

Eden District Council

Council  
14 July 2016

## **Proposed Changes to the Local Plan arising from the May 2016 Examination Hearings**

**Reporting Officer: Communities Director**

**Responsible Portfolio: Communities**

### **1 Purpose of Report**

- 1.1 The Examination of the Eden Local Plan 2014 – 2032 commenced on 9 May 2016. The Inspector wrote to the Council on 19 May 2016 to advise that the Local Plan's approach to Key Hubs in Policy LS1 – Location Strategy is unlikely to be found "sound" and provided advice on how to make the policy sound. Officers have taken on board the Inspector's advice and redrafted the Policy. The purpose of the report is to seek the endorsement of the revised Policy by the Portfolio Holder as representing the Council's policy position at the Examination.

### **2 Recommendation:**

That the revised Key Hubs element of Policy LS1 – Locational Strategy represents the Council's policy position at the Examination.
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### **3 Report Details**

- 3.1 The Examination of the Eden Local Plan commenced on 9 May 2016. The Examination will conclude when the Inspector's report has been received by the Council. The purpose of the Examination is to assess whether the Local Plan has been prepared in line with the relevant legal requirements and meets the tests of 'soundness' contained in NPPF:
- Has it been positively prepared [i.e. meets objectively assessed needs];
  - Is it justified [i.e. the most appropriate strategy has been selected based on evidence];
  - Is it effective [i.e. deliverable] and
  - Is it consistent with national policy
- 3.2 At the Examination the Inspector identified concerns regarding approach to Key Hubs in Policy LS1 – Locational Strategy. The Inspector wrote to the Council on 19 May 2016 to advise that the Local Plan's approach to Key Hubs is unlikely to be found "sound" and provided advice on how to make the policy sound. In summary the Inspector concluded:
- It has not been demonstrated that the most appropriate strategy has been selected based on evidence (i.e. is not justified) in respect of:

- How the chosen key hubs can be made sustainable or more sustainable by the proposed development;
- In locations close together, why is it preferable to disperse the development rather than to concentrate the development in the most sustainable location;
- Insufficient planned housing (average of 17 per key hub) to support the retention of all facilities and services in 28 Key Hubs (i.e. is not effective); and
- Doesn't implement relevant policy objectives and therefore NPPF in relation to achieving sustainable development.

If the proposed changes are not made to the Key Hubs section of Policy LS1 the Plan the Inspector will find the Plan to be unsound and the Plan would not be able to proceed to adoption.

3.3 The Inspector recommended that the criteria for defining Key Hubs should be amended having regard to:

- Services most in need of protection, for example primary school;
- Availability of a bus service (as an alternative to the private car);
- If the village has a good range of services for a wider rural area, and is a centre of employment, but no longer has a bus service, it should not automatically be dismissed if market housing can be justified;
- Parameters to indicate the amount of housing to be delivered in each Key Hub should be included in the Policy to avoid over-provision at the expense of development in Penrith, Alston, Appleby and Kirkby Stephen in respect of the Local Plan and Neighbourhood Plans (where prepared); and
- Development needs and the capacity for development in each Key Hub are likely to differ – these need to be assessed as a prelude to identification.

Officers consider that the Inspector's letter provides sufficient guidance for the Council to develop a revised methodology for Key Hubs.

3.4 Based on the advice in the Inspector's Letter, the following criteria for identifying Key Hubs has been developed:

- Number and quality of the services and facilities provided (including those "threatened" or "undersubscribed");
- Public transport provision (bus or rail service) or, in the absence of a daily public transport service, whether the village acts as a centre for employment; and
- Location (distance of village from Penrith, from Alston, Appleby and Kirkby Stephen, and from other Key Hubs).

3.5 In developing the methodology on 8 June 2016 with participants at the Examination who expressed an interest in further engagement with Officers about Key Hubs. The Eden Planning Committee (and other interested Councillors) were briefed on 16 June 2016 regarding the content of the letter and the proposed changes to the methodology for the identification of Key Hubs. The feedback received from both events has enabled the application of the methodology to be refined.

- 3.6 The methodology has resulted in the identification of 12 key Hubs: Armathwaite, Brough and Church Brough, Culgaith, High and Low Hesket, Kirkby Thore, Langwathby, Lazonby, Nenthead, Plumptre, Shap, Stainton and Tebay.
- 3.7 Fifteen villages would no longer be identified as Key Hubs. The first option would be to introduce a new category between Key Hubs and Smaller Villages and Hamlets to recognise the greater size and level of services and facilities of the 15 villages relative to the settlements listed in the Smaller Villages and Hamlets category. If the new category approach is followed the scope for allowing a limited amount of market housing to be permitted without prejudicing support for services and facilities in the 12 Key Hubs was considered. The second option is to include the 15 villages within the Smaller Villages and Hamlets category.
- 3.8 The first option has been rejected on two grounds: that the Locational Strategy would become more complex and, more importantly, that allocating a limited amount of market housing to the ex-Key Hubs would reduce the amount of housing available to be allocated to the 12 Key Hubs to support services and facilities and thereby undermine the reason for revising the methodology for identifying Key Hubs.

## **4 Policy Framework**

- 4.1 This report sets why the Key Hubs section of Policy LS1 of the Local Plan needs revision to enable the Policy to be found sound by the Inspector and, therefore, progress towards adoption. As the Plan progresses towards adoption the weight that can be attached to it as a material consideration increases. The Local Plan will assist the Council to deliver the corporate priorities of Decent Homes for All; Strong Economy, Rich Environment and Thriving Communities.

## **5 Implications**

### **5.1 Legal**

- 5.1.1 No Legal implications.

### **5.2 Financial**

- 5.2.1 Any decision to reduce or increase resources must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.
- 5.2.2 There are no proposals in this report that would reduce or increase resources.

### **5.3 Equality and Diversity**

- 5.3.1 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equality Act 2010 and related statutes.
- 5.3.2 No Equality and Diversity Implications.

## **5.4 Environmental**

- 5.4.1 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.
- 5.4.2 The LDS does not give rise to any issues regarding conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

## **5.5 Crime and Disorder**

- 5.5.1 Under the Crime and Disorder Act 1998 the Council has to have regard to the need to reduce crime and disorder in exercising any of its functions.
- 5.5.2 No Crime and Disorder Implications.

## **5.6 Children**

- 5.6.1 Under the Children Act 2004 the Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of any of its functions.
- 5.6.2 The LDS does not give rise to any children implications.

## **5.7 Risk Management**

- 5.7.1 The preparation of an up to date Local Plan is a statutory requirement.
- 5.7.2 Failure to produce an up to date Local Plan would affect the reputation of the Council.

## **6 Reasons for recommendation**

- 6.1 To enable to Local Plan to progress to adoption.

Ruth Atkinson  
Communities Director

### **Governance Checks:**

Checked by or on behalf of the Chief Finance Officer	✓
Checked by or on behalf of the Monitoring Officer	✓

Background Papers: Letter from Inspector dated 19 May 2016

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