

## **ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL**

**THURSDAY 22 JANUARY 2015 AT 10.00 AM**

**PRESENT:** Councillor Mrs Bowman (Acting Chairman), Bowditch (as substitute for Councillor Watson), Burns (as substitute for Councillor Caig), Dodd, Mrs McKerrell (as substitute for Councillor Nedved), Mitchelson and Wilson

**ALSO**

**PRESENT:** Councillor Mrs Bradley – Economy, Enterprise and Housing Portfolio Holder  
Councillor Glover – Leader  
Councillor Mrs Martlew – Environment and Transport Portfolio Holder

**OFFICERS:** Deputy Chief Executive  
Director of Economic Development  
Director of Governance  
Investment and Policy Manager  
Monitoring Officer (Planning)  
Planning Officer (x2)  
Principal Planning Officer  
Overview and Scrutiny Officer

### **EEOSP.01/05 APPOINTMENT OF CHAIR FOR THE MEETING**

The Director of Governance explained that in the absence of the Chairman and Vice Chairman it was necessary to appoint a Chairman for the duration of the meeting. Following a vote it was:

**RESOLVED:** that Councillor Mrs Bowman is appointed Chairman for the duration of the meeting.

Mrs Bowman thereupon took her seat as Chairman.

### **EEOSP.02/05 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Caig, Nedved and Watson.

### **EEOSP.03/15 DECLARATIONS OF INTEREST**

There were no declarations of interest in respect of the business to be transacted.

### **EEOSP.04/15 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED – 1.** That the minutes of the meetings held on 21 October 2014 and 27 November 2014 be approved and signed by the Chairman as a true record of the meetings.

### **EEOSP.05/15 CALL IN OF DECISIONS**

There were no matters which had been the subject of call in.

## EEOSP.06/15 OVERVIEW REPORT AND WORK PROGRAMME

The Overview and Scrutiny Officer presented report OS.01/15 which provided an overview of matters relating to the work of the Environment and Economy Overview and Scrutiny Panel and included the latest version of the work programme and Key Decisions of the Executive which related to the Panel.

- The Overview and Scrutiny Officer reported that the Notice of Key Executive Decisions, published on 15 and 31 December 2014, included the following items which fell within the remit of this Panel.

KD.25/14 – Budget Process 2015/16 – the budget proposals were considered by the Panel at their meeting held on 27 November 2014.

KD.30/14 – Carlisle Plan – the draft Carlisle Plan was due to be initially considered by the Executive at their meetings on 14 January 2015 prior to referral to scrutiny. The item had now been deferred and the revised timetable for approval was still to be confirmed.

The Leader advised that the draft Plan was currently being worked on to include work from the recent LGA Peer Review. The draft Plan would be submitted to the Panel for Scrutiny as soon as it was ready.

- *How would members of the public obtain access to the Carlisle Plan?*

The Leader advised that the Plan was available on the Council's website. The Carlisle Plan outlined the Council's priorities and developments and looked at how they would fit into the Plan. The priorities were included on every report that was submitted to the Executive and Overview and Scrutiny Panels.

The Leader believed that not many residents would know about the Carlisle Plan but the Plan was more about how the Council made a difference to the City rather than what was written.

The Economy, Enterprise and Housing Portfolio Holder advised that the Carlisle Plan included a lot of information that was used by Officers for guidance as it set out the Council's priorities which fed into departmental plans. The Plan made the aims and details of departments more clear.

KD.31/14 – Carlisle District Local Plan (2015-2030) Proposed Submission – the report was on the agenda for consideration later in the meeting.

KD.02/15 – Green Box Collection Service – this had been removed from the Notice of Executive Key Decisions as the matter could be dealt with under delegated powers by the Director of Local Environment. The Director of Local Environment had submitted an Officer Decision which had been published. No call-ins were received and the decision acted upon.

- The Executive had met on 8 and 15 December 2014 and the following references were referred to the Panel:

Minute Excerpt EX.135/14 Budget 2015/16 – Feedback from the Overview and Scrutiny Panels on the draft budget reports.

The Executive had also met on 14 January 2015. There were no references relevant to this Panel.

