



# Allerdale Borough Council

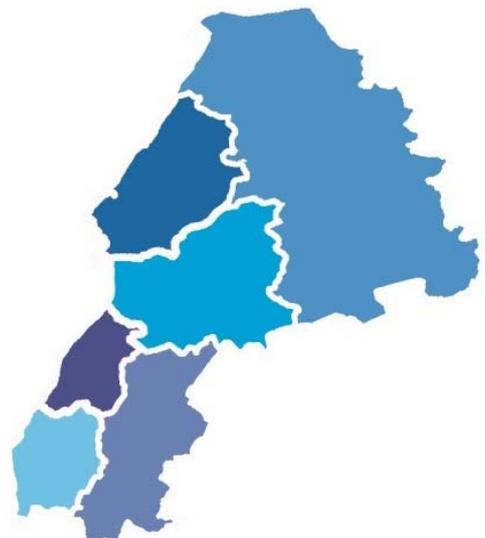


## Allerdale Local Plan (Part 2) Site Allocations

Examination Matters and Issues

Matter 3 – Housing

April 2019



**Issue 3: Whether the proposed approach towards housing is justified, effective and consistent with national policy and the spatial strategy in the ALPP1?**

**Issue 3a: Housing – overall approach**

Site Selection Process

***Q17. Is the methodology for the assessment and selection of the sites for development set out in the Site Assessment Methodology (2014) (Ref SD9) and the Final Site Selection Topic Papers (Ref TP10/TP10a) soundly based? Have the sites for development been selected using an appropriate methodology?***

- 3.1 The Council believes that the methodology for the assessment and selection of sites, as set out in the Site Assessment Methodology (2014) (SD9)<sup>1</sup> and the Final Site Selection Topic Papers (TP10/TP10a) which examine each settlement is soundly based, enabling the identification of suitable housing sites to meet the development requirements for the district in accordance with the spatial strategy defined in Policy S3 of the adopted ALPP1. A large amount of land is not required to be allocated in order to deliver the spatial strategy; a number of sites have already come forward for development in advance of the Site Allocations DPD, and far in excess of what is needed was submitted to the Council for consideration in the process. Essentially, the housing allocations selected in the ALPP2 are required to direct growth in accordance with the spatial strategy following a period of application-led growth, arising from the absence of a five year land supply early in the plan period and the outdated nature of the settlement boundaries.
- 3.2 The Site Assessment Methodology was originally consulted on as part of the Call for Sites in 2013, prior to its publication as part of the initial Issues and Options consultation (2014). The Sustainability Appraisal criteria are integrated into the methodology to ensure that the core principles of sustainable development are embedded in the decision-making process.
- 3.3 The scope of the methodology is governed by the ALPP1, so sites that did not accord with the spatial strategy, for example in open countryside, or within the rural village tier of the settlement hierarchy were excluded from further assessment at the first stage in the allocation process. However, sites adjacent to Limited Growth Villages were considered for their suitability for inclusion in revised settlement boundaries, the review of which ran in tandem with the examination of sites for allocation.
- 3.4 In addition to sites not according with the spatial strategy, the Stage 1 sieve in the methodology also discounted sites in areas of high flood risk, within sites of international biodiversity or geodiversity, located within and deemed to have an potential adverse impact on important heritage assets, failing to meet size criteria (although these sites could be included in revised settlement boundaries), and proximity to a hazardous installation, as identified by the Health and Safety Executive.

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<sup>1</sup> Site Assessment Methodology (2014) (Ref SD9) Page

- 3.5 Following the Stage 2 Sustainability Appraisal, all other sites progressed to a more detailed analysis at Stage 3. The Stage 3 assessment involved site visits to understand site characteristics such as topography, landscape and townscape, relationship with settlement pattern, compatibility with surrounding uses, on-site features and potential physical constraints. A thorough desk-based examination of site constraints was also undertaken, and planning histories for each site were inspected. The input from statutory consultees and specialists were engaged at this stage in the process, to better understand potential impacts on issues such as biodiversity, the historic environment, flood risk, infrastructure capacity, and landscape, necessitating further site visits by professionals such as the Council's Ecologist, Conservation Officer and Highway Engineers. Decision-making has been informed by evidence base documents, such as the Highways Studies (EB3, EB4 and EB5)<sup>2</sup> Strategic Flood Risk Assessment (EB1)<sup>3</sup>, and Viability Study (EB2)<sup>4</sup> Other considerations have included the number of completions and commitments in each settlement, and conformity with the policy framework in the ALPP1 (SD21).
- 3.6 In excess of 400 sites were put forward to the Council for consideration for development purposes at different stages in the site allocations process. In the course of the work on the Site Allocations DPD, sites have continued to come forward through the planning application process, which has directly influenced the final decisions on which sites to allocate in order to maintain the spatial strategy (see Table 1), as set out in the Final Site Selection Topic Paper (TP10). The distribution of housing growth in the Local Service Centre tier of the settlement hierarchy is addressed in the Housing Topic Paper (TP3a)<sup>5</sup>, where the numbers of new dwellings constructed and approved in each settlement since 2011 has been a significant factor in site selection.

Settlement	Target	Completions	Commitments	Allocations
Workington	1915	782	1016	460
Maryport	657	92	368	320
Cockermouth	547	422	423	0
Wigton	547	256	366	25
Aspatria	219	25	39	190
Silloth	164	49	200	20
LSC	1094	540	334	261
Rural Villages	328	85	194	0
N/A	0	87	61	0
<b>Totals</b>	<b>5471</b>	<b>2338</b>	<b>3001</b>	<b>1276</b>
		<b>5339</b>		

Table 1: Sources of land supply within Allerdale as of 31<sup>st</sup> March 2019

<sup>2</sup> Allerdale Local Plan Modelling Report 2017 (EB3), Allerdale Transport Improvements Study 2018 (EB4), Local Plan Site Access Assessment 2018 (EB5)

<sup>3</sup> Strategic Flood Risk Assessment 2018 (EB1), SFRA Appendices 2018 (EB1a)

<sup>4</sup> Viability Study (2018)(EB2)

<sup>5</sup> Housing Topic Paper update 2019 Section 4.0 Page 12

- 3.7 The Council believes it has selected the best sites to deliver the spatial strategy adopted in the ALPP1, within the limitations of those sites put forward, and that are available and deliverable. In some settlements few sites were put forward, as in the Final Site Selection Topic Paper (TP10). Elsewhere, developable and deliverable land is surplus to the needs of the current plan. Where constraints exist, these have been identified.
- 3.8 Discarded Sites Documents (SD1-SD6)<sup>6</sup> for each of the six localities in the district (Aspatria, Cockermouth, Maryport, Silloth, Wigton and Workington) have been updated to provide a complete list of all sites not selected for allocation, and a headline reason of constraints/why the site has not been selected, and at what stage in the process the site was discarded. In some circumstances it may be because the site has gained planning permission in the interim or because the site is located in a village where no allocations are proposed. It is acknowledged that there will be cases where sites lie within the settlement boundaries, and the reasons for discounting them may be capable of resolution in the future. Should circumstances change there would be no obstacle to them coming forward for housing. The Final Site Selection Topic Paper gives a more detailed summary of each settlement in terms of the sites considered reasonable alternatives, and the reasons for the final site selection.
- 3.9 Finally, site selection is also a product of engagement with the local community and their representatives. Community views from the plan preparation consultations were considered as part of the selection process, and how the Council took account of them is set out in the Consultation Statement (CD10, CD10a1–CD10a7)<sup>7</sup>.
- 3.10 The Council considers that the sites for development have been selected using an appropriate methodology, consistent with national policy and achieving sustainable development in the context of the spatial strategy.

***Q18. Has the site selection process been based on sound process of Sustainability Appraisal and the testing of reasonable alternatives? Are the reasons for selecting the preferred sites and rejecting others clear and justified?***

- 3.11 The Sustainability Appraisal scoping report and Site Assessment Methodology were developed together. Both were subject to consultation in September 2013. In relation to the Sustainability Appraisal the scoping report

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<sup>6</sup> SD1-Discarded sites Aspatria Locality September 2018, SD2-Discarded sites Cockermouth Locality September 2018, SD3-Discarded sites Maryport Locality September 2018, SD4-Discarded sites Silloth Locality September 2018, SD5-Discarded sites Wigton Locality September 2018, SD6-Discarded sites Workington Locality September 2018

<sup>7</sup> CD10- Regulation 22 Consultation Statement, CD10a1 - Appendix B Call for Sites Consultation, CD10a2- Appendix C(i) Issues and Options Consultation, CD10a3 - Appendix C(ii) Issues and Options Additional Sites Consultation, CD10a4 - Appendix D Preferred Options Consultation, CD10a5 - Appendix E Focused Consultation, CD10a6 - Appendix F Dunmail Park Consultation, CD10a7 - Appendix G Pre-Submission Consultation, CD10a8 - Appendix H Sustainability Appraisal and Habitats Regulation Assessment Consultation

sought to establish appropriate sustainable objectives and indicators to form the basis for the site assessment. Details of how the scoping report was amended following the consultation are contained in section 9 of the Scoping Report (June 2014) (CD4)<sup>8</sup> The scoping report established a comprehensive framework to assess the economic, social and environmental impacts of sites and policies.

- 3.12 The Sustainability Appraisal was an integral part of the site selection process. With the exception of those sites that were discarded at Stage 1 all sites were subjected to a desk based assessment to establish the performance of the sites against sustainability objectives and indicators. This formed Stage 2 of the site selection process thus embedding the Sustainability Appraisal in the site assessment.<sup>9</sup>
- 3.13 The Sustainability Appraisal Report (September 2018) (CD5) clearly sets out each stage of assessment, the criteria to be used and the reasons for rejecting each site. Sites that had reached Stage 3b in the site selection methodology were considered reasonable alternatives. The reasonable alternatives were assessed at settlement level and the Sustainability Appraisal report shows clearly how they perform when compared to each other and provides a clear conclusion on the overall strengths and weaknesses of each site. There are instances where only a single site progressed through to Stage 3b due to the availability of reasonable options. These sites were still assessed to confirm their performance against the Sustainability Appraisal objectives.
- 3.14 Discarded site documents for each locality were published at Preferred Options and Pre-Submission stages.<sup>10</sup> The stage at which and the reasons for rejecting sites are clearly set out in these documents. (SD9)<sup>11</sup>
- 3.15 The evidence used to assess sites was multi-layered drawing on a variety of sources. This included, amongst other things, the Sustainable Appraisal indicators desk based GIS assessments, evidence and assessments that were carried out as part of the overall site assessment methodology such as site visits, technical assessments and constraints checks. The use of the Strategic Flood Risk Assessment, Habitat Regulations Assessment and the Heritage Assessment added additional evidence on which to base the testing of reasonable alternatives.

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<sup>8</sup> Section 9, p.89 Sustainability Appraisal Scoping Report June 2014

<sup>9</sup> Site Assessment Methodology June 2014 (SD9) and Sustainability Appraisal Scoping Report June 2014 (CD4)

<sup>10</sup> Discarded Sites documents January 2017 (LPP10-LPP15) and Discarded Sites documents (SD1-SD6)

<sup>11</sup> Site Assessment Methodology June 2014

## Housing Distribution

**Q19. Is the distribution and location of sites principally in and around Workington, the Key Service Centres and Local Service Centres justified as the most appropriate strategy for the apportionment of the allocated housing across the Borough's settlements, taking into account the ALPP1 spatial strategy and national planning policy for sustainable development in rural areas, and when considered against reasonable alternative strategies?**

3.16 The ALPP1 sets the spatial strategy to deliver housing growth and assigns the following proportion of growth across the tiers of the settlement hierarchy (see Table 2).

Principal Centre	Workington (including Harrington, Seaton, Siddick and Stainburn)		35%
Key Service Centres	Maryport		12%
	Cockermouth		10%
	Wigton		10%
	Silloth		3%
	Aspatria		4%
Local Service Centres	Abbeytown, Allonby, Brigham, Broughton, Broughton Moor, Dearham, Flimby, Great Clifton, Kirkbride, Prospect and Thursby	In combination up to	20%
Limited Growth Villages	Blencogo, Blitterlees, Branthwaite, Bridekirk, Bolton-Low-Houses, Bothel, Crosby, Dean, Eaglesfield, Fletchertown, Glasson, Gilcruix, Greysouthen, Ireby, Kirkbampton, Little Clifton/Bridgefoot, Mawbray, Newton Arlosh, Plumbland, Skinburness, Tallentire	In combination up to	6%
Infill/Rounding Off Villages	Anthorn, Blennerhasset, Bowness-on-Solway, Broughton Cross, Camerton, Crosby Villa, Deanscales, Dovenby, Hayton, Langrigg, Little Bampton, Mockerkin, Oughterside, Oulton, Papcastle, Pardshaw, Parsonby, Port Carlisle, Torpenhow, Ullock, Waverton, Westnewton		

*Table 2 – Policy S3 of the ALLP1 showing the Settlement Hierarchy and Spatial Strategy*

3.17 Policy S3 clearly establishes the distribution of growth for the Principal and each Key Service Centres. In allocating sites, the starting point was the level of completions and commitments in each settlement. As can be seen in Table 1, the rate of delivery and level of commitments varies across the Principal and Key Services Centres. Workington, Cockermouth and Wigton have a strong existing housing supply and delivery rate.

3.18 The role of ALLP2 is to ensure there is sufficient land supply to deliver the level of growth identified in ALLP1 consistent with the spatial strategy. The

location and distribution of the sites reflects the need to identify additional supply to deliver the housing growth consistent with the spatial strategy and the individual roles of the Principal and Key Services Centres, as assigned to them in Policy S3.

