
Report to Allerdale Borough Council

by David Troy BSc (Hons) MA MRTPI
an Inspector appointed by the Secretary of State
Date: 9 January 2020

Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

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

The Plan was submitted for examination on 18 January 2019

The examination hearings were held between 14 and 22 May 2019

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Abbreviations used in this report

AA	Appropriate Assessment
AGS	Amenity Green Space
ALPP1	Allerdale Local Plan (Part 1)
ALPP2	Allerdale Local Plan (Part 2) Site Allocations
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
GI	Green Infrastructure
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
ONS	Office of National Statistics
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Allerdale Local Plan (Part 2) Site Allocations (ALPP2) provides an appropriate basis for the planning of the Borough, in conjunction with the Allerdale Local Plan (Part 1) (ALPP1), provided that a number of main modifications [MMs] are made to it. Allerdale Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council has provided the detailed wording for MMs, based on suggestions it put forward during the examination and carried out a Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering SA, HRA and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amend Policies SA1 and SA7 and their supporting text to clarify the approach to the renewal of consents for major housing developments to ensure they are effective and consistent with national policy;
- Modify Policy SA3 to set out a zonal approach to the provision of affordable housing to reflect the viability and needs in different parts of the Borough to ensure the ALPP2 is justified, effective and consistent with national policy;
- Amend Policy SA5 on adaptable and accessible housing to require that 20% of the dwellings on developments of 10 or more dwellings are designed and constructed to meet the M4 (2) standards to ensure the ALPP2 is justified, effective and consistent with national policy;
- Alterations to the site specific Policies SA8–SA28 on Housing Allocations to ensure the ALPP2 is justified, effective and consistent with national policy;
- Delete Housing Allocation Policy SA12 at Maryport Marina, Maryport;
- Expand Policy SA32 and its supporting text to clarify what factors determine whether a proposal is of an appropriate scale and design and the approach to loss or change of use of tourist to non-tourist businesses;
- Amend Policy SA33 and its supporting text to apply to two or more dwellings and for suitable flexibility to allow for circumstances where broadband is not viable or possible to ensure the ALPP2 is justified, effective and consistent with national policy;
- Change Policies SA34 and SA35 on employment sites and premises to allow flexibility for alternative uses in certain circumstances to ensure the ALPP2 is justified, effective and consistent with the ALPP1 and national policy;
- Alterations to site specific Policies SA37–SA43 on Employment Allocations to ensure the ALPP2 is justified, effective and consistent with national policy;
- Amend Policies SA46-SA48 on retail to allow flexibility for main town centre uses and other uses that support the town centre in line with national policy;
- Change Policy SA49 and its supporting text to ensure it is effective and consistent with the ALPP1 in managing development in Lower Derwent Valley protecting and enhancing the natural environment and flood risk in the area;
- Amend Policy SA50 to reflect the need for community backing for Wind Energy proposals to ensure the policy is consistent with national policy;
- Amend Policy SA52 and its supporting text to clarify the approach to proposals for major developments within the Green Infrastructure network and to ensure it is effective and consistent with the ALPP1;
- Amend Appendix 3 to include the Council's Latest Housing Trajectory.

Introduction

1. This report contains my assessment of the Allerdale Local Plan (Part 2) Site Allocations in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework 2012 (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2019 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The ALPP2, submitted in January 2019 is the basis for my examination. It is the same document as was published for consultation in October 2018.

Main Modifications

4. In accordance with Section 20(7C) of the 2004 Act, the Council requested that I should recommend any Main Modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out a Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA) of them. The MMs schedule was subject to public consultation for six weeks. I have taken account of the SA, HRA and consultation responses in coming to my conclusions in this report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map for the ALPP2 comprises the set of plans set out in Examination Documents CD3-CD3d.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further

corresponding changes to be made to the policies map. These Policies Map Modifications (MMD.02) were consulted on as suggested changes proposed by the Council and subject to public consultation for six weeks alongside the MMs.

8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the ALPP2 and the further changes published alongside the MMs.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The strategic cross-boundary matters for the Allerdale Plan were identified and addressed as part of the preparation of the ALPP1. These strategic cross-boundary issues identified included housing, economic development, retail, gypsy and traveller provision and the designated areas such as the Lake District National Park, Solway Coast Area of Outstanding Natural Beauty and the Hadrian's Wall World Heritage Site. Engagement with other local authorities and relevant organisations during the preparation of the ALPP2 has been a continuation of the on-going work which informed the preparation of the ALPP1 utilising well-established mechanisms for discussion. Evidence of this engagement is set out in the Council's Duty to Co-operate Topic Paper (CD13) and the Statements of Common Ground (CD13a).
11. As a two-tier area the ALPP2 has implications for a number of strategic county matters including infrastructure, highways and education provision. The Council has worked closely with Cumbria County Council including their Highways, Education, Historic Environment and Infrastructure Planning teams in relation to the proposed site allocations. It is clear that other local authorities and relevant organisations have had full opportunity to engage with the Council at all key stages in the process of preparing the ALPP2.
12. The Council has clearly taken into account the wider strategic context and the interrelationships with neighbouring areas in terms of the distribution of housing, employment and retail development. It has demonstrated constructive and on-going engagement with local authorities and other organisations on strategic matters as part of the preparation of the ALPP2 and has sought to effectively resolve issues. Furthermore, there are no concerns before me from other authorities and prescribed bodies regarding compliance with the Duty to Co-operate.
13. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the Duty to Co-operate has been met.

Assessment of Soundness

Background

14. The Allerdale Local Plan has been prepared in two parts. Part 1 (ALPP1), which was adopted in July 2014, set out the overall vision and spatial strategy for the Borough up to 2029. It contains strategic policies, which define the quantum and distribution of growth and the hierarchy of settlements where development is to take place across areas of the Borough that lie outside the Lake District National Park. Since the ALPP1 was adopted, the Lake District National Park has been extended within Allerdale District. Part 2 of the Local Plan (ALPP2) contains site allocations and additional policies to deliver the development requirements and policies in the ALPP1. Its key purposes, as set out in the Local Development Scheme (CD14), are to identify site specific allocations and provide detailed policies and areas suitable for wind energy development in conformity with the ALPP1 and national policy.

Main Issues

15. Taking account of all the representations, written evidence and the discussions that took place at the hearings I have identified 11 main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it specifically refer to every policy or policy criterion in the Plan.

Issue 1: Whether the scale and distribution of housing development is consistent with the ALPP1 and the NPPF and whether the Plan is positively prepared and justified and effective with regards to housing?

Housing – Overall Approach

16. Policy S3 of the ALPP1 defines the spatial strategy of the Local Plan and sets out a housing requirement for at least 5,471 net additional dwellings during the Plan Period. The role of the ALPP2 is to allocate sufficient housing sites capable of meeting the remaining part of the housing requirement within the plan period.
17. Policy SA6 of the ALPP2 identifies the housing allocation sites, which are estimated to provide for around 1,256 dwellings. The Council has stated that the development potential/yield of each of the housing allocation sites is at densities consistent with their surrounding settlement character and, the net Development Areas are derived from the Strategic Housing Land Availability Assessment process. The Council has not set a cap on the dwelling capacity of these sites and, it has commented that increased dwelling totals could be acceptable, subject to design and environmental considerations.
18. The largest of these allocations is for 300 dwellings at Whitecroft, Maryport (Policy SA13). The only exception is the site identified in Policy SA29 on Land to the West of Matty Lonning, Thursby, where the potential development area is limited to 40 dwellings due to the particular constraints on this site. The fact that a number of these sites could yield increased amounts of housing compared to the anticipated capacities set out in Policy SA6 works in the Plan's favour and gives more flexibility.

