



The Planning
Inspectorate

Report to Allerdale Borough Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE ALLERDALE LOCAL PLAN PART ONE

Document submitted for examination on 23 October 2013

Examination hearings held between 28 January and 07 February 2014

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Abbreviations Used in this Report

¶	paragraph
AA	Appropriate Assessment
ABP	Associated British Ports
AHVA	Affordable Housing Viability Assessment
AONB	Area of Outstanding Natural Beauty
CD (1-16)	Core Document (see Examination Library)
CS	Core Strategy
DECC	Department for Energy & Climate Change
DCLG	Department for Communities & Local Government
dpa	dwellings per annum
DSE	Document Submitted during the Examination
DtC	Duty to Co-operate
DTI	Department of Trade & Industry (replaced in 2007 with the creation of the Department for Business, Enterprise and Regulatory Reform, and by the Department for Innovation, Universities and Skills).
EB (1-22)	Evidence Base Document (see Examination Library)
ETSU	Energy Technology Support Unit
ETSU-R-97	'The Assessment & Rating of Noise from Wind Farms': document produced by ETSU & DTI
G&T	Gypsy and Traveller
ha	hectares
HBF	Home Builders' Federation
HMA	Housing Market Area
HRA	Habitat Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
LPA	Local Planning Authority
LPP (1-4)	Local Plan Preparation Document (see Examination Library)
MM	Main Modification
NPPF	National Planning Policy Framework (the Framework)
PS	Position Statement
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SD (1-43)	Supporting Document (see Examination Library)
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
TAN	Technical Advice Note (Wales)
TP (1-5)	Topic Paper (see Examination Library)
TS	Travelling Showpeople

Non-Technical Summary

This report concludes that the Allerdale Local Plan Part One provides an appropriate basis for the planning of the Borough, providing a number of modifications are made to the plan. The Allerdale Borough Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

These Main Modifications can be summarised as follows:

- **MMX1:** Amendments to the Plan text supporting Policy S3 to make clear that the specified growth percentages represent housing growth;
- **MMX2:** Amendments to the Plan text supporting Policy S3 to make it clear that the allocation of growth between settlements and on individual sites will take into account, additionally, the level of current housing commitments and completions since the beginning of the Plan period, and the ability of the settlement to accommodate growth without harming its character, setting or the surrounding landscape;
- **MMX3:** Amendments to the Plan text supporting Policy S8 to justify the varying proportions of affordable housing to be sought in specific settlements;
- **MMX4:** Amendments to the Plan text supporting Policy S11 to incorporate the updated statistics of the Cumbria Gypsy and Traveller Accommodation Assessment 2013, and to embody in the Plan the specific target figures for additional pitches and plots included in the 2013 Assessment, and to state explicitly that the Local Plan will allocate sufficient suitable sites to meet the level of need identified in the 2013 Assessment;
- **MMX6:** Amendments to the Plan text supporting Policy DM16, to provide justification for the prior consideration of previously developed windfall sites before the proposal of development on greenfield windfall sites above a specific size threshold.

NB There is no MMX5. The main modification previously nominated as MMX7 is to be dealt with as a minor (textual) modification.

Introduction

1. This report contains my assessment of the Allerdale Local Plan Part One in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy

Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective; and consistent with national policy.

2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (October 2013) which is the same as the document published for consultation in May 2013.
3. My report deals with the main modifications that are needed to make the Local Plan sound and legally compliant and they are identified in bold in the report (**MMX**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The Main Modifications **MMX** that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications (including further proposed changes also referred to as main modifications and enumerated under the prefix MM) and carried out sustainability appraisal and this combined schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Assessment of the Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed upon it by section 33A of the 2004 Act in relation to the Plan's preparation. Evidence of the exercise of its duty to co-operate has been submitted to the Examination by the Council in written form in its Duty to Co-operate (DtC) Statement of Compliance (CD10) and Update (CD10a); in its Position Statement on Main Matter 1 (PS1); and orally at the first dedicated Hearing session.
6. The Duty to Co-operate as set out in section 110 of the Localism Act 2011 requires mutual co-operation on the part of those persons and bodies which it prescribes. Co-operation is to consist of constructive, active and ongoing engagement in any process by means of which activities in subsection (3) are undertaken. These activities include the preparation of development plan documents and other local development documents (including activities that can reasonably be considered to prepare the way for such documents), and activities that support the preparation of such documents *so far as relating to a strategic matter*. Included in the definition, given at subsection (4), of a *strategic matter* is *sustainable development or use of land that has or would have a significant impact on at least two planning areas* (including in particular such development or use *in connection with infrastructure that is strategic*).
7. Mutual co-operation between the Cumbrian local planning authorities is of long standing. Under the North West Regional Planning Guidance and North West Regional Spatial Strategy planning regimes, the local planning authorities of Cumbria had been accustomed to co-operation and to joint lobbying as they sought to achieve a unified voice in securing planning provision at higher-order policy level to meet Cumbrian needs. Accordingly, the foundation was laid for the transition into the current DtC system whereby the local planning

authorities must co-operate in planning, in relation to *strategic matters*, to meet their needs. Matters involving potential cross-boundary issues include housing, gypsy & traveller provision, water supply, economic development (in particular the Energy Coast initiative) and designated areas such as the Lake District National Park, Solway Coast Area of Outstanding Natural Beauty (AONB), and the Hadrian's Wall World Heritage Site.

8. Through the forum of the Cumbria Housing Group, joint work has taken place on the identification of Housing Market Areas within Cumbria, and on the preparation of Strategic Housing Market Areas (SHMA) for the 20 Housing Market Areas which were identified, in 2006. Updating of the original SHMA work has since been undertaken by individual local planning authorities (LPAs), maintaining a common approach to the generation of data using the POPGROUP and other standard forms produced by the Cumbria Observatory run by Cumbria County Council. There is general agreement among the LPAs that the Housing Market Areas are broadly contained within LPA areas, with the exception of the Lake District National Park which includes areas in a number of Districts; and that there are no strategic cross-boundary issues in relation to housing delivery, either within Cumbria or between Cumbria and LPA areas beyond.
9. The Home Builders' Federation (HBF) is concerned that Copeland Borough and Allerdale Borough, though using common modelling work by GVA on behalf of Cumbria County Council, have not taken a *consistent approach* to the choice of modelled scenario on which to base their housing requirement: Copeland having earlier based its requirement upon the higher-yielding 'Nuclear New-Build' scenario, and Allerdale, later, its own upon a figure which represents a mid-point between 2 lower-yielding scenarios ('Employment Baseline' and '5-year Migration Trend'). Copeland's Core Strategy, incorporating the higher-based figure, is now adopted as the statutory development plan. Copeland, however, regards the figures as *compatible* in the circumstances – the Copeland development plan being in advance of the Allerdale plan – and raises no objection to the use by Allerdale of the lower-based housing figure in its submission Local Plan, regarding itself and Allerdale as *together meeting the needs of West Cumbria*.
10. Both LPAs are confident that they can deliver their own objectively-assessed housing requirements within their own Plan areas. There is no evidence that either is likely to be reliant upon the other to meet its housing need within the time-frame of its Local Plan¹. In these circumstances there is no evidence, from the point of view either of Copeland or of Allerdale, to suggest that a joint planning policy should have been produced to cover the housing requirement, or that the terms of the Framework at ¶179 to *consider producing joint planning policies on strategic matters* have not been met. In conclusion, firstly the difference in the approach taken by the 2 LPAs is a matter more related to the soundness of the Plan than to the Duty to Cooperate; and, secondly, the difference in the approach taken by Allerdale is

¹ The Copeland Core Strategy, adopted on 5 December 2013, is a Local Plan in the terms of the National Planning Policy Framework.

not inconsistent or incompatible with that taken by Copeland (as set out under soundness Issue 1 below).