- Task and Finish Groups:

Litter Bin Task and Finish Group – the interim report from the Task Group was presented to the last meeting of the Panel. The Group met with Local Environment Officers on 11 December 2014 and as Officers were collating further evidence on the audit of bins, the Group agreed to wait until that was undertaken and circulated and would meet again on 10 February 2015.

Business Support Task and Finish Group – the Task Group held its initial meeting on 9 December 2014 to scope the review and to agree the Terms of Reference which were attached to the report at Appendix 1. The Panel were requested to give approval to the remits of the work. The Task Group were due to visit the Growth Hub on 23 January 2015.

- Environmental Performance of the Council – the Panel agreed its work programme at the beginning of the Civic Year and agreed that the annual report on the Environmental Performance of the Council be brought in line with the annual Performance Reports and receive 2014/15 figures in June 2015 rather than continuing with receiving past years figures the following January. The Panel agreed that figures for 2013/14 be submitted to this meeting of the Panel for information only to be assured that performance continued on target. The figures were attached to the report as Appendix 2.
- Facilitate Session for Scrutiny Members – the LGA Future Council Review which took place in September 2014 suggested that it was timely to review the Council's scrutiny arrangements to make better use of Members' skills and interests and provide a greater focus on Council priorities.

The Scrutiny Chairs Group considered how that should be addressed at their meeting on 4 November 2014 and agreed that a facilitated discussion be arranged for scrutiny members of the Council. The Centre for Public Scrutiny (CfPS) had been appointed to facilitate the session, to be held on Thursday 12 February 2015, and the Overview and Scrutiny Officer outlined the issues to be covered by the session.

- The Work Programme for the Panel had been circulated as appendix 3 of the report. The Overview and Scrutiny Manager advised that an additional item on Clean Up Carlisle had been added to the agenda for the next meeting of the Panel at the request of the Chairman.

RESOLVED – 1. That, subject to the issues raised above, the Overview Report incorporating the Work Programme and Notice of Executive Decisions items relevant to this Panel be noted.

2. That an additional item in respect of Clean Up Carlisle be added to the agenda for the meeting to be held in March 2015.

## **EEOSP.07/15 CARLISLE DISTRICT LOCAL PLAN (2015-2030) PROPOSED SUBMISSION DRAFT**

The Director of Economic Development presented Report ED.05/15 which accompanied the latest draft of the emerging Carlisle District Local Plan (2015-2030) – the Proposed Submission Draft – and detailed how the Plan had evolved since the previous Preferred Option Stage Two draft. The report also set out the next key stages in the process towards the adoption of the Plan.

The Investment and Policy Manager outlined the background to the Local Plan which responded to guidance within the National Planning Policy Framework which strongly advocated that Local Planning Authorities should have an up to date Local Plan in place, which set out a positive vision for the future of the area and provide a practical framework within which decisions on planning applications could be made. The Carlisle District Local Plan (2015-2030) sets out a planning framework for guiding the location and level of development in the District up to 2030, as well as a number of principles that would shape the way that Carlisle would develop between now and then.

Work commenced on the preparation of the emerging Local Plan in its current form in March 2012 and since then a comprehensive evidence base had been developed upon which policies and proposals within the emerging Local Plan had been founded. There had also been extensive engagement with local communities and stakeholders at various key stages including the Preferred Options (Stage Two) draft of the Plan.

The report set out how the draft Local Plan had evolved since the Preferred Options (Stage Two) draft including how regard had been given to the outcomes of the most recent public consultation as well as setting out the next key stages in the process towards the adoption of the Local Plan.

The Investment and Policy Manager explained the evolution of the Local Plan since the Preferred Options (Stage Two) draft and the next steps in progressing the Local Plan. Legislation made clear that prior to submitting a Local Plan to the Government for independent examination, the City Council must first publish and consult on a 'publication' draft of the Local Plan, which is that which they intend to 'submit'. At this stage the Council must consider the plan to be 'sound'. The National Planning Policy Framework identified that the plan must be positively prepared, justified, effective and consistent with National Planning Policy. The Investment and Policy Manager contended that the draft Local Plan fulfilled those requirements and could and should therefore be regarded as 'sound'.

