factors alone or in combination have a high likelihood of occurrence and could conspire to significantly delay programme implementation. The principle risks are considered to be as follows:

It is important that the Council (and the community and stakeholders) are aware of the possible risks to preparation so that the risks can be minimised or mitigation measures put in place in the case of delays being occasioned. The following table identifies some of the more likely risks that could prejudice document preparation and the mitigation measures that could be employed.

Risk	Mitigation
External Factors	
<b>Legislation/Government Guidance</b>  Publication of legislation and related guidance can be delayed for various reasons. In particular, government make seek to change the legislation governing the preparation of the LDF.	Maintain close liaison with GONW  Agree revised timetable with GONW if necessary.
<b>North West Regional Assembly</b>  Delays caused to the preparation of the review of RSS could occasion delays to the LDF.	This is outside the control of the Council.  However, the preparation of the review of RSS is now well advanced and significant delays to the process are not expected.
<b>Planning Inspectorate</b>  Delays could be caused either by failure to set an Inquiry/Hearing date at the requested time or by Inspector's Reports taking longer than expected.	Keep in touch with Inspectorate and advise them of requests for Inquiries at the earliest possible time.
<b>Other External Bodies</b>  The new planning system involves more complex arrangements for consultation, engagement and evidence gathering. Failure on the part of other bodies to respond on time or to provide inadequate responses which require subsequent	Programme work to accommodate the likely delays.

clarification could cause significant delay to work programmes.	
<p><b>Soundness of DPDs</b></p> <p>A number of submitted DPDs including Core Strategies have been determined unsound through the examination process.</p> <p>This represents a significant risk</p>	There will be a need to maintain close contact with GONW and to monitor the outcomes of other DPD examinations.
<p><b>New LDF System</b></p> <p>The new system of DPD and SPD preparation is complex and is not yet embedded. Lack of experience with the system could result in delays to preparation timescales.</p>	Maintain close contact with GONW and other LDF Officers within Lancashire.
<p><b>Financial Resources</b></p> <p>Preparation of DPDs in particular can involve significant funding, particularly in the early stages in relation to the provision of an evidence base. Where information is to be jointly funded by three authorities (as in the case of the Core Strategy) the non-availability of appropriate funding represents a significantly increased risk</p> <p>A further risk stems from the Council or its partners obtaining reduced funding through the Planning Delivery Grant stream.</p>	Early discussions and agreements as to required evidence base will be essential.

<p><b>Political Direction/Management</b></p> <p>Changes in work priorities could have a harmful effect on work programmes, especially as staff resources are very limited.</p>	<p>Priorities in work programmes should be agreed having regard to the effect on LDF preparation.</p>
<p><b>Staffing</b></p> <p>The Local Plans staffing establishment consists of only two and a half (full time equivalent) professional planners and a monitoring officer. Whilst the content of the LDS reflects the staffing, individual absences due to leave, personnel changes or sickness can take up a large proportion of the available staffing resource.</p> <p>Recruiting experienced professional staff is very difficult at the present time and thus loss of existing staff members would have a significant effect on document timetables.</p>	<p>Difficulties of staff recruitment and retention may need to be addressed by the provision of improved terms and conditions.</p> <p>The need to monitor progress towards identified milestones and take effective actions to rectify any future difficulties in meeting timetables will be critical.</p> <p>The Council is committed to recruiting the staff necessary to keep progress to timetable.</p>

### **Monitoring and Review**

Monitoring and review will be essential components of the new LDF system in two ways.

First of all, the new system lays significantly increased emphasis on the need to monitor the procedural arrangements and the time-tabling of document preparation. It is proposed to identify management timetables and charts for each LDD. The adoption of an effective project management approach will help to identify whether preparation is meeting published timetables. It will allow the Council the opportunity to take remedial action if timetables are not kept to.

Secondly, under the concept of plan, monitor and manage, the monitoring of policy implementation will be an essential part of the new process. This will help inform on whether particular policies are actually achieving the vision and objectives in the Community Plan and the Core Strategy.

Both these elements will be reported on in the Council's 'Annual Monitoring Report' which is produced at the end of December each year.

## Local Development Documents Profiles

### Statement of Community Involvement

Document Details	
<u>Title:</u>	Statement of Community Involvement
<u>Role:</u>	To set out how the Council proposes to engage the community in respect of the preparation of Local Development Documents and the determination of planning applications.
<u>Status:</u>	Local Development Document
<b>Timetable</b>	
Scoping	June/July 2005
Reg 25 Consultation	November/December 2005
Reg 26 Participation	March/ April 2006
Consideration of representations. Reg 27	May/June 2006
Preparation and Submission of SCI Reg 28	Aug/Sept 2006
Consideration of representations. Reg 29	Nov/Dec 2006
Pre exam meeting	Jan 2007
Independent Examination	March 2007
Receipt of Inspector's Binding Report	May 2007
Adoption	July 2007



## **Schedule of Existing Policies Which Represent the Interim Core Strategy\***

### **Vision**

This is set out in paras 2.1 – 2.4 of the Joint Lancashire Structure Plan 2001 – 2016. The vision identifies:

- Emphasis on urban regeneration (Lytham St Annes is a Regeneration Priority Area) with development concentrated on town centres and inner urban areas;
- Recycling of brownfield land and less development on greenfield land;
- Urban renaissance to be matched by rural regeneration;
- Emphasis on development in Key Service Centres, villages and farms;
- Protection and enhancement of the landscape;
- Ultimate goals of:
  - ❖ Dynamic economy
  - ❖ Vibrant town centres
  - ❖ Higher quality residential areas
  - ❖ Improved accessibility by walking, cycling and public transport
  - ❖ Reducing congestion and pollution
  - ❖ Well managed countryside
  - ❖ Protected key environmental assets
  - ❖ A better place to live

### **Strategic Goals and Objectives**

These are identified in Chapter 1 of the Fylde Borough Local Plan (pages 16 – 20).

## **General Locations for Strategic Development**

JLSP Policy 1: General Policy

JLSP Policy 2: Main Development Locations (Lytham St Annes)

JLSP Policy 4: Development in Key Service Centres (Kirkham/Wesham)

JLSP Policy 5: Development Outside Principal Urban Areas, main Towns and Key Service Centres: (Villages and Countryside)

FBLP Policy SP1: Development Within Settlements (All settlements)

FBLP Policy SP2: Development in Countryside Areas

## **Key Transportation Proposals**

JLSP Policy 8: Strategic Road Network and Proposed improvements (Heyhouses/M55 Link and Norcross/M55 Corridor)

JLSP Policy 9: Rapid Transport Systems in Regeneration Priority Areas (Blackpool/Lytham St Annes)

JLSP Policy 10: Rail and Bus Improvements (New Rail Station at Wrea Green/ Improved Rail/Bus Interchange at Kirkham)

FBLP Policy TR13: St Annes to M55 Link Road

## **Main Strategic Constraints to Development**

JLSP Policy 6: Green Belts

JLSP Policy 12: Housing Provision

JLSP Policy 12: Business and Industrial Land Provision

JLSP Policy 23: The Coastal Zone

JLSP Policy 24: Flood Risk

FBLP Policy SP3: Development in Green Belt

FBLP Policies EP15 – 16: European/National Nature Conservation protection

FBLP Policy EP 20: Protection of Coastline.

FBLP Policies EP 23 – 28: Water Resources and Pollution

FBLP Policy EP 30: Development Within Floodplains.

### **Distribution of Development ( Non-site specific)**

#### **Housing /Business and Industrial**

JLSP Policy 1: General policy

JLSP Policy 2: Main Development Locations

JLSP Policy 4: Development in Lancashire's Key Service Centres

JLSP Policy 5: Development Outside Principal Urban Areas, main Towns and Key Service Centres: (Villages and Countryside)

#### **Retail**

JLSP Policy 16: Retail, Entertainment and Leisure Development

FBLP Policies SH13/14: Large Retail Stores

- \* The above policies will represent the Interim Core Strategy only until such time as the (now emerging) Regional Spatial Strategy is formally published by the Secretary of State. After this date, the RSS policies will replace the policies of the Joint Lancashire Structure Plan.