11. On housing for gypsies and travellers, there has been evident co-operation between the Cumbria County Council, the 6 Cumbrian District Councils and the Lake District National Park Authority: culminating in their commissioning of the Cumbria Gypsy and Traveller Accommodation Assessment 2013, updating the Cumbria Gypsy and Traveller Accommodation Needs Assessment 2008.
12. On water supply, Allerdale Borough Council has also shown evidence of co-operation to the extent required according to its Duty under the Act. The Council has worked closely with the Environment Agency, with Copeland Borough Council, and with United Utilities and Natural England on potential water supply problems and solutions following the prospective review of the water abstraction licence for Ennerdale Lake, which is one of the sources of water supply for the Plan area. The co-operative work is reflected in relevant policies of the Plan, for sustainable development, for spatial strategy and growth, and for supporting and safeguarding strategic infrastructure.
13. On economic development, the Council has demonstrated co-operation with Copeland Borough Council. This has centred upon joint evidence studies on retail, employment land and premises and employment projections, a nuclear topic paper and viability assessment. The authorities have a shared relationship with Sellafield and associated supply chain businesses which provide employment for both Boroughs. In connection with the Nuclear New Build, representatives from Copeland and Allerdale Borough Councils, from Cumbria County Council, the Highways Agency, and also from the rail industry and port authorities, meet on a monthly basis to plan for the required transport and accommodation infrastructure. On energy provision, the county-wide Cumbria Renewable Energy Capacity Study represents a joint evidence base to assess potential from all renewable energy sources in the county, and involves all constituent LPAs in co-operative effort.
14. Within Cumbria, the Hadrian's Wall World Heritage Site involves both Allerdale Borough and Carlisle City in collaborative working together with other partner organisations. A joint policy approach and strategic policy on Hadrian's Wall has been included in both the emerging Allerdale and Carlisle Local Plans. On the Solway Coast AONB, a steering group is active including representatives from Allerdale and Carlisle LPAs, from Cumbria County Council and from Natural England: leading to an AONB management plan and to a joint strategic policy in the Allerdale and Carlisle Local Plans.

Conclusion on the Duty to Co-operate

15. On the evidence, therefore, I conclude that Allerdale Borough Council has met its duty to co-operate with regard to the Allerdale Local Plan Part One.

Assessment of Soundness

Main Issues

16. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 5 main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the Plan sets an appropriate housing requirement.

17. The National Planning Policy Framework (the Framework) states at ¶154 that Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change; and (¶147) should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. At ¶159 the Framework states that local planning authorities should have a clear understanding of housing needs in their area; introduces the Strategic Housing Market Assessment (SHMA); and states that this document should identify the scale and mix of housing ... over the plan period which ... meets household and population projections, taking account of migration and demographic change; and ... caters for housing demand and the scale of housing supply necessary to meet this demand.
18. Since the beginning of the Regional Spatial Strategy² (RSS) plan period (2003/4), Allerdale has consistently missed the former RSS target (of 267) since it was established. Actual deliveries range from 222 (2009/10) down to 67 (2010/11), with an average of 172 dwellings per annum (dpa) delivered. The influence of the recession during this period is clear. The RSS housing target reflected the then current (2005) DCLG household projections of 2001 Census data. The POPGROUP model and the West Cumbria Evidence Base Projections Paper (EB1) by GVA Grimley used the more up-to-date 2008 DCLG projections, which suggested a 7% rise in the number of households in Allerdale from the 2001 Census position. This equates to 302 dpa.
19. The most recent DCLG projections are based upon the 2011 Census, and suggest only a 3% rise in the number of households in Allerdale, from the 2001 Census position. This equates to 134 dpa: a marked reduction, and – and this is significant - considerably lower even than the level of actual average delivery achieved in Allerdale since 2003/4. The Local Plan sets a housing requirement of 304 dpa. Against the most recent DCLG projections, therefore, the Plan *significantly boosts* housing provision, as required by the Framework at ¶147, and in effect builds in an appropriate buffer to housing supply.
20. The Plan figure of 304 dpa does not rely upon the now revoked RSS but represents a fresh and objective assessment resulting from a critical analysis of population and economic forecasts, from local experience, and from the modelling of alternative scenarios based upon a range of specific assumptions. That the chosen figure does not exactly correspond to any one of those scenarios does not make it *arbitrary*. Rather, it is a comprehensive figure which reflects the influences of demographic and economic factors in Allerdale, for which there is demonstrable local evidence as set out in the Housing Growth Topic Paper (TP4) and Update (TP4a), and in the Projections Paper (EB1); the aspiration for economic growth; and the concern for sustainable

² The RSS is now revoked.

development.

21. The LP housing requirement of 304 dpa takes into account projections of population and household growth; a proportion of the cumulative backlog of delivery against the previous RSS target housing requirement; migration (rejecting simple 5-year and 10-year migration trend scenarios which on their own exclude economic forecasts and would result in low housing targets which have been exceeded in 6 out of the last 7 years); employment projections (rejecting the 'employment baseline' scenario of a high housing requirement, which ignores the local effects of substantial job losses in the nuclear sector and consequent commuting from adjacent Copeland Borough to fill jobs forecast to increase in Allerdale); and the local experience of economic recovery, which has been more gradual in Allerdale than predicted by HM Treasury forecasts for the UK as a whole. The even higher housing requirement which would result from the 'Nuclear New Build' scenario was rejected given its uncertainty, and also the uncertainty of its effects upon Allerdale (its primary location being in Copeland). No evidence has been presented to the Examination which would confirm otherwise.
22. In setting a housing requirement of 304 dpa, the submission Local Plan also takes into account the potential consequences that an over-estimate would have for the Spatial Strategy of the Plan, which has sustainability as its goal. As the Topic Paper Update (TP4a) states at ¶17, *dramatically increasing overall housing numbers is likely to lead to a skewing of [the] Spatial Strategy as delivery will favour more attractive areas first, which, assuming that these are more viable, would have the further effect that focusing on more viable areas will fail to address key housing issues across the Plan area.*
23. The HBF and Story Homes make no criticism of the material, data or processes which form the basis for the Council's objective assessment of its housing need. Nevertheless, they maintain that the Plan would not *meet the full, objectively assessed needs*, and point to Copeland's choice of a relatively higher figure resulting from an alternative scenario. Copeland's circumstances in relation to the nuclear industry differ, however, from those of Allerdale. Copeland envisages that its job losses from decommissioning would be planned as a long-term process, and in the short term would to some degree be offset by job creation on the decommissioning work itself. In the event of Nuclear New Build, new jobs could off-set the ultimate job losses from decommissioning.
24. In terms of impact upon the housing requirement of Allerdale, however, the Nuclear New Build scenario and its effects remain too uncertain to justify, on the evidence, the incorporation into the Allerdale Local Plan housing requirement figures of assumptions based on their achievement. A figure too heavily dependent upon the achievement of an as yet undetermined major infrastructure/employment project and its uncertain effects on Allerdale would risk undue domination and distortion of the Local Plan as a whole. The stance taken by Copeland, which has its own internal local logic, should not therefore pre-determine that of Allerdale. In conclusion, the level of housing for which the Plan makes provision in Allerdale is not incompatible with that adopted by Copeland.

