



The Planning Inspectorate

# **Independent Examination of the Allerdale Local Plan (Part 2) Sites Allocations**

## **Inspector's Matters, Issues and Questions for Examination**

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**Inspector appointed by the Secretary of State**

**Date: 14 March 2019**

## **Introduction**

Prior to the forthcoming Hearing sessions responses are invited from participants on the following Matters, Issues and Questions ('MIQs') raised by the Inspector. The MIQs do not intend to cover every policy in the Allerdale Local Plan (Part 2) Site Allocations Document (ALPP2). Instead they are based on the Issues identified by issues raised by the Inspector, the Council and other relevant issues raised by representors.

As the ALPP2 was submitted on 18 January 2019, in accordance with the transition arrangements set out in the National Planning Policy Framework February 2019<sup>1</sup>, the policies in the previous National Planning Policy Framework March 2012 (NPPF) will apply for the purpose of examining the plans submitted on or before the 24 January 2019. Therefore, when I refer to the NPPF in the MIQ and during the hearing sessions, it will be the provisions of the 2012 version, unless otherwise specified.

Further information about the Examination, Hearings and format of written statements is provided in the accompanying Guidance note, which should be read alongside the MIQs.

Abbreviations – HRA – Habitat Regulations Assessment; NPPF – National Planning Policy Framework; PPG – Planning Practice Guidance; SA – Sustainability Appraisal; ALPP1 – Allerdale Local Plan Part 1; ALPP2 - Allerdale Local Plan Part 2 Site Allocations Document

## **Matter 1: Procedural/legal requirements**

### **Issue 1a: Whether the Council has complied with the relevant procedural and legal requirements**

- Q1. Has the ALPP2 been prepared in accordance with the latest version of the Local Development Scheme in terms of its form, scope and timing? Are there any obvious omissions, in terms of policy guidance, from the submitted plan?
- Q2. Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents?
- Q3. Has the Local Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) [Local Plan Regulations]?
- Q4. Are the likely environmental, social and economic effects of the ALPP2 adequately and accurately assessed in the Sustainability Appraisal? Does the SA test the plan, its allocations and policies against reasonable alternatives? Have the requirements for Strategic Environmental

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<sup>1</sup> Paragraph 214 of the National Planning Policy Framework February 2019

Assessment been met? Is it clear how the SA has included the ALPP2 and how mitigation measures have been dealt with?

- Q5. Is the Local Plan legally compliant with respect to the Habitats Regulations and any requirement for Appropriate Assessment? Was the approach in accordance with recent judgement of the Court of Justice of the European Union (12 April 2018-Case C-323/17)<sup>2</sup> which ruled that it is not appropriate to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site at the screening stage as part of the Habitat Regulations Assessment (HRA)? How have the findings of the HRA influenced the ALPP2 and will the policies achieve the necessary mitigation?
- Q6. Does the approach in, and evidence supporting, the ALPP2 demonstrate that it would contribute to mitigating and adapting to climatic change in accordance with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 (as amended)?
- Q7. Is the Local Plan legally compliant with national policy, the provisions of the Planning and Compulsory Purchase Act 2004 (as amended) and the Local Plan Regulations for the preparation of the plan?
- Q8. Does the ALPP2 make it clear, as required by Part 4, paragraph 8(5) of the Local Plan Regulations, which parts of the existing development plan it will supersede?
- Q9. The Council has produced a Schedule of Minor Post- Publication Changes (Ref CD17). Are all these changes minor? Or are some Main Modifications that require full consultation/sustainability appraisal?

**Issue 1b: Is the Local Plan’s preparation compliant with the Duty to Cooperate imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) [PCPA]?**

- Q10. In preparing the ALPP2, has the Council complied with the Duty to Cooperate required by Section 33A of the PCPA?
- Q11. Have the relevant local planning authorities and prescribed bodies engaged constructively, actively and on an ongoing basis?
- Q12. How has the co-operation influenced the preparation of the ALPP2?