- 3.19 It is acknowledged that the percentage of growth allocated to the Principal and Key Service Centres is not a ceiling. However, it is equally important that a balance is maintained between the Principal and Key Services Centres to ensure the spatial strategy is delivered. In particular adding additional supply in centres that already have a supply beyond their assigned share of growth would unbalance and distort the intentions of the spatial strategy to support the long term sustainability of all the Key Service Centres. It is for this reason that no additional sites have been allocated in Cockermouth and limited additional supply has been identified in Wigton. The allocation of sites in the Principal and the remaining Key Service Centres are considered appropriate and provide sufficient flexibility in land supply to deliver the growth assigned to them in Policy S3.
- 3.20 Local Service Centres provide an important function especially in the more sparsely populated areas of north Allerdale. In line with national policy<sup>12</sup> the ALLP1 recognised that the long term sustainability of these settlements would be enhanced by allowing opportunities for housing, including affordable homes, employment and business growth<sup>13</sup> and safeguarding local services such as primary schools.
- 3.21 Local Service Centres are not individually assigned a level of growth by Policy S3 of ALPP1. This tier in the hierarchy is set to deliver, in combination, up to 20% of the housing growth. It was left to ALPP2 to apportion the housing growth amongst the eleven Local Service Centres.
- 3.22 A number of alternative strategies were explored in order to arrive at the split of growth across the Local Services Centres. The options are outlined in greater detail in the housing topic paper (TP3)<sup>14</sup>
- 3.23 The preferred approach was based on a combination of factors; size of settlement, constraints, existing land supply, past delivery and delivering the spatial strategy, especially recognising the rural sparsity in the north of the Plan area. This delivers a balanced and proportionate approach to growth across this tier of the hierarchy, while maintaining long term sustainability in all the Local Service Centres.

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<sup>12</sup> National Planning Policy Framework March 2012 paragraphs 28 and 55

<sup>13</sup> Policy+ S14 p80 Allerdale Local Plan (part 1).

<sup>14</sup> Housing Topic Paper January 2019 paragraph 4.0 p12 (TP3)

## Housing Supply during the Plan Period

### **Q20. Is the overall level of housing provided for in Policies SA6 and SA8-SA29 consistent with the housing requirement and strategy set out in Policy S3 of the ALPP1?**

- 3.24 Policy S3 of ALLP1 established the level of housing growth for the Plan period of at least 5,471 net additional dwellings. It also establishes a spatial strategy and settlement hierarchy apportioning the growth between the Principal, Key, Local Services Centres and Rural Villages. (Table 2 above). The land supply provided by Policies SA6 and SA8-SA29 is consistent with the adopted housing requirement and the spatial strategy.
- 3.25 The allocated sites (Policies SA8-SA29) combined with completions from the start of the Plan period and current commitments provide sufficient supply for the Plan period. An update on the current position is set out in Table 1.
- 3.26 Table 1 also demonstrates that the supply reflects the spatial strategy by ensuring the proportion of development in each tier of the settlement hierarchy is consistent with that set out in Policy S3.
- 3.27 The housing supply also factors in a windfall allowance of 10% during the plan period. This figure was set in ALPP1 and the Council's review of recent evidence on windfall supply justifies this as a reasonable approach. (TP1)<sup>15</sup>.
- 3.28 A lapse rate has also been factored into the supply. This was set at 20% in the ALPP1. The Council has continued to plan for this level of lapsed consents although evidence indicates a rate significantly below that.<sup>16</sup>
- 3.29 There is also a potential additional supply arising from sites that lie within the settlement boundaries and were submitted as part of the 'Call for Sites'. Although, not formally allocated, mainly because they fall below the size threshold for assessment, they still could be suitable for housing.

### **Q21. Is there a sufficient range and number of sites allocated in Policies SA6 and SA8-SA29 of the ALLP2 to deliver the housing requirements over the plan period? Do the allocations allow sufficient flexibility to meet the housing requirements in Policy S3 of the ALPP1?**

- 3.30 It is considered that the range and number of sites is sufficient to deliver the housing requirements over the plan period. When combined with the committed supply, including a 20% lapse rate and windfall allowance the overall supply meets the housing requirements set out in the ALPP1. As outlined in the response to Question 22, the potential capacity of the allocated sites are not unrealistic nor represent ceilings and therefore there is flexibility to increase the site yields at the detailed design stage. In addition, the

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<sup>15</sup> Paragraph 5.8 p22 Housing Topic Paper January 2019

<sup>16</sup> Paragraph 5.3 p21 Housing Topic paper January 2019

allocated sites range in size to attract both the volume and smaller/ medium builders. Where delivery has not been strong a range of sites have been allocated in settlements such as Abbeytown and Kirkbride to provide greater choice to the market.

***Q22. Are the assumed densities and numbers of dwellings to be accommodated on each of the sites allocated in Policies SA6 and SA8-SA29 justified and effective? How has the development potential or yield for each site identified in Policies SA6 and SA8-SA29 been arrived at? What safeguards are there that the development potential of each allocation will be realised?***

- 3.31 The development potential/yield for each of the sites identified in Policies SA6 and SA8-SA28 has been estimated based on assumptions in relation to density and the Net Developable Area (NDA).
- 3.32 In relation to density, the proposed density standard set out in the Local Plan of 30 dwellings per hectare (dph), was used as a starting point but this was modified to 25-30 on the suburban greenfield sites, 30-35dph on the Workington brownfield sites and 50dph on the Maryport Harbour sites. With regards to NDA, assumptions were made in relation to the percentage of the area of the site that would be taken up by infrastructure (roads, hardstanding) and open space:
- Sites > 3 hectares: 75% Gross Area
  - Sites 2-3 hectares: 80% Gross Area
  - Sites 1-2 hectares: 85% Gross Area
  - Sites <1 hectare: 90% Gross Area
- 3.33 The formula for estimating the net developable area in the assessment of sites was initially set out in the SHLAA. As part of the SHLAA process, a SHLAA working group was set up to discuss key elements of the process with local developers and housebuilders, and in order to agree the SHLAA methodology. There was a general consensus on the assumptions made in relation to estimating the net developable area of sites, and the tiered approach. There was also a general consensus that 30 dwellings per hectare was an appropriate benchmark for estimating the capacity of SHLAA sites, whilst in some areas (adjacent to existing development of low density for example) development at a density lower than 30 dwellings per hectare would be appropriate.
- 3.34 The development potential/yield for the site identified in Policy SA29, Land to the West of Matty Lonning in Thursby, is excluded from the above methodology. It is subject to particular constraints which limits the potential developable area of this site to 40 residential units.
- 3.35 The plan is generally cautious in its allocation assumptions. The estimated development yield does not represent a ceiling on the level of development on each site (with the exception of Thursby); it is acknowledged that an acceptable scheme may be able to achieve a higher level of development at the detailed design stage. As a general principle, the Council considers this flexible

approach to be effective in ensuring the plan meets its objectives, as it reduces the risk of reliance on a capacity that may prove unachievable.

**Q23. Does the Housing Trajectory in Appendix 3 of the ALPP2 and the Housing Topic Paper Update dated January 2019 (Ref TP3A) accurately reflect the likely start dates, built out rates and completions of the allocated sites? On what basis have the likely start dates, built out rates and completions been assumed?**

- 3.36 The Housing Trajectory in Appendix 2 of the Allerdale Local Plan (Part 2) and in the Housing Topic Paper update was based upon data as of 30<sup>th</sup> June 2018. Following the submission of the Local Plan (Part 2) for Examination, the housing trajectory has been updated so that the information is correct as of 31<sup>st</sup> March 2019; this updated trajectory was submitted to the Inspector on 12<sup>th</sup> April 2019.
- 3.37 The revised trajectory provides an updated position for when the allocated sites are expected to start delivering housing units. This information has been based upon the Council contacting landowners/agents of the allocated sites with a short questionnaire via email asking: if the site is available for development; if there is, or has been, interest from a developer; and when they would expect the site to come forward for development. The respondent also had the opportunity to provide additional information about the site if they wanted to.
- 3.38 Where the sites have a developer interested in the site, information has also been gathered from routine meetings which the Council has with local housebuilders and Registered Providers.
- 3.39 Where the Council has been unable to obtain a response, the assumptions on start dates and build out rates have been made based upon officer knowledge of the local housing markets and the local circumstances which may affect the timescales of delivery (e.g. land leases for other uses).

**Q24. Is it robustly demonstrated that the ALPP2 can deliver a 5 year housing supply throughout the Plan period? What evidence is there to show that those sites included in the 5 year housing supply are deliverable? Does Policy SA7 provide sufficient flexibility to boosting the housing land supply in the event that the Council cannot demonstrate a 5 year land supply?**

- 3.40 The Council has recently updated its Five Year Housing Land Supply document – this was submitted to the Inspector on 12<sup>th</sup> April 2019.
- 3.41 The updated Five Year Land Supply document is based upon information that was correct as of 31<sup>st</sup> March 2019. Within the document, the annualised housing requirement was calculated based upon a 5% buffer being added to the annual housing target of 304 units and the current housing shortfall (94 units) in line with the Housing Delivery Test.

- 3.42 The supply was calculated showing commitments from larger sites (10 or more units) and smaller sites (nine or less units). Added to this was where the Council had a resolution to grant planning permission subject to the signing of legal agreements and the Council's windfall allowance was also taken into account.
- 3.43 The National Planning Policy Framework has recently amended its definition of what can be classed as 'deliverable' commitments. Therefore, the commitments on larger sites were assessed based upon this new definition and those sites which did not meet the definition were removed from the Five Year Land Supply.
- 3.44 Following all of this assessment, it was calculated that the Council has a 6.22 years supply of housing. It is considered that this is a robust calculation based upon all the evidence available to the Council and it accurately reflects the requirements of both the National Planning Policy Framework and the Housing Delivery Test.
- 3.45 The evidence used to inform the deliverability of the large housing supply sites has come from a number of sources, with all the acquired information summarised in Appendix A of the Five Year Land Supply document. In line with the definition in the National Planning Policy Framework, all of the smaller sites (nine units or less) in Appendix B of the Five Year Land Supply document have been assumed to be deliverable.
- 3.46 One method of obtaining information was to send an email to the landowner/agent of the sites which were identified as being either extant or which were currently under construction. The email included a proforma which identified how many units had been granted permission on the site, how many units were remaining according to Council evidence and when the Council expected the remaining units would be delivered over the next five years.
- 3.47 Landowners/agents were invited to complete the proforma and to amend the Council's assumed delivery rate if it was incorrect. If no response was received, the Council took the assumptions to be correct. The delivery assumptions made by the Council were based upon a mix of data from previous Five Year Land Supply documents, the Council's monitoring database and local officer knowledge of the sites and housing market.
- 3.48 Officers regular hold meetings with local housebuilders and Registered Providers so where the housebuilders/Registered Providers have an interest in one of the housing sites, updates on delivery were sought at these meetings. Information was also obtained from colleagues in the Development Management team.
- 3.49 All of the larger sites were assessed against the National Planning Policy Framework deliverable definition. The Council has taken a cautious approach and removed all the dwellings which are subject to an outline planning permission; it is therefore considered that all the larger sites contained within

the Five Year Land Supply are compliant with the National Planning Policy Framework.

- 3.50 Policy SA7 is designed to be invoked in situations where it is demonstrated that the Council does not have a Five Year Land Supply. If this situation was to occur, Policy SA7 sets out the Council's approach to decision making. The provisions of the policy and supporting text aim to direct development to sustainable locations, in line with the spatial strategy. This approach is consistent with the implementation of the "presumption in favour of sustainable development" which will be applied in the event the Council cannot demonstrate a five year land supply. The modifications proposed to Policy SA7 are intended to ensure permissions are deliverable and contribute to the five year land supply.

***Q25. In overall terms would the Plan realistically deliver the number of houses required over the Plan Period?***

- 3.51 The Allerdale Local Plan (Part 1) identifies the need for the delivery of at least 5,471 net additional dwellings within the plan period.
- 3.52 As of 31<sup>st</sup> March 2019, there have been a total of 2,338 net additional dwellings (Table 1); this represents the delivery of 42.7% of the total plan period target. The total number of commitments as of the 31<sup>st</sup> March 2019 was calculated as 3,001 which is 54.9% of the plan period target. Adding together the completions and commitments (5,339 units), this equates to 97.6% of the plan period target.
- 3.53 However, it is recognised that not all of the current commitments will be constructed. Policy S3 of the Allerdale Local Plan (Part 1) (SD21) recognises a lapse rate of 20%. Further work within the updated Housing Topic Paper (TP3a) showed that on average between 2012 and 2018 the lapse rate was recorded as 3.3%, indicating that adopting a lapse rate of 20% is a cautious approach.
- 3.54 It is important that the site allocations will meet the shortfall between the completions and commitments and the plan period delivery target.
- 3.56 When the 20% lapse rate is applied to the 3,001 commitments, this reduces the commitments to 2,401 units. When the reduced level of commitments is added to the completions, this provides a total expected delivery of 4,739. This provides a shortfall of 732 against the plan period target of 5,471.
- 3.57 Therefore it is considered that providing allocations of 1,276, combined with the units already completed and the units which are commitments, then the target set out in the Local Plan (Part 1) can be realistically delivered even when factoring in a lapse rate for the commitments (see Table 3). It should also be noted that Allerdale plans for a windfall rate of 30 dwellings per annum which will further increase the housing supply.

Completions	2,338
Commitments (including 20% lapse rate)	2,401
Allocations	1,276
Total supply	6,015
Total supply (6,015) – Local Plan housing delivery target (5,471)	544

Table 3: Housing land supply for the Plan Period

**Issue 3b: Housing Allocations – Deliverability and Developability (Policies SA8-SA29)**

**Q26. Are the proposed housing sites allocated in the ALPP2 deliverable and/or developable having regard to Footnotes 11 and 12 of the NPPF?**

- 3.58 The proposed housing sites provide a developable land supply and when combined with the deliverable sites identified in the Five Year Land Supply document, commitments and windfall allowance will deliver the identified housing growth over the plan period.
- 3.59 Specifically, in relation to footnote 12 of the NPPF the sites are compliant. All the proposed allocated sites are located in a sustainable location either in a Principal, Key or Local Service Centre, well related to the settlement form, without significant impacts on the natural and built environment. As such the proposed allocated sites are considered to be in a suitable location for housing development.
- 3.60 All sites have been submitted through the Call for Sites process which was kept open up to the Preferred Options stage. This demonstrates that there is a reasonable prospect that the sites are available.
- 3.61 The Viability Study (EB2) concludes that: *“the overall scale of obligations, standards and Policy burdens contained in the Local Plan are not such a scale that cumulatively they threaten the ability of the sites allocated to be developed viably”*<sup>17</sup>
- 3.62 The viability testing, although identifying challenges, does demonstrate that the sites could be viably developed at the point envisaged in the Plan period.
- 3.63 The anticipated time frame when the allocated land supply will be come forward and contribute to housing delivery is set out in the housing trajectory. The Council has received confirmation from developers/landowners that three of the allocated sites could start to deliver within the next five years, amounting to 180 dwellings. However, in line with paragraph 048 of the Planning Practice Guidance the Council has taken a precautionary approach

<sup>17</sup> Allerdale Local Plan (part 2) Viability Study 2018 para. 8.22 p78

and not counted any of the other allocated sites in the five year land supply calculation.