Affordable Housing as an Element of the Housing Requirement

25. The Strategic Housing Market Assessment (SHMA) identifies a need for approximately 181 affordable dwellings per annum. The model which was used makes a distinction between 'backlog' and 'newly arising' need. In respect of affordable housing, the backlog arising from the cumulative shortfall of delivery against the previous RSS targets amounted to 700 dwellings. The model incorporates the backlog of affordable housing into the projection figures, absorbing it over a 5-year period. The corresponding general market housing backlog was 'written off'. However, affordable housing represented (and continues to represent) so large a proportion of the overall housing need that 'writing off' the previous backlog against RSS target housing requirement figures does not have a significantly depressing effect upon the LP housing requirement.
26. In Allerdale, the affordability of house purchase is related not so much to high house prices as to low incomes, and to the operation of the money markets in which both the availability of mortgages and interest rates are dependent upon the existence, and size, of aspiring purchasers' deposits. Overcrowding represents a significant category of housing need in Allerdale, both for newly-formed households and for families which are expanding but unable to move into larger property. Need, as objectively assessed (discounting preference) is primarily for 3-4 bed dwellings and 2-3 bed dwellings. The overall affordable housing component accounts for 60% of the housing requirement in Allerdale. Delivery of affordable housing is particularly challenging in the low market areas which prevail in much of Allerdale, and which are often also areas of great affordable housing need.
27. The Allerdale Housing Viability Study (EB3b) was carried out by GVA Grimley using detailed scenarios to test housing supply against requirements such as affordable housing, the Code for Sustainable Homes, and S106 contributions. The evidence is that *although site viability can be challenging in parts of Allerdale the study found that under current economic conditions, and with a 20% affordable housing contribution ... the Borough has 4.75 years of dwelling supply when required to achieve the annual dwelling target of 304 in the emerging Plan, when 'viable' and 'marginal' sites are taken into account* (Cumulative Viability Assessment TP2a). However, the Plan has been developed against a backdrop of severe economic recession. As TP2a states at ¶15, *there are signs at national and local level that conditions are improving; therefore it is not unreasonable to assume there will be uplift in future years that will lead to an improvement in overall economic viability throughout the Borough*. Using the model, testing of the cumulative impact of Local Plan policies yielded a potential 5.3 years' supply under 'moderate' conditions (10% uplift) and over 8 years' supply under 'good' conditions (20% uplift).
28. On average, Allerdale has so far delivered 17% affordable housing across all completions: which can be regarded as a good average given the background of low market and viability. The Cumulative Viability Assessment Topic Paper Update TP2a shows that *recent transactions, approvals and development activity have been concentrated primarily in low market areas and that contrary to the results of the strategic viability modelling, these sites have consistently been able to provide affordable housing and other S106 developer contributions* (PS6 ¶15). Even so, it is recognised that attention will have to be paid to additional ways of providing affordable housing beyond, and

separate from, the development of general market housing yielding a proportion of affordable units. Some funding is available for Registered Social Landlord (RSL)-provided housing, and some builders are involved in affordable-only schemes supported by funding.

29. It is highly unlikely that sufficient affordable housing could be delivered to meet the need from the development of general market housing alone: that is, as a proportion, whether on- or off-site, of general market housing. Inflating the overall housing requirement simply in order to yield as many as 181 affordable homes would lead to a target figure greatly in excess of the Nuclear New Build scenario figure. Such a device would be unrealistic, non-viable, and ultimately incapable of delivery. Moreover, it would entail the wholesale allocation, at the outset, of the most attractive sites which if developed in advance of all others would threaten the Spatial Strategy of the Plan and its overall sustainability.

Windfalls as an Element of Housing Provision

30. The Council's Housing Growth Topic Paper (Update) TP4a demonstrates, in the table included at ¶25, the historic delivery of windfalls and the contribution that these have made towards meeting the housing requirement. The current Allerdale Local Plan was adopted in November 1999 and covered the period 1996-2006, and the First Alteration 2006 covered the period from 2006 *for a period of 3 years from the date of adoption or until the forthcoming Local Development Framework is adopted, whichever is the earlier date*. The table at TP4a ¶25 lists, separately, completions on allocated sites and on windfall sites from 1999/00 to 2011/12, and the proportions (percentages) represented by each category. With the exception of the single year 2002/3 (when 48.13% of completions were on allocated sites and 45.45% of completions on windfall sites), percentage completions on windfall sites have been consistently higher than those on allocated sites. Windfall percentages have ranged from 53.71% (2001/2) up to 95.43% (2005/6). In 6 years out of the 13 years recorded, windfalls represented more than 85% of completions, and in 9 years out of the 13, more than 60%. According to TP4a ¶26, *the vast majority of [windfall] completions are within existing settlement limits, and their contribution is particularly evident towards the later years of the Local Plan, the year 2010/11 showing a brief increase in allocated completions to 27.07% (of 133), with a subsequent reduction in 2011/12 to 7.37% (of 217)*.
31. The Plan currently under examination makes an allowance of 10% for windfalls as part of the overall housing requirement: in recognition of a long history of windfall provision; because the Strategic Housing Land Availability Assessment (SHLAA) does not consider small sites of under 0.3 hectares (ha) and the site allocations will be unlikely to allocate very small sites; and because it is part of the Council's strategy to encourage the effective re-use of previously developed and vacant sites in line with local regeneration and sustainability objectives. In these circumstances, an allowance of 10% for windfalls does not represent an over-reliance on windfalls and is reasonable. It is also consistent with the requirements of the Framework, in that the historic data represent *compelling evidence that such [windfall] sites have consistently become available in the local area and will continue to provide a reliable source of supply*.
32. Windfalls are calculated to compose 10% of the housing supply during the Plan

period on the basis that, although individually unpredictable, they can collectively be expected on the basis of past experience to provide that proportion of housing. However, since these are not allocated sites the specific location of which is decided through the local plans process with its consultation and examination in public, the Local Plan provides, via Policy DM16, for a *sequential test* to be applied in cases of planning applications for windfall development on greenfield sites.

33. Policy DM16 is intended simply to ensure that greenfield sites are not preferentially developed, on a windfall basis, without first considering whether previously-developed sites are available and suitable as alternatives to meet the need. Thus the policy is consistent with the NPPF Core Planning Principles, set out at ¶17 of the Framework, to *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and to actively manage patterns of growth to ... focus significant development in locations which are or can be made sustainable*. Nevertheless, neither the wording of the policy itself, nor the accompanying text, explain sufficiently the local rationale for such a policy, making it clear why it is justified through evidence and on a locally distinctive basis.
34. Main Modification **MMX6** replaces some of the submission draft Plan text to add the explanation that Allerdale has a history of previously developed windfall sites which have arisen through the closure of major employers or through housing renewal. Such sites can have a detrimental effect on the environmental quality and local amenity experienced by communities, especially when sites are left vacant for some time. This policy ensures that previously developed windfall sites are considered first before the development of greenfield windfall sites. The mechanism for achieving this is the application of a *light touch sequential test* outlined in the policy.... The explanation goes on to provide reassurance that this policy applies to windfall sites only and will not be used to guide the Site Allocations DPD.
35. Policy DM16 does not therefore constrain the allocation of greenfield housing sites through the local plans process, nor is it intended to impose a blanket ban upon the development of greenfield windfall sites. It simply ensures that at the point when a greenfield windfall development is proposed a suitable and available brownfield site is not repeatedly passed over without consideration and left to deteriorate when it could be reused. **MMX6** provides necessary justification in the local context.
36. On the extent of the Plan period, the Council recognises that the Plan period ending in 2028 would not result in a 15-year time-frame, post-adoption. The Council has extended the period to 2029, via main modifications MM1 and MM4, and has adjusted the housing and employment requirement to reflect the revised Plan period, via MM12, MM15, and MM99, to reflect this. The level of existing housing commitments across all tiers of the settlement hierarchy, when set against the housing requirement, is such that the requirement for additional land supply through site allocations will be focussed on the medium to long term of the Plan period, and will not be affected by the length of time taken to process the second part of the Local Plan dealing with site allocations. There is no need, therefore, to lengthen further the period of the Local Plan Part One to ensure a 15-year period from the adoption of all the related development Plan Documents.