19. Table 2 of the ALPP2 and the Housing Trajectory in Appendix 3 of the ALPP2 summarise the anticipated housing supply and delivery from allocations, housing completions and commitments over the plan period. Following the submission and consultation with developers, landowners and agents, the Council provided an updated Housing Trajectory (as of 31st March 2019) (ABC.06) for the examination. As more up-to-date versions of Table 2 and Appendix 3 are available, these should be amended and modified so that the plan is effective and up-to-date upon adoption (**MM7, MM53**).
20. The updated Table 2 of the ALPP2 set out that 2,338 dwellings have already been completed, 2,986 dwellings have planning permission and 1,256 dwellings allocated, thus giving an overall total of 6,580 dwellings. It therefore comfortably exceeds the housing requirement of 5,471. In this regard the Plan is consistent with paragraphs 47-49 of the NPPF which seek to boost significantly the supply of housing. Based on the evidence before me, I consider that the assumptions made on the likely start dates, built out rates and completions of the housing allocations and commitments shown in the updated Housing Trajectory would be realistic.
21. In quantitative terms, the sites allocated for housing make adequate provision. The Council's Annual Monitoring Report 2017-18 (AMR) (EB13) indicates that the Housing Delivery over the first 7 years of the Plan period (2011-2018) showed a cumulative shortfall of 127 dwellings below the overall Plan target of 304 dwellings per year. Given the slower than anticipated housing growth experienced in Allerdale in recent years, the provision of all of the allocated sites would provide a suitable buffer in the overall housing provision and sufficient flexibility to accommodate changing circumstances, such as the non-delivery of any of the sites.

Housing Allocations Distribution and Spatial Strategy

22. In terms of the distribution of sites and location of housing across the settlement hierarchy these are set out in Policy S3 of the ALPP1. The proposed strategy apportions the majority of housing growth to Workington as the Principal Centre and the Key Service Centres (Aspatria, Cockermouth, Maryport, Silloth and Wigton), which offer the widest range of services and facilities.
23. The starting point for considering the potential site allocations was the need for new housing and the spatial distribution and settlement hierarchy in Policy S3. Not every settlement has land allocated for residential development. Some Key Service Centres already have a housing supply beyond their identified housing target shown in Table 2 of the ALPP2 and as such no additional sites have been allocated in Cockermouth and a limited allocation of 25 dwellings in Wigton. Therefore, based on the evidence before me, the proposed approach to allocate the sites in the Principal Centre and the remaining Key Services Centres is appropriate and provides sufficient flexibility in the land supply to deliver the growth expressed in Policy S3.
24. In the Local Service Centres, the Housing Topic Paper Update January 2019 (TP3a) sets out that the ALPP2 Preferred Options consultation considered two broad options on the distribution of housing growth between the Local Service Centres. The preferred options apportion the amounts of housing growth

across the Local Service Centres based on a number of factors including the size of the settlement, infrastructural and environmental constraints, housing completions/commitments and delivering the spatial strategy, especially recognising the rural sparsity in the north of the Plan area. Only 10 sites totalling 261 dwellings are allocated in Local Service Centres, which will limit the impact of the ALPP2 in sustaining smaller rural communities. However, I acknowledge that deliverable opportunities for housing developments are likely to be limited within the smaller villages of the Borough. The housing needs of such communities are more likely to be met through smaller scale infill developments within settlement boundaries in the Local Service Centres.

25. On this basis, I am satisfied that the proposed distribution and location of housing across the settlement hierarchy is consistent with the spatial strategy in the ALPP1 and with the NPPF's expectation that in rural areas housing should be located where it will maintain the vitality of rural communities.

Conclusion on Issue 1

26. *Considering the above, I conclude that subject to the modifications referred to above, the scale and distribution of housing development is consistent with the ALLP1 and the NPPF and that the Plan is positively prepared and justified and effective with regards to housing.*

Issue 2: Whether the proposed housing site allocations are appropriate, deliverable and consistent with national policy and the ALPP1?

Site Selection Process

27. In selecting housing allocations, the Council has primarily relied upon the Site Assessment Methodology June 2014 (SD9), Final Site Selection Topic Papers (TP10/TP10a) and the SA that took the sites through a three stage assessment process. The Stage 1 assessed sites against conformity with the policy framework in the ALPP1, relevant planning policy and environmental designations and constraints, such as areas of high flood risk. The Stage 2 desk-top assessment appraised the sites using a wide range of site sustainability criteria developed as part of the SA Scoping Report 2014 (CD4).
28. Following the Stage 2 Sustainability Appraisal, all other sites progressed to a detailed Stage 3 assessment involving site surveys and input from the Council's Ecologist, Conservation officer and highway engineers in addition to external bodies such as Cumbria County Council, the Environment Agency and the Utilities companies. Other factors included viability, deliverability and physical constraints based on the evidence based work such as the Local Plan Site Access Assessment 2018 (EB5), Strategic Flood Risk Assessment 2018 (EB1/EB1a) and Viability Study 2018 (EB2). Other considerations included the ALPP2 statutory, stakeholder and public consultation responses, Habitats Regulations Assessment and the number of completions and commitments in each settlement. The sites reaching the final site selection process were considered against reasonable alternatives at settlement level.
29. A total of over 400 potential sites were appraised, from which 21 were selected for allocation based on an appropriate range of economic, social and environmental criteria, as well as their location, viability and availability. I

recognise that within a pool of over 400 sites, there are likely to be some which score similarly against the criteria. However, the process relies on professional judgement about which sites to allocate. It is not a simple exercise of adding up scores to find which ones are 'best'. For example, there may be instances where a site scores highly but is discounted by a single factor such as flood risk. The process also relies on input from internal and external consultees. Although it has the potential for slightly different conclusions, overall the methodology used is sound and the supporting evidence is robust and proportionate. The site selection process has been adequate, reasonable alternatives have been taken into account and the decisions on preferred sites adequately justified. For all of these reasons, therefore, I conclude that the selection of the proposed housing allocation sites is justified and appropriate.

Housing Allocations – Deliverability and Developability

30. In terms of deliverability and developability, the Council's Housing Position Statement (ABC.03) and Housing Trajectory (ABC.06) show the latest position and the expected delivery (as of 31st March 2019) of the proposed housing allocations over the Plan Period. For the reasons set out below, the allocated site at Maryport Marina, Maryport (Policy SA12) is no longer developable within the plan period. In addition, some sites have been granted planning permission during the examination process, most notably land at Main Road, Harrington (Policy SA9) and land at Abbey Road, Abbeytown (Policy SA22). Nonetheless, the allocation of these sites for housing, which have recently secured planning permission, is still justified.
31. Policies SA8-SA29 include a number of site specific criteria for each site, in terms of design, mitigation and on or off site infrastructure contributions, which are justified, subject to some additional site specific criteria set out below. Each site will provide affordable housing in line with the requirements of Policy SA3, either on or off site, other than sites at Brayton Road, Aspatria (Policy SA18), Main Road, Abbeytown (Policy SA21), West Lane, Flimby (Policy SA25) and Birch Hill Lane, Kirkbride (Policy SA27), which are below the policy threshold. Based on the evidence before me, there are no site constraints or viability issues that might prevent the delivery of any of the sites in line with the Council's Housing Trajectory. On this basis, I am satisfied that the sites are deliverable and developable. Therefore, I conclude there is no need for additional housing sites to be allocated to meet the housing requirements of the Plan.