Consultation on the 'publication' or 'proposed submission' draft of the Local Plan was intended as the final formal consultation and at this stage it would be made available for consultation, alongside other relevant supporting documentation for a minimum period of six weeks. The Investment and Policy Manager explained the documentation and supporting documentation including a series of background papers covering key policy areas that may also be made available.

Whilst the required consultation on the proposed submission draft would mirror the approach employed in the previous preferred options consultation it would differ in that it constituted a formal and statutory stage of consultation, and also that it would seek views specifically on the 'soundness' and legal compliance of the Plan.

The Investment and Policy Manager advised that the next stage in the preparation process would be for the City Council to formally 'submit' the Local Plan and all relevant supporting documentation to the Secretary of State, who will appoint an independent Planning Inspector to hold an Examination in Public (EiP) into the content of the Local Plan. The EiP would focus on checking that the plan had complied with the necessary legal and procedural requirements which governed the plan making process. The Inspector would then focus on examining the 'soundness' of the Local Plan in accordance with the relevant tests as set out in the National Planning Policy Framework.

Following the close of the EiP the Planning Inspector will issue a report to the Council to advise whether the Local Plan is considered to be 'sound'. If amendments are required the Planning Inspector must be invited by the Council to make those amendments. Once the Local Plan is deemed to be 'sound' the Council may proceed to formally adopt the Local Plan at which point it will replace the existing Local Plan.

It would be difficult to predict the length of the EiP but the anticipated timescales were set out within Appendix 2 of the report.

Members of the Planning Policy team presented the emerging Local Plan and outlined the key changes within the following key chapters:

- vision and objectives
- strategic policies
- economy
- housing
- infrastructure
- climate change and flood risk
- health, education and community
- historic environment
- green infrastructure, and
- monitoring framework.

In considering the report Members raised the following comments and questions:

- *Where did the evidence base come from and how robustly was it challenged?*

The Investment and Policy Manager explained that the national guidance provided detailed information on necessary evidence and recognised models and studies had been used to compile the evidence. Some aspects of the evidence were subject to consultation. Key pieces of the evidence base were brought to Members when possible and some had been brought to Scrutiny. All of the evidence was available on the Council's website. Consultation was a way of challenging the evidence as was the forthcoming examination of the Local Plan by a Planning Inspector.

The Director of Economic Development added that the evidence was tested at every stage of the process and the process of evaluating the evidence would depend upon the type of evidence concerned.

- *Members of the Local Plan Working Group had accepted the changes to housing policy but some Members had been critical of the evidence underpinning policies in respect of retail.*

The Investment and Policy Manager agreed to circulate the link to the relevant page to Members of the Panel. He explained that there was a home news page that was updated regularly.

- *Ward Councillors often receive negative feedback from residents querying why so many new houses were being built. Ward Councillors need the evidence to answer those questions. A Member had looked on the website but had been unable to access the updated Strategic Housing Market Assessment.*

The Director of Economic Development reminded Members that the 2014 update had been brought to a previous meeting of the Panel.

- *Did the representations received relating to housing also include comments on the allocated housing sites?*

The Monitoring Officer (Planning) confirmed that they included the detailed development management policies and the site allocations and that they would be covered in more depth later in the presentation.

### Vision and Objectives

The Investment and Policy Manager explained that the vision had been expanded and the suite of strategic objectives strengthened.

- *The main objective of the vision appears to be the urban area with no great reference to the rural area which comprises over 30% of Carlisle district.*

The Investment and Policy Manager stated that the Local Plan did mention rural areas and reminded Members that there was a 70/30 split for housing in urban and rural areas. That would enable development in the rural areas and support services, transport, etc in those areas. The Investment and Policy Manager was confident that the rural areas were sufficiently covered in the Local Plan.

- *Residents in rural areas often feel sidelined and in fairness to them there should be more information included.*

The Director of Economic Development explained that there was a lot of information about rural areas in the Local Plan but if Members believed that was inadequate comments could be taken to the Executive and the revisions to the Plan considered.

### Strategic Policies

The Investment and Policy Manager explained that the policies had been refocused and expanded and three new strategic policies introduced in respect of strategic connectivity, valuing the City's heritage and cultural identity and healthy and thriving communities.

No questions were raised by Members in respect of strategic policies.