Conclusion on Issue 1

37. In conclusion, therefore, on the evidence the Allerdale Local Plan (Part 1) is based upon objectively assessed housing need, sets an appropriate housing requirement fully meeting the objectively assessed need, and is sound in that respect, provided that Main Modification **MMX6** is made to the Plan.

Issue 2 – Whether the Plan, via its Settlement Hierarchy, distributes growth appropriately.

Stating the Level of Growth

38. Policy S3 – Spatial Strategy and Growth is a comprehensive policy which both sets the housing requirement and distributes housing growth together with employment growth among the settlements and rural areas of the Borough. Under Policy S3 Settlements are categorised as Principal Centre, Key Service Centres, Local Service Centres, Limited Growth Villages, and Infill/Rounding Off Villages. Within the body of the policy itself a table lists, under each category and by name, all settlements together with the percentage of growth that they are intended to receive. Those centres and villages at and below the level of Local Service Centre are tabled as intended to receive *in combination up to* a specific percentage of growth. Whilst this approach has apparent advantages in terms of concise presentation, some difficulty arises. Firstly, though the policy applies to, and governs, both housing and employment growth, it is neither explicitly stated nor clearly implied in the policy wording that the percentage growth figures are intended to represent housing growth, or employment growth, or some combination of the two.
39. Main Modification **MMX1** amends the accompanying text to state unequivocally that the percentage figures represent housing growth alone: and so provides the clarification necessary for soundness. Thus, the amendment states in respect of the Principal Centre (Workington) that *approximately 35% of the housing growth will be directed to the Principal Service Centre*; in respect of the Key Service Centres, that *in combination the Key Service Centres will receive approximately 39% of the housing growth*; in respect of the Local Service Centre, that *in combination the Local Service Centres will receive up to 20% of the housing growth*; and in respect of the Limited Growth Villages and the Infill/Rounding Off Villages in combination that *Rural Villages (Limited Growth and Rounding Off) will receive a share of up to 6% of the housing growth*.
40. No specific percentages are stated for the distribution of employment growth. However, the policy states that the scale of development proposed will be expected to be commensurate to the size of the settlement and reflect its position in the settlement hierarchy: a level of precision which is appropriate to the more unpredictable way in which proposals for employment are likely to come forward. Flexibility is embodied in the policy through the statement that the level of uptake of land will be reviewed annually to ensure that ... employment allocations are responsive to changes in economic and market conditions. (The provision for annual review is made also in respect of the housing trajectory).

The Role of Local Service Centres

41. The National Planning Policy Framework (the Framework) states at ¶6 that the purpose of the planning system is to contribute to the achievement of sustainable development; and at ¶7 that there are three dimensions to sustainable development: economic, social and environmental. The economic role of the planning system involves contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places ... to support growth and innovation. The social role involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible services that reflect the community's needs and support its health, social and cultural wellbeing. The environmental role includes contributing to protecting and enhancing our natural, built and historic environment.
42. In setting the level and distribution of future growth in housing and employment on sustainable principles and in the absence of a specific Framework policy for defining settlement hierarchies, the Local Plan draws upon statements of national government policy made throughout the Framework document. These include *[to] actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable (¶17); to promote sustainable development in rural areas [by locating] housing ... where it will enhance or maintain the vitality of rural communities and where there are groups of smaller settlements development in one village may support services in another (¶55); and [to] prepare positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments (¶70).*
43. The Council's Topic Paper TP3 – Spatial Strategy shows that a full audit of each Allerdale settlement was carried out, to establish not only the presence of services and facilities but also their pattern of use and potential viability, including public transport and the sharing of facilities such as schools and village halls. Following that audit, the status of some settlements has been changed relative to the previous Local Plan. The elevation of Brigham and of Bridekirk has raised objections, voluminous in the case of Brigham which becomes a Local Service Centre in the current submission Plan. Here, the implication of an increased focus upon residential development has been criticised on the grounds that the existing school is at capacity and lacks space for expansion; that the shop is vulnerable and on offer for sale; and that bus services are under threat. However, at the time of the Examination Hearings the shop remained open for business; and the evidence on public transport was that there had been a 'reprieve' on public subsidy of the bus services.
44. Brigham is a sizeable village. Change in the viability of services such as public transport and facilities such as village shops would be likely not to affect Brigham alone, but to apply more widely and to affect other settlements, leaving the relative position of Brigham unchanged. On schools, the evidence is that the education authority maintains a cluster approach to maintaining the viability of 'village' primary schools and that should demand for an individual school increase beyond its capacity for expansion, pupils will be 'bussed' to other schools where capacity exists. In effect, this already occurs on a wholesale basis at secondary level, where no village includes a secondary

school among its facilities. The approach is intended to ensure that existing schools are retained to serve the outlying rural areas and smaller settlements where additional housing growth (beyond that which is supported by rural needs) would not be sustainable.

45. Brigham residents point to developer pressure for new housing development in their village in recent years. They are concerned that status as a Local Service Centre would entail further housing growth, and that this would result in congestion on the narrow streets in the centre of the village, and strain upon the school facilities which have already expanded to provide a hall and library, and to a point where playground space is restricted and land ownership places restraints upon further expansion. Whilst these concerns are understandable, they are not, however, sufficient to place an absolute barrier to development, especially given the location of Brigham close to Cockermouth and to the A66 with its links to Workington and beyond. In itself, development would not necessarily exclude and could well positively enable a solution to any shortage of local school places, or any other deficit of infrastructure, that might prevail at the time of application.
46. The housing requirement for the Local Service Centres is stated as a combined percentage of 20%, to be shared between the 11 settlements named as Local Service Centres. In theory, therefore, any one of these settlements alone might accept housing development up to the whole requirement figure. In practice, that is both unintended and unlikely to occur. But in a situation where one or more Local Service Centre villages may be perceived by the market as being more attractive than the rest, the absence of some explicit mechanism aimed at its prevention could result in a locational imbalance of housing provision which would be unsound in relation to sustainability in its various aspects, and which could also have unacceptable impacts upon the character and appearance of the settlement concerned. It must be borne in mind that the Local Plan period dates back to 2011, and that the housing requirement provisions of the Plan have in effect been in operation since that date. Accordingly, any planning permissions for housing granted since 2011 contribute to meeting the requirement stated in the Plan.
47. The Council's Main Modification **MMX2** adds, to those listed in the Plan text accompanying Policy S3, two further criteria to be followed in the identification of sites – both by the Sites Allocations DPD and, in the interim, by the market. The first of the additional criteria is *the level of current housing commitments (Appendix 4)*; and the second *the ability of the settlement to accommodate growth without harming its character, setting or the surrounding landscape*. The modification is necessary to soundness, for without it the Plan would not be sufficiently justified or effective in the implementation of its Settlement Hierarchy via Policy S3.

The Position of Silloth in the Settlement Hierarchy, and its Scope for Growth

48. Under Policy S3, Silloth is ranked as a Key Service Centre, along with Maryport, Cockermouth, Wigton and Aspatria. It is therefore a second-tier settlement. However, unlike Maryport (12%), Cockermouth (10%), and Wigton (10%), Silloth is allotted only 3% of housing growth for the Plan period (4% is assigned to Aspatria). Associated British Ports (ABP) criticises the level of growth proposed for Silloth, which it regards as being inconsistent with the role of Silloth as a working port and source of employment, and with its

designation as a Key Service Centre in the settlement hierarchy. The tonnage handled at Silloth is comparable to that of Workington.

