



Our Ref: A092014

16th April 2019

FAO Kerry Trueman
Programme Officer Solutions Limited
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Dear Ms Trueman

**ALLERDALE LOCAL PLAN (PART 2) EXAMINATION – MAY 2019
ID REPRESENTOR ID 512- PORT DERWENT PROPERTIES LTD
RESPONSES TO THE INSPECTOR'S MATTERS, ISSUES AND QUESTIONS
MATTERS 2B – SETTLEMENT BOUNDARIES (POLICY SA2)
AND
MATTER 8B – GREEN INFRASTRUCTURE (POLICY SA52)**

Further to the Planning Inspectors' matters, issues and questions raised on the 14th March 2019, please find below responses to the questions raised for Matters 2b and 8b on behalf of our client – Port Derwent Properties Ltd.

Our client owns a number of land holdings in Workington comprising:

- land adjacent to Derwent Howe Retail Park;
- land north of Isabella Road;
- land south of Isabella Road; and
- land at Curwen Road, Workington.

Port Derwent Properties Ltd. has engaged with Allerdale Borough Council through the earlier stages of the development of the Local Plan, and more recently at the Submissions stage on the 16th November 2018.

Our response to each of the questions raised by the Planning Inspector for Matters 2b and 8b, which are relevant to our client's land holdings are set out below.

Issue 2b – Settlement boundaries (Policy SA2)

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 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?

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It is questionable as to whether there is a need for defined settlement boundaries in a modern planning system that requires flexibility of approach and one which is responsive to local circumstances. The use of settlement boundaries per se can be excessively restrictive leading to lost opportunities for new development to come forward. In an area such as West Cumbria, where significant investment from outside the area is difficult to achieve, there is a strong case to suggest that the use of defined settlement boundaries is an inappropriate planning tool.

It leads to unnecessary constraint and a perception of negativity to new development. It is not a supportive policy stance for anybody wishing to invest in the area where market values are low and the costs of mitigation for physical constraints (such as removal of contaminated land and other impediments) are high. The development pressures within Allerdale are not of such a magnitude (compared to other areas such as the South-East of England) that it warrants that degree of planning control. The NPPF does not openly advocate the use of settlement boundaries as the national policy promotes flexibility in the planning system, rather than constraint. Furthermore, not all Local Planning Authorities in Cumbria use defined settlement boundaries as part of their planning policy (e.g. Carlisle District Local Plan 2015), and therefore their use within the Allerdale area would appear to be inconsistent and over-zealous in relation to national and local policy approaches.

The four principles contained in the Allerdale Local Plan (Part 2) Site Allocations Settlement Boundary Review (September 2018) do not recognise previous regeneration aspirations for the area, such as the Derwent Howe Masterplan (2008). Consequently, potential opportunities for the re-development of part of Derwent Howe will now be seriously undermined and impacted upon through the revised settlement boundary, which now cuts through the Masterplan area.

In the case of our client's site north of Isabella Road, Workington, the proposed Local Plan Site Allocations seeks to redraw the settlement boundary, cutting directly through the middle of the site. The consequences of the actions of the current proposed Local Plan Site Allocations would be that there would be no financial incentive for the owners of the site to maintain this important gateway site adjacent to the Port of Workington Harbour. This strategy will significantly undermine the general amenities of the area, which is often used for public enjoyment. It would also mean that a potential opportunity such as a leisure/tourism development would be severely constrained by this exclusion of half the site that could form an important amenity area as part of a larger leisure use scheme associated with its location adjacent to the Port. The four principles are therefore not soundly based.

The four principles are insufficiently flexible to recognise land immediately adjacent to the built form for either regeneration in the case of brownfield sites or land underutilised such as at Derwent Howe but which could still be regarded as sustainably located in proximity to the built-up area. As a minimum, the principles should therefore be amended to allow consideration of parcels of land on the edge of settlements, which have been identified previously for economic or housing regeneration and which could come forward at a later date.

The Allerdale Local Plan (Part 2) Site Allocations Settlement Boundary Review (September 2018) shows the line of the existing settlement limit boundary, which recognised the area of the Derwent Howe Masterplan. The Land North of Isabella Road extends along the River Derwent from the Curwen Road residential development to the mouth of the river. The site was identified in the Derwent Howe Master Plan as one of the most important areas for development, and accordingly the site should be allocated for mixed use development, including the potential for retail and residential use within the



defined settlement boundary. The existing settlement boundary line should therefore be retained going forward in the Allerdale Local Plan (Part 2).

Q16 – Are the settlement boundaries proposed in 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 in the ALPP1?

The settlement boundaries proposed in ALPP2 are not logical in defining the individual settlements – the example of Derwent Howe located in the maps for Workington North and Central, South and Central and South and Harrington is a case in point that economic development could be unnecessarily curtailed in this part of Workington. It is not clear as to the economic or planning reasons for drawing the settlement boundaries so tightly in this case, and the failure by Allerdale Borough Council to take forward the aspirations for growth and regeneration first identified in the Derwent Howe Masterplan. Economic development in Allerdale and indeed West Cumbria is difficult enough without unnecessary policy constraints such as this one.

The NPPF states that Plans should:

"be prepared positively, in a way that is aspirational but deliverable." (paragraph 16 my underlining)

It goes onto say:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."(paragraph 80 – my underlining)

In the case of Derwent Howe, the existing settlement boundaries provide the necessary flexibility and would enable future development and regeneration options to be explored working with the Local Enterprise Partnership to deliver the aspirations in the Derwent Howe Masterplan. Such an approach would thereby support the national Government's objectives in delivering sustainable development.