## Local Development Documents Profiles

### Core Strategy

Document Details	
<u>Title:</u>	Core Strategy
<u>Role:</u>	<p>To set out the key elements of the planning framework for the borough.</p> <p>To set out the long term spatial vision for the borough held by the Council and the community as expressed by the Local Strategic Partnership in the Community Plan.</p> <p>To represent strategic guidance for the other Local Development Documents of the Local Development Framework. It will be in general conformity with the Regional Spatial Strategy and will take account of other relevant plans and strategies, including the Community Plan.</p>
<u>Content:</u>	<p>The provision of a spatial vision and strategic objectives for the area; a spatial strategy; core policies which will deliver the vision and provide strategic guidance to other Local Development Documents and a monitoring and implementation framework.</p> <p>Core policies will include the general location for strategic development; key transportation proposals and the main strategic constraints to development.</p> <p>Some generic criteria based development control policies may be included in the Core Strategy depending on the response of the Secretary of State to the Council's application to save such policies currently within the Fylde Borough Local Plan.</p> <p>A key diagram which will illustrate in diagrammatic form, the broad strategy for the area.</p> <p>A proposals map will be included if necessary to illustrate the areas to which core strategy policies will apply e.g. green belt.</p>
<u>Status:</u>	Development Plan Document.

<u>Chain of Conformity:</u>	Will be in general conformity with national planning policy and the Regional Spatial Strategy. It will have regard to the vision, objectives and direction of the Community Strategy.
Geographic Coverage	The whole of the Borough of Fylde.
<b>Timetable</b>	
Commencement	July 2007
Scope sustainability appraisal.	
Consultation on Issues and Options (Regulation 25)	Feb - Mar 2008
Public participation on preferred options (Regulation 26)	Sept - Oct 2008
Formal Sustainability Appraisal Report on preferred options	
Submission of DPD to Secretary of State (Regulation 28)	May - June 2009
Pre-examination meeting	Oct 2009
Commencement of Examination	Dec 2009
Receipt of Inspector's Report	May 2010
Adoption	July 2010
<b>Arrangements for Production</b>	
Section to lead production.	Planning Policy Section of Fylde Borough Council

Management Arrangements	Management of the Core Strategy will be undertaken by the Planning Policy Manager. However, the timing of the DPD has been agreed with Blackpool and Wyre Borough Councils so that respective DPDs can be progressed in those areas broadly to the same time-scale.
Resources	Resources to be taken from existing Council budgets, including Planning Delivery Grant.
Monitoring and Review	The DPD will identify the need to monitor planning applications which have implications for the policies contained within it to determine the effectiveness of policies. Specific monitoring arrangements for this DPD are considered below.

## Local Development Document Profiles

### Site Allocation Policies DPD

Document Details	
<u>Title:</u>	<b>Site Allocation Policies DPD</b>
<u>Role:</u>	To deliver the broader objectives and vision contained in the Core Strategy in respect of all site allocations and land designations taking into account the Regional Spatial Strategy.
<u>Content:</u>	Will indicate policies for the allocation of land for housing, employment, and other purposes.
<u>Status:</u>	Development Plan Document
<u>Chain of Conformity:</u>	Will be in general conformity with national planning policy and the Regional Spatial Strategy. It will have regard to the Community Plan.
Geographic Coverage	The whole of the Borough of Fylde.
<b>Timetable</b>	
Commencement	July 2009
Scope sustainability appraisal.	
Consultation on Issues and Options (Regulation 25)	Feb - March 2010
Public participation on preferred options (Regulation 26)	Sept - Oct 2010
Formal Sustainability Report on preferred options	

Submission of DPD to Secretary of State. (Regulation 28)	May - June 2011
Pre-examination meeting	October 2011
Commencement of Examination	December 2011
Receipt of Inspector's Report	May 2012
Adoption	July 2012
<b>Arrangements for Production</b>	
Section to lead production.	Planning Policy Section of Fylde Borough Council
Management Arrangements	Management of the DPD will be undertaken by the Planning Policy Manager.
Resources	Resources to be taken from existing Council budgets, including Planning Delivery Grant.
Monitoring and Review	The DPD will identify the need to monitor planning applications which have implications for the policies contained within it to determine the effectiveness of policies. Where land allocations have been made, the rate of take-up of the allocations will be monitored.

Appendix 5

## Local Development Document Profiles

### Proposals Map



Document Details	
<u>Title:</u>	Proposals Map
<u>Role:</u>	To illustrate on an Ordnance Survey base map the extent of the areas to which those policies in the Land Allocation DPDs and location specific policies in the Core Strategy will apply.
<u>Content:</u>	All spatial policy allocations and designations made in DPDs, including the Site Allocation Policies DPD. The proposals map will also show the allocations and designations of those saved policies within the Fylde Borough Local Plan and, if relevant, in the Alterations Review of the Local Plan.
<u>Status:</u>	Development Plan Document
<u>Chain of Conformity:</u>	Expression of policies in other DPDs and saved adopted local plan.
Geographic Coverage	The whole of the Borough of Fylde.
<b>Timetable</b>	Will follow the timetable of the Core Strategy and Site Allocation DPDs.
<b>Arrangements for Production</b>	
Section to lead production.	Planning Policy Section of Fylde Borough Council
Management Arrangements	Proposals map will be an illustration of other DPDs. The Proposals Map will be updated as each new DPD is adopted.
Resources	Resources to be taken from existing budgets, including Planning Delivery Grant. Revenue growth bids have been submitted to cover major costs including plan printing.
Monitoring and Review	Proposals Map will be an illustration of other DPDs.

Appendix 6

## Local Development Documents Profiles

### Residential Extensions SPD

Document Details	
<u>Title:</u>	Residential Extensions
<u>Role:</u>	To provide policy and design guidance to developers and householders in respect of residential extensions, including design standards, use of materials, and relationship of extensions to adjacent properties and the surrounding area.
<u>Content:</u>	Will indicate policies in respect of the above matters.
<u>Status:</u>	Supplementary Planning Document.
<u>Chain of Conformity:</u>	Will be in general conformity with national planning policy, and the Regional Spatial Strategy. It will have regard to the Community Plan.
Geographic Coverage	The whole of the Borough of Fylde. The SPD will be prepared in parallel with Blackpool BC and Wyre B C
<b>Timetable</b>	
Commencement	June 2006
Scope Sustainability Appraisal.	
Draft SPD issued for public consultation.	July – Aug 2007
Final Sustainability Appraisal Report (Regulation 17stage).	
LPA consideration of consultation responses.	October – November 2007
Adoption and Publication of SPD	January – February 2008
<b>Arrangements for Production</b>	
Section to lead production.	Development Control Sections of Fylde, Wyre and Blackpool Borough Councils.
Management	This will be a formal jointly prepared SPD to provide

Arrangements	common design advice on house extensions, across the three authorities. Immediate management would be undertaken by the development control managers of each authority. Joint working will probably involve a joint member steering group. The details of this have yet to be decided.
Resources	Resources to be taken from existing Council budgets, including Planning Delivery Grant.
Monitoring and Review	The SPD will identify the need to monitor planning applications for housing to determine the effectiveness of the policies contained within it.

### Interim Housing Policy

Document Details	
<u>Title:</u>	Interim Housing Policy
<u>Role:</u>	To provide policy guidance in respect of the release of housing land within the borough in the period starting when significant weight is attached to the emerging Regional Spatial Strategy and finishing when the Core Strategy and Site Allocations DPD are adopted..
<u>Content:</u>	Will indicate policies in respect of the above matters.
<u>Status:</u>	Non-statutory Interim Policy
<u>Chain of Conformity:</u>	Will be in general conformity with national planning policy, and the Regional Spatial Strategy. It will have regard to the Community Plan.
Geographic Coverage	The whole of the Borough of Fylde.
<b>Timetable</b>	
Commencement	April 2007
Scope Sustainability Appraisal.	
Draft SPD issued for public consultation.	October – November 2007
Final Sustainability Appraisal Report (Regulation 17stage).	
LPA consideration of consultation responses.	December - February 2008
Adoption and Publication of SPD	March 2008
<b>Arrangements for Production</b>	

Section to lead production.	Planning Policy Section
Management Arrangements	Management of the Interim Policy will be undertaken by the Planning Policy Manager.
Resources	Resources to be taken from existing Council budgets, including Planning Delivery Grant.
Monitoring and Review	The Interim Policy will identify the need to monitor planning applications for housing to determine the effectiveness of the policies contained within it.