Workington (Policies SA8-SA11)

32. Policies SA8 and SA10 require further clarification to demonstrate how coal mining legacy issues have been considered as part of the housing allocations at Land off Stainburn Road, Workington and Land off Seaton Road, Seaton, Workington. These policies require an additional site specific criteria to confirm that a desk based Coal Mining Risk Assessment will be undertaken, in line with the advice from the Coal Authority, to ensure the policies are effective. Modifications **MM11** and **MM13** address this issue.

Maryport, Wigton, Aspatria, Silloth (Policies SA12-SA19)

33. During the hearing, the Council advised that the allocated site at Maryport Marina, Maryport (Policy SA12) is no longer available for development within the plan period. As this allocated site is no longer deliverable, Policy SA12 should be deleted to ensure the plan is effective (**MM8, MM14**).
34. Policy SA13 requires further clarification on how the housing allocation at Whitecroft, Maryport would impact on the nearby Scheduled Ancient Monument: Romano-British Settlement and trackway at Ewanrigg. To be effective and consistent with national policy, this policy should be amended to confirm that further archaeological investigations are required, as advised by Historic England, prior to the submission of a planning application. Given the scale of the development and its proximity to the coast and adjoining County Wildlife Site, an additional site specific criteria is necessary, to maximise the measurable biodiversity gains, that offers greater clarity and makes the policy effective and consistent with national policy. Modification (**MM15**) would address these issues.
35. Policies SA14 and SA19 require further clarification on how the allocations at Land off Syke Road, Wigton and Fell View, Silloth would impact on the buried archaeological assets on these sites. To be effective and consistent with national policy these should be amended to confirm that further archaeological investigations are required (**MM16, MM21**).
36. Policy SA16 requires further clarification to demonstrate how coal mining legacy issues have been considered as part of the housing allocation at Land at Noble Croft, Aspatria. This policy should be amended to confirm that a desk based Coal Mining Risk Assessment is required, in line with the advice from the Coal Authority, to ensure the policy is effective (**MM18**).
37. Policy SA18 requires further clarification to demonstrate that appropriate transport improvements have been considered as part of the development at Land off Brayton Road, Aspatria. This policy should be amended to confirm the transport improvements required in the interest of highway safety to make the policy effective (**MM20**).

Abbeytown, Broughton Moor, Broughton (Great and Little Broughton), Flimby, Kirkbride, Prospect and Thursby (Policies SA20-SA29)

38. Policy SA23 requires further clarification to demonstrate how coal mining legacy issues have been considered as part of the housing allocation at Land adjacent to Meadowlands, Broughton Moor. This policy should be amended to confirm that a desk based Coal Mining Risk Assessment is required, in line with the advice from the Coal Authority, to ensure the policy is effective (**MM23**).
39. Policy SA24 requires further clarification on how the housing allocation at Rose Farm, Broughton (Great and Little Broughton) would impact on the farmhouse and attached traditional barns (non-designated heritage assets) on this site. To be effective and consistent with national policy this should be amended to address the site specific criteria in relation to the non-designated heritage assets on the site (**MM24**).

40. Policy SA25 requires further clarification on how access would be achieved as part of the development at land to the rear of Marona, West Lane, Flimby. This policy should be amended to confirm the access improvement that would be required to ensure the delivery of this site in the interest of highway safety and to make the policy effective (**MM25**).
41. Policies SA26 and SA27 require further clarification on how the housing allocations at Lynholme, Kirkbride and Birch Hill Lane, Kirkbride would impact on the nearby Scheduled Ancient Monuments to these sites. To be effective and consistent with national policy these should be amended to confirm details of the nearby Scheduled Ancient Monuments and that further archaeological investigations are required (**MM26, MM27**).
42. Policy SA27 also requires further clarification on how the development at Birch Hill Lane, Kirkbride would impact on the nearby Grade II* listed Lilac Cottage and drainage on the site. To be effective and consistent with national policy this should be amended to address the site specific criteria in relation to the designated heritage asset and drainage infrastructure (**MM27**).
43. Policy SA29 requires further clarification to demonstrate how appropriate transport improvements to the A595 at the junction with Low Road have been considered as part of the development at Land to the west of Matty Lonning, Thursby. To be effective, this policy should be amended to confirm that a transport assessment is required, in line with the advice from Cumbria County Council, in order to assess the transport improvements required in the interest of highway safety (**MM28**).

Housing Supply during the Plan Period

44. The delivery of the housing allocations will need to form an integral part of the housing supply during the Plan Period up to 2029. Given the cumulative shortfall of dwellings below the overall Plan target over the initial Plan period (2011-2018) highlighted in the AMR, the Council accepted that it needed to include a 20% buffer in the Council's 5 year housing land supply calculation. The Council's Five Year Housing Supply Statement June 2018 (EB14) for the period 2018 - 2023, indicates that, even allowing for a 20% buffer, a 5 year supply can be met over this period.
45. Following the submission, the Council provided an updated Five Year Housing Supply Statement (as of 31st March 2019) (ABC.05) for the examination. This continues to demonstrate that a 5 year supply can be met, even with a 5% buffer added to the annual housing target in accordance with the Housing Delivery Test. In summary, sites sufficient to provide 2,100 dwellings for the period 2018 - 2023 have been identified. The housing supply also factors in a windfall allowance of 10% and a lapse rate of 20%, figures that were set in the ALPP1.
46. Therefore, based on the evidence before me, including the latest consultation with developers, landowners and agents of the housing sites in March 2019 (ABC.09), I am satisfied that there will be an up-to-date supply of specific deliverable sites sufficient to provide five years housing land against the requirements of Policy S3 upon adoption. In the event that the Council is not

able to demonstrate a five year supply, Policy SA7 sets out an appropriate mechanism to provide flexibility and consider a potential under-supply.

47. However, although positively worded, Policy SA7 lacks precision regarding the evidence that might trigger the policy (i.e. annual five year land supply statement or a subsequent appeal decision) and the information required to support proposals to renew lapsed major housing commitments. To be effective, **MM9** and **MM10** are necessary to set out clearly the evidence and information required.
48. Looking forward beyond the first five years, the updated Housing Trajectory in Appendix 3 provides a cautious approach in relation to sites allocated in ALPP2, with the majority identified towards the end of the Plan Period. In addition, due to its size and scale, the allocation at Whitecroft, Maryport (Policy SA13) is likely to provide housing over several years, with completions expected until the end of the plan period. As a result, the Plan identifies sites for the remaining Plan Period up to 2029. It makes adequate provision, through identifying a range of different sites, to ensure that there is a reasonable prospect of maintaining a rolling five-year supply.

Conclusion on Issue 2

49. *Considering the above, I conclude that subject to the modifications referred to above, the proposed housing site allocations are appropriate, deliverable and consistent with the ALPP1 and national policy.*

Issue 3: Whether the ALPP2 provides an effective framework to meet the needs for different types of housing and the needs of different groups in the community and whether it is consistent with the ALPP1 and national policy?