Planning policies need to be aspirational, setting clear goals and strategies for regeneration and planned economic growth. In the case of Derwent Howe previous economic aspirations appear to have been abandoned by the Local Planning Authority in favour of restraint. Yet there are serious questions as to how the aspirations in the Derwent Howe Masterplan could be fulfilled without the positive public policy intervention that is required in this case.

Port Derwent Properties Ltd requests the Local Plan should be seen as an opportunity to realise the potential for regeneration of the Derwent Howe area and develop a comprehensive approach to the redevelopment of an important area of Workington and West Cumbria. Failure to prepare an appropriate, robust strategy for the area undermines the Plan.

The settlement boundaries, as currently proposed, have not therefore been altogether positively prepared, and are not consistent with national policy in enabling the delivery of sustainable development identified in 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?

While Port Derwent Properties Ltd. does not support the Green Infrastructure allocation, it is understood that the Policy as originally framed did not seek to constrain development. Rather, Policy SA52 directs proposals to be considered at an early stage of the design process for all major development proposals and it states that:

'proposals that strengthen and extend the existing green infrastructure network will be supported.'

Port Derwent Properties Ltd. has a current live planning application with Allerdale Borough Council for their land adjacent to the Derwent Howe Retail Park in Workington (application reference 2/2018/0595). The proposal comprises:

"outline planning application for commercial development involving mixed retail (A1), food (A3) and hot food takeaway (A5) uses totalling 2,350sqm (25,295sqft)."

This application site is previously-developed (brownfield) and comprises former industrial land used as associated railway track. The railway line remains on the site, although it is now disused. Part of the southern end of the application site is grassed. A belt of mixed and over-grown trees and scrub runs the length of the application site, which appear to have little arboricultural value. However, the Local Planning Authority placed a Tree Preservation Order on the site in June 2015. The layout provides landscape planting which is required to replace the existing poor-quality amenity belt. Trees and shrubs would therefore soften and frame views of the new development. The aim would therefore be to recognise and maintain the current tree belt as part of the green infrastructure sought by the Council, whilst also enabling a beneficial commercial use of the site. The planning application accords with the original wording of the Policy.

While it is expected that the interpretation of Policy SA52 would on face value elicit the support of Allerdale Borough Council, there is a risk that due to the nature of the policy it could be implemented in a negative way so as to deter beneficial use and positive development coming forward, such as the example site adjacent to Derwent Howe Retail Park. A negative view could be taken, and this could be repeated in other similar locations currently allocated as Green Infrastructure. This approach could have a seriously negative effect on delivering physical enhancement and regeneration on brownfield sites in the urban area.

There is a risk therefore that the approach to the protection and enhancement of Green Infrastructure network in Policy SA52 may result in the opposite effect of what is intended, and it could result in conflicts with other aims of the Plan and national policy considerations, which support development and regeneration in urban areas. The Policy should therefore be amended and made much more explicit that Allerdale Borough Council would support new development on land identified as Green Infrastructure, for example, where sites comprise previously-developed land and re-



development would bring about beneficial re-use compatible with nearby or adjoining uses. The example of the land adjacent to Derwent Howe Retail Park being a typical example where strong Policy support would be helpful.

Q85 – Are the suggested Main Modifications MM42, MM43, MM44 and MM45 justified? Are they necessary in the interests of soundness?

The suggested Main Modifications referred to above would not be justified if they were to be used by the Local Planning Authority as a means to constrain development opportunities in the way outlined in answer to Q84 above.

The Modifications re-enforce our concern that the general thrust of the policy could be used in a protectionist way, rather than trying to enable renewal of the urban fabric by bringing about physical re-development and enhancement that could incorporate existing and new pedestrian, green infrastructure and wildlife linkages.

The Main Modification MM43 is particularly worrying and negatively worded, when it states:

"Development that compromises the function and connectivity of the existing green infrastructure network will be resisted."

This additional sentence within the Policy SA52 implies that there is a common understanding of the function and purpose of Green Infrastructure within Allerdale and is clearly understood in the Local Plan. However, we do not feel that this is necessarily the case in reality. The additional Policy wording could be so interpreted and implemented in a negative way such as to say that any new development irrespective of scale and use would compromise the function of a piece of green space identified as Green Infrastructure irrespective of its value either as natural habitat, its public amenity, its relationship with adjoining uses, or the opportunity benefit derived from re-development.

The Proposed Modifications for Policy SA52 are therefore not necessary in the interests of soundness as they are likely to be contrary to other economic and regeneration objectives of the local Plan, which could lead to tension in its implementation and poor outcomes.

As suggested in answer to Q84 above, there is a need for additional clarification in Policy SA52, which clearly states what the purpose is of land identified as Green Infrastructure within Allerdale. Assuming it is to enable new development in those circumstances where, for example, sites comprise previously-developed land and re-development would bring about beneficial re-use compatible with nearby or adjoining uses, then the Policy should be made very clear to avoid the tensions with other Policy objectives referred to above.

Conclusions

In response to the Planning Inspector's questions we have sought to indicate that the Local Plan ought to be made much more flexible, given the need to support and encourage the scarce opportunities for new development in the Allerdale area.



The proposed settlement boundaries affecting the western portion of Workington should reflect the growth aspirations of the Derwent Howe Masterplan (2008) and should revert back to the current position.

With regard to Policy SA52, the wording in the policy should be made much clearer that it strongly supports re-development and regeneration of the urban fabric whilst also seeking to enhance green corridors - and so there would be a balance to be achieved.

I trust the above responses are satisfactory and duly made.

Yours sincerely,

Graham Hale

Graham Hale

Associate

WYG Group Ltd