**Q27. Are there any significant factors that indicate any of the sites should not be allocated? Is there a risk that site conditions or constraints might prevent development or adversely affect viability and delivery?**

3.64 There are no significant factors that indicate that the sites should not be allocated. Policies SA8-SA29 addresses the site conditions and constraints which need further assessment and may result in mitigation or consideration when developing and designing the detailed scheme. The nature and extent of the site conditions or constraints identified on the proposed allocated sites are not considered to be exceptional or significant and represent issues and constraints that are successfully mitigated and overcome when delivering housing schemes in the Plan area.

**Q28. Are the proposed sites viable having regard to the provision of infrastructure, affordable housing and other policy requirements and taking into account any environmental constraints requiring mitigation?**

3.65 The ALPP2 has been subject to viability testing which is set out in the Allerdale Local Plan (part 2) Viability Study 2018 (EB2). In assessing viability, relevant policies from the ALPP1 and proposed policies in ALPP2 which would pose a cost to development were highlighted and included in the assessment.<sup>18</sup> Developer Contributions were also factored in including known requirements for education and highways contributions for certain sites<sup>19</sup>. Table 7.1 of the Viability Study shows the results of the assessment for each proposed allocation and concluding analysis section 8.0.

3.66 It is acknowledged that viability could be an issue in the lower value areas such as Kirkbride and Abbeytown especially for the smaller allocations. In addition, the Maryport Marina site has challenges in terms of viability. In selecting the sites, the Council has aimed where possible to allocate in areas of the towns that would be attractive to developers and have relatively fewer constraints to development. However, one of the roles of the Site Allocations is to sustain all the settlements in the spatial strategy which in part is helped by providing the opportunity for future housing growth.

3.67 As the Viability Study<sup>20</sup> concludes development could still come forward, especially on the smaller sites, through self-build or developers lowering the profit margin. In addition, the affordable housing and housing standards policies are, in particular, sufficiently flexible to allow reduction in policy requirements on viability grounds. This flexible approach aims to maximise benefit from the development but not create a series of non-negotiable burdens that prejudice delivery.

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<sup>18</sup> Allerdale Local Plan (part 2) Viability Study 2018 para 3.0 p6

<sup>19</sup> Allerdale Local Plan (part 2) Viability Study 2018 para 7.07 p66 and table 6.5 p59

<sup>20</sup> Allerdale Local Plan (part 2) Viability Study 2018 para 8.13 p77

- 3.68 This flexible and proactive approach is a long standing one advocated in both parts of the Plan. The policy flexibility that allows the consideration of individual site viability, where necessary, demonstrates a pragmatic, but realistic and flexible approach that will ensure that the implementation of the Plan as a whole is not put at risk.
- 3.69 It is important to recognise that the Plan level assessment is high level with broad assumptions made on the variables included in the model. The Plan has already been delivering both affordable housing and infrastructure contributions (see Table 4 below) and as can be seen there is a good level of developer interest in the proposed allocated sites.

Contribution Purpose	Total Amount
Education	£1,700,313
Highways	£514,356
Play Area's	£73,427
Open Space Contribution	£159,865
Parking	£14,375
Pedestrian Facilities	£94,020
Public Art	£10,000
Travel Plan	£160,671
Affordable Housing	810

*Table 4: Developer Contributions secured from the start of the plan period*

- 3.70 In addition, the Viability Topic Paper documents includes examples of housing development in lower value area that have as part of their consent included both affordable housing and other infrastructure contributions.<sup>21</sup>
- 3.71 The Council has also been successful in securing Homes England funding (Accelerated Construction Fund) and is currently working with Cumbria County Council to develop business cases to access funding for highway improvements through the LEP.

**Q29. Do Policies SA6 and SA8-SA29 provide sufficient clarity on the likely affordable housing and infrastructure requirements for each site to allow for an assessment of viability and deliverability?**

- 3.72 Policies SA6 and SA8-SA29 do not include detailed affordable housing or infrastructure requirements for each site. The Council has worked effectively with developers to implement the affordable housing policy (Policy S8) in ALPP1 as a standalone policy by signposting requirements at the pre-application stage; developers are familiar with this approach. Policy SA3, which is proposed to replace Policy S8, sets out clearly the affordable housing requirement as it would apply to each site.
- 3.73 The Infrastructure Delivery Plan (IDP) (CD12) outlines the baseline position regarding a range of infrastructure including highways, education, health,

<sup>21</sup> Viability Topic Paper September 2018 paragraph 6.4

open space, drainage and flooding<sup>22</sup>. This is arranged by locality which provides a level of clarity as to the current infrastructure position in each area. In terms of the infrastructure required to deliver the ALPP2 the Infrastructure Delivery Plan sets out the following:

*Highway Improvements, Public Transport and Cycling*

- 3.74 The Allerdale Transport Improvements Study (EB4) jointly commissioned by Cumbria County Council and the Council identified specific highway, cycleway and pedestrian improvements. Appendix 1 of the IDP lists the highway schemes and approximate costings. Appendix B.1 of the Allerdale Transport Improvement Study also indicates clearly proposed improvements to the existing cycle network which may form part of a developer contribution.

*Education*

- 3.75 The IDP indicates where there is potentially a shortfall in school places and the Developer Contributions SPD (SD12) sets out the approach to calculating any subsequent financial contribution.

*Open Space*

- 3.76 The Developer Contributions SPD clearly sets out the level and type of open/play space which will be required by a development and if a financial contribution is required it also provides a formula to calculate the cost.
- 3.77 With regard to other forms of infrastructure such as water supply, wastewater drainage, flooding and other utilities the IDP does not highlight the need for any specific projects.
- 3.78 The IDP provides an overview of the type and scale of infrastructure that will be required to deliver the Local Plan. This predominately centres on highway improvements and additional school places in some parts of the Plan area. This assessment is underpinned by evidence from the Allerdale Transport Improvement Study, the Local Education Authority, Lead Local Flood Authority and other statutory undertakers such as United Utilities. In addition, the Developer Contributions SPD provides further guidance with respect to calculating financial or on site contributions. Regarding education, highways and drainage infrastructure, the approach adopted by the County Council has been incorporated in the SPD to ensure consistency between the two tiers of Local Government.
- 3.79 The evidence provided by the statutory consultees, has not been specifically allocated to individual sites and therefore Policies SA6 and SA8-SA29 do not provide precise infrastructure requirements on an individual site basis. This is because this level of detail for fixed infrastructure such as highway improvements can only be effectively assessed at the planning application stage. Similarly, with regard to education, the data in the IDP is only a

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<sup>22</sup> Infrastructure Delivery Plan September 2018 para 3.0-3.9

snapshot in time so an assessment is more effective once the detailed scheme is known and the infrastructure contribution is based on the most up to date evidence. This approach has been effective in delivering significant developer contributions during the Plan period without impacting on delivery.

- 3.80 Given the changing nature of infrastructure requirements the Council will treat the IDP as a live document and will review it on an annual basis to reflect the most up to date position.
- 3.81 The combination of the evidence contained in the IDP, the clear policy requirements for affordable housing in Policy SA3 and the guidance in the Developer Contributions SPD provides a clear starting point for site developers to understand potential policy and infrastructure requirements.

***Q30. Are the Site Specific requirements for each of the housing sites in Policies SA8-SA29 adequately justified?***

- 3.82 Site allocations should be clear about the nature and scale of development envisaged on each site and any constraints and mitigation that may be required. The individual site policies SA8-SA29 provide clarity to prospective developers on the key issues and site specific constraints that development proposals on each site will need to address, and any expectations of the Council. The policies incorporate the advice and recommendations received from statutory consultees, and information from evidence base studies such as the SFRA, HRA and Highways studies, as well as the sustainability appraisal in terms of mitigation measures. The highlighting of site specific considerations is an approach which has been strongly supported. The site specific requirements are included in the policies to make them effective in delivering appropriate sustainable development, consistent with the policies in the ALPP1 and the NPPF

**Issue 3c: Housing Allocations – Site Specific Issues**

**Land at Maryport Marina, Maryport (Policy SA12)**

***Q31. Is the proposed allocation (20 units) justified and appropriate in terms of the likely impacts of the development?***

- 3.83 Yes, the Council considers that the allocation to be justified and appropriate in terms of the likely impacts of the development. An ambitious masterplan for the regeneration of the town has recently been launched, of which the rejuvenation and redevelopment of the harbourside is integral. The harbour area has been identified as suitable for a number of projects, including an element of housing, where the success of the existing development of the adjacent wharfs could be replicated. Discussions about the harbour land with Homes England are underway in order to examine barriers to delivery, and to help bring development forward.

- 3.84 Potential for decreases in water quality and the sensitivities of the Allonby Bay Marine Conservation Zone and potential Solway Firth SPA have been considered in detail by the ecologist commissioned by the Council as part of its site assessments, and Habitats Regulation Assessment (CD9)<sup>23</sup>. Drainage into Maryport Marina could concentrate pollution, necessitating the adoption of stringent pollution control and prevention both during construction and operation. With the implementation of these measures, there is unlikely to be any significant effect as a result of water quality on Natura 2000 sites in the Solway Firth.
- 3.85 Natural England concurs with the requirements within the site specific policy relating to habitat survey and potential need for a noise assessment. In terms of the opportunities for biodiversity on the site, Natural England make specific reference to the nearby Maryport Harbour Site of Special Scientific Interest (SSSI), and the need for landscaping/natural features to complement it, as opposed to more general biodiversity enhancements. The Maryport Harbour SSSI lies to the south and west of the Marina and adjoins the Flimby to Maryport Coast County Wildlife Site, also known as the Maryport Coastal Park, a larger swathe of species rich coastal grassland. The English Coastal Footpath runs through this land, but not adjacent to the proposed allocation.
- 3.86 The proposed allocation does not directly adjoin the SSSI with the dock basin, hardstandings and buildings lying in between. The development of the site is judged not to adversely impact on the SSSI, the interest of which lies in its vegetation including the rare Purple Broomrape and Pyramidal Orchid, and support for butterflies including the Small Blue. Development proposals on the site do, however, offer the opportunity for complementary enhancement for the SSSI. Major Modification MM12 reflects Natural England's comments by incorporating specific reference to the SSSI in the policy, requiring landscaping to reinforce and enhance its features, consistent with section 11 of the NPPF<sup>24</sup>, and in line with Policy S35 ALPP1<sup>25</sup>.
- 3.87 In terms of heritage and the built environment, this is a prominent and sensitive location close to Maryport Conservation Area and listed lighthouse; care will need to be taken with the design, as highlighted in the site specific policy which reflects the comments of the Council's Conservation Officer. The potential of the site to host archaeological industrial remains have also been raised by the County Archaeologist, as included in the policy. Setting out the Council's expectations in respect of the design of any scheme, and a desk-based archaeological assessment do not represent impediments to the development of this site.
- 3.88 The County Council has indicated that there would be insufficient junior school places in the school catchment area to accommodate the number of pupils generated by a combination of this development and the development

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<sup>23</sup> Habitats Regulations Assessment (CD9) Page 36

<sup>24</sup> National Planning Policy Framework 2012 Section 11 Conserving and enhancing the Natural Environment page 25

<sup>25</sup> Allerdale Local Plan (Part 1) SD21 Policy S35 Protecting and Enhancing Biodiversity and Geodiversity Page139

of site SA13. This advice is issued with the caution that it represents a snapshot in time, and that the position is subject to change. The Council has a good working relationship with the County Council over the provision of school places at the planning application stage. There are alternative schools in Maryport, and the Council's adopted Developer Contributions SPD (SD12)<sup>26</sup> will be used to determine the most appropriate method of addressing the shortage of school places at the time of any planning application.

- 3.89 The site occupies a key position in the harbourside area, a part of the town which the Council has identified as important for redevelopment as part of the regeneration strategy for the town. All development in the harbour area would be subject to similar constraints and considerations, and whilst this is a modest site, development of this previously developed land would make an important contribution to the Council's objectives for the wider area. The likely impacts of the development are acceptable or can be made acceptable through mitigation.

***Q32. Has sufficient regard been had to the close proximity of the development to the Maryport Harbour Site of Special Scientific Interest?***

- 3.90 Yes. Maryport Harbour SSSI lies to the west of Senhouse Dock, and to the south of Salmoor Way, its interest lying in its coastal grassland and ruderal vegetation, supporting the rare Purple Broomrape and Pyramidal Orchid, and supporting butterflies including the Small Blue butterfly.
- 3.91 Site SA12 lies within the Impact Risk Zone for the SSSI and the Council has engaged with Natural England during the site selection process. Natural England concurs with the assessment of the site by the Council's ecologist that key considerations relate to water quality and the consequent potential effect on international designations and species. The proximity of the site to the Maryport Harbour SSSI was considered by the Council and their ecologist, but it was judged that its development was not likely to have an adverse effect on the SSSI; hardstandings, the dock basin and buildings lie between them. It is acknowledged that any landscaping scheme associated with the new development offers opportunities to reinforce and enhance the features for which the Maryport Harbour SSSI is of special interest, as suggested by Natural England, and the site specific policy has been modified accordingly with the insertion of Main Modification MM12.

***Q33. Is the suggested Main Modification MM12 justified? Is this necessary in the interests of soundness?***

- 3.92 Main Modification MM12 requiring the landscaping scheme for the development to complement the Maryport Harbour SSSI reflects Natural England's advice, providing clarity on the expectations of the Council in terms of the landscaping to accompany the new development, and contributing to the enhancement of Maryport Harbour SSSI, making the policy more effective in delivering appropriate sustainable development on the site. The

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<sup>26</sup> Developer Contributions SPD pages 19-25

revision is more explicit than the original reference to biodiversity opportunities in Policy SA12 and is consistent with Section 11 of the NPPF<sup>27</sup>, and Policy S35 of the ALPP1<sup>28</sup>.