### Economy

The Investment and Policy Manager explained that Policy EC1 had been refocused exclusively on employment land allocations, a policy on Mixed Use Areas had been removed from the Plan, retail/service centre hierarchy updated and Morton District Centre updated to cover other uses and to include safeguards.

- *With regard to employment land in Brampton, where was the employment land allocated to provide jobs for the residents in the 400 plus new homes planned in Brampton. The industrial estate was almost at capacity. Where would the next stage be located?*

The Investment and Policy Manager advised that there was no overwhelming evidence for additional employment land in Brampton. The industrial estate was valued and well used and there are some opportunities for infilling and redeveloping as well as providing offices above existing units in Brampton Town Centre. Nothing in the plan would preclude an application in Brampton to extend the existing industrial estate, or a new employment site providing the need for this could be justified. Each application would be considered on its merits.

The Director of Economic Development explained that the environment had changed since the introduction of the National Planning Policy Framework and the Council were able to be more flexible with proposals than in the past.

- *How would flexibility be built into the plan?*

The Director of Economic Development advised that care was taken when writing the policies to ensure there were not so many constraints and that policies were flexible enough to respond to changing circumstances across the plan period.

## Housing

The Principal Planning Officer explained that the housing target had been reduced from 665 per year to 565 per year. There had been changes to the portfolio of sites and the introduction of new national planning guidance had resulted in changes to the affordable housing policy. The policy in respect of Carlisle South had been expanded and clarified. Carlisle South would have its own Masterplan and the Atlas team, funded through the Homes and Communities Agency (HCA) would assist in that work.

- *With regard to site allocations will people have the opportunity to object if sites have been removed and have them put back in?*

The Principal Planning Officer explained that people could respond to the consultation to this effect but that debate would be held at the examination of the Local Plan. If it was a smaller site a planning application could be submitted and the site would be considered in that context. A larger site would be considered at the examination stage.

- *People may think that sites were not included in the emerging Local Plan because they were included in the previous Plan. Would they have the opportunity to object at the examination stage?*

The Director of Economic Development confirmed that they would have the opportunity at that stage. The Plan would go out to a six week consultation period before submission to the Planning Inspector.

The Principal Planning Officer advised that Officers had ongoing dialogue with site owners.

- *With regard to affordable housing three zones were indicated within the new Plan. People may think that Brampton was classified as the same as Carlisle.*

The Principal Planning Officer advised that Brampton had been classified as not rural by the Secretary of State. The zones on the map indicated viability (not an urban/rural distinction) and the Plan could be amended to make that more clear. The text in the Plan touched on viability and that could be expanded and drawn out in the text.

- *Was there a minimum standard for builders in respect of affordable housing?*

The Principal Planning Officer explained that affordable housing requirements related to need. Officers worked with colleagues in Housing Services and Registered Providers to determine that requirement.

- *Were there different strategies for villages and towns? Dalston was a village but with the recent large development was now considered to be a town.*

The Principal Planning Officer advised that Officers took care to ensure the allocation was in scale and form with the village in which a development would be located. The Council also had a windfall policy which was not included in the site allocations policy. The windfall policy had to meet a number of criteria and be in keeping with the scale, form and function of the village.

The Principal Planning Officer further advised that there were no further allocations for Dalston in place. However if an application was submitted it would be considered under the windfall policy.

The Principal Planning Officer explained that the new legislation in respect of affordable housing became relevant in December 2014 and ending pending applications would be subject to the new legislation.

The Director of Economic Development advised that the Development Management team were currently dealing with the new legislation and members of the Development Control Committee had considered a report on the matter.

The Principal Planning Officer stated that there had been a slight change to the Gypsy and Traveller policy.

With regard to Carlisle South the Director of Economic Development advised that it was included in the Plan as developments of such sites took many years to complete and by including it in the Local Plan it would provide an indication that the site was available.

The Principal Planning Officer explained that the Carlisle South Masterplan would be delivered towards the end of the plan period but it had been included as Officers were looking ahead which was the most sustainable way to ensure continuous growth of the City.

- *If an application was submitted for Carlisle South would it need to wait until completion of the Masterplan?*



The Principal Planning Officer advised that piecemeal development would not be considered.