## **Schedule of Saved Supplementary Planning Guidance Notes**

Policy for New Flat Development  
Adopted June 1989  
Linked to Policies HL5 and EP1

There are no current proposals to replace the SPG with SPD. The SPG will continue to supplement Policy EP1.

Land at Wesham Hospital Development Brief  
Adopted 5<sup>th</sup> January 2000  
Linked to Policy HL2

Planning permission has now been granted on this site. The Council will take steps to abandon the SPG.

Land at Queensway Development Brief  
Adopted 5<sup>th</sup> January 2000  
Linked to Policy HL2

The planning application in respect of this site has been refused planning permission by the Secretary of State. However, the Council will retain the SPG incase a further planning application is submitted on the site.

Queen Mary School Design Brief  
Adopted 4<sup>th</sup> September 2002  
Linked to Policies EP2 and EP4

Planning permission has now been granted on this site. The Council will take steps to abandon the SPG.

Windows, Doors and Architectural Joinery  
Adopted 6<sup>th</sup> February 2003  
Linked to Policies EP1 and EP3

There are no current proposals to replace the SPG with SPD. The SPG will continue to supplement Policies EP1 and EP3.

Wimbourne Stables Development Brief  
Adopted 10<sup>th</sup> April 2003  
Linked to SP2

There are no current proposals to replace the SPG with SPD. The SPG will continue to supplement Policy SP2.

Ribby Hall Development Brief Revised Version 1998  
Adopted February 1998

Linked to Policy TREC 4

There are no current proposals to replace the SPG with SPD. The SPG will continue to supplement Policy TREC 4.

Policy for Shop Front Design Guide  
Adopted September 2004  
Linked to EP1 and EP3

There are no current proposals to replace the SPG with SPD. The SPG will continue to supplement Policies EP1 and EP3.

St Annes Renaissance Design Guide  
Adopted September 2004  
Linked to EP1 and EP3

There are no current proposals to replace the SPG with SPD. The SPG will continue to supplement Policies EP1 and EP3.

The Conversion of Fylde's Traditional Farm Buildings  
Adopted September 2004  
Linked to SP5 and SP6

There are no current proposals to replace this SPG.

606 Clifton Drive North ( Revised Development Brief )  
Adopted September 2004  
Linked SP3, SP5, SP6, EP16 and EP20

Planning permission has now been granted on this site. The Council will take steps to abandon the SPG.

Land at Weeton Road, Wesham Development Brief  
Adopted September 2004  
Linked to Policy HL2

Planning permission has been granted for this site. Once development has taken place, the SPG can be abandoned.

Supplementary Planning Guidance Prepared By Lancashire County Council.

Landscape and Heritage (Draft)  
Was adopted 23<sup>rd</sup> February 2006  
Linked to Policy 20 of the Joint Lancashire Structure Plan.

Access and Parking and Technical Appendix 2

Adopted 30<sup>th</sup> March 2005

Linked to Policy 7 of the Joint Lancashire Structure Plan.



**Programme Management For The Local Development Framework**

Document Title	Stage	Time scale																																															
		2009												2010												2011												2012											
Fylde Local Development Framework		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Local Development Scheme	Preparation and Review																																																
	Submission to SoS																																																
Statement of Community Involvement (SCI)	Scoping																																																
	Reg 25 Consultation																																																
	Reg 26 Participation																																																
	Consideration of representations (Reg 27)																																																
	Preparation and submission of of SCI (Reg 28)																																																
	Consideration of Representations(Reg 29)																																																
	Pre Examination Meeting																																																
	Independent Examination																																																
	Receipt of Inspector's Binding Report																																																
	Adoption																																																
Core Strategy	Commencement																																																
	Scope Sustainability Appraisal																																																
	Consultation on issues and options (Reg 25)																																																
	Public Participation on Preferred options (Reg 26)																																																
	Formal Sustainability report on preferred options																																																
	Submission of DPD to Secretary of State (Reg 28)																																																
	Pre-Examination Meeting																																																
	Commencement of examination																																																
	Receipt of Inspector's report																																																
Adoption																																																	
Site Allocation Policies DPD	Commencement																																																
	Scope Sustainability appraisal																																																
	Consultation on issues and options (Reg 25)																																																
	Public Participation on Preferred options (Reg 26)																																																
	Formal Sustainability report on preferred options																																																
	Submission of DPD to Secretary of State (Reg 28)																																																
	Pre-examination meeting																																																
	Commencement of examination																																																
	Receipt of Inspector's report																																																
	Adoption																																																

	Scoping
	Preparation of Documents
	Consideration of representations representatins
	Submission of Documents
	Consultation on Documents
	Pre-Exam Meeting
	Adoption of Documents
	SA Work
	Independent Examination
	Receipt of Inspectors binding report
	Public Participation
	Community Involvement

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEBRUARY 2007	11

## Annual Monitoring Report 2006

### Public item

This item is for consideration in the public part of the meeting.

### Summary

Authorities are required to produce Annual Monitoring Reports to assess the implementation of the local development scheme and the extent to which policies in local development documents are being achieved. The Annual Monitoring Report is produced annually and submitted to Government Office by 30<sup>th</sup> December. The Annual Monitoring Report for 2006 was submitted to Government Office North West on 19<sup>th</sup> December 2006 on the authority of the Portfolio Holder.

### Recommendation

This report is for information only.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration: Councillor Roger Small

### Report

#### The Annual Monitoring Report (AMR) 2006

Review and monitoring are key aspects of the Government's 'plan, monitor and manage' approach to the planning system.

Regulation 48 of the Town and Country Planning ( Local Development ) ( England ) Regulations, 2004 requires local planning authorities to produce an annual monitoring report to assess:

- i. The implementation of the Local Development Scheme; and
- ii. The extent to which policies in local development documents are being achieved.

The AMR must be based on the period 1<sup>st</sup> April to 31<sup>st</sup> March and submitted to the Secretary of State no later than the end of the following December.

The first AMR was produced in December 2005. We received feedback on this from Government Office North West ( GONW ) in September 2006. This feedback was incorporated into the AMR for 2006. All of the figures in the report have been updated, where possible figures from the AMR for 2005 have been provided for comparison.

Section 5 details progress in relation to the Local Development Scheme submitted to GONW in March 2005.

Lancashire County Council have provided data and two new maps which show new residential development: access to services and new residential development where services are not available within 30 minutes travel time.

The AMR is too large to include in this report but it can be viewed on the Council's website by going to Environment and Planning>Local Plans>Local Development Framework>Annual Monitoring Report.

IMPLICATIONS	
Finance	No direct implications
Legal	The production of the AMR is a statutory requirement
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
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Julie Glaister	(01253) 658687	23 <sup>rd</sup> January 2007	
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List of Background Papers
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Name of document	Date	Where available for inspection
Annual Monitoring Report	December 2006	Local Plans Section Town Hall St Annes

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	8 <sup>TH</sup> FEBRUARY 2007	12

## Sustainability Appraisal Scoping Report Consultation Responses

### Public item

This item is for consideration in the public part of the meeting.

### Summary

This report informs the Committee of the results of the consultation on the Sustainability Appraisal Scoping Report following agreement of that document by Committee on 12<sup>th</sup> October 2006. Changes to the document are proposed having regard to the consultation responses received.

### Recommendation

1. That the amendments indicated in Appendix 1 be incorporated into the Sustainability Appraisal Scoping Report;
2. That the amended Sustainability Appraisal Scoping Report be agreed on an interim basis pending any further changes required in relation to the preparation of the Core Strategy.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration: Councillor Roger Small

## **Report**

### **Sustainability Scoping Report**

#### **Introduction**

Sustainable Development is central to the reformed planning system. The purpose of sustainability appraisal (SA) is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of revisions of Regional Spatial Strategies (RSS) and for all new or revised Local Development Documents.

The requirement for SA of the Local Development Framework (LDF) is mandatory under the Planning and Compulsory Purchase Act 2004. The Act also stipulates that the SA must meet the requirements of the Strategic Environmental Assessment (SEA) Directive. The SEA Directive was transposed directly into UK law in July 2004 through the SEA Regulations.

