

Examination of the Allerdale Local Plan (Part 2) Site Allocations

Inspector: David Troy BSc (Hons) MA MRTPI

Programme Officer: Kerry Trueman

Email: Kerry.trueman@allerdale.gov.uk

Mrs Julie Ward
Spatial Policy Manager
Allerdale Borough Council
Allerdale House
Workington
Cumbria
CA14 3YJ

27th June 2019

Dear Mrs Ward,

Examination of the Allerdale Local Plan (Part 2) Site Allocations Post Hearings Advice – Main Modifications and Related Matters

I write to you further to the conclusion of the hearing sessions on the examination of the Allerdale Local Plan (Part 2) Site Allocations Document (ALPP2). During the hearing sessions a number of potential main modifications were discussed. I will liaise with you via the Programme Officer to facilitate the production of the schedule of main modifications and provide some further advice on this matter below.

Consequently, this letter relates to the issues concerning the additional work discussed with the Council on Affordable Housing Policy SA3 and the Housing Standards Policy SA5 in the ALPP2 and the Employment Policies SA34 and SA35. This reflects the position I outlined verbally at the hearing sessions on 21 May and in the final hearing session on 22 May.

Affordable Housing and the Housing Standards

In addition to the main modifications discussed at the hearings, it was evident that the Council needed to provide additional evidence to justify the requirement for affordable housing in Policy SA3 of the ALPP2 in particular towards the provision of 40% in all housing developments in Cockermouth of more than 10 dwellings or where the dwellings have a combined gross floor space of more than 1000 sqm. In addition, I also raised concerns about the Whole Plan Viability Study September 2018 (EB2) and whether the viability evidence supports applying the M4(2) and M4(3) Optional Housing Standards as set out in Policy SA5 of the ALPP2. I therefore requested additional work be undertaken and alternative approaches be considered that would be justified by the evidence provided by the Council.

I have now received this additional information. In light of the new evidence presented and the proposed policy changes submitted by the Council on these matters, I have requested that the Programme Officer undertake a 3 week period of consultation until 5.00pm on 22 July 2019 with everyone that made representations on these policies as part of the pre-submission consultation on the ALPP2 and those that attended the hearing session on 21 May to discuss these issues. Following this additional consultation period, I will then consider whether any further hearing session on these matters is required.

Employment

Following the discussion at the hearing session on Matter 5 relating to Employment on 21 May, I have given further consideration to Policies SA34 and SA35. Policies SA34 and SA35 take a restrictive approach towards employment sites and premises on which, generally, only B1, B2 and B8 uses would be permitted. In effect, therefore, the plan equates employment uses with the B Use Classes. However, this conflicts with National Policy and the criteria in Policy DM3 of the ALPP1 that allow flexibility to accommodate alternative uses in certain circumstances. These criteria include where all or part of the site does not meet the current or long term needs of modern business, the loss of the site would not significantly impact upon the long term overall supply of employment land in the Plan Area and would not undermine the spatial strategy of the Plan.

Policies SA34 and SA35 would, therefore, not be justified and consistent with National Policy and the aims of the ALPP1. The Council should consider amending these policies to make clear that while employment sites and premises will be safeguarded primarily for B Use Classes, alternative uses would not be ruled out where it can be demonstrated they meet the provisions of Policy DM3 and other relevant policies of the Local Plan. In addition, the limited number of circumstances that proposals for non-employment use would be supported in the final paragraph of Policy SA35, conflicts with Policy DM3 and should be deleted, in the interest of clarity and precision.

Habitats Regulations Assessment

In response to a representation (OP.04) concerning the Habitats Regulations Assessment Final – 27th September 2018 (HRA) (CD9), the Council has outlined that it intends to produce an addendum to the HRA by 24 July. The HRA addendum once produced will need to be made available for participants to comment on, and I have requested that the Programme Officer carries out a further, focused consultation on this document. Subject to the outcome of this consultation, I will consider whether any further hearing session is required.

Process for Main Modifications

During the Final Hearing session on 22 May 2019, I asked the Council to start to prepare a draft schedule of proposed changes, which it considers would be required to make the Plan sound. This should incorporate any changes proposed on the Affordable Housing Policy SA3, Housing Standards Policy SA5, Employment Policies SA34 and SA35 and any subsequent changes arising from the consultation. I will need to see the draft schedule and agree the final version of the schedule before it is made available for public consultation. For

clarity and to avoid an excessive number of main modifications, it is best to group all the changes to a single policy together as one main modification.

The Council should also satisfy itself that it has met the requirements for sustainability appraisal and HRA by producing an addendum to the Sustainability Appraisal and HRA of the submitted plan in relation to the potential main modifications, as appropriate. The addendums should be published as part of the public consultation on the main modifications. I will take account of comments received and the results of the Sustainability Appraisal and HRA before finalising my report to the Council.

Advice on main modifications and sustainability appraisal, including on consultation is provided in *Examining Local Plans Procedural Practice* (in particular, see paragraphs 5.24 to 5.28). Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the plan and that the main modifications are put forward without prejudice to the Inspector's final conclusions.

Additional modifications

Any remaining *additional modifications* are a matter solely for the Council. They are made by the Council on adoption and are sometimes referred to as Minor Modifications. If the Council intends to make any *additional modifications* these should be set out in a separate document from the main modifications. If the Council intends to publicise or consult on any *additional modifications* it should be made clear that such changes are not a matter for the Inspector.

Policies Map Changes

The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend Main Modifications to it. However, a number of the Main Modifications to the Plan's policies may require further corresponding changes to be made to the Policies Map. For clarity, I have suggested that the Council prepares a separate document detailing the changes it is proposing to the Policies Map for consultation alongside the Main Modifications to the Plan. I will take account of comments received on the Policies Map before finalising my report to the Council.

Consideration of Potential Main Modifications

The views I have expressed in the hearing sessions and in this letter on potential main modifications and related policies map changes are based on the evidence before me, including the discussion that took place at the hearing sessions. However, my final conclusions on soundness and legal compliance will be provided in the report which I will produce after the consultation on the potential main modifications has been completed.

In reaching my conclusions, I will take into account any representations made in response to the consultation. Consequently, the views I expressed during the hearing sessions and in this letter about soundness and the potential main

modifications which may be necessary to achieve a sound plan could alter following the consultation process.

Timetable

At this stage the timetable for main modifications will be subject to the consultation on the additional work the Council has undertaken on Affordable Housing Policy SA3, Housing Standards Policy SA5 and the HRA. Once I have considered any consultation responses received, I will liaise with you on the next stages for the examination through to the publication of the main modifications.

Thank you for your cooperation on this. If you need any clarification, please contact me through the Programme Officer.

Yours Sincerely,

David Troy

Inspector