49. In the context of its hinterland, Silloth merits the role of a Key Service Centre. However, the hinterland is primarily agricultural, and the projected growth for Silloth reflects the level of its existing resident population. The Council's Position Statement PS12 shows at ¶21 that under the designation Silloth is intended to *continue to develop its role offering a range of services and function as a hub for a wider rural hinterland*, and that the settlement *[has] the ability to serve day-to-day needs of local and surrounding residents and offer a range of employment land to meet the needs of local businesses*. Since the Examination has now established that employment growth is not included within the specific percentage growth levels assigned to the settlements by Policy S3, the direct effect of the policy upon the growth prospects for Silloth may perhaps be less restrictive than ABP supposes.
50. Nevertheless, there remains a strong constraint upon levels of growth in Silloth. In part, this arises from the need to protect Natura 2000 sites, which are afforded the highest priority. The potential impact of the Local Plan on Natura 2000 sites was assessed through the Habitat Regulation Assessment (HRA) and Policy S3 was taken forward to Appropriate Assessment in relation to Silloth. A further constraint is imposed by the nature of the surrounding transport infrastructure. Silloth has only minor road links, via the B5300, B5301 and B5302, to other settlements. The port has no rail link. The Plan is therefore sound in not envisaging a level of growth for Silloth beyond the levels indicated in Policy S3.

Conclusion on Issue 2

51. The Plan therefore distributes growth appropriately, via its Settlement Hierarchy, provided that Main Modifications **MMX1** and **MMX2** are made to the Plan.

Issue 3 – Whether the Plan provides for an appropriate distribution of affordable housing throughout the Borough.

52. The need for affordable housing as an element of the overall housing requirement is dealt with under Issue 1, at ¶26-29 above. Policy S8 is the dedicated Local Plan policy for affordable housing, and sets the percentages of affordable housing to be sought within the Borough. The SHMA is based upon separate assessments for the Housing Market Areas (HMA) identified within the area of Allerdale. The assessments demonstrate differing local circumstances of affordable housing need from HMA to HMA.
53. In particular, the affordable housing need identified in the Cockermouth HMA is far higher than in other parts of the Borough, arising in part because of higher house prices and correspondingly lower affordability in relation to incomes in that area, and also because high past numbers of right-to-buy sales have depleted the social housing stock. Accordingly, and because housing developments in Cockermouth are more likely to be viable, the Plan seeks a proportion of affordable housing of 40% on sites of 10 dwellings or more in Cockermouth. In general, within the urban areas of the Principal and Key Service Centres, availability of affordable housing is greater, the price-income ratios being lower, particularly in Workington and

Maryport. Accordingly, the Plan seeks an affordable housing proportion of 20% in these areas. Outside the Key Service Centres, the proportion sought is 25%. This reflects the higher house prices in attractive rural settlements, lower incomes of rural workers, and also the lesser likelihood of larger housing sites becoming available to deliver a proportion of affordable housing.

54. The evidence is available to justify the levels of affordable housing sought, and their variation through the Borough area. However, Policy S8 and its accompanying text lack sufficient explanation for the levels and for the differences: so that the policy appears to be short on justification to the point at which soundness is threatened. The desire to keep brevity to a commendable minimum is understandable, but in this case the policy needs more immediately obvious justification, with reference to the relevant evidence. The Council's Main Modification **MMX3** remedies this by adding to the text an improved explanation of the varied levels of affordable housing sought by Policy S8.

Conclusion on Issue 3

55. The Plan therefore provides for an appropriate distribution of affordable housing throughout the Borough, provided that Main Modification **MMX3** is made to the Plan.

Issue 4 – Whether the Plan provides appropriately for accommodation for Gypsies and Travellers, and for Travelling Showpeople.

56. Cumbria has a large population of Gypsies and Travellers. However, these tend to be concentrated in and around Carlisle, and in Eden district, which function in effect as an 'interchange' area en route to and from Scotland via the river crossing point at Carlisle. Allerdale itself recognises both a need for transit sites based upon main road access, and that it has a sizeable population of travelling showpeople. In respect of Gypsy and Traveller (G&T) provision, the Plan was prepared using the Cumbria Gypsy and Traveller Accommodation Needs Assessment 2008 (EB5). The only Allerdale site with planning permission is at Wigton, with 24 plots for Travelling Showpeople (TS). The Cumbria study identified, for Allerdale, for the period 2008-2016, a need for 23 permanent pitches, 5 transit sites for Gypsies and Travellers, and 11 plots for Travelling Showpeople. These figures are quoted in the supporting text to Policy S11 - Gypsy, Traveller and Travelling Showpeople Sites.
57. Policy S11 governs provision but is a solely criteria-based policy. Though the 2008 Cumbria Study clearly identifies a need for specific provision in Allerdale for the first part of the Plan period, the policy itself does not set targets for pitches (G&T) or plots (TS). In this it is inconsistent with national policy contained in the document 'Planning Policy for Traveller Sites' which was issued by DCLG in March 2012 alongside the Framework.
58. At ¶18, under the heading Policy B: Planning for Traveller Sites, the document states that local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. The collaboration has taken place, but the Local Plan simply states a need and

does not set targets as a matter of policy.

59. During the submission stages of the Local Plan, an updated Cumbria Gypsy and Traveller Accommodation Assessment 2013 (DSE2) was undertaken by the 6 Cumbrian district councils and the National Park Authority. At the time of the study there were, in Allerdale, 2 unauthorised G&T sites (of 1 family and 7 families) and 1 unauthorised site for Travelling Showpeople, (of 2 families). The 2013 Study identified a need, in Allerdale, for 10 permanent and 10 transit G&T pitches and for 21 TS plots over the Plan period.
60. The Council's Main Modification **MMX4** introduces policy targets, stating in additional text that in accordance with national policy the Local Plan will allocate sufficient suitable sites to meet the level of need identified by the Cumbria Gypsy and Traveller Accommodation Assessment, and including a table which sets out the shortfall figures in the relevant categories, and the identified need. The Local Plan Part Two, dealing with site allocations, will implement the target figures on the ground.

Conclusion on Issue 4

61. The Local Plan provides appropriately for accommodation for Gypsies and Travellers, and for Travelling Showpeople, provided that Main Modification **MMX4** is made to the Plan.

Issue 5 – Whether the Plan is sound in setting, for wind turbines, a separation distance of 800m from residential properties.