The aim of the SA is to ensure that the principles of sustainable development are fully integrated into the preparation of the LDF through initiating the SA at the earliest possible stage of the LDF development. The SA will appraise each of the Local Development Documents that make up the LDF against sustainability criteria in the SA Framework to ensure that the most sustainable options are chosen and ultimately to ensure that the performance of the LDF can be monitored against existing baseline conditions.

‘Planning authorities should ensure that sustainable development is treated in an integrated way in their development plans. In particular, they should carefully consider the inter-relationship between social inclusion, protecting and enhancing the environment, the prudent use of natural resources and economic development’

*Planning Policy Statement 1: Delivering Sustainable Development (paragraph 24)*

#### **Purpose and Content of the SASR**

Hyder Consulting (UK) Ltd was commissioned by Fylde Borough Council to prepare a SA Scoping Report. The Scoping Report documents the preliminary stages of the SA/SEA, and sets out the scope of the ensuing SA process. The SEA Directive requires, in Article 5.4 that the authorities responsible for the preparation of the plan (LDF ) shall seek the views of the Consultation Bodies designated in the SEA Regulations ( the Countryside Agency, English Heritage, English Nature, and the Environment Agency) on the scope and level of detail of the environmental information to be included in the SA Report. It is also desirable for other bodies to be consulted as appropriate, with a balance between those concerned with social, environmental and economic issues. Local Planning Authorities should allow five weeks for this stage of consultation.

The Key aspects of the Scoping Report which establish the scope of the SA include:

- characterising the environmental and sustainability baseline of the study area; including the key environmental and sustainability problems and opportunities;
- identifying how the LDF should fit in the wider framework of other relevant plans, policies and environmental and objectives; and,
- developing the SA appraisal framework ( including SA objectives, indicators and targets ) against which the LDF will be tested.

The Scoping Report has been prepared in two parts: a general section which sets out the elements common to every Development Plan Document (DPD); and a second section which relates to each DPD individually (in the current exercise, the Business and Industrial Land DPD). The Part Two section sets out the objectives of the individual DPD, the sustainability issues and problems specific to it, and any broad options to be considered.

The Scoping Report is a very substantial document, it is too large to be included as part of the Committee Report. However, it is a very interesting document which contains many useful facts and figures about the Borough. Pages 29-59 Baseline Issues and Identification of Key Sustainability Issues are particularly useful in this respect.

The full report is available on the Council's Website by going to Environment and Planning>Local Plans>Local Development Framework>Downloads>SA of LDF Scoping Report.

The consultation period started on 15<sup>th</sup> November 2006 and ended on 20<sup>th</sup> December 2006. The Countryside Agency and Natural England have recently merged to become Natural England.

The following bodies were consulted: Natural England, English Heritage, Environment Agency, Council for the Protection of Rural England, Royal Society for the Protection of Birds, Country Land and Business Association, Home Builders Federation, Lancashire Economic Partnership, The Local Strategic Partnership, Fylde Primary Care Trust, Cumbria and Lancashire Strategic Health Authority and Sport England.

We received responses from four bodies: Natural England, the Environment Agency, the Royal Society for the Protection of Birds and the Council for the Protection of Rural England. These have been broken down into the following:

Natural England 7 responses SA/NE/1-SA/NE/7

Environment Agency 2 responses SA/EA/1-SA/EA/2

Royal Society for the Protection of Birds 3 responses SA/RSPB/1-SA/RSPB/3

Council for the Protection of Rural England 13 responses SA/CPRE/1-SA/CPRE/13

Details of the responses and associated officer recommendations are included in Appendix 1.

It should be noted that the Council has to undertake a Strategic Flood Risk Assessment (SFRA) for the borough before it can proceed with main elements of the LDF. This can be done within the SASR or independently of it. The SFRA is in the process of being commissioned at the present time. It is likely that Wyre Borough Council will be carrying out the SFRA on behalf of Wyre, Blackpool and Fylde.

## **Changes to the Local Development Scheme**

As indicated above, this Sustainability Appraisal Scoping Report was produced to identify a framework of SA issues against which the 'Business and Industrial Land Allocations DPD would be assessed. On the basis that it is now recommended that this DPD is not



pursued, the Scoping Report will have to be amended to relate to the Core Strategy. This will be done later in the year as work on that document evolves. For this reason, it is not proposed to refer this version of the SASC to Council at this time.

IMPLICATIONS	
Finance	It may be necessary to re engage Hyder to carry out subsequent stages of the SA of the LDF.
Legal	The requirement for SA of the LDF is mandatory under the Planning and Compulsory Purchase Act 2004. The Act also stipulates that the SA must meet the requirements of the SEA Directive.
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	The SA will appraise all of the LDDs that comprise the LDF against sustainability criteria to ensure that the most sustainable options are chosen and ultimately to ensure that the performance of the LDF can be monitored against existing baseline conditions.
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Julie Glaister	(01253) 658687	February 2007	

List of Background Papers		
	Date	Where available for inspection
Sustainability Appraisal of the Local Development Framework Scoping Report	January 2006	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

#### Attached documents

1. Summary of Representations Received

## **Appendix 1**

### **Responses to the Local Development Framework Sustainability Appraisal Scoping Report**

The SA Scoping Report was put out for consultation on the 15<sup>th</sup> November 2006. Responses were received from Natural England, The Environment Agency, the RSPB and CPRE Fylde District Group.

#### **Natural England**

##### **SA/NE/1 Habitats Regulations**

Amendments are being made to the Habitats Regulations to reflect recent clarification of the status of land-use plans as 'plans or projects' under Article 6(3) & 4 of the Habitats Directive. Natural England is awaiting further guidance on how Habitats Regulations assessment procedures will need to be applied specifically in the case of Local Development Frameworks. In general terms, this means that if a land-use plan is likely to have a significant effect, alone or in combination, on one or more European sites (SACs, SPAs) it must be subject to an 'appropriate assessment'.

##### **Response**

We are aware of the amendments being made to the Habitats Regulations and the implications that this will have in relation to the Appropriate Assessment of Land-Use Plans which are likely to have a significant effect, alone or in combination, on one or more European Sites (SACS, SPAs).

##### **Recommendation:**

No change to the SA Scoping Report.

##### **SA/NE/2 Natural Environment and Rural Communities (NERC) Act**

The Natural Environment and Rural Communities Act came into force in England on 1 October 2006. Section 40 of the Act states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

This is a new duty for Local Authorities and the Council may wish to make this obligation clearer within the document.

## Response

Fylde Borough Council planners are aware of this new duty for Local Authorities. A Biodiversity Planning Working Group for Lancashire is being set up and Fylde officers intend to take an active role.

Figure 2.3 of the Scoping Report illustrates how achieving sustainable development is about striking a balance between social progress, economic development and environmental protection and enhancement.

The inclusion of a statement about the NERC Act in the Scoping Report, without equivalent statements about social progress and economic development could give the impression that we are going to give greater weight to the environment.

## Recommendation:

No change to the SA Scoping Report

## SA/NE/3 Plans, Policies and Programmes

We ask if the following publications could be included in the list:

*North West Biodiversity Action Plan*

*'Landscape Character Assessment Guidance for England and Scotland'*, the Countryside Agency and Scottish Natural Heritage ( 2002 ). This is the accepted national guidance on assessment.

*'Countryside Character, Volume 2: North West England'*, Countryside Commission, and cross reference it to the document above.

*'The Countryside in and around Towns – a vision for Connecting Town and Country in Pursuit of Sustainable Development'*, Countryside Agency and Groundwork, 2005.

*'Environmental Quality in Spatial Planning'* June 2005, prepared jointly by the four statutory agencies, Countryside Agency, English Nature, English Heritage and the Environment Agency.

## Response

The five documents listed above should be added to the Review of Plans, Policies and Programmes at Appendix A, together with a breakdown of the key targets and indicators relevant to the Plan and SA, the implications for the plan and the implications for SA.

### Recommendation:

Amend the SA Scoping Report as above.

### SA/NE/4 Baseline Information

In relation to our environmental interests and the baseline information, the information and indicators available from us includes:

- Protected Landscapes - boundaries of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the location of Heritage Coasts;
- State of the Countryside information; and Countryside Quality Counts, including the boundaries of character areas;
- National Trail and Access information; and
- Nature Conservation, Biodiversity and Geodiversity.