Affordable Housing

50. Policy SA3 requires developments of more than 10 dwellings or that have a maximum combined gross floor area of more than 1,000 square metres to provide 40% affordable housing in Cockermouth and 20% affordable housing elsewhere in the Borough. It is therefore consistent with national policy as expressed in the Written Ministerial Statement (WMS) on Small-scale Developers (November 2014) and with the PPG. Both state that affordable housing should not be sought on sites of 10 units or less and where the development has a maximum combined gross floor area of less than 1,000 square metres.
51. The evidence of need is available to justify the levels of affordable housing sought, and their variation through the Borough area through the Housing Study 2016 (EB6) and the Housing Topic Paper Update January 2019 (TP3a). The Housing Study identified an overall net requirement of 175 affordable homes per annum. In particular, the affordable housing need identified in Cockermouth Housing Market Area is far higher than in other parts of the Borough, arising in part because of higher house prices and correspondingly lower affordability in relation to incomes in that area.

52. However, as no housing sites have been allocated in Cockermouth, little substantive evidence was submitted to support the 40% affordable housing requirement. The Whole Plan Viability Study 2018 (EB2) also indicated viability issues on the Housing Allocations arising from the blanket requirement of 20% affordable housing elsewhere in the Borough, particularly in the lower value areas predominantly in the north-western part of the Borough. For this reason, the policy is not justified or effective.
53. Following the hearing, additional evidence (ABC.17) and proposed policy changes (ABC.16) were submitted by the Council. These were subject to a 3 week period of public consultation in July 2019 with everyone that made representations on this policy as part of the pre-submission consultation on the ALPP2 and those that attended the hearing session to discuss this issue.
54. In summary, given the relatively high level of viability in Cockermouth, the additional viability evidence (ABC.17) demonstrates that a requirement of 40% affordable housing in Cockermouth is justified. The evidence also demonstrates that, a 20% requirement in the higher value areas and 10% in the lower value areas in the Borough, would not put residential development at serious risk by the cumulative impact of the policies. Policy SA3 also provides sufficient flexibility to take a pragmatic approach to affordable housing where there are site specific viability issues.
55. Therefore, to reflect the latest evidence, **MM3** and **MM4** alter the wording of the policy and the supporting text to reflect this requirement, which is necessary to ensure the policy is justified and effective. For clarity and effectiveness, the zonal approach to affordable housing is clearly illustrated on a new Inset Policy Map for the Borough. For effectiveness and consistency with national policy, modification (**MM4**) is also necessary to confirm the expected tenure split for affordable housing.
56. Policy SA3 requires affordable housing to be provided on-site except in exceptional circumstances. However, to ensure the policy is effective, the Plan should explain the "exceptional circumstances" when affordable housing will be provided off-site. This policy is unclear, lacks precision and implies that there would be instances where the Council would depart from policy, but with no justification provided. Modification (**MM4**) would address these concerns.

Custom and Self-build Housing

57. At the time of examination, the Council's custom and self-build register had 13 individuals, with the first entry added to the register in 2016. There are three sites available with planning permission, sufficient to provide 71 custom and self-build plots. The identified need will therefore be met.
58. Policy SA4 supports proposals for self-build and custom housebuilding where these can be adequately serviced and comply with the policy framework in the ALPP1. The Plan therefore includes a positively worded policy framework to support development, such as including self-build plots as part of new housing schemes and as such the policy is sound in this regard.

Accessible and Adaptable Housing

59. The PPG advises that local planning authorities may set higher accessibility, adaptability and wheelchair housing standards where there is evidence of a need for additional standards. In doing so, it requires authorities to have a clear understanding of housing needs in their area and recognise that there are a wide range of factors which can be taken into account. These include the size, location, type and quality of dwellings required, the accessibility and adaptability of the existing housing stock, an understanding of how needs vary across different tenures and the impact on viability.
60. The Optional Housing Topic Paper January 2019 (TP1a) states that, according to ONS 2016 projections, Allerdale will have 31,000 people aged 65 and over, representing 23% of the overall population. It is estimated that this will rise to 32% in 2039, which is higher than the regional and national levels. More specifically, it is predicted in Allerdale that by 2035 there will be a 41% increase in the number of older people unable to manage basic domestic tasks and an extra 42% of the population with limiting long term illnesses.
61. Not all of the projected need will result in a requirement for adaptable new dwellings. Some occupiers may want to adapt their own home, and some will move to another dwelling in the existing stock which may be more suitable. The Council's housing options survey of older people in the Housing Study 2016 (EB6) indicated that 81% of the households that responded wish to continue to live in their current home with support where needed.
62. In terms of the adaptability of the existing housing stock, the Council's Optional Housing Topic Paper showed that nearly 30% of Allerdale's housing stock pre-dates 1919, identified as the most difficult housing type to adapt. The housing stock built from 2005 onwards represented the smallest proportion of the house types, at 6.2%, within the Borough. Based on the mix of housing in Allerdale, the Topic Paper suggests that approximately 22% (10,304 dwellings) could not be adapted and made fully visitable. Given the demographic profile of the Borough and the expected increase in the older people, based on the evidence before me, the assumptions in Optional Housing Topic Paper are reasonable and the most accurate assessment of likely future needs.
63. The Optional Housing Topic Paper also considers the need for wheelchair user housing. It estimates that the net change in the number of households with a wheelchair user is likely to result in an unmet need of 292 homes over the plan period. This equates to a need for 16 units, or 5% of the annual housing target of 304 for Allerdale.
64. In summary therefore, due to the expected increase in the number of households where a limiting long-term illness or disability is likely to affect housing need, and the adaptability of the existing stock, it is necessary for a proportion of new housing to meet the higher accessibility, adaptability and wheelchair housing standards. Providing more accessible homes will ensure that the housing stock is more easily adaptable and will help people to maintain their independence for longer.

65. In assessing the impact of viability, the Whole Plan Viability Study 2018 (EB2) has considered the additional cost implications of meeting Building Regulation M4(2) and M4(3) standards. Policy costs have been appraised individually and cumulatively. However, I am not satisfied that the Viability Study supports applying the M4(2) and M4(3) Optional Housing Standards as set out in Policy SA5, where viability issues are apparent on the Housing Allocations particularly on small sites and in the lower value areas in the Borough. For this reason, the policy is not justified or effective.
66. Following the hearing, additional evidence (ABC.18) and proposed policy changes (ABC.16) were submitted by the Council. These were subject to a 3 week period of public consultation in July 2019 with everyone that made representations on this policy as part of the pre-submission consultation on the ALPP2 and those that attended the hearing session to discuss this issue.
67. In summary, the additional viability evidence (ABC.18) demonstrates that, if 20% of the dwellings on developments of 10 or more dwellings are designed and constructed to meet the M4 (2) standards and 5% on schemes of over 30 dwellings to meet M4 (3), it would not put residential development at serious risk by the cumulative impact of the policies. Therefore, to reflect the latest evidence, **MM5** and **MM6** alter the wording of the policy and the supporting text to reflect this requirement, which is necessary to ensure the policy is justified and effective.
68. For effectiveness and consistency with national policy, modifications (**MM5**, **MM6**) are also necessary to confirm that in applying the standards, decision-makers must take into account site suitability and the feasibility of meeting the standards, having regard to the size, location and type of dwellings proposed. For example, where step-free access is not possible, the PPG advises that optional requirements should not be applied. Decision-makers must also ensure that, in applying the M4 (3) standard, the dwellings are wheelchair adaptable.