62. The Plan sets the scene for Policy S19 – Renewable Energy and Low Carbon Technologies by outlining the national target *to provide 15% of electricity and heat from renewable and low carbon sources by 2020*; by pointing to the Cumbria Renewable Energy Capacity and Deployment Study 2011 (Evidence Base document EB11) which *considers the renewable energy potential across Cumbria*; by assessing the current deployment level of renewable energy in Allerdale as 70% of the overall level deployed in Cumbria (295MW); and by assessing the *realistic potential ... by 2030 as an extra 80MW*. The supporting text also confirms *the future development of the renewable resource, especially microgeneration, as an exciting economic opportunity in terms of job creation, investment and economic diversification ... well-aligned with the aspirations of the West Cumbria Economic Blueprint*. Policy S19 itself begins: *the Council will seek to promote and encourage the development of renewable and low carbon energy resources given the significant wider environmental, community and economic benefits*; and goes on, in introducing its criteria, to state that *the Council will take a positive view*.
63. That Policy S19 then sets criteria requiring developers to consider whether *impacts (either in isolation or cumulatively) are or can be made acceptable* does not necessarily reduce the force or outcome of the *positive* approach. Representor criticism to the effect that the phrasing of the criteria of Policy S19 is *not positive* is therefore not accepted. To adjust the criteria wording *do not have an unacceptably adverse impact on or do not result in loss or harm* to form a semantically positive requirement would be nigh impossible without risking a wholly negative effect upon clarity. At ¶97 the Framework itself states that local planning authorities should design their policies to maximise renewable and low carbon energy development *while ensuring that adverse*

impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

64. The evidence base upon which the renewable energy policy is founded includes the mapping of existing and permitted installations and demonstrates that a great deal of Cumbria's renewable (and in particular wind) energy generating capacity either has already been constructed in Allerdale, or is awaiting construction in Allerdale having been granted planning permission. Significant constraints upon wind energy development are imposed by the Lake District National Park, Solway Coast AONB, and Hadrian's Wall World Heritage Site designations. Given the geographical extent of these designations, proposals for further development are likely to be channelled into a relatively narrow belt of undesignated land running approximately south-west to north-east between Workington and the Eden border.
65. An effective prospect of the area is obtained from the summit of Binsey, close to the northern edge of (and within) the National Park. From here, several separate groups of existing wind turbines are visible in the wide sweep of open land below. Each group comprises between 3 and 8 turbines. Currently, groups are well-separated, with wide intervening expanses of rolling landscape. The height of the Binsey summit viewpoint has the effect, upon perspective, that it reduces the apparent scale of the turbines in the view. Weather conditions also affect the visibility of the turbines. A low cloudbase giving a predominance of shade, or broken cloud giving a play of light and shade, both tend to minimise reflection, casting the light-coloured turbine blades and columns into various depths of shadow, and to ensure that not all turbines are visible at any one moment. Nevertheless, it is apparent to the observer that a density of development might easily be reached at which the landscape would be dominated by turbines, however high or distant the viewpoint. And at ground level, the installations would be most highly dominant from fixed viewpoints in close proximity.
66. It is for this reason – the potential for heavy concentration of demand into a limited area of attractive and locally valued landscape – that the Plan proposes, under the heading of Policy S19, that a *minimum separation distance of 800m between wind turbines (over 25m to blade tip) and residential properties will be expected*. The evidence of modelling shows that the imposition of separation distances materially greater than 800m would amount in effect to a virtually complete constraint upon further wind turbine development. A modelled separation distance of 1000m would cause potential areas for development to shrink dramatically (in comparison with 800m), and a separation distance of 1500m would amount in practice, and inappropriately, to a blanket ban.
67. Whilst no doubt popular among local residents (to judge from representations to the Examination), such separation distances would be incompatible with the *positive* approach of the Plan, and of national policy in the Framework and elsewhere, towards development for renewable energy. They would also create an internal tension within the Plan itself, in that Policy S19 appropriately includes criterion (e) requiring consideration of *potential benefits to the local economy and the local community, including agriculture and other land based industries*. To promote the community benefits of renewable energy in one part of the policy, whilst ensuring via another part of the policy that such community benefits could not in practice be provided, would be

absurd: and the Plan appropriately does not take such a course.

68. ETSU-R-97³ recommends a minimum separation distance of 350m for a 'typical' wind turbine in relation to residential development. This, based upon the industry in 1997, is widely regarded as inadequate and out-of-date in application to present-day turbines which are commonly much larger and of greater overall impact than those of 1997. The 800m separation distance proposed in the Plan represents a compromise, based upon local circumstances and widespread consultation. A separation distance of 800m would not entirely eliminate, but would minimise, adverse impacts of noise and of shadow flicker. In certain topographical circumstances, such as where a receptor is located downhill in relation to a turbine, the zone of shadow flicker could be elongated. Representatives report the practice, on the part of applicants for development, of using an 'indicative turbine' in the application but installing one which is noisier than indicated: however, this should be capable of being dealt with at development management/control level through effective implementation of the amenity criterion S19(a)(i).
69. It has been suggested that a more finely-grained and locally-based landscape character assessment would enable the closer definition of potential areas for the development of renewable energy. The Framework states that local planning authorities *should ... consider identifying suitable areas for renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.* A local landscape character assessment is intended, but is not yet finalised or available. Even if it were, however, such a study would be unlikely to suggest any areas of entirely unlimited wind turbine development. Particularly in the absence of a detailed local landscape character assessment, the device of a separation distance would remain useful in managing the impacts of wind turbine development, in particular, upon sensitive receptors.
70. The Council's Topic Paper TP5 'Wind Turbine Separation Distance' includes research into the application of minimum separation distances post-ETSU-R-97. Of 3 Private Members' Bills raised in both the House of Commons and House of Lords to provide proposals for establishing a legal basis for a separation distance between turbines and residential properties, none has yet progressed beyond a Second Reading. It is noteworthy that the first of these, discontinued in 2011, made provision for very substantial separation distances, of 1000m for turbines 25m-50m high; 1500m for turbines 50-100m high; 2000m for turbines 100-150m high; and 3000m for turbines higher than 150m. The Council's own deployment study shows that such distances would eliminate all possibility of future turbine development in

³ Document produced in 1997 by the Noise Working Group of the Energy Technology Support Unit/Department of Trade & Industry; the preface to the document states that *the aim of the Working Group was to provide information and advice to developers and planners on the environmental assessment of noise from wind turbines. While the DTI facilitated the establishment of this Noise Working Group this report is not a report of Government and should not be thought of in any way as replacing the advice contained within relevant Government guidance.* The current Planning Practice Guidance of DCLG refers to ETSU-R-97 as *[to] be used ... when assessing and rating noise from wind energy developments.*

Allerdale. The content of these Bills carries no weight.

71. A Wind Energy Checklist was produced in 2011, overseen by the Local Government Association. The Checklist recommends *a setback distance of at least 600-800 metres from residential properties for large wind turbines*. Whilst of no material weight in planning decisions, the recommended distances were based on planning practice, and *provide a basis for considering potential policy* (TP5 ¶155).
72. National Planning Practice Guidance issued in March 2014 includes guidance on noise; and in particular, under the heading Renewable and Low Carbon Energy, on 'particular planning considerations for ... wind turbines'. In relation to the question *How are noise impacts of wind turbines assessed*, however, the guidance simply refers back to ETSU-R-97 and to *good practice guidance on noise assessment of wind farms ... prepared by the Institute of Acoustics*, available via the website of the Department of Energy and Climate Change (DECC). The website states that acoustic experts at Hayes Mackenzie, were commissioned by DECC *to review the measurement and prediction aspects used to determine noise impacts as part of the planning application process*; and that their report *found that good practice guidance was needed to update, confirm and where necessary clarify the way the measurement and prediction aspects in ETSU-R-97 should be implemented in practice*.
73. The recommended guidance was issued in 2013 as 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and rating of Wind Turbine Noise'. At ¶4.1.3 the guidance states that *wind turbines are elevated large sources, and calculations [of noise] are often required at distances of 1km or more, which may fall outside of the stated scope of well-recognised standards such as ISO 9613-2*. Even so, the guidance itself does not suggest the imposition of a minimum separation distance, and supplements ETSU-R-97 rather than replacing it.
74. The Welsh Assembly Government has adopted via its Technical Advice Note (TAN) 8 a 'typical separation distance' of 500m between turbines and residential property. In Northern Ireland, 10 times rotor diameter, but not less than 500m, has been adopted on noise grounds as minimum separation between wind farm development and occupied dwellings. In Scotland, Scottish Planning Policy (SPP) guidance has adopted a separation distance of 2km (though this refers to strategic search areas and relates to settlements rather than individual dwellings). No separation distances have been set in English planning policy, though many local planning authorities are said to be developing their own separation distance policies (TP5 ¶71). At the time of writing there are no such policies in English development plans with adopted policy status.
75. The Council has scrutinised a number of English appeal decisions (summaries of 14 decisions are set out at TP5 Fig4) taken in the years 2006-2013 in local planning authority areas spanning the length and breadth of the country, from Derbyshire to the Isle of Wight, and from Lincolnshire to Gloucestershire. A Cambridgeshire decision found that at 800m a group of 16 turbines would completely dominate the character and appearance of the area, and the appeal was dismissed on those grounds. Other decisions found somewhat lesser separation distances to be acceptable: in Derbyshire (650m); in Norfolk (700m) and in South Lakeland (600m). The lowest found to be

acceptable, in Somerset, was in the order of 400m.