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<sup>2</sup> People Over Wind and Peter Sweetman v Coillte Teoranta: Judgment of the Court (Seventh Chamber) 12 April 2018 ECLI identifier: ECLI:EU:C:2018:244

## **Matter 2: General Approach to Development and Settlement Boundaries**

### **Issue 2a: Is the general approach to development in the Local Plan justified, effective and consistent with national policy?**

- Q13. Is the Council's approach to the development and safeguarding identified sites on the Policies Maps in Policy SA1 justified? Is the presumption in favour of renewing lapsed consents for major committed developments consistent with national policy?
- Q14. Are the suggested Main Modifications MM2, MM3, MM5 and MM7 justified? Are they necessary in the interests of soundness?

### **Issue 2b: Whether the proposed approach towards settlement boundaries is justified, effective and consistent with national policy in enabling the delivery of sustainable development and the ALPP1?**

- Q15. Is the methodology for the review and definition of the settlement boundaries set out in the Settlement Boundary Review Topic Paper (September 2018) (Ref SD7) soundly based? Are the criteria under Principles 1-4 in the Topic Paper logical and justified in defining the built limited of settlements and the land to be included within and excluded from settlement boundaries? Should any other principles or criteria have been applied in defining settlement boundaries?
- Q16. Are the settlement boundaries proposed in the ALPP2 logical in defining the built limits of the individual settlements and justified in relation to the principles and criteria set out in the Settlement Boundary Review Topic Paper (Ref SD7)? Have they been positively prepared and are they consistent with national policy in enabling the delivery of sustainable development and the ALPP1?

## **Matter 3: Housing**

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

**N.B In responding to the questions on site allocations the Council should identify and address specific key concerns raised in the representations e.g. in terms of adverse impacts, delivery etc.**

### **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?

- 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?

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?

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?
- Q21. Is there a sufficient range and number of sites allocated in Policies SA6 and SA8-SA29 of the ALPP2 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?
- 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?
- 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?
- 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?
- Q25. In overall terms would the Plan realistically deliver the number of houses required over 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?
- 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?
- 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?
- Q29. Do Policies SA6 and SA8-SA29 provide sufficient clarity on the likely affordable housing and infrastructure requirements for the each site to allow for an assessment of viability and deliverability?
- Q30. Are the Site Specific requirements for each of the housing sites in Policies SA8-SA29 adequately justified?

**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?
- Q32. Has sufficient regard been had to the close proximity of the development to the Maryport Harbour Site of Special Scientific Interest?
- Q33. Is the suggested Main Modification MM12 justified? Is this necessary in the interests of soundness?

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

Land off Syke Road, Wigton (Policy SA14)

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

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

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

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?
- 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?

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

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?

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

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

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

- Q53. Does the Local Plan make appropriate provision for affordable housing?
- Q54. Is it sufficiently clear what forms 'an exceptional circumstance' to justify off site provision of affordable housing referred to in Policy SA3?
- 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 1000 sqm justified by the 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?

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

- Q57. Does the Local Plan make appropriate provision for Custom and Self-Build housing?
- Q58. What evidence does the Council have which shows the level of interest in Custom and Self-Build housing?

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

- Q59. Is the proposed requirement that all new homes are designed and constructed to meet optional Building Regulation requirements M4 (2) justified by the evidence base available and consistent with national policy including the guidance set out in the Planning Practice Guidance<sup>3</sup>?
- 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

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<sup>3</sup> PPG: Housing: Optional Technical Standards Reference ID: 56-007-20150327

Building Regulation requirements M4 (3) justified by the evidence base available and viable?

- Q61. Is 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?