Conclusion on Issue 3

69. *Considering the above, I conclude that subject to the modifications referred to above, the ALPP2 provides an effective framework to meet the needs for different types of housing and the needs of different groups in the community and is consistent with the ALPP1 and national policy.*

Issue 4: Whether the ALPP2 provides an effective framework to meet the needs of Gypsies, Travellers and Travelling Showpeople and whether it is consistent with the ALPP1 and national policy?

70. The accommodation needs for Gypsies, Travellers and Travelling Showpeople was established through the ALPP1 and the Cumbria Gypsy and Traveller Accommodation Assessment 2013 (EB18). In summary, it identified a need in Allerdale, for 10 permanent and 10 transit Gypsies and Travellers pitches and for 21 Travelling Showpeople plots over the Plan period.
71. Policy SA31 allocates a Council owned site at the former caravan park, Oldside, for Gypsies and Travellers. Other sites coming forward would be considered in accordance with the criteria in Policy S11 of the ALPP1. The indicative layout set out in Appendix 2 of the Gypsy and Travellers Topic Paper

(TP5) demonstrates that the proposed site is capable of delivering the required permanent and transit pitches to meet the identified during the Plan period. The evidence provided indicates that the proposed site in the area of Workington is favoured by the Gypsy and Travellers community and that the Council had discussions with Home England regarding funding for the site.

72. During the submission stages of the Local Plan, an updated Travelling Showpeople Need Assessment for Allerdale (EB19) was undertaken. Published in 2018, it takes into account the updated definition of Travelling Showpeople in the Planning Policy for Traveller Sites. It identified a reduced need for an additional 8 plots over the Plan period, based on an assessment of the existing Travelling Showpeople yards in Allerdale. Policy SA30 safeguards the capacity offered by the existing yards and supports proposals to extend or reconfigure the yards. The evidence therefore suggests that future arising needs can be met through the existing yards, which is appropriate and justified.

Conclusion on Issue 4

73. *The ALPP2 provides an effective framework to meet the needs of Gypsies, Travellers and Travelling Showpeople and is consistent with the ALPP1 and national policy.*

Issue 5: Whether the scale and distribution of employment development is consistent with the ALPP1 and the NPPF and whether the Plan is positively prepared and justified and effective with regards to employment?

74. The approach to employment and economic development is based on Policy S3 of the ALPP1. Policy S3 seeks the provision for 54 ha of new employment land during the Plan Period. Ten sites are proposed in Policies SA34, SA36-SA45, which identify a total supply of just over 65 hectares. This would be over and above the employment land requirement for new employment uses in Policy S3. Therefore, in quantitative terms the ten sites make adequate provision, with sufficient flexibility to accommodate changing circumstances, such as the non-delivery of any of the sites.
75. In terms of the range and the number of sites across the settlement hierarchy, the SA considered two broad options. The proposed strategy apportions the majority of employment growth to in or around Workington, particularly at key strategic employment sites at Lillyhall and the Port of Workington and, in Key Service Centres, which offer the most sustainable locations and support the strategic objectives of the Plan to retain and create jobs and diversify and strengthen the local economy.
76. Policies SA34 and SA35 of the ALPP2 make provision for a wide range of sites to deliver the required employment growth and safeguarding existing land, premises and allocations based on the Allerdale Workspace and Employment Land Study 2016 (EB8). This reflects the existing completions and commitments, including the safeguarding of three existing employment sites in Cockermouth. The Council's employment land trajectory shows the expected delivery (as of 31st March 2019) (ABC.04) of the existing commitments and proposed employment allocations over the Plan Period.
77. On this basis, I am satisfied that the proposed range and the number of employment sites is consistent with the spatial strategy and paragraphs 74-77

of the ALPP1. It ensures a sustainable balance between housing and employment and makes provision for a wide range of sites to deliver the required employment growth and maintains a rolling supply of high quality employment land over the Plan Period.

78. Policies SA34 and SA35 take a restrictive approach towards employment sites and premises on which, generally, only B1, B2 and B8 uses would be permitted. In effect, therefore, the plan equates employment uses with the B Use Classes. However, this conflicts with national policy, in particular paragraph 22 of the NPPF and the criteria in Policy DM3 of the ALPP1 that allow flexibility to accommodate alternative uses in certain circumstances. These criteria include where all or part of the site does not meet the current or long term needs of modern business, the loss of the site would not significantly impact upon the long term overall supply of employment land in the Plan Area and would not undermine the spatial strategy of the Plan.
79. Policies SA34 and SA35 are, therefore, not justified and consistent with national policy and the aims of the ALPP1. In order to make the plan sound these policies should be changed to make clear that while employment sites and premises will be safeguarded primarily for B Use Classes, alternative uses would not be ruled out where it can be demonstrated they meet the provisions of Policy DM3 and other relevant policies of the Local Plan. In addition, the limited number of circumstances where proposals for non-employment use would be supported in the final paragraph of Policy SA35, conflicts with Policy DM3 and should be deleted, in the interest of clarity and precision. **MM34** and **MM35** amend Policies SA34 and SA35 to reflect this and are necessary to ensure the policies are positively prepared, justified, effective and consistent with the ALPP1 and national policy.
80. Policies SA36-SA45 include a number of site specific criteria for each employment allocation, in terms of design, mitigation and on or off site infrastructure contributions, which are justified, subject to some additional site specific criteria set out below.
81. Policy SA37 requires further clarification on how the employment allocation at Land at Oldside, Workington would maximise the biodiversity linkages to adjoining allocated sites, which is necessary for soundness to satisfy the expectations in paragraph 118 of the NPPF to conserve and enhance biodiversity. For clarity, the policy should be amended to confirm that such linkages to adjoining allocated sites should be included within a suitable landscaping scheme for the development to make the policy effective and consistent with national policy (**MM37**).
82. Further clarification is required to demonstrate how the coal mining legacy issues have been considered as part of the employment allocations under Policies SA38, SA39, SA40 and SA41. These policies require an additional site specific criteria to confirm that a desk based Coal Mining Risk Assessment will be undertaken, in line with the advice from the Coal Authority, to make the policies are effective. Modifications **MM38**, **MM39**, **MM40** and **MM41** address this issue.
83. Policy SA43 requires further clarification on how the employment allocation at land north of Low Road, Cockermouth would ensure a satisfactory assessment

of the mature trees on the site and to reflect the correct site area. This policy should be amended to confirm that a detailed tree survey by a qualified arboricultural consultant is required and the correct site area is provided, as set out in the ALPP2 Preferred Options document (LPP6), in order to ensure the policy is effective and to satisfy the expectations in paragraph 109 of the NPPF to conserve and enhance the natural environment (**MM34, MM43**).

84. Overall, I conclude that the proposed employment allocations are consistent with the spatial strategy in ALPP1, being sufficient to meet the Plan's employment requirement and justified as the most appropriate distribution and selection of sites. Subject to the main modifications to the employment land policies, I also find that the employment sites proposed are deliverable and developable and consistent with national policy.

Conclusion on Issue 5

85. *Considering the above, I conclude that subject to the modifications referred to above, the scale and distribution of employment development is consistent with the ALPP1 and the NPPF and that the Plan is positively prepared and justified and effective with regards to employment.*

Issue 6: Whether the scale and distribution of retail development is consistent with the ALPP1 and the NPPF and whether the Plan is positively prepared and justified and effective with regards to retail?