There are various information sources for this data and links can be found from our web site at [www.naturalengland.org.uk](http://www.naturalengland.org.uk). Another useful source is [www.magic.org.uk](http://www.magic.org.uk) which is a web-based interactive map, bringing together geographic information on key environmental schemes and designations in one place.

Natural England has a statutory duty under the Countryside and Rights of Way Act 2000 to prepare maps of all open countryside and registered common land in England, which have new rights of open access. Further information on this process, and copies of maps, can be found at [www.openaccess.gov.uk](http://www.openaccess.gov.uk).

You may also find useful the following web site: [www.natureonthemap.org.uk](http://www.natureonthemap.org.uk). This is one of Natural England's interactive map sites. In the MAPS tab you will discover a choice of maps about nature, including National Nature Reserves, other kinds of protected sites and areas of semi-natural habitats.

National and Regional State of the Countryside Reports may help and are available via links on-line at [www.naturalengland.org.uk](http://www.naturalengland.org.uk). The State of the Countryside Reports provides facts and trends about the social, economic and environmental issues encountered in England's countryside. They present evidence against 20 key indicator themes, which include a number on environment and recreation:

- The state of natural resources – air quality, river quality;
- Biodiversity – wild birds, SSSI condition, Biodiversity Action Plans (BAPs);
- Sustainable land management – areas of woodland under sustainable management, woodland areas by species, countryside stewardship schemes, organic farmers, farm income trends;
- How people use the countryside – day visitors' activity, visitors' social characteristics, residents of the countryside, travel and transport use, trip expenditure, domestic tourism, tourism trip expenditure, tourism activities.

Countryside Quality Counts (CQC) may also be useful, the CQC project has developed an indicator of change in countryside quality based on landscape character, in response to the 2000 Rural White Paper call for monitoring of changes in the countryside. Information on CQC is available via [www.countryside-quality-counts.org.uk](http://www.countryside-quality-counts.org.uk)

Within the CQC project a set of Character Area Profiles for the Character Areas of England have been constructed which set out the key elements that give each area its sense of local distinctiveness, as well as the threats and opportunities facing those areas. The Character Area Profiles will be updated and extended to ensure that the information about the Character Areas, the threats and opportunities that exist in relation to sustaining their qualities, continue to be relevant to policy makers at national, regional and local scales.

There is hardly any information in the report concerning recreation and access to countryside. Fylde could include data on Public Rights of Way and Access Land, the amount of parks, open space or green space within the Borough and the proximity of it to the population.

#### Response

Inspection of the websites referred to in the representation reveals a variety of environmental designations which have not previously been shown on the proposals map. In particular Biodiversity Action Plan Priority Habitats called Coastal and Floodplain Grazing Marsh which occur directly inland of Lytham St Annes. This designation does not have any particular legal status, although it is covered under the new duty on local authorities regarding biodiversity which is included in the NERC Act of 2006.

There is no open countryside and registered common land in Fylde.

The National and Regional State of the Countryside Reports contained information at the national level which could not be related to Fylde.

The Countryside Quality Counts project is currently undergoing a second phase of development and consultation, involving updating and further refinement of CQC data for the period 1998 to 2003. The CQC analysis team are currently reviewing the results of the consultation and preparing the final assessments that will be published with the CQC headline indicator in 2007.

The paragraphs below should be added to section 5.3.8 on Biodiversity, Flora and Fauna.

Fylde Borough has 109km of public footpaths, 18km of bridleway and 0.3km of by way.

There are 197.53 hectares of parks, open spaces and greenspace ( in 65 separate sites ) which are owned and maintained by Fylde Borough Council and the Parish and Town Councils. All of these areas are within settlement boundaries.

58% of the population live in the main urban area of Lytham St Annes they have easy access to the foreshore and beach along the Ribble Estuary.

These figures should be added to the Environmental and Sustainability Baseline at Appendix B.

#### Recommendation:

The information on Biodiversity Action Plan Priority Habitats is noted. Section 5.3.8 and Appendix B should be amended as above.

#### SA/NE/5 Sustainability Appraisal Objectives and Indicators

We welcome the inclusion of Objective 6 'To improve access to basic goods, services and amenities for all groups', but ask that an additional sub-objective be added, 'to maintain and enhance opportunities for recreational access to green space and the wider countryside'. We note that this would also relate to Objective 12 on Biodiversity. Some of the indicators and targets found in Table 6-3 could be expanded here to take account of extra data that is available from other sources.

#### Response

The fourth sub objective under Objective 12 should be amended to read :

'To maintain and enhance opportunities for recreational access to green space and the wider countryside'.

#### Recommendation:

The SA Scoping Report to be amended as detailed above.

#### SA/NE/6 Sustainability Appraisal Objectives and Indicators

We welcome the inclusion of a specific Objective relating to Biodiversity. We find, however, that the indicators in Table 6-3 are misleading in terms of BAP species and habitats, and advise that woodland/farmland birds and ancient woodland be clearly identified as examples of BAP habitats and species, and that all BAP species and habitats in the Local Biodiversity Action Plan as relevant to Fylde be used as indicators and targets. We would also advise on the inclusion of local wildlife sites and local sites of geodiversity importance as indicators and targets.

We welcome the inclusion of Objective 13 'To protect and enhance the borough's landscape and townscape character and quality'. We would be happy to work with you to develop indicators and targets for this objective.

## Response

Table 6-3 should be amended to make it clearer that woodland/farmland bird populations are a BAP species. There is no ancient woodland in Fylde this should be amended to read Broad Leaved and Mixed Woodland.

BAP Species in Fylde are as follows:

Great-crested Newt  
Skylark  
Linnet  
Reed Bunting  
Common Scoter  
Corn Bunting  
Spotted Flycatcher  
Tree Sparrow  
Grey Partridge  
Turtle Dove  
Song Thrush  
Water Vole  
Common Dolphin  
Brown Hare  
European Otter  
Harbour Porpoise  
Pipistrelle Bat  
Purple Ramping-fumitory

BAP Habitats in Fylde:

Broadleaved and Mixed Woodland  
Scrub  
Species Rich Neutral Grassland  
Rivers and Streams  
Reedbed  
Fens, Marshes and Swamps  
Mossland  
Lowland heath  
Arable fields and arable field margins  
Sand dune and coast grassland  
Coastal shingle  
Saltmarsh, mudflats and sandflats  
Species-rich hedgerows  
Ponds and mill lodges  
Urban habitats

When the Scoping Report was being drafted there was some discussion about the number of indicators and targets to be included. It was agreed that we must be realistic about the amount of monitoring that would have to be carried out in the future.

If all eighteen of these species and fifteen habitats plus thirty three Biological Heritage Sites are included as indicators and targets, in the future we would have to monitor them.

If the biodiversity related indicators were expanded then all of the other indicators relating to economic and social factors would have to be expanded as well. The indicators and targets contained in this SA Scoping Report are considered to be sufficient at the present time. If a new specific issue arose which required monitoring this could be incorporated into the Sustainability Appraisal at a later date.

GONW were consulted on this matter, their response was that “SA should not appraise everything, but concentrate on what is appropriate to give a reasonable assessment of the impacts of the LDD, bearing in mind what the LDD is setting out to do.

This applies also to monitoring. It would desirable to monitor all those species and habitats but whether it is useful, within the purview of Fylde, a LDD or the LDF as a whole, is another matter. It would make more sense to identify a smaller number of species and habitats, based on whether they are typical of the district in some way, whether the LDD will impact on them, whether their health reflects broader impacts, and/ or the quality of the data available”.

It is considered that Woodland and Farmland birds and Broadleaved and Mixed Woodland are reasonable indicators to include at the present time.

Recommendation:

Table 6-3 should be amended to make it clear that Woodland and Farmland Birds are BAP species and the Ancient Woodland should be amended to read Broadleaved and Mixed Woodland. The table of Baseline Data should also be amended accordingly.

SA/NE/7 Sustainability Appraisal Objectives and Indicators

It is noted that Natural England welcome the inclusion of Objective 13 ‘ To protect and enhance the borough’s landscape and townscape character and quality’ and that they are happy to work with us to develop indicators and targets for this objective.

Response

These comments are noted.

Recommendation:

No change to the SA Scoping Report

**Environment Agency**



### SA/EA/1 Documents

In the section on Relevant National Policy Statements, it refers to draft PPS 9. PPS 9 was published in August 2005.

