

# Allerdale Borough Council

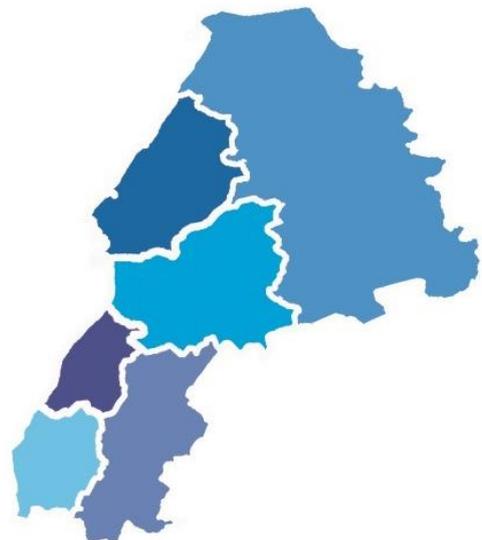


## Allerdale Local Plan (Part 2) Site Allocations

Examination Matters and Issues

Matter 9 – General (non-site)  
Policies

April 2019



**Issue 9: Whether the individual policies are positively prepared, justified, effective and consistent with national policy and the ALLP1?**

**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?***

9.1 Allerdale is home to some amazing landscapes, environs and scenery that attract a high number of tourists to the area. Therefore, there can be pressure for tourism-related development in the very areas that need the most protection. Tourism is an important economy within Allerdale (see table below) and it is vital that the Council achieves the right balance of supporting tourism-related economic growth whilst protecting the local environment which attracts the tourists.

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Number of tourists</b>	6.934 million	7.205 million	7.469 million	7.91 million
<b>Visitor expenditure</b>	£310.29 million	£322.85 million	£333.14 million	£475 million
<b>Number of direct jobs</b>	4,895	4,972	5,039	5,240
<b>Number of indirect jobs</b>	1,218	1,236	1,248	1,290

9.2 Policy S17 within the Allerdale Local Plan (Part 1) promotes sustainable tourism-related development. However, since the adoption of the Allerdale Local Plan (Part 1) in 2014 and the use of Policy S17 in the determination of planning applications, it has become apparent that the policy wording needed to be amended to be more flexible. Therefore, the Council is seeking to replace adopted Policy S17 with Policy SA32 to provide greater opportunities in respect of tourism, whilst still protecting Allerdale's sensitive resources and assets, and reflecting the rurality of parts of the district. This is consistent with the whole purpose of the National Planning Policy Framework (2012) to achieve sustainable development, taking into account the social, environmental and economic aspects of development.

9.3 Policy S17 has been amended in a number of ways in order to meet the development needs of Allerdale<sup>1</sup>, and to plan positively<sup>2</sup> and proactively to support local businesses<sup>3</sup>.

9.4 Policy SA32 now applies to existing tourism attractions and facilities, as well as new ones and the policy has been further widened to include land based rural business diversification schemes, rather than just farm based rural

<sup>1</sup> Paragraph 14 of the National Planning Policy Framework (2012)

<sup>2</sup> Paragraph 16 (bullet point 2) of the National Planning Policy Framework (2012)

<sup>3</sup> Paragraph 20 of the National Planning Policy Framework (2012)

businesses<sup>4</sup>. The conversion or reuse of a redundant rural building as tourist accommodation will be supported if it complies with Policy S31 and has no harmful impacts (directly or indirectly).

- 9.5 The requirement to provide attractions and facilities sequentially according to the settlement hierarchy has been removed. The Council will support new or improved visitor attractions and accommodation within the Principal, Key and Local Service Centres; tourist facilities and accommodation will also be supported in other locations where proposals accord with policy criteria. This demonstrates that tourist-related development is welcome across the whole of Allerdale, providing that planning policies are accorded with, it is of an appropriate design<sup>5</sup> and scale and that proposals do not result in any significant adverse effect (indirectly or directly) on the natural and historic environment. Additional environmental protection has been added with the policy now also including Sites of Special Scientific Interest and National Nature Reserves<sup>6</sup>.
- 9.6 One area of concern was the fact that the Council was receiving planning applications to extend existing tourist accommodation which had been approved through other licensing processes rather than the planning process. Therefore the policy now includes a statement that extensions to existing tourist accommodation sites will only be considered as an extension where the original site was considered and approved as part of the planning process. This provides the Council with more control to ensure that the provision of visitor accommodation remains at an appropriate scale for the location.
- 9.7 Overall, the Council considers that Policy SA32 is consistent with national policy and that the policy is now sufficiently flexible to allow for appropriate tourism attractions, facilities and accommodation within Allerdale. The policy will support economic growth in rural areas by taking a proactive approach to sustainable new development through: supporting the development and growth of existing and new businesses, promoting the development and diversification of agricultural and other land based rural businesses; and supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside<sup>7</sup>.
- 9.8 It is considered that Policy SA32 accords with the core planning principles of the National Planning Policy Framework (2012)<sup>8</sup> as by making the amendments, the policy: proactively supports sustainable economic development; it responds positively to wider opportunities for growth; it takes account of the different roles and characters of the area; and it recognises the intrinsic character and beauty of the countryside and will support the thriving rural communities within it.