86. Policy S16 of the ALPP1 sets out the general approach to town centres and retailing. The policy seeks to promote a robust and complementary hierarchy of centres by directing the majority of large retail and leisure developments to Workington, identified as the most sustainable location (Principal Centre) whilst allowing the smaller Key Service Centres and Local Service Centres to remain competitive and flexible to changing needs.
87. Policies SA47 and SA48 allocate two sites for retail development in Workington. Other sites coming forward would be considered in accordance with the criteria in Policy S16 of the ALPP1. The need for the sites has been identified in the Allerdale Retail Study 2015 (EB7). This identified a need for an additional 2,874 sqm for comparison goods retail floorspace and 1,720 sqm for convenience goods retail floorspace in Workington over the Plan period or 4,594 sqm in total. The Council estimate that the sites could accommodate a total of 4,250 sqm, subject to site specific constraints and viability and, as such would make a strong contribution to the identified retail floorspace for Workington.
88. Both sites allocated for retail development are located entirely within the designated Town Centre Area proposed in the Plan and raise no issues of principle. Policy SA47 is a central car park and apparently available for development. However, Policies SA46-SA48 fail to 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.
89. The Council accepted during the hearing that the Policies were unduly restrictive and **MM45, MM46** and **MM47** are required to ensure sufficient flexibility. Subject to these MMs the Plan is justified, effective and consistent

with the ALPP1 and national policy in relation to the provision of land for retailing.

Conclusion on Issue 6

90. *Considering the above, I conclude that subject to the modifications referred to above, the scale and distribution of retail development is consistent with the ALPP1 and the NPPF and that the Plan is positively prepared and justified and effective with regards to retail.*

Issue 7: Is the general approach to development in the ALPP2 justified, effective and consistent with the ALPP1 and national policy?

Approach to Identified Sites

91. The role of Policy SA1 and its supporting text is to ensure that the allocated sites and existing commitments identified on the Policies Map are safeguarded and remain available during the Plan Period. The policy complements the strategic approach to the level of growth and its broad distribution in the ALPP1 across the Plan Area and provides certainty regarding the Council's approach to the identified sites.
92. Policy SA1 provides an appropriate and proportionate approach to the safeguarded sites identified on the Policies Map and provides sufficient flexibility, in conjunction with other policies, to allow for alternative uses on safeguarded sites should they no longer be needed, or alternative provision is available. However, the policy lacks clarity and precision regarding the protection and enhancement of Amenity Green Space, Green Gaps and Green Infrastructure Network identified on the Policies Map. A modification (**MM1**) is required to ensure that the integrity of such areas is not compromised and to emphasise the functionality and connectivity of this network, in order to make the policy effective and consistent with the ALPP1 and national policy in managing development in the area.
93. The policy presumption in favour of renewing lapsed consents for major committed development could also potentially result in sites forming part of the housing land supply that are unlikely to be delivered in the Plan Period. Policy SA1 is, therefore, unsound in that it is not effective and consistent with national policy in terms of boosting the supply of housing. In order to make the plan sound, Policy SA1 in conjunction with Policy SA7 should be amended to provide clarity on the Council's approach to the renewal of lapsed consents for major committed housing development and maintaining a deliverable five year land supply.
94. **MM1, MM2, MM9** and **MM10** amend Policies SA1 and SA7 and their supporting text to reflect this and are necessary to ensure the policies are justified, effective and consistent with the ALPP1 and national policy.

Conclusion on Issue 7

95. *Considering the above, I conclude that subject to the modifications referred to above, the general approach to development in the ALPP2 justified, effective and consistent with the ALPP1 and national policy.*

Issue 8: Whether the proposed approach towards settlement boundaries is justified, effective and consistent with the ALPP1 and national policy in enabling the delivery of sustainable development?

96. The role of Policy SA2 and its supporting text is to explain how the settlement boundaries defined in the Policies Map will function in the management of development. Policy SA2 provides a presumption in favour of sustainable development within the settlement boundaries and a more restrictive approach outside the settlement boundaries. It operates primarily in conjunction with Policy S3 in the ALPP1 that sets out the overall spatial strategy for Allerdale of sustainable growth to meet the Borough's housing and employment needs.
97. Policy S3 defines the scale and distribution of development permitted to take place across the settlement hierarchy and the overarching considerations to be applied to development in areas outside of settlement boundaries. A series of other policies, including S5, S9, S14, S17, S31, DM2, DM5 and DM6 in the ALPP1 and Policy SA32 in the ALPP2, provide for different types of residential, agricultural, employment and tourism development within rural areas of the Borough.
98. A key part of the spatial strategy is to accommodate new development across the settlement hierarchy and it is the role of settlement boundaries to define where development is considered appropriate. In terms of defining the settlement boundaries, the SA considered two broad options on whether to include a settlement boundaries policy or not. It is evident that the preferred option to define settlement boundaries around the Principal Service, Key Services, Local Service Centres and Limited Growth Centre where development would be acceptable is fully consistent with the spatial strategy as expressed in Policy S3. Settlement boundaries also offer greater certainty over the location of development. They also provide stronger protection of the surrounding countryside against urban encroachment, which is an important part of the spatial strategy for Allerdale expressed in Policy S3.
99. The Council has undertaken a thorough review of the settlement boundaries identified in the 1999 Allerdale Local Plan. Boundaries have been redrawn to define the built limits of settlements, in order to distinguish between the built-up area of a settlement and the countryside. This is consistent with the role and purpose of settlement boundaries as part of the spatial strategy above.
100. The proposed boundaries need to accommodate the future delivery of district's housing requirements and the rolling 5-year land supply required by paragraph 47 of the NPPF. Although tightly drawn around the built up areas of settlements, the boundaries have been defined to incorporate existing housing commitments. These include both implemented and unimplemented planning permissions and the housing and employment sites allocated in the ALPP2. The Council also identified a number of areas of 'white land' and infill plots within the settlements including Limited Growth Villages where further housing development could come forward. In addition, Policy S3 allows for exceptions outside of the settlement boundaries. Policies S5, S9 and S31 also allow for affordable housing, conversions and other forms of housing in rural areas.
101. The consistency of settlement boundaries with the NPPF, in particular, the presumption in favour of sustainable development was questioned. It is

suggested that the use of settlement boundaries was too rigid, preventing otherwise sustainable development on the edge of settlements from coming forward and do not offer the flexibility to meet changing circumstances, for example if the housing land supply falls below 5 years.

102. However, paragraph 14 of the NPPF defines sustainable development, in the context of the presumption, as development that accords with an up to date development plan. It is consistent with the positive approach sought by paragraphs 14 and 182 of the NPPF, for the Plan to define settlement boundaries in such a way as to accommodate sufficient allocated sites and windfall opportunities to meet the district's objectively assessed needs, but exclude sites which are otherwise part of the open land or countryside around the edge of settlements and not required to meet those needs. Such an approach is consistent with sustainable development in ensuring the needs of the district are met without causing unnecessary harm to the rural landscape which forms an important aspect of the character of Allerdale. It is also consistent with paragraph 17 of the NPPF which expects planning to meet the development needs of an area, whilst taking account of the different roles and character of areas, recognising the intrinsic character and beauty of the countryside.
103. In any event, Policy SA7 supports housing development outside and well related to the settlement boundaries where the Council is unable to demonstrate a 5-year land supply during the Plan Period. Such an approach provides an appropriate degree of additional flexibility to the Plan to adapt to changing circumstances and meet the district's development needs, in a way which would be consistent with sustainable development, without compromising the overall spatial strategy of the Plan.
104. Therefore, in combination with the suite of policies guiding development outside of settlements, there is a strong likelihood that the boundaries proposed will provide for sufficient opportunities for housing development to meet the ALPP1 requirements in full over the lifetime of the Plan and ensure the choice and competition in the market for housing sought by paragraph 47 of the NPPF. Accordingly, it is clear that the settlement boundaries proposed in the ALPP2 are justified and would be effective in delivering the overall spatial strategy of the Plan.
105. With regard to the individual settlement boundaries, the principles and criteria used to review these are set out in the Site Assessment Methodology June 2014 (SD9) and Settlement Boundary Review September 2018 (SD7). There was some criticism that the principles used did not take into account the economic development and regeneration growth aspirations, for example, in the area identified in the Derwent Howe Masterplan (2008) (ABC.15) adjacent to the Port of Workington Harbour. From the discussion at the hearing, it was clear that this Masterplan was an indicative plan drawn some time ago and had no formal planning status. In my view, the Local Plan read as a whole, would offer sufficient opportunity to take into account the development and regeneration growth aspirations in this area. Therefore, based on the evidence before me, I consider that the principles and criteria used to review the settlement boundaries are soundly based, logical and justified in defining the built limits of the settlements and the land to be included or excluded.