The Economy, Enterprise and Housing Portfolio Holder advised that Carlisle South was an important, large development which would be handled in the most appropriate way to ensure the appropriate services and infrastructure was in place. It was important to protect the area against piecemeal development and it was essential that the area was included in the Local Plan.

- *How would the work of the Atlas team be fed back to Members?*

The Principal Planning Officer advised that the work would be presented to members of the Local Plan Working Group and would be monitored by Officers.

The Director of Economic Development explained that Officers would use the Masterplan as a way to take Members through the process. The Working Group had worked very well and the Director of Economic Development stated that she would like to use the Group to take the Masterplan forward.

- *It would be helpful if this Panel could be kept informed on substantial development in the City.*
- *How was Carlisle South defined?*

The Principal Planning Officer explained that the area was between junction 42 of the M6 and carried on west past the Racecourse. The area did not extend into the City Centre but stopped at the edge of the urban area. Some of the area would not be used as it would be designated as flood plain or have biodiversity or other value.

### Infrastructure

The Planning Officer explained that a Community Infrastructure Levy (CIL) was a tax levied on new developments to pay for infrastructure needed to support that development. The process was complicated and it had not yet been determined whether the City Council would implement the Levy.

The Director of Economic Development advised that the CIL would probably be required for development at Carlisle South. Officers would be considering the CIL on completion of the Local Plan.

In response to a query from a Member the Planning Officer advised that there were clear guidelines about how a CIL would work and there would not be any overlap with Section 106 Agreements.

The Investment and Policy Manager reminded Members that things were still changing and Officers had tried to ensure that the Local Plan had been future proofed.

- *How would the airport policy affect businesses around the site? Would they be included to be allowed to develop and expand?*

The Planning Officer advised that the policy related to land within the boundary of the airport and other businesses would be covered by other policies. The boundary of the airport was defined in the Local Plan.

### Climate Change and Flood Risk

The Planning Officer advised that the Planning Inspector had accepted an 800 metre separation distance between wind turbines and residential properties in Allerdale Council's Local Plan on the grounds of safety and amenity. As that could apply anywhere Officers decided to include a similar separation distance within the Carlisle Local Plan but would be flexible. The Planning Officer explained that Scotland already had a limit and Eden Council were looking to include similar limits.

The previous legislation related to wind turbines over 25 metres high and the separation distance was 350 metres. Wind turbines were now bigger so larger separation distances were required.

The Director of Economic Development advised that the policy was in relation to something that should already be in place. It would provide guidance to applicants and ensure residential amenity and safety. Flexibility was included in the policy.

The Economy, Enterprise and Housing Portfolio Holder believed that it would be useful if there was guidance from Government as wind turbines were unpopular with residents. Members of the Development Control Committee had to make the best decisions they could and often approved applications on planning grounds that were against what local people would prefer.

- *Had there been any feedback from builders with regard to CO<sub>2</sub> emissions?*

The Planning Officer advised that only the Home Builders Federation had submitted any feedback. Sainsbury's had submitted information advising that they supported more efficient design and technology which had been used when building their recent stores.

- *Who was responsible for setting the flood zones?*

The Planning Officer advised that the Environment Agency were responsible for updating the mapping of flood zones.

- *Had the flood zones changed with the implementation of the flood defences?*

The Planning Officer explained that whilst the risk of flooding would be reduced areas were still considered as an area of high flood risk as the defences could fail and the areas would be more badly affected.

### Health, Education and Community

The Planning Officer advised that policy CM2 had been strengthened, the Access, Mobility and Inclusion Policy had been amalgamated into Policy SP6, the Safeguarding Zones policy had been removed and separate policies had been amalgamated to form Policy CM5 – Environmental and Amenity Protection.

No questions were raised by Members in respect of strategic policies.

## Historic Environment

The Planning Officer explained that there had only been minor changes made to the section.

- *Some Members of the Local Plan Working Group were not confident that English Heritage had accepted some areas of development such as proposals to expose some areas of the Roman Wall. Were those comments still included in the Plan?*

The Planning Officer advised that the policies explained the opportunities available.

The Investment and Policy Manager explained that a new bullet point had been included to reflect the suggested wording as agreed by the Local Plan Working Group.