#### **Matter 4: Gypsies, Travellers and Travelling Showpeople**

##### **Issue 4: Whether the proposed approach towards Gypsies, Travellers and Travelling Showpeople (GTTS) is justified, effective and consistent with national policy and the ALPP1?**

- Q62. Does the Local Plan make appropriate provision for GTTS during the Plan Period?
- Q63. Policy SA31 proposes an allocation of a Gypsy and Traveller site at the Former caravan park at Oldside outside the settlement boundary to accommodate the identified needs for permanent and transit pitches for Gypsies and Travellers during the plan period? How does this allocation comply with Government Policy for traveller sites?
- Q64. Is the proposed site (Policy SA31) suitable and available as a Gypsy and Traveller site? In particular, how easily accessible is the site to health services, local education facilities and other community services? Are there any overriding problems with the allocation of the site or particular constraints? If so how are they to be addressed?

#### **Matter 5: Employment**

##### **Issue 5: Whether the Plan is justified, effective and consistent with national policy and the ALPP1 in relation to the supply and distribution of employment land?**

**N.B In responding to the questions on site allocations the Council should identify and address specific key concerns raised in the representations e.g. in terms of adverse impacts, delivery etc.**

##### **Issue 5a: Employment – General Approach**

- Q65. Is the methodology for the assessment and selection of the sites for development set out in the Employment Land Topic Paper (Ref TP6) soundly based? Have the sites for development been selected using an appropriate methodology? 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?

- Q66. Is the overall level of employment land provided for in Policies SA34 and SA36-SA45 consistent with the employment land requirements and strategy set out in Policy S3 and paragraphs 74-77 of the ALPP1?
- Q67. Is there a sufficient range and number of sites allocated in Policies SA34 and SA36-SA45 of the ALPP2 to deliver the employment land requirements over the plan period? Do the allocations allow sufficient flexibility to meet the employment land requirements in Policy S3 and paragraphs 74-77 of the ALPP1?
- Q68. Is it sufficiently clear to decision-makers, developers and local communities when the employment sites in Policies SA36-SA45 are likely to come forward?
- Q69. 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?
- Q70. Are the Site Specific requirements for each of the employment sites in Policies SA36-SA45 adequately justified?

**Issue 5b: New Employment Allocations –Site Specific Issues**

Land north of Low Road, Cockermouth (Policy SA43)

- Q71. Is the proposed allocation (0.75 hectares) justified and appropriate in terms of the likely impacts of the development?
- Q72. Are there any overriding problems with the allocation of the site or particular constraints? If so how are they to be addressed?
- Q73. Are the suggested Main Modifications MM34 and MM35 justified? Are they necessary in the interests of soundness?

**Issue 5c: Safeguarding Existing Employment Sites and Premises**

- Q74. Is the approach to the protection of existing Employment Sites and Premises in Policy SA35 effective and justified? Does the Plan provide sufficient opportunities for the expansion of existing employment sites and premises and flexibility for alternative uses where appropriate?

**Matter 6: Retail**

**Issue 6: Whether the Plan is justified, effective and consistent with national policy and the ALPP1 in relation to the provision of land for retailing?**

- Q75. Are the sites allocated for retail development in Workington under Policy SA46-SA48 sufficient to meet the identified need for retail development over the Plan Period?

- Q76. Are the allocations consistent with national policy and the retail strategy in Policy S16 of the ALPP1? Do they achieve an appropriate balance between safeguarding the proposed sites for main town centre uses and allowing flexibility to accommodate other uses that would support the vitality and viability of the town centre?

### **Matter 7: Wind Energy**

#### **Issue 7: Whether the proposed approach towards wind energy is justified, effective and consistent with national policy and the ALPP1?**