76. There is clearly some variation in the separation distances judged in these cases to be harmful or not harmful. Much would depend, for example, upon factors such as the topography of the specific area, the height of the turbines, and the extent of the turbine group. Nevertheless, it seems that in most cases a separation distance of 800m would have been sufficient for problems of noise, in its various manifestations, and shadow flicker, to be avoided. Significantly, in most of the quoted cases the distance of 350m specified by ETSU-R-97 would have been insufficient to prevent such harm.
77. From the available evidence, it emerges that there is a clear movement towards the introduction of planning policy governing separation distances, and that those distances actually adopted or accepted substantially exceed the 350m guideline set out in ETSU-R-97. It is also evident that individual proposals for wind turbine development are more likely to succeed on appeal, in the light of prevailing policy and guidance, and the available evidence on noise, if they pay particular attention to local topography and relationships with neighbouring residential properties through the means of generous separation distances. There is nothing in prevailing planning policy or in up-to-date guidance to exclude, as a matter of principle, a minimum separation distance; nor to suggest that given appropriate topographical conditions, a first requirement for a distance of 800m would be unreasonably excessive.
78. The supporting text to Policy S19 – in which the expectation of the 800m minimum separation distance is set out, itself indicates that in the implementation of the policy standard a degree of flexibility will be exercised: *it is recognised that in some cases due to site-specific factors such as orientation of views, landcover, other buildings and topography it may be appropriate to vary this threshold, where it can be demonstrated through evidence that there is no unacceptable impact on residential amenity.* Such an overall policy stance is supported by the Framework at ¶197 in that the Council has design[ed] [its] policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily.

Conclusion on Issue 5

79. On balance, therefore, the Plan is sound in setting, for wind turbines, a separation distance of 800m from residential properties.

Other Matters

80. All other matters are considered to have been reasonably and sufficiently addressed either in the consideration of the above issues, or via the Council's Main Modifications, on which full consultation has been carried out. With the exception of the Main Modifications detailed in this report, the full list of the Council's Main Modifications (which I endorse) represents in effect further proposed changes to the Plan, made almost entirely in response to representations from Natural England and from English Heritage on soundness in relation to relevant legislation which is the concern of those bodies in particular. Given its intention to consult on these changes, the Council decided on a comprehensive consultation exercise on the totality of Main Modifications.

Assessment of Legal Compliance

81. My examination of the compliance of the Allerdale Local Plan Part One with the legal requirements is summarised in the table below. I conclude that the Local Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Allerdale Local Plan Part One, which contains the Core Strategy and Development Management policies, is identified under these 2 headings within the approved LDS September 2013 which sets out an expected adoption date of March 2014. The Local Plan Part One's content is compliant with the LDS. Though the programme has slipped somewhat (the Examination Hearings having been held in January/February 2014) the timing is not far removed from that envisaged, and is on balance also compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2010 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out for the Plan and for the Main Modifications, and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (September 2013) sets out that the plan may have some negative impact, and a full assessment should be undertaken. Appropriate Assessment has been carried out where necessary, in consultation with Natural England which confirms (letter dated 3 October 2013) that its previous concerns have been addressed and that it considers the Plan, as a high-level strategic plan, to be sound with respect to the Habitats & Species Regulations 2012 (as amended).
National Policy	The Local Plan Part One complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Local Plan Part One complies with the Duty as set out in the supporting document SD40: Equality Impact Assessment, dated May 2013.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

Overall Conclusion and Recommendation

82. The Plan has a number of deficiencies in relation to soundness for the

reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. The deficiencies have been explored in Issues 1 - 4 set out above. Consideration of Issue 5 has identified no other unsoundness.

83. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications MMX1-4 and 6 included in the Appendix the Allerdale Local Plan Part One satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

S Holland

INSPECTOR

Appendix – Main Modifications

Change ref.	Policy, page/ paragraph	Proposed Modification
MMX1	Policy S3, Page 27, paragraph 68 -73	<p>Amend text;</p> <p>Principal Centre</p> <p>68. Focus for major new development in Allerdale. This top-level of the tier will support significant housing growth often delivered in large sites. This tier is central to the delivery of other policy aspiration such as affordable housing over the plan period. <u>Approximately 35% of the housing growth will be directed to the Principal Service Centre.</u> The principal centre will have the widest range of services in terms of public transport, employment, retail, education and leisure facilities. Approximately 35% of the growth will be directed to the Principal Service Centre.</p> <p>Key Service Centres</p> <p>69. These towns offer a wide range of services and function as service centres for a wider rural hinterland. Housing growth will often be large scale, dependent on the attributes of the centre; delivery will often be in large to medium sites. <u>In combination the Key Service Centres (KSCs) will receive approximately 39% of the housing growth.</u> These settlements have the ability to serve day-to-day needs of local and surrounding residents and offer a varied range of employment land to meet the needs of local and regional businesses. In combination the Key Service Centres (KSCs) will receive approximately 39% of the growth.</p> <p>Local Service Centres</p> <p>70. This tier consists of larger villages with a more limited range of services, but all have a school, shop and public transport. These villages would accommodate a smaller scale of housing development that will help contribute towards maintaining the vitality of the settlement. <u>In combination the Local Service Centres (LSCs) will receive up to 20% of the housing growth.</u> In addition a small level of employment land may be required to meet local needs for small flexible premises and shared facility units such as workhubs. In combination the Local Service Centres (LSCs) will receive up to 20% of the growth.</p> <p>Rural Villages</p> <p>71. In the settlements identified as villages, a limited level of development will be supported in order to help</p>

Change ref.	Policy, page/ paragraph	Proposed Modification
		<p>retain the vitality of these communities. This level of the hierarchy is split into two further categories; Limited Growth Villages and Infill/Rounding Off Villages;</p> <p>Limited Growth Villages: New housing and employment will be restricted to small-scale development within the designated settlement boundary.</p> <p>Infill / Rounding Off Villages: Very small scale development may be appropriate to respond to local needs and to contribute to the vitality of rural communities. For this level of the hierarchy settlement limits will be removed and development will be directed by criteria in Policy S5 for very small scale rounding off and infill plots. These plots are expected to be appropriately sized, unless the proposal is to deliver affordable housing in accordance with Policy S9 (Rural Exception Sites).</p> <p>72. Rural and Community services will be protected and enhanced, while employment opportunities will be small scale to meet appropriate needs while alternative provision such as live work units and small hubs will be encouraged.</p> <p>73. Rural Villages (Limited Growth and Infill/Rounding Off) will receive a share of up to 6% of the housing growth.</p>
MMX2 (superse des MM13)	Policy S3, Page 29, paragraph 79	<p>Insert text;</p> <p>79. The Site Allocations DPD will identify specific sites to accommodate the broad distribution of housing and employment growth set out in the spatial strategy. Furthermore, the DPD will review settlement boundaries and revise them as appropriate to the settlement role in the hierarchy and the level of growth that can be accommodated. Revision of boundaries will be undertaken in consultation with communities and stakeholders, the allocation of growth between settlements and of individual sites, will amongst other things, take into account;</p> <ul style="list-style-type: none"> • The Local Plan strategy, especially the growth targets set out in S3; • Policy requirements, such as the need to deliver affordable housing; • The availability of appropriate land as identified through the Strategic Housing Land Availability Assessment (SHLAA) as being suitable for development, and sites submitted to the allocations process; • The level of current housing commitments (Appendix 4) and completions since the beginning of the