Land adjacent Whitecroft, Maryport (Policy SA13)

**Q34. Is the proposed allocation (300 units) justified and appropriate in terms of the likely impacts of the development?**

- 3.93 Yes. Site SA13 represents the key strategic allocation for Maryport, the second largest town in the district. It is of a significant size by the standards of the district, adjoining the built up area of the town, and the development of which would achieve a satisfactory relationship with the existing settlement pattern. The site is of a scale that can accommodate the development considerations and any relevant constraints that would need to be addressed.
- 3.94 Part of the proposed allocation adjacent to Solway Trading Estate (0.7 ha) lies in Flood Zone 3 associated with the adjoining watercourse, Eel Sike. This area of land was not excluded from the site allocation, but this issue can be mitigated. The site specific policy highlights that this constraint will need to inform site layout and design, and that the incorporation of sustainable drainage measures and flood storage will be necessary. Cumbria County Council is in agreement that the inclusion of this land offers the potential for positive drainage solutions to assist in the amelioration of existing drainage issues where Eel Sike abuts the Trading Estate, offering local betterment.
- 3.95 The land in Flood Zone 3 also acts as a buffer with the adjoining Solway Trading Estate, reference to which is also contained within the site specific policy. Although some assessment will be needed in respect of potential noise and amenity issues, new dwellings on this site will be no closer to the Trading Estate than the adjoining dwellings on White Croft. The Sustainability Appraisal notes that development of the site may require mitigative measures to address amenity concerns, but these sources are conventional and do not prejudice the sustainability of the site.
- 3.96 In terms of the historic environment, the proposed allocation lies approximately 200 metres to the west of a Scheduled Ancient Monument 1013509 (Romano-British Settlement and trackway at Ewanrigg) at its closest point. The amended site specific policy makes specific reference to the monument itself, rather than just the need for an archaeological desk-based assessment and the results of a geophysical survey and clarifies that this would need to be undertaken prior to any application for planning permission in order to inform any submission. Historic England has not raised any objection to the allocation in principle, and their comments have been taken into account in revisions to the wording of the policy in Main Modification MM13.

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<sup>27</sup> National Planning Policy Framework 2012 Section 11 Conserving and enhancing the Natural Environment page 25

<sup>28</sup> Allerdale Local Plan (Part 1) SD21 Policy S35 Protecting and Enhancing Biodiversity and Geodiversity Page139

- 3.97 There is no physical impact on the scheduled monument itself, and the County Council's Historic Environment Officer considers that, although there is the potential for non-designated archaeological assets to survive on the proposed housing site, it is highly unlikely that any such remains will be of demonstrable equivalent significance to the scheduled monument and so be subject to the policies for designated heritage assets. The County Council's Historic Environment Officer considers that any archaeological assets are very likely to be of local significance and would be mitigated by the implementation of an appropriate scheme of archaeological investigation and recording.
- 3.98 Ecologically, the site has hydrological connectivity to the Solway Firth and the development of the site therefore has the potential to impact on water quality as result of the in-combination effect of multiple sites discharging into the Solway pSPA. The site drains into the tidal reaches of the River Ellen where there will be immediate mixing and dilution of any run-off or consented discharges which will be taken out into the Solway pSPA on the ebb tides. Provided that pollution prevention measures are adopted both during and after construction, there is unlikely to be any significant effect as a result of water quality on Natura 2000 sites<sup>29</sup>.
- 3.99 A County Wildlife Site, Ewanrigg Wetlands, an area of species rich butterfly-supporting marshy grassland lies immediately east of the site, next to Eel Sike. The Council's Ecologist notes the potential for the development to impact on the wetlands and the potential for Great Crested Newts in the vicinity. Adverse effects could be mitigated with the adoption of sustainable surface water drainage measures within the scheme and the adoption of pollution prevention measures during and after construction. Development of the site also offers the opportunity for enhancement of this adjoining wildlife corridor. Natural England concurs with the survey requirements and identified opportunities for biodiversity set out in the policy. Given the sensitive location of this large greenfield site adjacent to the Ewanrigg Wetlands County Wildlife Site, and close to the Maryport Coast County Wildlife Site/Maryport Harbour SSSI, with hydrological connectivity to the Solway Firth, Natural England suggests it should be expected to deliver a measurable biodiversity net gain, consistent with Section 11 of the NPPF and in line with Policy S35.
- 3.100 The County Council has indicated that there would be insufficient junior school places in the school catchment to accommodate the number of pupils generated by a combination of this development and the development of site SA12. This advice is issued with the caution that it represents a snapshot in time, and that the position is subject to change. The Council has a good working relationship with the County Council over the provision of school places at the planning application stage. There are alternative schools in Maryport, and the Council's adopted Developer Contributions SPD (SD12)<sup>30</sup>

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<sup>29</sup> Habitats Regulations Assessment 201 (CD9) Page 37

<sup>30</sup> Developer Contributions SPD pages 19-25

will be used to determine the most appropriate method of addressing the shortage of school places at the time of any planning application.

- 3.101 Access to the site directly from the A596 has been assessed in the Local Plan Site Access Assessment 2018 (EB5)<sup>31</sup>, approved by Cumbria County Council, demonstrating suitable access to the site can be achieved, and that there is the capability to accommodate a secondary emergency access to the site which will also be required for a scheme of this scale. An outline access design is included within the report. The County Council is satisfied that an appropriate access can be achieved.
- 3.102 The Council is satisfied that the likely impacts of the development are acceptable or can be made acceptable through mitigation.

***Q35. Has the impact of the proposed housing allocation on the nearby Scheduled Ancient Monument: Romano-British Settlement and trackway at Ewanrigg been adequately assessed? Is the allocation consistent with the Framework in this regard and other policies in the ALPP1 which seeks to protect the historic environment?***

- 3.103 Site SA13 was not discounted in the first stage of the Site Assessment Methodology (SD9)<sup>32</sup> as set out in in the Heritage Topic Paper (TP9a)<sup>33</sup> although its proximity to a scheduled ancient monument was identified as an issue as part of the sustainability appraisal which also formed stage 2 in the site assessment methodology, falling within a 400 metre buffer zone.
- 3.104 Site SA13 lies approximately 200 metres to the west of the Scheduled Ancient Monument 1013509: Romano-British Settlement and trackway at Ewanrigg which relates to a native undefended settlement dating to the Roman Period. Such homesteads were constructed and used by non-roman natives throughout the period of Roman occupation. Originally common in such lowland coastal areas, they can frequently only be identified through aerial photography. The monument is one of several similar sites identified by aerial photography on the Solway Plain.
- 3.105 This Scheduled Ancient Monument is located on an elevated ridge of sand and gravel to the east of the proposed allocation, separated by the watercourse Eel Syke, and a strip of rough pasture, part of which is a County Wildlife Site. It survives as crop marks visible from aerial photography which show a subcircular enclosure within a larger oval enclosure, and the infilled ditches of a trackway running in a south easterly direction for 110 metres. There are no upstanding earthworks.

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<sup>31</sup> Local Plan Site Access Assessment Study 2018 Page 10-11

<sup>32</sup> Site Assessment Methodology Page 6

<sup>33</sup> Heritage Topic Paper Para 3.2-3.4

- 3.106 There is no physical impact on the scheduled monument, and the County Council's Historic Environment Officer considers that, although there is the potential for non-designated archaeological assets to survive on the proposed housing site, it is highly unlikely that any such remains will be of demonstrable equivalent significance to the scheduled monument and so be subject to the policies for designated heritage assets. The County Council's Historic Environment Officer considers that any archaeological assets are very likely to be of local significance and would be mitigated by the implementation of an appropriate scheme of archaeological investigation and recording.
- 3.107 It is therefore considered that available evidence and expertise has been used to create a balanced judgement on the scale of harm or loss and the significance of the heritage asset as required by the NPPF<sup>34</sup> and appropriate mitigation has been considered. As such, it is believed that the relevant requirements of the framework have been met.
- 3.108 The level of significance of the Heritage Asset and the likely impact of the proposal on the significance of the Heritage Asset have been taken into account and as such it is considered that Policy S27 of the ALPP1 has been met as far as it is possible at allocation stage. Whether and how the significance and/or setting of the asset could be better revealed and any necessary mitigation will be taken account of, in line with the requirements of this policy, at planning application stage.

***Q36. Are the suggested Main Modifications MM13 and MM14 justified? Are they necessary in the interests of soundness?***

- 3.109 Given the scale of this site and its proximity to the Scheduled Ancient Monument, Main Modification MM13, as advised by Historic England, strengthens and provides further clarity to the policy in emphasizing the potential for important archaeological remains on this particular site, and highlighting the need for archaeological investigations prior to the submission of a planning application. The modification makes the policy more effective in delivering appropriate sustainable development, in line with Section 12 of the NPPF, and Policy S27 of the ALPP1.
- 3.110 Main Modification MM14 outlining the expectation of biodiversity net gain on the site, as suggested by Natural England, reflects the opportunities presented by the size of the site and its proximity to the coast and adjoining County Wildlife Site, and links to the biodiversity improvement and ecological considerations outlined in the policy. The modification offers clarity on site specific considerations and expectations of the Council, making the policy more effective in delivering appropriate sustainable development on the site, and in accordance with the Part 11 of the NPPF (2012) and Policy S35 of the ALPP1.

Land off Syke Road, Wigton (Policy SA14)

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<sup>34</sup> National Planning Policy Framework (2012) Section 12 Paragraphs 129, 135 Pages 30-31

**Q37. Is the proposed allocation (25 units) justified and appropriate in terms of the likely impacts of the development?**

- 3.111 Yes. The land off Syke Road forms a suitable infill site between the Hawthorns Housing Estate to the west, and consented housing and the Syke Road Trading Estate to the east.
- 3.112 Access onto Syke Road is acceptable in principle, having been assessed in the Local Plan Site Access Assessment 2018 (EB5)<sup>35</sup>, a study approved and agreed by Cumbria County Council.
- 3.113 Wigton lies at the confluence of Wiza Beck, Speet Gill, Black Beck and Flish Beck which forms part of the River Wampool catchment area. The town has experienced a number of flood events in recent years, and there are issues with surface water flooding. The requirement for suitable surface water drainage arrangements to avoid the exacerbation of existing issues is something that is expected on any site in Wigton; Cumbria County Council agree that this site is capable of accommodating satisfactory drainage arrangements.
- 3.114 The County Council has indicated that there would be insufficient school places at Wigton Infant School in the school catchment area to accommodate the number of pupils generated by this development. This advice is issued with the caution that it represents a snapshot in time, and that the position is subject to change. The Council has a good working relationship with the County Council over the provision of school places at the planning application stage. There is an alternative primary school in Wigton, and the Council's adopted Developer Contributions SPD (SD12)<sup>36</sup> will be used to determine the most appropriate method of addressing the shortage of school places at the time of any planning application.
- 3.115 Site SA14 lies 630 metres to the north of Scheduled Ancient Monument 1007249: Old Carlisle (Olerica) fort and civilian settlement and roman road. The monument lies in open countryside, separated from the proposed allocation by the unnamed road which connects Syke Road with the A595. The fort served as a permanent base for auxiliary units of the Roman Army and survives as an upstanding earthwork; cropmarks denote the buried remains of a surrounding civilian settlement and road. The County Council's Historic Environment Officer considers that archaeological evidence from the adjacent housing site and other nearby development sites shows that there is the potential for non-designated archaeological assets to survive on the proposed housing site and that the significance of these assets is likely to be of local importance and so warrant mitigation by the implementation of an appropriate scheme of archaeological investigation and recording. The inclusion of provisions within the policy requiring the investigation and recording of archaeological assets that will be affected by the construction

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<sup>35</sup> Local Plan Site Access Assessment Study 2018 (EB5) Page 10-11

<sup>36</sup> Developer Contributions SPD (SD12) pages 19-25

work is necessary in order for it to be consistent with the NPPF and Policy S27 of the ALPP1<sup>37</sup>.

3.116 The Council is satisfied that the likely impacts of the development are acceptable or can be made acceptable through mitigation.

***Q38. Has the impact of the proposed housing allocation on the buried archaeological assets on this site been adequately assessed? Is the allocation consistent with the Framework in this regard and other policies in the ALPP1 which seeks to protect the historic environment?***

3.117 Yes. Site SA14 was not discounted in the first stage of the Site Assessment Methodology (SD9)<sup>38</sup> as set out in in the Heritage Topic Paper (TP9a)<sup>39</sup>, and nor was its proximity to a scheduled ancient monument identified as an issue as part of the Sustainability Appraisal which also informed Stage 2 in the Site Assessment Methodology, falling outwith the 400 metre buffer zone; the Scheduled Ancient Monument lies in open countryside to the south of Wigton. The County Council's Historic Environment Officer considers that archaeological evidence from the adjacent housing site and other nearby development sites shows that there is the potential for non-designated archaeological assets to survive on the proposed housing site and that the significance of these assets is likely to be of local importance, and so warrant mitigation by the implementation of an appropriate scheme of archaeological investigation and recording.

3.118 It is therefore considered that available evidence and expertise has been used to create a balanced judgement on the scale of harm or loss and the significance of the heritage asset as required by the NPPF<sup>40</sup>, and that appropriate mitigation has been considered. As such, it is believed that the relevant requirements of the framework have been met.

3.119 The level of significance of the Heritage Asset and the likely impact of the proposal on the significance of the Heritage Asset have been taken into account and as such it is considered that Policy S27 of the ALPP1 has been met as far as it is possible at allocation stage. Whether and how the significance and/or setting of the asset could be better revealed and any necessary mitigation will be taken account of in line with the requirements of this policy, at planning application stage.

***Q39. Is the suggested Main Modification MM15 justified? Is this necessary in the interests of soundness?***

3.120 Main Modification MM15 referencing the high potential for buried archaeological assets to survive on the site, and the need for archaeological investigations and recording, as advised by Cumbria County Council's Historic Environment Officer, provides clarity to developers on site specific

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<sup>37</sup> Allerdale Local Plan (Part 1) (SD21) Policy S27 Heritage Assets Page 119

<sup>38</sup> Site Assessment Methodology (SD9) Page 6

<sup>39</sup> Heritage Topic Paper (TP9a) Para 3.2-3.4

<sup>40</sup> National Planning Policy Framework (2012) Section 12 Paragraphs 129, 135 Pages 30-31

considerations which need to be addressed. The modification is necessary to ensure that the policy is effective in delivering appropriate sustainable development, consistent with Section 12 of the NPPF and Policy S27 of the ALPP1.