- Q77. Is the approach of defining the areas suitable for wind energy development set out in the Wind Energy Topic Paper (Ref TP7) soundly based?
- Q78. Are the potentially suitable areas justified, effective and consistent with national policy and Policy S19 of the ALPP1? Are there any significant factors that indicate that these areas should not have been designated?
- Q79. What is the justification for having sensitivity zones whether proposals for wind energy development will be restricted to small scale turbines? Is it clear to decision makers, developers and the local communities what types of development will be acceptable and where? Are these zones justified and effective in accordance with the recommendations of the HRA and other evidence based work?
- Q80. The Appropriate Assessment in relation to Policy SA50 recommends that the sensitivity zones shown on the Wind Energy Inset Policy Map as only suitable for small-scale turbines should be amended to include the ecologically sensitive designated nature conservation sites including the ecological designations along the Allerdale coastline and inland<sup>4</sup>. In response to the Inspector's Initial Questions<sup>5</sup> the Council advised that the current policy approach of assessing wind energy development through project level Habitat Regulation Assessment and Appropriate Assessment would continue in line with the provisions of Policy S19 of the ALPP1. Does this approach provide a robust policy framework to ensure that any proposal for wind energy is appropriately assessed in relation to ecologically sensitive designated nature conservation sites and achieves the necessary mitigation?
- Q81. Is the suggested Main Modification MM41 justified? Is this necessary in the interests of soundness?

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<sup>4</sup> Habitats Regulations Assessment of the Local Plan Site Allocations: WYG Environmental Planning Transport Ltd (September 2018) para. 7.2.3

<sup>5</sup> Document Ref INSP.01

### **Matter 8: Natural Environment**

#### **Issue 8: Whether the proposed approach towards natural environment is justified, effective and consistent with national policy and the ALPP1?**

##### **Issue 8a: Amenity Green Space (Policy SA51)**

- Q82. Is the basis for assessing, selecting and rejecting Amenity Green Space objective, consistent and justified by robust evidence?
- Q83. Is the Council policy to designate and protect amenity green space in lower tiers of the settlement hierarchy only, justified and consistent with national policy and the ALPP1?

##### **Issue 8b: Green Infrastructure (Policy SA52)**

- Q84. Is the approach to the protection and enhancement of Green Infrastructure network in Policy SA52 effective and justified? Is the identification of the Green Infrastructure network on the Policies Map appropriate? Is the policy likely to result in conflicts with other aims of the Plan and national policy considerations and if so does the policy need to be modified so as to minimise such conflicts?
- Q85. Are the suggested Main Modifications MM42, MM43, MM44 and MM45 justified? Are they necessary in the interests of soundness?

##### **Issue 8c: Green Gaps (Policy SA53)**

- Q86. What is the justification for 'green gaps' between Kirkbampton and Thurstonfield and Prospect and Oughterside?
- Q87. How were the green gaps identified on the Policies Map and what process was followed? What evidence-based documents were used to inform this process?
- Q88. Are the green gaps justified, effective and consistent with national policy? Are there any significant factors that indicate that these areas should not have been designated?

### **Matter 9: General (Non-site) Policies**

#### **Issue 9: Whether the individual policies are positively prepared, justified, effective and consistent with national policy and the ALPP1?**

##### **Issue 9a: Tourism, Coastal and Countryside Recreation (Policy SA32)**

- Q89. Is the wording of the policy consistent with national policy and sufficiently flexible to allow for appropriate tourism attractions, facilities and accommodation in the Borough?

**Issue 9b: Broadband (Policy SA33)**

- Q90. Is the term 'high speed and reliable' broadband connection a specific enough basis on which to determine planning applications? What criteria would be used to determine whether broadband is 'high speed and reliable' for individual development proposals?
- Q91. How would the delivery of this policy be achieved? Is the delivery of a broadband connection within the control of developers?
- Q92. Is the wording of the policy suitably flexible to allow for circumstances where this would be unviable or not possible?
- Q93. Is the suggested Main Modification MM27 justified? Is this necessary in the interests of soundness?

**Issue 9c: Lower Derwent Valley (Policy SA49)**

- Q94. Is the approach to the protection of Lower Derwent Valley in Policy SA49 effective and justified? Does the Plan provide sufficient opportunities for new or expansion of existing sport or leisure facilities and ancillary main town centre uses and flexibility for alternative uses where appropriate?
- Q95. Is the policy effective in managing development within the Lower Derwent Valley and identifying sufficient opportunities for protection and enhancement of the natural environment and flood risks in the area?
- Q96. Are the suggested Main Modifications MM36, MM37, MM38, MM39 and MM40 justified? Are they necessary in the interests of soundness?