In the same section, PPS 25 has now been published and this section needs to reflect this and the advice in the PPS. Specifically the section says that PPS 25 advises that policies in LDD's should set the criteria for site-specific flood risk assessments. This is not the case, as the criteria for flood risk assessments is set out in Appendix E of PPS 25.

In addition Appendix F of PPS 25 promotes the use of sustainable drainage systems (SUDS) and we feel this should be reflected in this summary.

### Response

The reference to Draft PPS 9 should be changed to reflect the fact that PPS9 is not a Draft.

Also PPS25 has now been published so the word Consultation Draft should be deleted.

The title appendix E should be inserted above the final paragraph of the summary and the word criteria should replace the word requirements. Also the title Appendix F should be inserted with a sentence explaining that it promotes the use of sustainable drainage systems (SUDS).

### Recommendation:

The SA Scoping Report should be amended as above.

### SA/EA/2 Part Two Environmental Issues

In relation to the part two document/topic specific scoping for the Business and Industrial Land Development Plan Document, whilst we feel the document sets out the social and economic factors as well, we are disappointed that there is no discussion of environmental issues that could affect such development. We appreciate that this document will be tested against the sustainability appraisal but we would have expected that environmental issues would be covered.

### Response

The Part Two document is an integral part of the SA Scoping Report. It should be inserted at page 83. It is intended that a separate chapter ( Part Two ) will be provided for each DPD which would incorporate any area/topic specific information deemed necessary to undertake the SA for that particular document, over and above that provided in Part One. This may include additional or updated baseline information, additional PPSs, additional

sustainability issues or opportunities or additional or amended SA Framework components. Most of the additional and updated baseline information that has been collected for this DPD has been related to the economy, however, this has highlighted some environmental issues. It is difficult to be more specific without knowing exactly where new business and industrial land will be located.

It mentions the following environmental issues:

- Opportunity for developing the tourism industry, although must be sustainable and avoid environmental impacts.
- The issue of protecting green belt is not specifically mentioned in the matrix. A sub objective should be included under objective 13 “to protect and enhance the boroughs’ landscape and townscape character and quality”, “to protect the openness of the green belt from unnecessary development”.
- Congestion on roads linking the airport to the motorway network will be increased. This could represent a negative issue in the retention and attraction of new businesses. This is covered by objective 22 “To promote the use of more sustainable modes of transport” and the sub objectives “to reduce the use of HGV and car traffic” “to encourage walking, cycling and the use of public transport.
- To determine the scale and location(s) of additional land releases for business and industrial purposes giving priority to the release of brownfield land and having regard to market requirements and sustainability factors.

The options for employment land releases will be thoroughly tested against the Sustainability Appraisal at a later date when all of the environmental issues will be considered in greater detail.

#### Recommendation:

No change to Part Two of the SA Scoping Report.

### **RSPB**

#### SA/RSPB/1 Brownfield Sites

The RSPB is pleased to see that the SA Objective includes a sufficient amount of detail regarding environmental issues/protection of the natural environment, however we would like the Council to expand on what the ‘appropriate re-use’ of brownfield sites is. We urge that the development of brownfield sites should reflect paragraph 13 of PPS9, which states “...where sites have significant biodiversity or geological interest or recognised importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.” Without

this, there is a danger that all brownfield sites, no matter how important they are for biodiversity, will be targeted above other sites for development. We realise that green belt is not primarily a nature conservation designation but many greenfield sites of intensive farmland are utterly sterile from a biodiversity point of view.

#### Response

SA Objective 16 “To guard against land contamination and encourage the appropriate re-use of brownfield sites”.

It is considered that the wording “encourage the appropriate re-use of brownfield sites” covers this point.

Also at 5.3.5 Soil and Land Quality Key Issues and Opportunities:

“ Need to maintain levels of re-use of brownfield land in preference to greenfield, although this should be considered on a site-by-site basis as many brownfield sites can be more bio-diverse than greenfield if left to re-colonise for long enough”.

A further paragraph should be added to 5.3.5 as follows “ Where sites have significant biodiversity or geological interest or recognised importance , local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site”.

#### Recommendation:

The SA Scoping Report should be amended as above.

#### SA/RSPB/2 5.3.8 Biodiversity Flora and Fauna

Regarding 5.3.8 Biodiversity, Flora and Fauna, we would also like clarification on the bullet points regarding the distribution of international, national and local wildlife sites and the number of designated sites in land management schemes – do the local designated sites cover Biological Heritage Sites (BHSs)? Also in the first bullet point, we would welcome the addition to the description of international sites, so it reads (Special Protection Areas, Special Areas of Conservation, Ramsar sites, and Sites of Special Scientific Interest).

#### Response

The local designated sites are the Biological Heritage Sites. The words Biological Heritage Sites should be inserted in brackets after the sentence which refers to the 33 further sites of non-statutory nature conservation interest in the borough. ( paragraph 5.3.8 )

It is agreed that the description of international sites is re-written as follows:

Distribution of international sites ( Special Protection Areas, Special Areas of Conservation and Ramsar sites) and national sites (Sites of Special Scientific Interest, National Nature Reserves) and local sites (Biological Heritage Sites).

Recommendation:

The SA Scoping Report should be amended as outlined above.

SA/RSPB/3 5.3.8 Biodiversity, Flora and Fauna

Also in 5.3.8, the second bullet point refers to 'Sites of Special Scientific Interest (SSSI) in favourable condition and/or area'. – the RSPB believes that Biological Heritage Sites would be better indicators of local authority commitment to biodiversity than SSSIs as BHSs are more likely to be under the influence of the Council.

Response

The Biological Heritage Sites in Fylde were designated by Lancashire County Council. Most of them are privately owned apart from the foreshore at Lytham St Annes which is owned by the Fylde Borough Council. Lancashire County Council maintain records of the sites and are responsible for carrying out surveys of them. They have not been surveyed recently due to a lack of resources. The BHSs are not under the influence of the Council and it is considered that the information on the condition of SSSI's will be more up-to-date and accurate.

Recommendation:

No change to the SA Scoping Report.

Council for the Protection of Rural England

SA/CPRE/1 Objective to protect Fylde Borough Countryside and Landscape

CPRE believe that protection of the Fylde Borough countryside and landscape is of such importance as to justify a specific objective, rather than be associated with 'townscape' in Objective 13.

Response

The guidance document 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents provides examples of Sustainability Objectives at Figure 22 Appendix 9.

The example given is 'To maintain and enhance the quality of landscapes and townscapes'. The Guidance also states that the number of sustainability objectives, indicators and targets needs to be manageable.

Recommendation:

No change to the SA Scoping Report

SA/CPRE/2 Fylde Borough Countryside and Landscape

Reference is needed to managing delivery of land by the 'sequential approach' of developing brownfield sites before Greenfield sites (PPG3). Applications on Greenfield sites must be rejected until evidence demonstrates that brownfield sites are 'underperforming' (PPS3).

Response

PPG3 has been superseded by PPS3, PPG3 is no longer relevant.

Paragraph 67 of PPS 3 states 'Where there is significant underperformance against the previously-developed land trajectory/ies and where Local Planning Authorities have already taken steps aimed at removing obstacles to the development of allocated previously-developed sites without success, Local Planning Authorities may consider invoking development control policies in relation to development on particular categories of land, for example, rejecting applications on greenfield sites until evidence demonstrates that the underperformance issues has been addressed and actual performance is within acceptable ranges. In considering whether to introduce such an approach Local Planning Authorities will need to assess and manage the risk to housing delivery, to ensure that their approach does not jeopardise delivery against the housing trajectory'.

That is Local Planning Authorities may consider rejecting applications on brownfield sites. However, they must ensure that their approach does not jeopardise delivery against the housing trajectory. This is a much more cautious approach than that implied by the CPRE.

This level of detail is not appropriate for inclusion in the Sustainability Appraisal Framework. This is National Guidance which the Fylde Borough Council will be following in any case.

Objective 16 of the SA Framework is as follows:

'To guard against land contamination and encourage appropriate re-use of brownfield sites'. The sub objective is 'To encourage development of brownfield land where appropriate.

Key Issues and Opportunities on page 39 of the Scoping Report states:

Need to maintain levels of re-use of brownfield land in preference to greenfield although this should be considered on a site –by-site basis as many brownfield sites can be more bio-diverse than greenfield if left to colonise for long enough.