Land at Fell View, Silloth (Policy SA19)

***Q40. Is the proposed allocation (20 units) justified and appropriate in terms of the likely impacts of the development?***

- 3.121 Site SA19 represents an extension to an existing residential estate at Fell View in the town of Silloth, which is designated as a Key Service Centre in the settlement hierarchy outlined in Policy S3 of the ALPP1. The proposed allocation abuts existing housing to the northwest and southwest. The site has previously had planning permission for housing.
- 3.122 The County Council comments relating to drainage (i.e. that the site abuts Flood Zone 2 and groundwater flooding exists in the vicinity) are designed to highlight issues that would need to be considered as part of any drainage strategy for the site. The County Council has since confirmed that a suitable scheme is achievable, and development of the site is not precluded.
- 3.123 Site SA19 lies approximately 325 metres south of Scheduled Ancient Monument 1015250: Palisade ditches, part of Roman frontier defences along Cumbrian coast, Roman camp and road and part of Romano-British field system, 250m north of Silloth Farm. This monument occupies a central location in Silloth on school playing fields, and housing exists between it and the proposed allocation.
- 3.124 The site (and all of Silloth) lies in the buffer zone for the World Heritage Site Frontiers of the Roman Empire (Hadrian's Wall).
- 3.125 The Scheduled Ancient Monument, identified through crop marks and aerial photography, consists of the buried remains of two palisade ditches which formed part of the Roman frontier defensive system, a Roman camp, Roman road, and ditch associated with a Romano-British field system associated with Silloth Farm Romano-British Settlement. The nucleus of this settlement was excavated prior to the erection of housing on Fell View. The proposed allocation forms part of this original housing site, and archaeological remains are known to exist.
- 3.126 The County Council's Historic Environment Officer considers that the results of a previous archaeological desk based assessment and archaeological fieldwork on the proposed housing site provide sufficient information to show that the archaeological remains are of local significance and that an archaeological investigation to further record the remains undertaken in advance of development is an appropriate level of mitigation for their loss and accords with Policy S27 of the ALPP1 and Section 12 of the NPPF.

- 3.127 The site does not impact on the setting of the Scheduled Ancient Monument, and nor is it judged to adversely affect the setting of the Frontiers of the Roman Empire (Hadrian's Wall) World Heritage Site.
- 3.128 The Council considers that the development of this site represents a completion of the housing provision on this estate and is satisfied that the likely impacts of the development are acceptable or can be made acceptable through appropriate mitigation.

***Q41. Has the impact of the proposed housing allocation on the buried archaeological assets on this site been adequately assessed? Is the allocation consistent with the Framework in this regard and other policies in the ALPP1 which seek to protect the historic environment?***

- 3.129 Yes. Site SA19 was not discounted in the first stage of the Site Assessment Methodology (SD9)<sup>41</sup> as set out in in the Heritage Topic Paper (TP9a)<sup>42</sup> , although its proximity to a scheduled ancient monument was identified as an issue as part of the sustainability appraisal which formed stage 2 in the site assessment methodology, falling within the notional 400 metre buffer zone.
- 3.130 The County Council's Historic Environment Officer considers that the results of a previous archaeological desk based assessment and archaeological fieldwork on the proposed housing site provide sufficient information to show that the archaeological remains are of local significance and that an archaeological investigation to further record the remains undertaken in advance of development is an appropriate level of mitigation for their loss and accords with both the Policy S27 of the ALPP1 and Section 12 of the NPPF.
- 3.131 It is therefore considered that available evidence and expertise has been used to create a balanced judgement on the scale of harm or loss and the significance of the heritage asset as required by the NPPF<sup>43</sup>. In addition, appropriate mitigation has been considered. As such, it is believed that the relevant requirements of the framework have been met.
- 3.132 The level of significance of the Heritage Asset and the likely impact of the proposal on the significance of the Heritage Asset have been taken into account and as such it is considered that policy S27 of the ALPP1 has been met as far as it is possible at allocation stage. Whether and how the significance and/or setting of the asset could be better revealed and any necessary mitigation will be taken account of, in line with the requirements of this policy, at planning application stage.

***Q42. Is the suggested Main Modification MM18 justified? Is this necessary in the interests of soundness?***

- 3.133 Yes. Main Modification MM18 referencing the existence of known archaeological assets on the site and that provision will need to be made for

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<sup>41</sup> Site Assessment Methodology (SD9) Page 6

<sup>42</sup> Heritage Topic Paper (TP9a) Para 3.2-3.4

<sup>43</sup> National Planning Policy Framework (2012) Paragraphs 129, 135 Pages 30-31

their excavation and recording, as advised by Cumbria County Council's Historic Environment Officer, provides clarity to developers on site specific considerations that will need to be addressed. The modification is necessary to ensure that the policy is more effective in delivering appropriate sustainable development, and to ensure consistency with Section 12 of the NPPF, and Policy S27 of the ALPP1

Land to the north of Meadowlands, Broughton Moor (Policy SA23)

***Q43. Is the proposed allocation (25 units) justified and appropriate in terms of the likely impacts of the development?***

- 3.134 Yes. Broughton Moor is identified as a Local Service Centre in the ALPP1. In combination, the eleven Local Service Centres are expected to accommodate up to 20% of the district's housing growth for the plan period. The apportionment of the growth between the Local Service Centres is set out in the Housing Topic Paper TP3<sup>44</sup>.
- 3.135 In addition to the site to the east of Broughton Moor, which has gained planning consent for 69 dwellings, options for expansion in Broughton Moor is constrained by mining legacy to the north, east and south. Site SA23 is of a smaller scale than the existing consent; it relates well to the settlement pattern and existing dwellings.
- 3.136 Chief considerations in terms of the impacts of the site relate to the potential effects on the adjoining County Wildlife Site, Broughton Pond, which lies immediately to the north of the site. There is the potential that the pond and associated marshy grassland could host Great Crested Newts. This has been considered carefully by the Council's Ecologist; the original site put forward for consideration in the site allocations process was far more extensive, with the potential to have a greater effect on the Wildlife Site. Site SA23 represents a small portion of this original site. The reduction in size of the site area, ensuring no direct access to the pond area from any development, in addition to providing additional boundary hedge treatment closest to Wildlife Site will mitigate the effect of the development. The site specific Policy SA23 also makes reference to the suitable disposal of surface water drainage to ensure there is no risk of pollution to the adjoining pond, and the adjoining watercourse Furnace Gill.
- 3.137 Cumbria County Council raised the issue of the potential diversion of the public right of way running through the site; this can be accommodated within the site layout and design and dealt with at the planning application stage.
- 3.138 In terms of coalmining, the site lies largely within a low risk developable area, although there are three mine entries and associated zones of influence on the peripheries of the site, on Church Road, within the adjoining Meadowlands Estate, and on the south eastern corner of the site. Broughton Moor and the surrounding locality has a long history of mining in common with large parts of

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<sup>44</sup> Housing Topic Paper TP3 section 4

the district. There are a number of mitigative measures that can be implemented to address this issue in combination with incorporating an appropriate layout, to ensure that both new and existing development is not at risk from being adversely affected by unacceptable levels of soil, air or water pollution, or land instability, consistent with paragraph of 118 of the NPPF and policies S30 and S32 of the ALPP1.

3.139 The Council considers that the likely impacts of the development are acceptable or can be made acceptable through appropriate mitigation.

***Q44. Has the impact of the proposed housing allocation on the nearby wetland area designated as a County Wildlife Site been adequately assessed? Is the allocation consistent with the Framework in this regard and other policies in the ALPP1 which seeks to protect the natural environment?***

3.140 Yes. Broughton Pond and the marshy grassland habitats associated with it have been examined by the Council's Ecologist, who considers that the ephemeral ponds within the willow/alder carr and fen areas immediately to the north of the site have the capability to support common amphibian and Great Crested Newts. The potential for foraging and commuting bats on the site, and nesting birds is also noted.

3.141 A number of recommendations have been made in respect of further survey work and potential mitigative measures, including pollution control, to ensure that the impact on biodiversity is minimised, consistent with Policy S35 of the ALPP1, and Section 11 of the NPPF.

Land at Rose Farm, Broughton (Great and Little Broughton) (Policy SA24)

***Q45. Is the proposed allocation (55 units) justified and appropriate in terms of the likely impacts of the development?***

3.142 Site SA24 lies to the north west of the village, connecting with a public footpath at its western end which provides pedestrian access to the school and church; it relates well to the built form of Broughton (Great and Little).

3.143 In common with other sites in Broughton (Great and Little) Rose Farm is subject to biodiversity constraints with potential pathways to the River Derwent and Bassenthwaite SAC (River Derwent and Tributaries SSSI) and the potential to affect ecological interests of these sites via surface water and groundwater drainage. However, this issue can be mitigated with the approval of drainage plans and Environment Agency Consent to Discharge. Providing pollution prevention methods are adopted during and after construction there is unlikely to be any significant effect as a result of water quality on any qualifying feature of Natura 2000 sites<sup>45</sup>.

3.144 The farmhouse and attached traditional barns are (non-designated) historic assets. The policy has been modified to make it clear that these should be

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<sup>45</sup> Habitats Regulations Assessment, September 2018 (CD9) Page 41

retained as part of the proposed development in order to comply with Policy S27 of the ALPP<sup>46</sup>. Should demolition of any part of the non-designated heritage asset be necessary for the development of the site, a full explanation and justification will need to be supplied. Policy wording at the Preferred Options stage appeared to suggest that the farmhouse would need to be demolished, although this had not been the intention; all of the modern farm buildings would need to be removed. Whilst the setting of this non-designated heritage asset will alter the effect can be mitigated by the layout and design of new development, and there is also scope to improve the setting with the removal of the modern farm infrastructure.

- 3.145 Access to the site is acceptable in principle, having been assessed in the Local Plan Site Access Assessment 2018 (EB5)<sup>47</sup>, a study jointly commissioned and approved by Cumbria County Council. The County Council has confirmed that the local road network, including the U2170 is not overstretched, and has the capacity to accommodate the new development. The Allerdale Transport Improvements Study 2018 (EB4)<sup>48</sup> does however recognise that the A66/Broughton junction which serves the village is at capacity, and that safety issues have been identified at the junction, with accidents arising from the high speeds and traffic flows on the A66. The A66 is part of the Strategic Road Network managed by Highways England. Highways England is developing proposals for a roundabout to improve the junction and is seeking funds to deliver the scheme.
- 3.146 The County Council has indicated that there are insufficient school places at the catchment schools of Broughton Primary School Academy or Cockermouth Secondary School to accommodate the number of pupils generated by this development. This advice is issued with the caution that it represents a snapshot in time, and the position is subject to change. The Council has a good working relationship with the County Council over the provision of school places at the planning application stage. The Council's adopted Developer Contributions SPD (SD12)<sup>49</sup> will be used to determine the most appropriate method of addressing the shortage of school places at the time of any planning application.
- 3.147 In terms of visual impact, a landscape and visual assessment concluded that development of the site would be consistent with the adjacent built form of the village and would be contained on three sides by existing dwellings and other rural-urban fringe land uses. There are few distant views due to the degree of enclosure afforded by the local landform, woodland and hedges in the wider landscape, and the effects which would be experienced are those which typically arise from residential development; none are anticipated to be unacceptable. Overall the assessment considers the site to be well-related and sympathetic to the form and character of the settlement and the scale of the proposed development site is expected to be in keeping with the settlement's setting.

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<sup>46</sup> Allerdale Local Plan (Part 1) (SD21) Policy S27 Heritage Assets Page 119

<sup>47</sup> Local Plan Site Access Assessment 2018 (EB5) Page 68

<sup>48</sup> The Allerdale Transport Improvements Study 2018 (EB4) Page 50

<sup>49</sup> Developer Contributions SPD (SD12) pages 19-25

3.148 The Council considers that the likely impacts of the development of this site are acceptable or can be made acceptable through appropriate mitigation.

***Q46. Has the impact of the proposed housing allocation on the farmhouse and attached traditional barns (non-designated heritage assets) on this site been adequately assessed? Is the allocation consistent with the Framework in this regard and other policies in the ALPP1 which seek to protect the historic environment?***

3.149 Yes. The Policy sets out the expectation that the farmhouse and associated traditional barns will be retained as part of the proposed housing development. As such there should be no direct loss of the non-designated heritage assets, and the conversion of the barns to housing will secure their long term future. These non-designated heritage assets are considered to have significance largely as a result of their age, layout, agricultural use and architectural design, and, as for most farm complexes, their context and setting include surrounding farm buildings and land, particularly any immediately adjoining and visible with the main buildings.

3.150 It is judged that development of the site, particularly the open field opposite/to the north east of the farmhouse and barns, will affect, and cause some harm to, the setting of the non-designated heritage assets. However, any application will need to be accompanied by a heritage statement which explains how the proposed development, including access, layout, design and size of the new housing can be designed to minimise any adverse impact.

3.151 A number of modern farm buildings and other modern farm infrastructure to the north and west of the heritage assets currently cause some harm to their historic character and setting. The removal of these as part of any housing development will potentially better reveal and improve the setting of the heritage assets.

3.152 The farm is already within the village, albeit on the edge, and so its existing setting is only semi-rural and whilst some of the fields adjoining the farm will be developed, the remaining land to the north will remain as open countryside so that the heritage assets will retain a semi-rural setting.

3.153 There will inevitably be some impact upon the setting of the undesignated heritage asset of Rose Farm following the development of this site, but in addition to some harm to the setting, there is also scope for some improvements to its current setting.

3.154 It is considered that development of this site, carried out in accordance with the relevant design requirements of the NPPF<sup>50</sup> and ALPP<sup>51</sup> and the retention and conservation of the heritage assets, will together with the removal of the unattractive modern farm buildings and infrastructure, and the

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<sup>50</sup> National Planning Policy Framework (2012) Section 7 Requiring good design Page 14

<sup>51</sup> Allerdale Local Plan (Part 1) (SD21) Policy S4 Design Principles Page 29

public benefits of the additional housing, be acceptable in line with paragraph 135 of the NPPF, which requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset(s).

- 3.155 Taking account of the likely level of significance of the (non-designated) heritage asset, and the impact upon that significance, and taking account of the benefits of securing their future use and removing unattractive modern buildings, it is considered that the development of this land meets the requirements of Policy S27 of the ALPP1<sup>52</sup>.

***Q47. Is the suggested Main Modification MM20 justified? Is this necessary in the interests of soundness?***

- 3.156 Main Modification MM20 explains the status of the farmhouse and attached barns as non-designated heritage assets, making clear the expectation that they will be retained, and should it be necessary for any part to be removed, a full justification will be needed and a building recording programme will need to be undertaken. This is necessary as the previous policy wording erroneously appeared to suggest that the farmhouse and attached barns would need to be demolished as part of the development along with the modern farm buildings on the site. The modification provides clarity in setting out the expectation of the Council regarding site specific considerations that need to be addressed as part of the development of the site. The modification is necessary to ensure that the policy is effective in delivering appropriate sustainable development, ensuring consistency with Section 12 of the NPPF, and Policy S27 of the ALPP1.