---

<sup>4</sup> Paragraph 21 (bullet point 3) of the National Planning Policy Framework (2012)

<sup>5</sup> Paragraphs 28 (bullet point 2) and 56 of the National Planning Policy Framework (2012)

<sup>6</sup> Paragraph 109 (bullet point 1) of the National Planning Policy Framework (2012)

<sup>7</sup> Paragraph 28 of the National Planning Policy Framework (2012)

<sup>8</sup> Paragraph 17 of the National Planning Policy Framework (2012)

## **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?***

- 9.9 High speed broadband would be considered to be speeds above the standard broadband levels; currently this would be superfast or ultrafast as defined in the Broadband Topic Paper (TP2). However, it is recognised that as technology develops, these definitions are likely to change. Therefore, an up to date definition of superfast and ultrafast will be made at the time of a planning application based upon Government/Industry guidance.
- 9.10 There is an aspiration within Cumbrian for all Cumbrian homes to be connected to at least 30mbps (which equates to Ofcom's definition of superfast broadband). The UK Government target is for the majority of homes to be connected to gigabit capable full fibre broadband infrastructure by 2033. It should further be noted that the UK Government is currently considering amending Building Regulations Approved Document Part R: (Physical infrastructure for high-speed electronic communications networks) to require all new build sites be built with the necessary infrastructure in place to support gigabit-capable networks.
- 9.11 Connecting Cumbria is part of the wider National Broadband Scheme (NBS) run by Broadband Delivery UK (BDUK) which is a Government team responsible for delivering superfast broadband and local full fibre networks across the UK. Cumbria County Council and BT are in charge of rolling out the NBS in Cumbria through the Connecting Cumbria scheme. Between January 2010 and April 2018, the coverage of superfast broadband in Allerdale (including the Lake District National Park area) has increased from 3.2% to 91.4%, with fibre based infrastructure, delivering speeds of at least 10Mbps, coverage increasing from 4% to 97.2%.
- 9.12 In preparing the Local Plan (Part 2), the Council decided to take the opportunity to capitalise on these improvements to the coverage. It is considered that broadband is increasingly becoming viewed as a necessary infrastructure akin to gas, electricity and water. Buyers of new commercial or residential properties now no longer query if superfast broadband services will be in place at a property; such services are expected as standard with extreme frustration if they are not available. It is considered to be particularly important in Allerdale, for both social connectivity and local economic growth, given the rural nature of most of the district.
- 9.13 It is recognised that given the rural nature of parts of Allerdale that even this improved coverage will not extend into the most isolated of areas; however, ensuring that all new planning applications for residential and commercial development consider this issue allows future NBS programmes to focus on the areas of greatest need. Therefore, evidence would need to be provided

that the infrastructure provided through the requirements of Policy SA33 would support future connectivity to the highest speed possible.

***Q91. How would the delivery of this policy be achieved? Is the delivery of a broadband connection within the control of developers?***

- 9.14 Applicants/developers will not be required to provide the broadband connection . they will be expected to engage with a network provider who will undertake provision of the necessary infrastructure (e.g. ducting and cabinets) at the same time as other services are being installed. The most efficient way to install ducting for broadband infrastructure is as an additional conduit alongside electrical or water connections; therefore if engagement takes place at the planning stage there is often no additional cost or inconvenience to developers. Openreach offers to connect multi-unit developments at no cost to developers if engagement takes place at the planning stage and other network operators offer similar services.
- 9.15 The requirement to provide the broadband infrastructure will be added to any relevant planning permission as a condition, in the same way as drainage works or play areas for example.
- 9.16 Applicants/developers would be required to provide evidence to show that they have engaged with a network operator to provide infrastructure. If they are not able to engage with a network operator, they must provide evidence, in line with the Council's planning application validation checklist, to show that they have taken all reasonable steps to make provision for broadband services but that the installation cannot be physically or viably achieved.