Recommendation:

No change to the SA Scoping Report

SA/CPRE/3 Fylde Borough Countryside and Landscape

CPRE fully support all existing sustainability appraisal objectives and sub-objectives that support protection of the Fylde Borough Greenbelt.

Response

The statement of support is noted.

Recommendation:

No change to the SA Scoping Report.

SA/CPRE/4

We would like to see protection and enhancement of tranquillity as a specific objective.

Tranquillity sub-objectives should encompass and mitigate the following issues:

- Noise pollution-existing FBC Local Plan policy EP 27 applies.
- Light pollution- this is not mentioned anywhere in the Scoping Report. There is an existing FB Local Plan policy for this (EP28). This policy follows closely the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.
- Traffic Noise, eg use of quieter public service vehicles, noise reducing surfaces.

Tranquillity sub-objectives should also be applicable to sustainability appraisal of appropriate urban areas of the Borough for example the Ribble Estuary foreshore, dunes and public open spaces.

Response

A tranquillity objective should be included with sub objectives that cover the three issues above. This objective will be very relevant in carrying out SA of plans and policies which relate to the expansion of Blackpool Airport.

Recommendation:

The SA Scoping Report should be amended as above.

#### SA/CPRE/5 Rural Transport Issues

Improvement, maintenance and expansion of existing rural public bus services in Fylde Borough should be an explicit sustainability appraisal objective/sub-objective.

#### Response

This is covered by objective 6 'To improve access to basic goods, services and amenities for all groups'.

Also Objective 22 'To promote the use of more sustainable mode of transport'

We are advised by GONW ( including DCLG ) that SA should not appraise everything, but should concentrate on what is appropriate to give a reasonable assessment of the impacts of the LDD, bearing in mind what the LDD is setting out to do.

#### Recommendation

No change to the SA Scoping Report.

#### SA/CPRE/6 Road Safety

Improvement of road safety should be an objective/sub objective: it is a key quality of community life issue.

#### Response

Fylde Borough Council are not responsible for road safety, the Highway Authority is Lancashire County Council.

We are advised by GONW ( including DCLG ) that SA should not appraise everything, but should concentrate on what is appropriate to give a reasonable assessment of the impacts of the LDD, bearing in mind what the LDD is setting out to do.

#### Recommendation

No change to the SA Scoping Report.

#### SA/CPRE/7 Flood Risk

CPRE agrees with the Scoping Report statement (5.3.7 Climatic Factors and Energy P41): 'Flooding as a constraint should be given serious consideration in the LDF'.

Sustainability appraisal of issues should be informed by PPS25: Development and Flood Risk which contains objectives to appraise flood risk. But neither PPS25 nor its predecessor PPG25 is mentioned in the Scoping Report.

### Response

PPS 25 Development and Flood Risk: Consultation Draft is included in the document review at the back of the Scoping Report. This reference need to be updated to refer to PPS 25.

Fylde Borough Council are very aware of the requirements of PPS 25 and are in the process of commissioning a Strategic Flood Risk Assessment in relation to the Local Development Framework.

### Recommendation:

The reference to PPS 25 should be updated to refer to the final published version.

### SA/CPRE/8 Coastal Management and Flood Risk

CPRE agrees with the Scoping Report statement (5.3.8 *Biodiversity Flora & Fauna* (P43): '*Sand extraction should continue to be monitored*'. But sand extraction must be linked to coastal management and flood risk.

Currently, sand extraction is carried out within an area of environmental sensitivity which is statutorily protected. The Ribble and Alt Estuaries RAMSAR SPA, the Ribble Estuary SSSI/National Nature Reserve and the Lytham St Anne's Dunes and Foreshore SSSI which includes the St Anne's Local Nature Reserve.

Well-founded sand extraction licence conditions need to be defined and enforced.

For example, information in reports by Wallingford (Hydraulics Research, Wallingford, Report 4152) and AMEC (*Environmental Statement in connection with sand extraction* - Dr Sheila M Ross, AMEC Earth & Environmental) should inform sustainability assessment of these issues. (See *10 Further References* ).

The Wallingford Report concluded that there was lack of satisfactory data on the impact of sand extraction.

The main conclusions of the AMEC Environmental Statement were:

- Sand stockpiling should not continue on the beach,: an alternative area should be sourced off-site.
- A full restoration programme should be instigated. This should restore the dunes to their pre-1990 frontage, with a full suite of re-vegetation activities to assist stabilization.
- A formal flood barrier should be put in place across the access road used for sand extraction, and Ideally the barrier should be linked to the



Environment Agency's flood warning system.

Issues from these independent reports should inform sustainability appraisal.

Following the AMEC environmental assessment of sand extraction, minimising the impact on the dunes at the point of removal of sand from the top of the beach and through the dunes is currently being addressed by LCC, FBC and Natural England. This aspect of sand extraction is adequately covered by the Dune Management Plan...

#### Response

The Environment Agency advise the Council on coastal management and flood risk they have not made any representations in relation to sand extraction and the Scoping Report.

The definition and enforcement of sand extraction licence conditions is not a matter for the SA Scoping Report.

The issues identified in the reports are too detailed for inclusion in the SA Scoping Report.

We are advised by GONW ( including DCLG ) that SA should not appraise everything, but should concentrate on what is appropriate to give a reasonable assessment of the impacts of the LDD, bearing in mind what the LDD is setting out to do.

#### Recommendation

No change to the SA Scoping Report.

#### SA/CPRE/9 The Lytham St Annes Dune Management Plan

This plan is referred to in the SA Scoping Report as a target to be produced. But it is now adopted by FBC and should inform sustainability appraisal.

The shortcomings of the Lytham St Annes Dune Management Plan are noted.

#### Response

The Lytham St Annes Dune Management Plan should be included in the list of documents at Appendix A, Review of Plans, Policies and Programmes.

#### Recommendation:

Add the Lytham St Annes Dune Management Plan to the list of documents at Appendix A.

#### SA/CPRE/10 Blackpool Airport Masterplan Issues

**Public transport access** – CPRE believe a modal shift to public transport to access the Airport would be needed, eg. moving the rail & tram interchange onto the airport site, with termination of an enhanced Blackpool South rail line. Long-stay car parking should be provided at a site away from the operational airport, on previously developed land with a shuttle bus to the terminal.

**Aircraft noise** – whilst the current measured levels may be within the legal limits (Suggested on P15) there is a public perception that noise has increased. The plan dismisses this perception as '*historically justified*'.

**Maintenance facilities** - insufficient thought has been given to activities such as engine ground running, including jet engines and the other associated noise levels produced by engineering maintenance activities. The siting of any new facilities will be of concern, eg. adjacent to residential areas of the Borough.

**Air quality/ecology** - CPRE will expect to see what measures Blackpool International Airport proposes to take to approach a carbon-neutral business footing. Blackpool Airport's owners and operators ought to be aware of the *North-West Development Agency Climate Change Action Plan* and ought to be subscribing to this initiative.

**Development in the Greenbelt** - There are statements in the Master Plan that imply that intrusion into the greenbelt will be permitted as of right (P12/13). CPRE cannot support such plans, which would conflict with other sustainability appraisal objectives.

#### Response

All of the above mentioned issues will be covered by the Sustainability Appraisal Framework once it has been amended in line with all of the recommendations in this report.

#### Recommendation:

No change to the document.

#### SA/CPRE/11 BNFL Springfields Site De-commissioning

The de-commissioning of the BNFL/Westinghouse Springfields Site at Salwick by the Nuclear Decommissioning Agency (NDA) is not mentioned in Scoping Report. This will have important environmental implications for re-use of a large previously-developed site in countryside area. There will also be economic implications.

Currently 2031 is the '*assumed site end point*' for final site clearance and ground remediation.

The NDA Strategy should inform relevant sustainability appraisal issues.

#### Response

This document should be added to the Review of Plans, Policies and Programmes at Appendix A.

Recommendation:

The above mentioned document should be added to Appendix A Review of Plans, Policies and Programmes.

SA/CPRE/12 Wind Energy Opportunities

CPRE suggest qualification of the statement in 5.3.7 Climatic Factors & Energy (P41): *'There are opportunities for the development of offshore and onshore wind energy.'* Development of onshore commercial windfarms, or even domestic micropower installations, could be a threat to Fylde countryside and landscape. (See 1 above).