Birch Hill Lane, Kirkbride (Policy SA27)

***Q48. Is the proposed allocation (6 units) justified and appropriate in terms of the likely impacts of the development?***

- 3.157 Yes. Kirkbride is identified as a Local Service Centre in the ALPP1. In combination, the eleven Local Service Centres are expected to accommodate up to 20% of the district's housing growth for the plan period. The apportionment of the growth between the Local Service centres is set out in the Housing Topic Paper TP3<sup>53</sup>. This small site in Kirkbride lies on the village periphery, contained by highways to the north west and north east, and abutting a row of housing to the south west.
- 3.158 The village of Kirkbride occupies a sensitive location in the north of the district, close to the Solway Firth and surrounded by sites protected by national and international designations. Significant areas of land adjacent to the village boundary are subject to flooding. The Upper Solway Flats and Marshes SSSI, SPA and Ramsar site lies to the west, The South Solway Mosses SAC lie to the north, north east and south, (also protected individually

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<sup>52</sup> Allerdale Local Plan (Part 1) (SD21) Policy S27 Heritage Assets Page 119

<sup>53</sup> Housing Topic Paper (TP3) section 4

as SSSIs), and Gribbs Meadow SSSI to the west. For all development in Kirkbride, concerns relate to hydrological connectivity with the Upper Solway Flats and Marshes, and the potential effect on nearby designated European sites. Providing pollution prevention measures are adopted during and after construction, there is unlikely to be any significant effects as a result of water quality on any qualifying feature of Natura 2000 sites. In terms of the South Solway Mosses, given the scale of this proposal there is unlikely to be increased disturbance through additional recreational effects. Natterjack Toads and Great Crested Newts are features of the nearby designations, and there is the potential for waterbodies located adjacent to the site which may be used for amphibian breeding. The Council's ecologist considers that although there is potential habitat for amphibian refuge and hibernation on this site, it is unlikely these species are present due to the road network and lack of connectivity of suitable habitats.

- 3.159 The site also lies with the Solway Coast Area of Outstanding Natural Beauty (AONB), the boundary of which runs through Kirkbride. This is a small site on the periphery of the village, although well related to adjoining dwellings, and contained by adjoining highways. Policy S34 in the ALPP<sup>54</sup> addresses development in the AONB specifically, and it is considered that development of an appropriate scale and design can be addressed at planning application stage. The development considerations attached to Policy SA27 highlights that the site lies within the AONB, ensuring that it is taken into consideration when a scheme is drawn up.
- 3.160 At its closest point, site SA27 lies 120 metres to the north east of the curtilage of the grade 2\* listed (clay dabbin) Lilac Cottage. The potential of development proposals on Site SA27 to impact upon Lilac Cottage and its setting have been examined by the Council's Conservation Officer, as set out in the Heritage Topic Paper TP9a<sup>55</sup>. Lilac Cottage is clearly an important historic asset due to its age and materials, but it is thought to have always been a small holding consisting of a modest house with byers, within the settlement, and so is unlikely to have had an extensive geographical setting. A development involving housing of more than two stories on this site could have some impact upon the setting of Lilac House, but it is thought to be possible to develop this site without any notable impact upon its setting, subject to height restrictions.
- 3.161 The site lies 150 metres south of Scheduled Ancient Monument 1018653, Kirkbride Roman Fort, separated by the highway (Birch Hill Lane). The monument includes buried remains of the fort, associated settlement and roman road. It formed part of the original frontier system established prior to Hadrian's Wall. It is one of the Scheduled Monuments comprising Hadrian's Wall World Heritage property, although it does not lie in the World Heritage Site buffer zone.

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<sup>54</sup> Allerdale Local Plan (Part 1) (SD21) Policy S34 Development in the Solway Coast Area of Outstanding Natural Beauty Page 137

<sup>55</sup> Heritage Topic Paper TP9a appendix 1

- 3.162 There is no physical impact on the Kirkbride Roman Fort Scheduled Monument. The County Council's Historic Environment Officer considers that although there is the potential for non-designated archaeological assets to survive on the proposed housing site, it is highly unlikely that any such remains will be of demonstrable equivalent significance to the scheduled monument and so be subject to the policies for designated heritage assets. It is considered that any archaeological assets are very likely to be of local significance and warrant mitigation by the implementation of an appropriate scheme of archaeological investigation and recording.
- 3.163 The County Council highlighted drainage issues in connection with this site, and the potential existence of a highway drain traversing the land. The County Council has confirmed that some works have been undertaken to address nearby highway drainage concerns, and that their advice is to highlight issues that would need to be taken account of as part of any development; this issue is capable of being addressed. The Strategic Flood Risk Assessment did not advise against the site (KBR02) but advised careful site layout and design around flood risk.
- 3.164 The Council considers that the likely impacts of the development of this site are acceptable or can be made acceptable through appropriate mitigation.

***Q49. Has the impact of the proposed housing allocation on the nearby Grade II\* listed Lilac Cottage and Scheduled Ancient Monument: Kirkbride Roman Fort been adequately assessed? Is the allocation consistent with the Framework in this regard and other policies in the ALPP1 which seek to protect the historic environment?***

- 3.165 Yes, the impact of the proposed housing allocation on the nearby Grade II\* listed Lilac Cottage and Scheduled Ancient Monument: Kirkbride Roman Fort has been adequately assessed.
- 3.166 At its closest point, Site SA27 lies 120 metres to the north east of the curtilage of the grade 2\* listed (clay dabbin) Lilac Cottage. The potential of development proposals on Site SA27 to impact upon Lilac Cottage and its setting have been examined by the Council's Conservation Officer, as set out in the Heritage Topic Paper TP9a<sup>56</sup>. Lilac Cottage is clearly an important historic asset due to its age and materials, but it is thought to have always been a small holding consisting of a modest house with byers, within the settlement, and so is unlikely to have had an extensive geographical setting. A development involving housing of more than two stories on this site could have some impact upon the setting of Lilac House, but it is thought to be possible to develop this site without any notable impact upon its setting, subject to height restrictions.
- 3.167 The site lies 150 metres south of Scheduled Ancient Monument 1018653, Kirkbride Roman Fort, separated by the highway (Birch Hill Lane). The monument includes buried remains of the fort, associated settlement and

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<sup>56</sup> Heritage Topic Paper TP9a appendix 1

roman road. It formed part of the original frontier system established prior to Hadrian's Wall. It is one of the Scheduled Monuments comprising Hadrian's Wall World Heritage property, although it does not lie in the World Heritage Site buffer zone.

- 3.168 There is no physical impact on the Kirkbride Roman Fort Scheduled Monument. The County Council's Historic Environment Officer considers that although there is the potential for non-designated archaeological assets to survive on the proposed housing site, it is highly unlikely that any such remains will be of demonstrable equivalent significance to the scheduled monument and so be subject to the policies for designated heritage assets. It is considered that any archaeological assets are very likely to be of local significance and warrant mitigation by the implementation of an appropriate scheme of archaeological investigation and recording.
- 3.169 It is therefore considered that available evidence and expertise has been used to create a balanced judgement on the scale of harm or loss and the significance of the heritage asset as required by the NPPF<sup>57</sup>. In addition, appropriate mitigation has been considered and, as such, it is believed that the relevant requirements of the Framework have been met.
- 3.170 The level of significance of the Heritage Asset and the likely impact of the proposal on the significance of the Heritage Asset have been taken into account and as such it is considered that Policy S27 of the ALPP1 has been met as far as it is possible at allocation stage. Whether and how the significance and/or setting of the asset could be better revealed and any necessary mitigation will be taken account of, in line with the requirements of this policy, at planning application stage.

***Q50. Are the suggested Main Modifications MM23, MM24 and MM25 justified? Are they necessary in the interests of soundness?***

- 3.171 Main Modification MM23 referencing the proximity of the grade 2\* listed Lilac Cottage provides clarity to developers on site specific considerations that will need to be taken into account as part of any development scheme, highlighting the importance of this particular listed asset. The modification makes the policy more effective in delivering appropriate sustainable development on the site which accords with Policy S27 of the ALPP1 and Section 12 of the NPPF.
- 3.172 Given the proximity of Site SA27 to the Kirkbride Roman Fort Scheduled Ancient Monument, Main Modification MM24, as advised by the County Council's Historic Environment Officer and Historic England, referencing the fort, strengthens and provides clarity in the policy in emphasizing the potential for important archaeological remains on this particular site, highlighting the need for archaeological investigations prior to the submission of a planning application.

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<sup>57</sup> National Planning Policy Framework (2012) Paragraphs 129, 135 Pages 30-31

- 3.173 The modification makes the policy more effective in delivering appropriate sustainable development on the site, in accordance with Section 12 of the NPPF, and Policy S27 of the ALPP1.
- 3.174 Main Modification MM25 alters the policy wording in relation to surface water drainage, to reflect the advice of Cumbria County Council. The modification provides clarity on site specific considerations that will need to be taken into account as part of any development scheme, making the policy more effective in delivering appropriate sustainable development on the site in terms of drainage, consistent with Policy S29 of the ALPP1<sup>58</sup>.

Land West of Matty Lonning, Thursby (Policy SA29)

***Q51. Is the proposed allocation (40 units) justified and appropriate in terms of the likely impacts of the development?***

- 3.175 Yes. Thursby is identified as a Local Service Centre in the ALPP1. In combination, the eleven Local Service Centres are expected to accommodate up to 20% of the district's housing growth for the plan period. The apportionment of the growth between the Local Service centres is set out in the Housing Topic Paper TP3<sup>59</sup>.
- 3.176 This site represents an extension to the St Andrews View estate which is approaching completion; the site has been put forward by the same developer. Despite a site area of 3.65 hectares, the number of units that can be satisfactorily delivered on this site is limited by the constraints which are outlined below. This number is however sufficient to accommodate Thursby's growth for the remainder of the plan period, and development would represent completion of this part of the village. St Andrew's View has been designed to accommodate additional utilities/services and drainage infrastructure to facilitate the development of site SA29, and archaeological investigations were undertaken over the entire site area.
- 3.177 The site lies in Landscape Character sub-type 5b, Low Farmland, in the Cumbria Landscape Character Guidance and Toolkit. The key characteristics of this landscape are undulating and rolling topography, intensely farmed agricultural pasture consisting of large hedge-lined rectangular fields, with patchy areas of woodland. The guidance notes the prevalence of large and small nucleated settlements and recommends that new development should respect the historic form and scale of the villages. On the village periphery, the site will be prominent when viewed on approaches along the A595, particularly travelling in a north easterly direction (towards Carlisle), although Policy SA29 sets out the expectation that the western hedgerow boundary will be reinforced with native planting. Development will also be viewed against the backdrop of the existing St Andrews View Estate. The site is well contained between the A595 and Low Road, and to the north, beyond the hedge-lined Matty Beck, the land rises towards Torkin View and Yew Tree

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<sup>58</sup> Allerdale Local Plan (Part 1) (SD21) Policy S29 Flood Risk and Surface Water Drainage Page 124

<sup>59</sup> Housing Topic Paper TP3 section 4

House. The estate will be noticeable in the immediate locality, but not in the wider landscape, and suitable landscaping will assist in ameliorating its appearance. The developable area of the site is restricted, which will also reduce its prominence, and provides further opportunities for enhanced landscaping. Whilst the site does not relate so well to the nucleated form of the village, the A595 is a barrier to further development to the west, and the allocation represents an effective use of this remaining piece of land. Subject to an appropriate layout and planting scheme, it is considered that the visual impact of the development can be minimised.

- 3.178 A number of representations by the local community relate to the highway impacts of the development in terms of highway safety, the need for speed restrictions, increases in traffic, and the safety of the junction of the A595 with Low Road, particularly when turning right from the former to the latter. These matters were examined when the application for the St Andrews View development was considered; at that time the 69 unit development did not trigger the need for improvements to the Low Road/A595 junction, or an extension to the 30 mph speed limit in Thursby. A review is required to consider the impact of the additional units.
- 3.179 Access to the site is acceptable in principle, having been appraised in the Local Plan Site Access Assessment 2018 (EB5)<sup>60</sup>, a study jointly commissioned and approved by Cumbria County Council. The study demonstrates that the site can be accessed independently from Low Road, irrespective of connections to the existing St Andrews estate. Modelling did not suggest that the local road network would be unable to accommodate further development. The Highways Authority is in agreement that there is the potential for mitigation measures at the A595/Low Road (C2047) junction, should it be demonstrated to be necessary, and similarly there is scope to move the speed limit if necessary.
- 3.180 Noise from the A595 to the west of the site, and the 50 metre high wind turbine (74 metres to blade tip) associated with How End Farm which lies to the south west of the site constrains the development potential of the entire site area. At its closest point, the edge of the site is located 260 metres from the turbine. A noise study commissioned by the site promoter has identified that the primary source of noise affecting the site is road traffic along the A595 to the west, although using appropriate layout and design, and incorporating bunding and acoustic fencing, the effect can be mitigated for parts of the site.
- 3.181 Policy S19 in the ALPP1, Renewable Energy and Low Carbon Technologies, normally seeks an 800 metre buffer between residential properties and wind turbines, although it highlights that site specific factors (e.g. orientation of views, land cover and topography) may make this threshold variable if there is evidence to demonstrate there will be no adverse impact on residential amenity. In proposing to allocate the land for housing, the amenity principles encompassed within Policy S19 need to be considered, and Policy S32 of the ALPP1 relates specifically to the safeguarding of amenity.

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<sup>60</sup> Local Plan Site Access Assessment 2018 (EB5) Page 8

- 3.182 Guidance outlines that properties within 10 rotor diameters distance from any turbine may experience potentially significant impacts of shadow flicker. This threshold has been applied in appeals for wind turbine development. A shadow flicker assessment demonstrates that different parts of the site are likely to experience 10 hours per year of shadow flicker which is considered within acceptable limits for this type of disturbance. Other areas are expected to experience 20 hours of shadow flicker per year, and some parts would experience no shadow flicker. Layout and orientation to ensure no direct views of the turbine can assist in the mitigation of effects to ensure that proposed development would not experience any overbearing impact from the presence of the turbine. The site is outside the topple zone of the turbine with Low Road traversing through the intervening segregating strip of land.
- 3.183 The County Council has indicated that there would be insufficient school places in Thursby Primary School and Caldew Secondary School (the catchment schools) to accommodate the number of pupils generated by this development. This advice is issued with the caution that it represents a snapshot in time, and that the position is subject to change. The Council has a good working relationship with the County Council over the provision of school places at the planning application stage. The Council's adopted Developer Contributions SPD (SD12)<sup>61</sup> will be used to determine the most appropriate method of addressing the shortage of school places at the time of any planning application.
- 3.184 It is acknowledged that this site is subject to a number of considerations that constrain the developable area of this site. However, the Council considers that the likely impacts of the level of development identified in Policy SA29 are acceptable or can be made acceptable through mitigation.