***Q92. Is the wording of the policy suitably flexible to allow for circumstances where this would be unviable or not possible?***

- 9.17 It is considered that the wording of the policy, and its supporting text, is suitably flexible to allow for circumstances where the provision of the broadband infrastructure would be unviable or not possible.
- 9.18 The Council will take a stepped approach to achieving the policy requirements. The Council will first require the applicant/developer to engage with a network operator to provide the necessary infrastructure to support fibre broadband connection. If it is proven that this is not possible, then the Council will expect the developer to establish service provision via alternative broadband technology (e.g. mobile or satellite) through engagement with specialist network providers.
- 9.19 If it is satisfactorily evidenced that neither of these can be delivered, for either viability or physical implementation issues, then the policy requirement will not be pursued. It should however be noted that due to the current extent of fibre broadband infrastructure and availability of a range of alternative broadband technology suppliers in the area it is anticipated that only very isolated developments will require exemption from this policy.

***Q93. Is the suggested Main Modification MM27 justified? Is this necessary in the interests of soundness?***

9.20 Main Modification MM27 was included in the submission version of the Local Plan (Part 2) (CD2) following the consultation which was held on the Pre-Submission version of the document (CD1). The Council recognised that the policy did not explicitly refer to the engagement between applicants and broadband service operators in the process of providing the necessary infrastructure required for successful future connectivity. It is not considered that the amendments affect the soundness of the policy but they do offer clarity and guidance to applicants.

## **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?***

- 9.21 The Council decided that an overarching policy was required to guide development in this area of Workington. This was based on a number of reasons; multiple parcels of land were submitted at Call for Sites which could result in a fragmented, unco-ordinated approach to development, the area had benefited from a multi-million pound new leisure centre which acted as a catalyst for further investment in sporting facilities (joint football and rugby league stadium), it is an important gateway to the town requiring schemes to deliver high quality design, public realm and open space and finally the River Derwent is an important asset for the town for its informal recreation and its biodiversity value. It also represents a constraint to development in terms of flood risk. The policy brings all these elements together to ensure that a comprehensive, consistent approach is applied.
- 9.22 The policy aims to develop this area of Workington to provide a complementary role to the town centre, building particularly on its sporting history and recent investment in the leisure centre. This is reflected in the policy's support for appropriate new or replacement sport and leisure facilities. In addition, the policy recognises that ancillary main town centre uses maybe appropriate to complement and add to the sporting and leisure experience and as such flexibility is built into the policy which allows an appropriate mix of uses for that purpose. While it is recognised that the policy should build in flexibility for alternative uses it is important that the scale of main town centre uses does not undermine the viability and vitality of the town centre. The ALPP2 provides for sequentially preferable retail allocations to meet the need for the plan period. The council considers that Policy SA49 is sufficiently flexible to allow an appropriate mix of uses that complements not under mines the existing town centre.

***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?***

- 9.23 The policy, supporting text and Policies Map combine to effectively manage development in the Lower Derwent Valley. The area covered by Policy SA49 has been influenced by the Strategic Flood Risk Assessment (SFRA) and Habitat Regulations Assessment (HRA). With respect to flood risk the area to the east of the Workington Reds Football Stadium has been specifically excluded based on the recommendation of the SFRA (document EB1) as this area acts as functional flood plain. In addition, the policy seeks, as part of the River Derwent corridor, to support opportunities to increase flood storage and Main Modifications MM39 and MM40 seek to further strengthen the policy approach to flood risk.

9.24 The policy and supporting text clearly identifies the nature conservation importance of the River Derwent corridor and its tributaries and the need to safeguard and take opportunities to enhance their biodiversity value. Maintaining suitable buffers on the banks of both the River Derwent and tributaries are highlighted in the supporting text (paragraph 131) and through the green infrastructure network. The requirement to carry out an Assessment of Likely Significant Effect is also mentioned in paragraph 131.

***Q96. Are the suggested Main Modifications MM36, MM37, MM38, MM39 and MM40 justified? Are they necessary in the interest of soundness?***

9.25 Main modifications MM36 and MM37 are necessary rewording to allow the policy to read correctly with the proposed addition of a 4<sup>th</sup> and 5<sup>th</sup> bullet point in the policy. MM38 introduces the requirement for development in the Lower Derwent Valley to ~~to~~ deliver a measurable biodiversity net gain+. This modification makes the policy more effective by providing greater clarity and certainty for developers and a measurable indicator to ensure biodiversity enhancement is delivered. This approach is reflected in Natural England's comments. MM39 and MM40 strengthens the policy in terms of ensuring flood risk is appropriately considered and highlights the need to take account of the erosion of the river bank. The wording reflects the recommendation of the Environment Agency and brings the policy in line with national policy.