Change ref.	Policy, page/ paragraph	Proposed Modification
		<p><u>Plan Period (2011);</u></p> <ul style="list-style-type: none"> • Infrastructure requirements and constraints; • Key constraints such as the natural environment (including Natura 2000 sites), landscape, the historic environment; • <u>The ability of the settlement to accommodate growth without harming its character, setting or the surrounding landscape.</u>
MMX3	Policy S8, page 62, paragraph 137	<p>Amend text;</p> <p>137. The provision of affordable housing is based upon the level of need identified in the SHMA, the level of growth outlined in S3, as well as the viability of delivery. <u>The proportion of affordable housing sought in Policy S8 has been developed using the available evidence of need identified together with local viability and market evidence provided. Policy S8 states that within Principal and Key Service Centres qualifying proposals should make provision for 20% affordable housing, with the exception of Cockermouth where the level of provision is 40% given the high level of need, and the evidence of a more viable housing market. For the rest of Allerdale Local Plan Area the Council seeks to secure an affordable provision of 25%. Where the proportion of affordable housing sought will result in the provision of a part unit the number will be rounded up or down to provide the nearest whole unit.</u></p> <p><u>138. Policy seeks affordable housing contributions from housing development of over 10 dwellings in Principal and Key Service Centres, and from housing sites of 5 dwellings and above elsewhere. The approach is justified in the context of the scale of affordable housing need in the district, past delivery, coupled with the fact that small housing sites have been and will continue to be an important source of housing land supply. The Council considers that this context provides a strong justification for seeking contributions from small housing sites.</u></p>
MMX4 (superse des MM50)	Policy S11, page 68, paragraph 152	<p>Replace text;</p> <p>152. The Cumbria Gypsy and Traveller Accommodation Needs Assessment (2008) was undertaken for the six Cumbrian District Councils and the National Park Authority in 2008. The study determined that in 2007 there were 112 existing private pitches and 19 unauthorised pitches within the county. Between 2008-2016 the study identified a requirement of 89 additional pitches within Cumbria, including a need for 23 permanent pitches, 5 transit sites for Gypsies and Travellers and 11 pitches for Travelling Showpeople in Allerdale.</p> <p>With;</p>

Change ref.	Policy, page/ paragraph	Proposed Modification																							
		<p>152. The Cumbria Gypsy and Traveller Accommodation Assessment (2013) was undertaken by the six Cumbrian District Councils and the National Park Authority. The study determined that across Cumbria there are a total of ten authorised Gypsy and Traveller sites which have a total of 132 pitches, two private temporary sites (14 pitches), two private transit sites (37 pitches) and three private unauthorised sites (13 pitches). Across the County there are also three permanent Showperson yards (39 plots) and one unauthorised yard (two plots). This reveals an increase in the overall provision in Cumbria since a similar study in 2008 and a similar level of authorised sites. At the time of the study in 2013 there were two private unauthorised sites within Allerdale, with a total of eight pitches. In addition, two private Showmen's yards were recorded, one authorised providing 24 plots and one unauthorised providing two plots.</p> <p>153. The study identified the need for 10 Permanent and 10 transit Gypsy and Traveller Pitches in the Allerdale Plan Area, in addition to the need for 21 Showperson Plots over the Plan Period. In accordance with national policy the Local Plan will allocate sufficient suitable sites to meet the level of need identified by the Cumbria Gypsy and Traveller Accommodation Assessment (Figure X).</p>																							
		<table border="1"> <thead> <tr> <th data-bbox="579 1256 943 1350"></th> <th data-bbox="951 1256 1185 1350">Permanent Pitches</th> <th data-bbox="1193 1256 1401 1350">Transit Pitches</th> <th data-bbox="1409 1256 1426 1350">S</th> </tr> </thead> <tbody> <tr> <td data-bbox="579 1357 943 1496">Identified five year shortfall 2013/14 to 2017/18</td> <td data-bbox="951 1357 1185 1496">10</td> <td data-bbox="1193 1357 1401 1496"></td> <td data-bbox="1409 1357 1426 1496">7</td> </tr> <tr> <td data-bbox="579 1503 943 1641">Medium term Shortfall (2018/19 to 2022/23)</td> <td data-bbox="951 1503 1185 1641">0</td> <td data-bbox="1193 1503 1401 1641">10</td> <td data-bbox="1409 1503 1426 1641">7</td> </tr> <tr> <td data-bbox="579 1648 943 1787">Long term Shortfall (2023/24 to 2028/29)</td> <td data-bbox="951 1648 1185 1787">0</td> <td data-bbox="1193 1648 1401 1787"></td> <td data-bbox="1409 1648 1426 1787">7</td> </tr> <tr> <td data-bbox="579 1794 943 1933">Identified 'fit' to Local Plan (2012/13 to 2028/29) 15 years</td> <td data-bbox="951 1794 1185 1933">10</td> <td data-bbox="1193 1794 1401 1933">10</td> <td data-bbox="1409 1794 1426 1933">2</td> </tr> </tbody> </table>					Permanent Pitches	Transit Pitches	S	Identified five year shortfall 2013/14 to 2017/18	10		7	Medium term Shortfall (2018/19 to 2022/23)	0	10	7	Long term Shortfall (2023/24 to 2028/29)	0		7	Identified 'fit' to Local Plan (2012/13 to 2028/29) 15 years	10	10	2
	Permanent Pitches	Transit Pitches	S																						
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		<p>Figure X Gypsy and Traveller Pitch/Plot Targets (Cumbria Gypsy and Traveller Accommodation Assessment (2013))</p>																							

Change ref.	Policy, page/ paragraph	Proposed Modification
MMX6 (supersedes MM98)	Policy DM16, page 173, paragraph 386-387	<p>Replace Text;</p> <p>386. Whilst national policy does not insist upon the application of a sequential test, the Council considers that broadly applied trigger thresholds would help to encourage developers to consider previously developed sites before greenfield and thus improve the sustainability of the settlement.</p> <p>387. The thresholds above vary in size depending upon the nature and location of the site and this is considered an appropriate approach to ensure that the requirement for a sequential test is not overly onerous. The viability of sites in relation to the sequential test will be given due consideration.</p> <p>With;</p> <p><u>386. Allerdale has a history of previously developed windfall sites which have arisen through the closure of major employers or through housing renewal. Such sites can have a detrimental effect on the environmental quality and local amenity experienced by communities, especially when sites are left vacant for some time.</u></p> <p><u>387. This policy ensures that previously developed windfall sites are considered first before the development of greenfield windfall sites. The mechanism for achieving this is the application of a light touch sequential test outlined in the policy above. The policy sets out varying thresholds depending on the nature and location of the site. The comparison of sites is contained within the settlement and the viability of the site to deliver the proposal would also be taken in to account. To ensure the effective delivery of development to meet the housing and employment need during the plan period this policy applies to windfall sites only and will not be used to guide the Site Allocations DPD.</u></p>