An offshore site at Lytham/St Annes seems unlikely due to MoD/BAE objection to potential radar disturbance affecting BAE Warton and Blackpool Airport. This has recently resulted in revised proposals for the Shell Flat Offshore Windfarm at Fleetwood, originally proposed in 2002. The new proposals for what is now called the *Cirrus Shell Flat Array Offshore Windfarm* involve moving the original site northwards to about 5km west of Fleetwood. The new proposed site is now even further from Blackpool Airport & BAE Warton!

Response

It is unclear what this response is requesting. There are opportunities for the development of offshore and onshore wind energy, this is a fact. These could potentially have an impact on the landscape of the Fylde.

If there were options/policies relating to windfarms in the LDF these would be tested in relation to Objective 13 To protect and enhance the borough's landscape and townscape character and quality.

Recommendation

No change to the SA Scoping Report.

SA/CPRE/13 Further References to Inform Fylde Borough Sustainability Appraisal

It is assumed that this response is requesting that these documents are added to Appendix A the Review of Plans, Policies and Programmes.

Further References to Inform Fylde Borough LDF Sustainability Appraisal

1. Institute of Lighting Engineers - Guidance Notes for the Reduction of Light Pollution (See [www.ile.org.uk](http://www.ile.org.uk) ).
2. PPS25: Development and Flood Risk. December 2006

3. Lytham St Annes Dune Management Plan. May 2004. Adopted by FBC 2005.
4. Sand Extraction at St Annes: Report by H.R. Wallingford (Ref. EX4152 2000).
5. Sand Extraction at St Annes: AMEC Environmental Statement – Dr Sheila M. Ross, AMEC Earth & Environmental, 2005. (In association with planning application 05/04/0726: *Application by Fylde Borough Council for determination of conditions for sand extraction from the St. Annes foreshore.*
6. Objections to and Comments upon the Blackpool International Airport Master Plan. CPRE Lancashire Branch, August 2006.
7. Nuclear Decommissioning Authority (NDA) Strategy for Springfields Site (See [www.nda.gov.uk](http://www.nda.gov.uk) ).
8. Cirrus Shell Flat Array Offshore Windfarm proposals.

### Response

It is agreed that documents 1,2,3,4 and 7 are relevant to the SA Scoping Report. Four, 5, and 6 are considered to be too specific and 8 relates to an area outside the Borough boundary.

### Fylde Borough Council

It has been noted that there a number of references to out-of date documents in Appendix A. In particular PPGs that have been replaced by PPSs.

It is recommended that officers be given authority to amend all references to out of date documents.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC SERVICES & MEMBER SUPPORT	PLANNING POLICY SCRUTINY COMMITTEE	27 NOV 2006	13

## EXCLUSION OF THE PUBLIC

### Exempt Item

This item contains exempt information under paragraph 5 of schedule 12A to the Local Government Act 1972 and is likely to be considered in a part of the meeting not open to the public.

### Recommendation

1. Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined in paragraph 5 of Schedule 12A of the Act.

## Planning Policy Scrutiny Committee



Date	30 November 2006
Venue	Town Hall, Lytham St Annes
Committee members	Councillor Kevin Eastham (Chairman) Councillor Colin Walton (Vice-Chairman)  John Bennett, George Caldwell, Maine Chew, Raymond Norsworthy, Elizabeth Oades, William Thompson
Other Councillors	Barbara Pagett, Roger Small
Officers	Ian Curtis, Paul Walker, John Cottam, Tony Donnelly, Julie Glaister, Lyndsey Lacey, Annie Womack

### 1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Planning Policy Scrutiny Committee meeting held on 12 October 2006 as a correct record for signature by the chairman.

### 3. Substitute members

The following substitutions were reported under council procedure rule 25.3:

Councillor Maxine Chew for the Mayor, Councillor Harold Butler.

Councillor Elizabeth Oades for Councillor Heather Speak.

### 4. Housing Needs Survey

Tony Donnelly, Head of Planning (Policy)) and John Cottam (Housing Manager) introduced an updated report on proposals to commission an in depth housing needs survey within the borough.

As requested by committee at their meeting on 12 October, a copy of the draft specification for the project brief was attached for members' consideration.

Members were reminded that the Fordham study which was carried out in 2002 would soon be near the end of its useful life and that the new survey would need to be robust to meet government guidelines and withstand scrutiny. Mr Cottam commented that ideally, the council should review its housing needs and conditions at 5 yearly intervals to inform the housing strategy.

The committee enquired about the likely costs of the survey which was proposed to be tailored to reflect the urban and rural element and whether this would have a significant impact on the Planning Delivery Grant monies and therefore affecting or delaying other projects that had been identified. Mr Donnelly and Mr Cottam addressed this point.

Members commented on the need for a further housing needs survey in particular what significant changes the council expected to see over the last four years since the last survey was undertaken. The committee asked whether the survey would identify the proportion of affordable housing required in the borough and whether due consideration had been given to potential changes in government legislation on affordable housing.

The committee also sought clarification on the number of mobile homes in the borough and whether these would be incorporated into the survey. Mr Cottam explained that there were in the region of 3000 mobile homes in the borough and that these were made up of both residential and holiday homes. He added that this information would influence the proposed survey.

Some discussion took place in respect of the word "tenure" as described in the draft specification. Mr Cottam advised that tenure included all categories of housing including owner occupation, shared ownership, private rented and social rented. This was accepted by the Committee.

The Portfolio Holder (Roger Small) attended the meeting and gave his support to the commissioning of the survey.

After a full discussion the Committee RESOLVED

1. To endorse the draft framework as presented.
2. To recommend to the Portfolio Holders that a new Housing Needs Survey be commissioned within the next 3 months
3. To authorise the Strategic Planning and Development Executive Manager to settle all matters of detail with regard to the specification for the survey.

#### 5. Local Development Scheme - Business and Industrial Land DPD

Tony Donnelly Head of Planning (Policy) presented a comprehensive report on relevant and changed circumstances with regard to the Local Development Scheme. These were outlined in the report previously circulated.

Following discussion the Committee RESOLVED:

1. To undertake discussions with Blackpool and Wyre Councils regarding the possibility of working jointly on respective Business and Industrial Land DPDs.
2. To continue to work on Fylde Borough Business and Industrial Land DPD for the present time.
3. To report back to committee in light of the above discussions and any other relevant developments.

#### 6. St Annes ( Heyhouses) to M55 Link Road

Tony Donnelly Head of Planning (Policy) presented a position statement on matters concerning the existing planning premising for the St Annes to M55 link Road. He sought the committee's instruction as to whether the Council wished to see the permission renewed.

Following discussion it was RESOLVED to recommend that the Chief Executive in consultation the Portfolio Holder and the Chairman of Committee write to the Director of Environment at Lancashire County Council requesting:

1. To renew the planning permission or, if possible that a technical start be made on the construction of the road;
2. To enquire whether the County Council still intended to institute compulsory purchase proceedings in respect of land along the route.

#### 7. Extending your home - Supplementary Planning Document

Julie Glaister (Principal Planning Officer) presented an update on work that was jointly being undertaken with Blackpool and Wyre Councils in preparing a Supplementary Planning Document relating to house extensions entitled Extending Your Home.

Ms Glaister explained that the SPD was intended to provide guidance to applicants and agents on the preparation of high quality and sustainable designs for planning applications for house extensions across the three boroughs. The SPD would aim to consider two main factors - sustainable design and construction and the impact on residential amenity.

Working arrangements concerning the preparation of the draft SPD, the sustainability appraisal and the pre production consultation were set out in the report. Ms Glaister indicated that it was intended to report back to the committee on the draft SPD prior to public consultation and subsequently on the final document prior to approval.

Following discussions the committee RESOLVED to note the report.



### 8. Statement of Community Involvement

Julie Glaister (Principal Planning Officer) reported that the Regulation 29 consultation carried out on the Submission Statement of Community Involvement was now complete. The representations had been processed and submitted to Government Office North West and the Planning Inspectorate.

It was reported that the council had received 13 representations. A summary of the submissions received and the officers' response to them were set out on the agenda.

Ms Glaister added that the Council was likely to receive the Inspectors report before May 2007 in line with the timetable identified in the Local Development Scheme.

The committee RESOLVED to note the report.

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