106. A number of individual settlement boundaries were challenged. I have considered each one of these. Most of the changes sought to include fields and open land on the edge of settlements which relate more to the surrounding countryside and coastal area than the built form of the settlement or would include development which is physically detached from the settlement. This includes additional undeveloped areas promoted at Workington, Harrington, Maryport, Cockermouth, Wigton, Crosby and Broughton (Great and Little Broughton). Whilst the precise point at which a settlement and the countryside start may be open to debate in some instances, particularly where development peters out rather than coming to a definite stop, it appears to me that the Council has made a reasonable and logical judgement in such cases and that these sites should not be included within the relevant settlement boundaries.

Conclusion on Issue 8

107. *I conclude that the approach towards the settlement boundaries is justified, effective and consistent with the ALPP1 and national policy in enabling the delivery of sustainable development.*

Issue 9: Whether the proposed approach towards wind energy is justified, effective and consistent with national policy and the ALPP1?

108. Policy SA50 supports proposals for wind energy in accordance with the requirements of Policy S19 of the ALPP1 – Renewable Energy and Low Carbon Technologies and where the planning impacts identified by affected communities have been fully addressed.

109. In terms of defining the areas suitable for wind energy development, the SA considered three broad options. The preferred option identifies the whole Borough excluding those areas within the Lake District National Park and some sensitive areas. These reflect the impact of wind developments on the setting of the Hadrian's Wall World Heritage Site, Solway Coast AONB and the Lake District National Park.

110. The Council examined and defined suitable areas in the context of the extent of the designated areas and their settings. Suitable areas are identified on the Wind Energy Inset Policy Map. The Wind Energy Inset Policy Map clearly indicates the areas, including sensitivity area alongside the Lake District, Hadrian's Wall World Heritage Site and Solway Coast AONB, that have been informed by the supporting evidence, including the Cumulative Impacts of Vertical Infrastructure (EB12), the Cumbria Renewable Energy Capacity and Deployment Study (EB15), the Cumbria Landscape Character Guidance and Toolkit (EB17 and EB17a), the Wind Energy SPD (EB21 and EB21a) and the Council's Updated Wind Energy Topic Paper (TP7a).

111. 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 ecological sensitive designated nature conservation sites including the ecological designations along the Allerdale coastline and inland. In response to the Inspector's Initial Questions (INSP.01), the Council advised that the current policy approach of assessing wind energy development through project level Habitat Regulations Assessment and Appropriate Assessment would continue in line with the

provisions of Policy S19 of the ALPP1. Based on the evidence before me, I am satisfied this approach provides 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.

112. The Wind Energy Topic Paper (TP7a) concludes that the areas identified do not provide a definitive answer to the suitability of a particular location and schemes still need to be assessed on their merits. For example, it is not possible to take into account cumulative effects at a strategic level, or accurately consider site specific impacts on the living conditions of local residents or heritage assets. The conclusions therefore identify potentially suitable areas. This is consistent with the PPG which advises that it is important to set out the factors that will be taken into account when considering proposals, which are set out in Policy SA50 together with Policy S19 of the ALPP1.

113. Additionally, the government through a WMS 'Wind Energy' (June 2015) introduced a requirement for it to be demonstrated that the planning impacts identified by affected local communities have been fully addressed and has their backing. **MM50** amends Policy SA50 to reflect this consideration. As a result of this change, the policy would be justified and in accordance with national policy.

Conclusion on Issue 9

114. *Considering the above, I conclude that subject to the modification referred to above, the proposed approach towards wind energy is justified, effective and consistent with national policy and the ALPP1.*

Issue 10: Whether the proposed approach towards the natural environment is justified, effective and consistent with national policy and the ALPP1?

Amenity Green Space (Policy SA51)

115. The Policies Map identifies Amenity Green Space (AGS) within the local service centre and rural village tier of the settlement hierarchy to which Policy SA51 applies. These are based on an Open Space Designation Review January 2017 (SD8). This sets out a number of criteria, any one of which might lead to the designation of a site as an AGS. These include whether the site makes a significant contribution to village character and appearance or play an important community role. In my view the criteria are reasonable and in accordance with the NPPF and PPG and have been applied appropriately to justify the designations.

Green Infrastructure (Policy SA52)

116. Policy SA52 seeks to retain, maintain and enhance the identified Green Infrastructure (GI) network within and around Workington and the Key Service Centres in the Borough. The policy complements Policy S24 of the ALPP1, which makes provision for the enhancement and ongoing management of the local GI network. It also reflects paragraph 73 of the NPPF, which recognises

the important contribution of public open space to the health and wellbeing of communities.

117. The Policies Map identifies the GI network to which Policy SA52 applies. The GI network is based on the Allerdale Green Infrastructure Study 2011 (SD20), Allerdale Open Space Study 2014 (EB9), Coastal Change Management Area, County Wildlife Sites and public rights of way. The evidence sets out, in a clear and transparent manner, why the designations are necessary and justified. In my view this approach is in line with the PPG which states that Local Plans should be tailored to the needs of each area. Although concerns have been raised regarding some areas identified as GI through this process, in my view the approach has been applied appropriately and, in every case that has been drawn to my attention, the designation is justified.
118. Clearly, GI network involves land that could theoretically be developed for housebuilding and other forms of major development. However, GI is also a strong contributory factor towards ensuring that the proposed expansion of Workington and the Key Service Centres is implemented to a high environmental standard. The wording of Policy SA52 is, however, overly restrictive and lacks clarity in relation to the support provided for major developments within the GI network and how they would be integrated where they deliver clear social, economic and environmental benefits. A modification is required to explain that the intention of the policy is to ensure that the integrity of the GI network is not compromised, and to address the issue of where there is unavoidable need for a trade-off of existing GI assets to meet social and economic needs as part of major developments. **MM52** amends Policy SA52 to reflect this consideration and is necessary to make the policy effective and consistent with national policy.
119. Modifications (**MM51**) are necessary to the supporting text to make the policy effective, in line with the advice from Natural England, to clarify the functionality and connectivity of the mapped GI network with other environmental assets, to maximise the measurable net biodiversity gains and setting of minimum quality standards for new GI in line with existing and future national GI standards. The modifications are also necessary, in the interest of clarity, to confirm the Council's intention to produce a Supplementary Planning Document (SPD) on GI and that this policy supplements Policy S24 and other policies in the ALPP1. As a result of these changes, the policy would be justified and consistent with national policy and the ALPP1 in managing development in the GI network.