***Q52. Is the suggested Main Modification MM26 justified? Is this necessary in the interests of soundness?***

- 3.185 Main Modification MM26 inserts the requirement for a Transport Assessment into Policy SA29, on the advice of the Highways Authority. This reflects local concerns over the safety of the junction between Low Road and the A595, and the traffic impact of the development. This modification provides clarity on site specific considerations that a prospective developer would need to take into account as part of any development proposals, making the policy more effective in delivering appropriate sustainable development on the site, consistent with Policy S22 (Transport Principles) of the ALPP1, and Part 4 of the NPPF.

**Issue 3d: Affordable Housing (Policy SA3)**

***Q53. Does the Local Plan make appropriate provision for affordable housing?***

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<sup>61</sup> Developer Contributions SPD (SD12) pages 19-25

- 3.186 Policy SA3 Affordable Housing (ALPP2)<sup>62</sup> proposes the allocation of sites for housing development across the Borough and seeks a provision of 20% affordable housing across the Borough (40% specifically for the Cockermouth area given the high level of need and the evidence of a more viable housing market in the area).
- 3.187 Paragraph 47 of the NPPF<sup>63</sup> outlines that local planning authorities should use their evidence base to ensure their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area.
- 3.188 Table C1 CLG Needs Assessment Summary for Allerdale of the Housing Study 2016<sup>64</sup> identifies a total of 3,135 households in housing need which represents 6.8% of all households across Allerdale. Over the five-year period 2016/17-2020/21, the overall gross need for affordable housing is 671 affordable dwellings each year. With a supply of around 496 affordable dwellings each year, this results in an overall net imbalance between supply and need of 175 affordable dwellings each year. Placed in the context of the annual growth targets of 304 (both open market and affordable) over the plan period affordable housing requirements equate to approximately 58% of the annual housing requirement.
- 3.189 Paragraph 3.7 of the Housing Topic Paper 2018<sup>65</sup> highlights that, since the adoption of the ALLP1<sup>66</sup> in 2014, Policy S8 Affordable Housing (ALPP1) has resulted in significant and consistent affordable housing delivery as part of open market housing developments. Seeking a requirement of 20% affordable provision within the Principal and Key Service Centres (40% for Cockermouth) and a 25% requirement for settlements outside of Key Service Centres (for housing development of 5 dwellings (or 0.15ha) or more) Policy S8 has achieved an affordable housing provision of 219 dwellings between 2014/15 and 2017/18 compared with an open market housing delivery of 1,198 during the same period.
- 3.190 From 2018, the Council can demonstrate a pipeline of consented housing development expected to yield approximately 259 affordable units through Section 106 agreements. Outside of S106 agreements a total of 137 affordable units have been delivered through affordable rent, shared ownership and social rent since 2011/12.

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<sup>62</sup> [https://www-cloudfront.allerdale.gov.uk/media/filer\\_public/c1/2c/c12cd0e9-32e5-4d77-b7dd-0b25d8adb482/cd1-allerdale\\_local\\_plan\\_part\\_2\\_pre-submission\\_september\\_2018.pdf](https://www-cloudfront.allerdale.gov.uk/media/filer_public/c1/2c/c12cd0e9-32e5-4d77-b7dd-0b25d8adb482/cd1-allerdale_local_plan_part_2_pre-submission_september_2018.pdf)

<sup>63</sup>

<https://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>64</sup> [https://www-cloudfront.allerdale.gov.uk/media/filer\\_public/1e/01/1e011f77-7e42-44dc-9f32-d3d95efbed8a/eb6-housing\\_study\\_2016.pdf](https://www-cloudfront.allerdale.gov.uk/media/filer_public/1e/01/1e011f77-7e42-44dc-9f32-d3d95efbed8a/eb6-housing_study_2016.pdf)

<sup>65</sup> [https://www-cloudfront.allerdale.gov.uk/media/filer\\_public/08/b8/08b80c2c-3b9c-47d4-8a6d-0116776f8b5b/tp3a-housing\\_topic\\_paper\\_update\\_january\\_2019.pdf](https://www-cloudfront.allerdale.gov.uk/media/filer_public/08/b8/08b80c2c-3b9c-47d4-8a6d-0116776f8b5b/tp3a-housing_topic_paper_update_january_2019.pdf)

<sup>66</sup> [https://www-cloudfront.allerdale.gov.uk/media/filer\\_public/75/ab/75ab8862-bdee-4f3d-850d-2735286da5c1/adopted\\_allerdale\\_local\\_plan\\_part\\_1\\_-\\_final\\_version\\_151014.pdf](https://www-cloudfront.allerdale.gov.uk/media/filer_public/75/ab/75ab8862-bdee-4f3d-850d-2735286da5c1/adopted_allerdale_local_plan_part_1_-_final_version_151014.pdf)

- 3.191 Table 7.1 of the Viability Study 2018<sup>67</sup> shows the results of viability testing on all sites proposed to be allocated for housing in the ALPP2. There are no proposed housing allocations for Cockermouth which has an affordable housing requirement of 40%.
- 3.192 There is a total of 18 sites with which proposals coming forward would require a 20% affordable housing provision, subject to viability. The findings of the Viability Study 2018 suggest that five of these sites would not be viable for any level of affordable housing (SA15, SA16, SA17, SA19 and SA26). Excluding these sites from affordable housing provision calculations, a combined yield of 1,000 dwellings across 13 proposed housing sites equates to a potential contribution of up to 200 affordable dwellings in the period 2018-19 to 2028/29. This is in addition to a combined total since 2011/12 of 947 affordable housing units delivered, commitments in the pipeline, estimates through Outline planning permissions and contributions secured outside of s106 obligations.
- 3.193 This amounts to a total of 1,147 affordable dwellings across the plan period, outside of any affordable provisions coming forward on rural exception sites and windfall sites. Table 5 provides a snapshot of affordable housing provision across the plan period since 2011.

<b>Delivery Type</b>	<b>Figure</b>
Affordable housing delivered between 2011-2019 (via s106) (Council data, 2019)	455
Affordable units secured outside of s106 agreements (affordable rent, shared ownership, social rent)	137
Pipeline commitments (via s106) (Council data, 2019)	259
Outline applications s106 affordable housing (via s106) (estimate via Outline)	96
Potential affordable housing yield (extracted from findings of Viability Study 2018)	200
<b>Total</b> (exc. Windfall and Rural Exceptions Sites)	<b>1,147</b>
<b>Shortfall</b> (net requirement 175 per annum x 15 years)	<b>1,478</b>

*Table 5: Current affordable housing position 2011-2029*

- 3.194 Whilst the Council has facilitated the delivery of 592 affordable homes since the start of the plan period (with approximately 259 commitments in the pipeline and an approximate 96 in Outline) it has also directly responded to the challenges of affordable housing delivery by resolving to establish a Council owned housing company. In February 2019 the Council resolved that the proposal to develop a business plan to support the creation of a Council owned housing company be approved.

<sup>67</sup> [https://www-cloudfront.allerdale.gov.uk/media/filer\\_public/a3/78/a3788ecf-36d6-4ced-a2bb-10a50f1811d8/eb2-viability\\_study\\_2018.pdf](https://www-cloudfront.allerdale.gov.uk/media/filer_public/a3/78/a3788ecf-36d6-4ced-a2bb-10a50f1811d8/eb2-viability_study_2018.pdf)

- 3.195 Agenda Item 10 of the Council's Executive Board meeting held 25 February 2019<sup>68</sup> states that the company will be flexible in its ability to provide housing at an affordable rent of sale whilst also developing housing for the open market either independently or via joint venture arrangements with partners.
- 3.196 The housing company is expected to provide the Council with a delivery mechanism to develop new homes that will support the Council's drive to meet housing need across the borough and will complement other housing developments currently being undertaken or proposed by Registered Providers and private developers.
- 3.197 In recognising the challenges associated with the delivery of affordable housing in low market areas, paragraph 3.15 of the Housing Topic Paper details those other strategies the Council is pursuing to deliver affordable housing.
- 3.198 The Council actively engages with landowners, developers and Registered Providers to help remove obstacles to delivery and has been successful in securing funding from the Homes England Accelerated Construction Programme for two sites in the principal town of Workington.
- 3.199 In July 2018 it was announced<sup>69</sup> that Registered Provider Home Group were confirmed as a Homes England preferred partner to ramp up the building of affordable homes. Home Group are active in Allerdale and are introducing their own affordable products for sites in Maryport with the provision of 14 affordable units<sup>70</sup>, and in Wigton with the provision of 22 affordable units<sup>71</sup> representing 20% of the scheme.
- 3.200 The Council also continues to consider other means of delivery through providing financial support to Community Land Trusts, purchasing empty homes, offering discounted sale of Council assets and new ways to utilise New Home Bonus funding. These means of delivery are reflected under housing and welfare reform paragraphs (p8) of the Cumbria Housing Strategy and Investment Plan 2011-2015<sup>72</sup> which recognises these efforts as additional means of securing affordable housing.
- 3.201 These achievements and endeavours will be further supported by initiatives such as announced in the Spring Statement 2019 regarding the Affordable Homes Guarantee Scheme whereby the government will guarantee up to £3 billion of borrowing by housing associations in England to support delivery of around 30,000 affordable homes.

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<http://abcmodgov.allerdale.gov.uk/documents/s121774/Exec%20report%20housing%20company.pdf>

<sup>69</sup> <https://www.gov.uk/government/news/homes-england-agrees-first-wave-of-strategic-partnerships-to-ramp-up-building-of-affordable-homes>

<sup>70</sup> <https://planning.allerdale.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128072>

<sup>71</sup> <https://planning.allerdale.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=173370>

<sup>72</sup> [https://www.eden.gov.uk/media/2275/cumbria\\_housing\\_strategy.pdf](https://www.eden.gov.uk/media/2275/cumbria_housing_strategy.pdf)

**Q54. Is it sufficiently clear what forms ‘an exceptional circumstance’ to justify off site provision of affordable housing referred to in Policy SA3?**

- 3.202 Paragraph 50 of the NPPF states that, where there is an identified need for affordable housing, planning authorities should set policies for meeting this need on site unless off-site provision or a financial contribution of broadly equivalent can be robustly justified. Policy SA3 Affordable Housing (ALPP2) states that affordable housing will be provided on site apart from in ‘exceptional circumstances’. The supporting text of the policy at paragraph 59 (ALPP2) expands upon the term ‘exceptional circumstance’ with: *“In exceptional circumstances where site specific issues preclude the provision of on-site affordable housing off-site contributions may be accepted in line with the provisions of the Developer Contributions SPD”*.
- 3.203 An exceptional circumstance therefore applies where the developer can demonstrate that site specific issues preclude the provision of on-site affordable housing.
- 3.204 Once this has been demonstrated by the developer and agreed by the Council, paragraphs 2.10–2.14 set out transparent and rigorous criteria for the developer to adhere:
- consider alternative sites that are in the same town/village as the proposed development
  - ensure the percentage requirement of ALPP1 Policy S8 (or ALPP1 Policy S9 or subsequent ALPP2 SA3) is applied across both sites to ensure a pro-rata contribution
  - avoid an inappropriate mix of tenures across the two sites or excessive in dominance of affordable housing within the particular location.
  - ensure the site already has planning permission for housing and can accommodate the off-site provision
  - be acceptable to the Council for housing in principle and in which case, the site will need to be the subject of a concurrent planning application.
  - agree the timescales for completion of the affordable units on the alternative site in the S106 agreement.
- 3.205 Where it can be demonstrated that the developer is unable to provide the affordable housing requirement on an alternative site according to the above criteria, the developer may buy an equivalent number of dwellings of the correct size on the open market for use as affordable housing.
- 3.206 If none of these options are feasible the Council will consider the provision of affordable housing by way of financial contribution calculated using a formulaic approach set out in the SPD.
- 3.207 These latter options acknowledge that uncommon, site specific exceptional circumstances can exist with some sites which would prevent the delivery of affordable housing at the proposed site and further demonstrate the policy’s commitment to achieving affordable housing where it cannot be demonstrated on the proposed site or off site.

**Q55. Is the requirement for an affordable housing provision of 20% in all housing developments of more than 10 dwellings or where the dwellings have a combined gross floor space of more than 1000sqm justified by the evidence base available?**

- 3.208 Paragraph 50 of the NPPF states that, where there is an identified need for affordable housing, planning authorities should set policies for meeting this need on site (unless off-site provision or a financial contribution of broadly equivalent can be robustly justified).
- 3.209 Policy S8 Affordable Housing (ALPP1) has helped to secure significant and consistent affordable housing commitments to date yet the overall position of provision across the borough demonstrates the challenging nature of affordable housing delivery and a continued imbalance between supply and need across the plan period. This justifies the need for Policy SA3 (ALPP2).
- 3.210 Policy SA3 Affordable Housing (ALPP2) states that all housing development of more than 10 dwellings, or where the dwellings would have a combined gross floor space of more than 1,000 square metres, will be required to make provision for 20% affordable housing on site unless there are exceptional circumstances. Supporting text at Paragraph 55 (ALPP2) identifies that the proportion of affordable housing sought in policy SA3 has been developed using the available evidence of identified need together with local viability and market evidence. The identified need has largely been demonstrated through the Housing Study 2016.
- 3.211 The Housing Study considers supply and need by analysing the annual need from existing and newly forming households within each Strategic Housing Market Area compared with the supply of affordable dwellings. Table C1: 'CLG Needs Assessment Summary for Allerdale' of the study identifies a net annual housing need imbalance of 175 across a five-year period of 2016/17-2020/21.
- 3.212 As a means of revisiting the local viability and market evidence reported in the Housing Study 2016, the Viability Study 2018 tests the 20% requirement across a range of sites in Allerdale. The study finds that while most of the proposed residential allocations are viable, affordable housing contributions are only achieved on some sites if a flexible approach is taken to Policy SA3.
- 3.213 The wording of Policy SA3 allows for this degree of flexibility, enabling the Council to take a pragmatic approach to negotiating planning obligations and the flexible nature of the policy aligns with the requirement of NPPF paragraph 50 whereby "*such policies should be sufficiently flexible to take account of changing market conditions over time*".
- 3.214 The Viability Topic Paper considers the findings of the Viability Study. The Paper acknowledges that the plan area includes towns and villages with low value sites which represent a greater challenge for the delivery of affordable housing. However, Table 5.8 of the Topic Paper demonstrates that affordable

housing contributions are being achieved in lower market value areas. The Topic Paper finds that, except for a few sites, the losses identified in the Viability Study 2018 are marginal and unlikely to prevent sites and contributions coming forward. The 20% affordable housing requirement is justified by the collection of evidence base available.