The Director of Economic Development advised Members that English Heritage had complemented the team and the Council as they had provided the best response with regard to heritage comments submitted on a Local Plan in the North West.

## Green Infrastructure

The Planning Officer advised that there had been no significant changes made to policies. The AONB policy had been updated to bring it more in line with Allerdale Council's AONB policy due to joint responsibility for the Solway Coast. There had been some minor amendments to biodiversity and the geodiversity policies and the Open Space policy had been renamed Public Open Space to make it clear that it applied to public open spaces only and not areas such as back gardens.

No questions were raised by Members in respect of strategic policies.

## Monitoring Framework

The Monitoring Officer (Planning) explained that it was necessary for the Council to measure the effectiveness of the policies and objectives of the Local Plan. The Plan included a framework of clear policy objectives and indicators and included possible actions to be taken in the event of negative trends emerging. The Plan was more robust and transparent and would be reported annually in the Council's Monitoring Report.

No questions were raised by Members in respect of the monitoring framework.

The Investment and Policy Manager advised that as the Local Plan was progressed more weight could be given to the policies it contained.

The Director of Economic Development advised that the Development Management team would start to use the emerging Local Plan following approval by Council when training sessions would be arranged for Members. The Director of Economic Development was requesting the Executive to approve delegated authority to make minor non-material amendments to the Local Plan; more fundamental changes would be taken to Council.

- *Are there some things that cannot be introduced until the Local Plan was adopted?*

The Investment and Policy Manager advised that the weight attached to the emerging Local Plan was in respect of guidance, that the stage that the Plan was at, the more advanced the stage the more weight it carried, and the number of unresolved objections.

- *If a developer looked at the emerging Local Plan and submitted an application before April 2016, when it was anticipated the Local Plan would be adopted, would they be required to comply with the policies within?*

The Investment and Policy Manager advised that the Council had an existing Plan. Officers would look at the existing Plan and the emerging Plan.

- *Was there a way of getting more responses from the forthcoming consultations? More people may respond if the Plan was made available in separate sections.*

The Investment and Policy Manager advised that was how the Plan was available for the previous consultation and would be done for the forthcoming consultation. The Plan would also be available on disc.

- *At the end of the consultation period would any new responses be passed to the Executive?*

The Investment and Policy Manager explained that any responses to the forthcoming consultation would be considered by the Planning Inspector.

The Director of Economic Development advised that the Plan was now going through more formal stages.

- *The general impression from Members was that they were generally stimulated by the emerging Local Plan. Was it anticipated that there would be any problems with the forthcoming responses from residents?*

The Investment and Policy Manager acknowledged that housing was a big issue to residents because it was the most tangible.

The Principal Planning Officer explained that there was not any one site that had raised massive objections. Most of the objections had been constructive and were in respect of access and density, etc rather than the principle of development. Officers had engaged and met with residents to discuss concerns.

The Economy, Enterprise and Housing Portfolio Holder identified that before the Local Plan was submitted to the Planning Inspector a lot of the objections would have been sorted out by the team. The Portfolio Holder wished it recorded that Members appreciated the amount of work undertaken by the team, as well as the hard work and professionalism of the team.

The Portfolio Holder also thanked the Local Plan Working Group who had offered interesting, helpful and relevant comments.

The Chairman reiterated the appreciation of the work undertaken.

In response to a query the Investment and Policy Manager explained that the version of the report submitted to the Executive was the subtly different to that submitted to the Panel

with the amendments highlighted within the report and an addendum having been circulated to Scrutiny.

RESOLVED: 1. That report ED.05/15 – Carlisle District Local Plan (2015-2030) Proposed Submission Draft – be noted.

2. That the Panel had checked the draft Local Plan and considered comments from Officers and were happy to inform the Executive of their support, subject to two minor changes detailed at resolution 4.

3. That the Panel requested that Members should be notified of any material changes to the draft Local Plan as it progressed through examination, and asked for arrangements to be put in place to ensure this happened.

4. That considerations be afforded as to whether the wording of the vision could be strengthened with regards to ensuring coverage for rural areas, and that consideration be afforded to Policy HO4 and its supporting text as to whether the use of the different viability zones could be better explained, including with regards to the zone for Brampton.

(The meeting ended at 12.05 pm)