Green Gaps (Policy SA53)

120. The Policies Map identifies Green Gaps between Kirkbampton and Thurstonfield and Prospect and Oughterside to which Policy SA53 applies. They aim to maintain the separate identities of settlements, preserve the character and prevent coalescence. These are based on the Cumbria Landscape Character Guidance and Toolkit 2011 (EB17 and EB17a) and a range of criteria in the Open Space Designation Review January 2017 (SD8). The evidence sets out, in a clear and transparent manner, why the designations are necessary and justified. In principle they are consistent with paragraph 17 of the NPPF which states that planning should take account of the different roles and character of different areas. In my view the approach is reasonable, has been

applied appropriately and the designations are justified, effective and consistent with national policy.

Conclusion on Issue 10

121. *Considering the above, I conclude that subject to the modifications referred to above, the proposed approach towards the natural environment is justified, effective and consistent with national policy and the ALPP1.*

Issue 11: Whether the individual policies are positively prepared, justified, effective and consistent with national policy and the ALPP1?

Tourism, Coastal and Countryside Recreation (Policy SA32)

122. Policy SA32 applies to tourism attractions, facilities and accommodation in the Borough. It replaces Policy S17 of the ALPP1 and now applies to existing tourism attractions, facilities and accommodation as well as new ones and has been further widened to include a land based rural business diversification scheme. This approach ensures the ALPP2 is positively prepared and able to proactively support local businesses in line with paragraph 20 of the NPPF. As the focus for such proposals is within or on the periphery of the Principal, Key and Local Service Centres, a cross reference to Policy S3 of the ALPP1 is required in the Policy to assist applicants and decision makers in the determining the appropriate scale of development, in the interests of clarity and to make the policy effective (**MM30**).

123. Where proposals involve the loss or change of use from tourism business to a non-tourism business, Policy SA32 requires applicants to demonstrate that the business is no longer fit for purpose or financially viable. This lacks precision and no guidance is provided to determine what constitutes a viable business, or what evidence should be provided. To be effective **MM30** and **MM31** are required to alter the policy and supporting text to ensure a robust marketing exercise is carried out in accordance with the Council's Marketing Guidance Note contained in the Council's Validation requirements, that is proportionate to the size/character of the site/property and the proposed alternative use.

Broadband (Policy SA33)

124. Policy SA33 of the ALPP2 requires all new residential and commercial development to be served by a high speed and reliable broadband connection. However, the terms 'high speed and reliable' are not specific and could be difficult to define in the context of determining a planning application. Furthermore, the delivery of a broadband connection is likely to be reliant on a third party contractor over which a developer is unlikely to have any control. This could result in practical difficulties in implementing the policy, particularly in circumstances where the provision of digital infrastructure may be unviable or not possible for other reasons within a specified timeframe. For these reasons the policy is not justified or effective.

125. **MM32** and **MM33** would therefore alter the wording of the policy and supporting text to state that proposals for new commercial development and new residential development of 2 or more dwellings should be served by superfast fibre broadband connectivity as defined by Government standards.

The modifications outline the steps required by applicants/developers to achieve the policy requirements and the circumstances in which the policy will not be pursued due to either physical capability or viability issues. This change in wording introduces flexibility into the policy and is necessary to ensure the policy is justified and effective.

Lower Derwent Valley (Policy SA49)

126. Policy SA49 applies to sport or leisure facilities and ancillary main town centre uses within the Lower Derwent Valley, in an area identified on the Policies Map to the north of Workington Town centre. It supports the expansion of existing sport or leisure facilities and ancillary main town centre uses as well as new ones. This ensures the ALPP2 is positively prepared and able to proactively support local businesses in line with the NPPF and provides suitable flexibility for a range of uses that would support the viability and vitality of the town centre.

127. However, to be effective and consistent with the ALPP1 and national policy in managing development within the Lower Derwent Valley, modifications are necessary to the policy. These modifications to the policy and supporting text are required, in line with the advice from Natural England and Environment Agency, to ensure sufficient opportunities for protection and enhancement of the natural environment, to maximise the measurable net biodiversity gains and to reduce and mitigate against flood risk in the area (**MM48, MM49**).

Conclusion on Issue 11

128. *Considering the above, I conclude that subject to the modifications referred to above, the individual policies are positively prepared, justified, effective and consistent with national policy and the ALPP1.*

Assessment of Legal Compliance

129. My examination of the legal compliance of the Plan is summarised below. I conclude that all the aspects of legal compliance are met.

130. The ALPP2 has been prepared in accordance with the Council's Local Development Scheme.

131. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.

132. The Council has carried out a Sustainability Appraisal (SA) of the ALPP2 and of the MMs where necessary. The SA has been methodically undertaken and consulted on at each stage of the ALPP2 process. Reasonable alternatives have been considered in relation to the site allocations and policies and all options have been assessed in an equal manner against the sustainability objectives. Overall, I am satisfied that the sustainability appraisal, including the consideration of reasonable alternatives, has been carried out as required by section 19(5) of the Act, and complies with the requirements of the European Directive on strategic environmental assessment and relevant national policy and guidance.

133. In accordance with the Habitat Directive¹, a Habitats Regulations Assessment (HRA) of the Plan² has been undertaken and reviewed as necessary in light of recent Court Judgements³ and changes put forward through the examination. The HRA concluded that some site allocations and policies within the ALLP2 were likely to have a significant effect on the integrity of Natura 2000 network of European protected sites within the Plan Area (either individually or in combination with any other plan or project) arising from effects on water and air quality, hydrological changes, recreational pressures, land take, potential loss of habitats and disturbance of protected species.
134. Appropriate Assessments (AAs) of these likely significant effects were undertaken as part of the HRA and identified possible mitigation measures for them. In some cases, Project Level HRAs would be required at the planning application stage in accordance with the HRA and Policies in the most sensitive areas. To reflect this requirement, modifications to the site specific allocation policies are necessary to ensure these policies are effective (**MM11, MM12, MM13, MM15, MM17, MM18, MM19, MM20, MM21, MM22, MM23, MM24, MM25, MM26, MM27, MM29, MM36, MM37, MM38, MM39, MM40, MM41, MM42, MM43, MM44**). The AAs concluded that the mitigation measures identified will ensure that the site allocations and policies in the ALLP2 will not adversely affect the integrity of the local Natura 2000 network of European protected sites. Subject to the recommended MMs, I am satisfied that the Plan is legally compliant with requirements of the Habitats Directive and sound in this regard.
135. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. In particular, site specific details in Policies SA8-SA29, SA31, SA36-45 and Policy SA50 will make a significant contribution towards this but other policies will assist.
136. The Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
137. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including accessible and adaptable housing and the provision of Gypsy, Travellers and Travelling Showpeople sites.
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¹ European Union Habitats Directive (92/43/EEC)

² HRA September 2018 (CD9), HRA Addendum July 2019 (ABC.20) and HRA Update September 2019 (MMD.04)

³ People Over Wind and Peter Sweetman v Coillte Teoranta 12 April 2018, C-2018/244 and Holohan & Ors. v An Bord Pleanála 7 November 2018, C - 461/17

Overall Conclusion and Recommendation

138. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

139. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in Appendix 1, the Allerdale Local Plan (Part 2) Site Allocations Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Troy

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.