***Q56. Is the requirement for an affordable housing 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 justified by the evidence base available?***

- 3.215 The main evidence supporting the 40% affordable housing requirement for Cockermouth is found within the Strategic Housing Market Assessment 2011<sup>73</sup> Cockermouth Housing Market Area which the Housing Study 2016 draws upon.
- 3.216 Stage 1 of section 4 of the Housing Study 'Housing Need', identifies the annual requirement for affordable housing in Cockermouth of 38 affordable homes equating to 195 over the five-year period 2016/17-2020/21.
- 3.217 Paragraph 5.31 of the Viability Study 2018 confirms that as there are no proposed housing allocations for Cockermouth there has been no viability testing undertaken based on the 40% affordable housing requirement. Although the ALPP1 allows for a 10% windfall allowance it is the committed affordable housing supply that will be key to delivering affordable housing in the town..
- 3.218 However, evidence available within the Housing Study demonstrates that Cockermouth, in a small and moderate to high value housing market area, is both a popular and aspirational location to live where there is justification (within the Allerdale Housing Viability Study 2012<sup>74</sup>) to uplift the affordable requirement where market conditions improve.
- 3.219 Recent planning approval and build out rate data for Cockermouth indicates that a total affordable housing provision of 244 has been secured in Cockermouth since 2013 with contributions of 40% being achieved. This evidence demonstrates that the policy has been effective in boosting affordable housing delivery in Cockermouth over a relatively short period of time across the plan period as the Council and the market have shared concerns around the availability of affordable housing within Cockermouth.
- 3.220 It is important that the Council does not deviate from the 40% requirement at this stage of the plan period as it is with the principle of affordable housing commitments in the pipeline which is significant. The Council are satisfied that existing planning consents, which have undergone rigorous viability testing at the planning application process, are sufficient for the local plan period. Although the Council recognise that the size and quantity of any

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<sup>73</sup> [https://www-cloudfront.allerdale.gov.uk/media/filer\\_public/c1/2c/c12cd0e9-32e5-4d77-b7dd-0b25d8adb482/cd1-allerdale\\_local\\_plan\\_part\\_2\\_pre-submission\\_september\\_2018.pdf](https://www-cloudfront.allerdale.gov.uk/media/filer_public/c1/2c/c12cd0e9-32e5-4d77-b7dd-0b25d8adb482/cd1-allerdale_local_plan_part_2_pre-submission_september_2018.pdf)

<sup>74</sup> Allerdale Housing Viability Study 2012

windfall sites coming forward is unlikely to yield the same level of affordable supply, it is considered essential to maintain the current spatial strategy to safeguard existing commitments.

**Issue 3e: Custom and Self-Build Housing (Policy SA4)**

***Q57. Does the Local Plan make appropriate provision for Custom and Self-Build housing?***

3.221 The Council recognises the contribution self and custom build can make to the delivery of housing in the area. Policy SA4 provides an effective and positive policy framework to support that delivery. There are currently three sites available in the plan area, with planning consent, providing a total of 71 serviced self-build plots (see Table 6).

<b>Site Location</b>	<b>Number of Plots</b>
Lowca Lane Seaton	42
Land at Derwent Forest	24
Lorton Road Cockermouth	5
<b>Total</b>	<b>71</b>

*Table 6: Permitted sites provided self-build plots*

3.222 In addition, there has been and continues to be a good supply of single plots as demonstrated in the 5 year land supply assessment. Although not 'badged' as self/custom- build at planning application stage these permissions are largely delivered by custom and self-builders.

3.223 The Council works proactively to promote and support delivery of self/custom build. The Council recently hosted an event bringing together financial advisers, architects, construction suppliers, and people that have completed self-build projects to advise those that are interesting in undertaking a self/custom build scheme. The Council is also developing a plot finder service to match people wishing to self- build with landowners, particularly those with permissions for single plots or small sites. In addition, the Council offers a grant towards the cost of applying for planning permission and building control consent.

3.224 Delivery of a self/custom build scheme presents different challenges to a site delivered by a single developer. Policy SA4 is necessary to ensure that the quality of design, amenity standards and the co-ordination of services and infrastructure delivery is achieved consistently across multiple plots and owners.

***Q58. What evidence does the Council have which shows the level of interest in Custom and Self- Build housing?***

3.225 The Council maintains a custom and self-build register for the area of the Borough outside the National Park. The number of entries on the register is shown in Table 7:

Year	Number of Entries
2016/2017	3
2017/2018	10
November 2018	0

*Table 7: Number of entries on Allerdale’s Custom and Self-Build Register*  
(Source: Allerdale Custom and Self Build Register 2016-2018)

3.226 An update of the register was undertaken in November 2018 to verify that those appearing on the register still wish to remain on it. In addition, the Housing Study 2016<sup>75</sup> household survey did ask stakeholders to rank future key housing market drivers; encouraging and enabling self-build was the lowest priority.

### **Issue 3f: Housing Standards (Policy SA5)**

***Q59. Is the proposed requirement that all new homes are designed and constructed to meet optional Building Regulation requirement M4(2) justified by the evidence base available and consistent with national policy including the guidance set out in the Planning Practice Guidance?***

3.227 The requirement for all new homes to be designed and constructed to meet optional Building Regulation requirement M4(2) is justified by evidence and it is consistent with national policy. One of the core planning principles of the 2012 National Planning Policy Framework is that “planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the place in which people live their lives”<sup>76</sup>. Planning should also “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings”<sup>77</sup>.

3.228 The requirements of Policy SA5 in respect of the provisions relating to M4(2) is the most appropriate strategy for meeting the needs of the district now, and in the future. Local planning authorities are required to “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community”<sup>78</sup>. This aligns with the fact that there is a need for the planning system to perform a number of roles to achieve sustainable development, including “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations”<sup>79</sup>. This in turn will improve the conditions in which people live and widen the choice of high quality homes<sup>80</sup>.

<sup>75</sup> Table 5.3 Ranking of priorities by stakeholders p70 Allerdale Housing Study 2016 (ED 6)

<sup>76</sup> Paragraph 17 of the National Planning Policy Framework (2012)

<sup>77</sup> Paragraph 17 of the National Planning Policy Framework (2012)

<sup>78</sup> Paragraph 50 of the National Planning Policy Framework (2012)

<sup>79</sup> Paragraph 7 of the National Planning Policy Framework (2012)

<sup>80</sup> Paragraph 9 of the National Planning Policy Framework (2012)

- 3.229 The evidence gathered to support this policy has been taken from a range of datasets in accordance with paragraphs 002, 005 and 007 of the Planning Practice Guidance. The policy does not seek to impose additional requirements other than those stated in M4(2) (paragraph 008 of the Planning Practice Guidance). Site specific factors will be taken into account when applying the policy requirements as outlined within Policy SA5 (paragraph 008 of the Planning Practice Guidance). In accordance with paragraph 003 of the Planning Practice Guidance, Policy SA5 has been subjected to a full viability assessment.
- 3.230 Evidence contained within Topic Paper 1a shows that between 2006 and 2016 there was an increase of 4.6% in the number of people aged 65 and over living in Allerdale. This was a faster rise than the Cumbrian, regional and national rates. By 2039 the trend of a faster ageing population in Allerdale is expected to have continued – Allerdale will experience a 9% increase when compared to 7% in the North West and 6% in England.
- 3.231 Between 2017 and 2035 there will be an increase of 46% in the number of people aged 65 and over who will have mobility problems. In addition, there will be a 65% increase in the number of people aged 65 and over who will have mobility problems. Older properties are more difficult to retrospectively adapt and make fit for purpose for those with mobility issues. Nearly 30% of Allerdale’s housing stock pre-dates 1919, with only 21.6% of homes having been built after 1985. One of the hardest house types to adapt are terraced houses; 26% of Allerdale’s housing stock comprise of terraced houses.
- 3.232 Policy SA5 has been developed with the support of Cumbria County Council, in line with the National Planning Policy Framework which states that local planning authorities should work with public health leads “to understand and take account of the health status and needs of the local population...including expected future changes and any information about relevant barriers to improving health and well-being”<sup>81</sup>.
- 3.233 The Infrastructure Delivery Plan (CD12) shows that there is limited capacity within local elderly care and specialist homes. Policy SA5 supports the County Council’s approach to managing the demand on local elderly care and specialist homes by changing the way that care and support is delivered. This is consistent with the requirements of national policy which says that planning should “take account of and support local strategies to improve health, social and cultural wellbeing for all”<sup>82</sup>.
- 3.234 The County Council is seeking that the additional demand is managed by preventing, reducing or diverting demand on these services; promoting the independence and self-reliance of people who need to access a service<sup>83</sup>. Therefore, it is even more important to incorporate these requirements into new homes so that people can stay in their own homes for as long as they

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<sup>81</sup> Paragraph 171 of the National Planning Policy Framework (2012)

<sup>82</sup> Paragraph 17 of the National Planning Policy Framework (2012)

<sup>83</sup> ‘Commissioning Strategy for Care and Support delivered by Adult Social Care: 2016-2020’ – Cumbria County Council

want to and not be forced to leave properties which cannot support their living needs.

- 3.235 The evidence clearly shows that there is an ageing population in Allerdale – essentially, as there is an increase in the number of people in the older age groups, and a decrease in the number of people in the younger age groups, it is a ‘super-ageing’ population. This will have an impact on the demands on the housing stock in Allerdale due to the mobility and disability issues associated with increases in age.
- 3.236 Allerdale Borough Council’s Housing Study (EB6) showed that the preferred housing option for older people is to continue to live in their current home; the next most popular option is to buy a home on the open market. By introducing Policy SA5, not only is the Allerdale Local Plan (Part 2) taking local circumstances into account<sup>84</sup>, it will allow older people in the future to either stay in their own homes for longer, or for residents to have an increased chance to purchase a suitable ‘lifetime’ home on the open market. Introducing the policy as part of this Plan period will increase the supply of suitable homes available in order to meet the needs of the future population.

***Q60. Is the proposed requirement that 5% of the total units on all residential developments over 30 units should be designed and constructed to meet Building Regulation requirement M4(3) justified by the evidence base available and viable?***

- 3.237 Limited data is available relating to the number of wheelchair users in Allerdale. The Council has used a formula is included within the Habinteg ‘Mind the Step’<sup>85</sup> report to calculate the indicative unmet need for wheelchair use housing in a local authority area. Using the formula, it shows that there are approximately 1,269 wheelchair user households within Allerdale. In the North West region, 23% of wheelchair user households have unmet housing needs. Applying this 23% unmet need to Allerdale’s 1,269 wheelchair households indicates that Allerdale has an unmet need of 292 houses.
- 3.238 In order to calculate an annual requirement, the 292 houses have been apportioned across the Local Plan period of 18 years. This equates to 16 units per annum, representing 5% of Allerdale’s annual housing supply target of 304.
- 3.239 Whilst the Habinteg report states that approximately 2.8% of households in England consist of a wheelchair user, it is considered that this figure will be higher in Allerdale due to a population which is ageing faster than the national average. The 2016 Allerdale Housing Study showed that over the next five years, 2.4% of under-65 years require adaptations to be made to houses to accommodate wheelchair access, whereas in the age group 65+ years, this increases to 3.4%. This shows that there is more demand for wheelchair accessible homes in the older age groups. As previously stated, the

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<sup>84</sup> Paragraph 10 of the National Planning Policy Framework (2012)

<sup>85</sup> <https://www.habinteg.org.uk/reports-and-briefings/mind-the-step-report-622>

population of Allerdale is ageing at a fast rate and therefore it would be expected that the demand will increase with the increased age in population.

- 2.240 Using this evidence, it is considered that the requirements for 5% of units on all developments over 30 units to meet the requirements of M4(3) is aspirational but it is realistic<sup>86</sup> and proportionate.
- 2.241 A Viability Study (EB2) has been carried out by Keppie Massie for the Allerdale Local Plan (Part 2) and, as part of this, assessed the impact of the M4(3) requirement of Policy SA5. Within this assessment, an allowance of £5,500 per dwelling was applied to 5% of the dwellings where the total development yield on a site is expected to be at least 30 units. The £5,500 figure included considerations such as turning circles, accessible thresholds, parking bays, a ground floor level access shower and hoist capable trusses. The assessment also factored in design fees and contingencies. Therefore, it is considered that the viability assessment has been conducted in a thorough manner and has fully considered what will be required in order to provide the requirements of M4(3). The results of the Viability Study showed that, on average, the cost of including M4(3) will be £11 per m<sup>2</sup>.
- 2.242 The results show that, unsurprisingly, viability improves in the higher value areas of Allerdale. It is expected that the Council may need to balance the requirements for all planning contributions at the planning application stage in low to mid value areas when looking at site specific viability (see response to Question 61).

***Q61. Is the wording in Policy SA5 of the ALPP2 sufficiently flexible to ensure that this policy does not undermine the viability and delivery of residential development in the Borough?***

- 2.243 Policy SA5 states that for both the provision of M4(2) and M4(3) the Council will take a flexible approach to the provision of the policy requirements where it can be demonstrated that they cannot be delivered due to physical site constraints, or where it would significantly harm the financial viability of the scheme.
- 2.244 The supporting text to the policy states that applicants must provide clear, justified evidence that the policy requirements cannot be fully achieved. The Council will seek a lower level of provision before assessing the appropriateness of removing the policy requirement completely. This will be assessed in accordance with adopted Policy S21 ('Developer Contributions') within the Local Plan (Part 1) (SD21) and the Developer Contributions Supplementary Planning Document (SD12).

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<sup>86</sup> Paragraph 154 of the National Planning Policy Framework (2012)