COPELAND LOCAL DEVELOPMENT FRAMEWORK

**EXAMINATION OF CORE STRATEGY AND DEVELOPMENT
MANAGEMENT POLICIES**

BOROUGH COUNCIL STATEMENTS: MATTER 4

STRATEGIC POLICIES

March 2013

4.1. Is the overall strategy consistent with sustainable development principles as contained in the Planning Framework (NPPF), including reference to the 'Model Policy'?

4.1.1 The NPPF starts (paragraphs 6 to 8) by pointing out that its prescriptions, taken as a whole, will if adhered to contribute to the achievement of sustainable development, and that social, economic and environmental objectives are complementary and should be seen as mutually dependent.

4.1.2 The Core Strategy and Development Policies document has a similar approach. The four policy themes expressed in the Objectives all contain elements which cross over from one aspect of sustainability to another, and Policy ST1 continues that. Policy ST2 expresses the spatial strategy in a way which clearly resonates economically, socially and environmentally. The underlying theme of regeneration again cuts across all three themes, and each of the main sections of the plan does that to some extent.

4.1.3 Paragraph 9 of NPPF is more specific, expressing five principles of sustainable development which can be referenced to the Copeland plan as follows.

a) *making it easier for jobs to be created in cities, towns and villages*. This is a key focus of the plan. Policy ST2, illustrated by Figure 3.2, concentrates development on the main settlements but also sets out the requirements for development in villages. Policy ST3 identifies the sites prioritised in the Energy Coast Master Plan and its successor the 'Blueprint'. Section 4, in particular policies ER 3 onwards, all relates to some aspect of making Copeland a place which nurtures and facilitates economic development and job creation.

b) *moving from a net loss of biodiversity to achieving net gains for nature*. As in many places, Copeland's natural heritage comes under stress for a variety of reasons, but whilst some of the Borough's assets are under some stress, in overall terms the generators of stress are more muted than would be the case in areas under more development pressure. Policy ST1 (B and C) provides the link between plan objectives and the strategy. Backing it up in more detail, the policies on coastal protection (ENV2), biodiversity (ENV3) and protecting and enhancing the countryside (ENV5) are informed by higher level strategies in the evidence base (notably the Shoreline Management Plan (relevant extracts in Doc. 10.2), the county landscape strategy (Docs. 10.4 and 10.5) and the Biodiversity Action Plan (extracts in Doc 10.6). It has to be acknowledged that the ability of a development plan to achieve net gains is indirect, being by way largely of providing a protective baseline which facilitates improvement; but relevant bodies, in particular the Environment Agency, Natural England and the County Council, are generally content with what the plan provides in this respect. One expected major net gain will emerge from changes in the way our water supply is obtained, with the current project to construct boreholes near Egremont enabling a major reduction in extraction from Ennerdale water, which will enable the freshwater mussel population to recover. This is referred to in the Strategy for Infrastructure, and its construction will be reflected in the phasing of development in the Cleator Moor area.

c) *replacing poor design with better design*. The key policy here, flowing from the strategic policy ST1D, is DM10 'Achieving Quality of Place', policies DM11 and DM12 also being

relevant. Their implementation will be developed by a Supplementary Planning Document on Design Quality, which has been the subject of stakeholder consultation in 2012 and the drafting of which is proceeding.

d) *improving the conditions in which people live, work, travel and take leisure*. Strategic policies ST2 and ST3 are directed towards providing a spatial framework which will facilitate this. Beyond those, the policies on sustainable settlements in Section 5, and the environmental policies in Section 6, and also economic regeneration policies are all relevant.

e) *widening the choice of high quality homes*. Policies ST1D and ST2, supported by sustainable settlement policies SS1 to 3, recognise that the quality of housing in the Borough is an issue. Overall, it is intended that these policies will enable and encourage greater choice, especially of 'aspirational' housing, in accessible locations, whilst increasing the choice of affordable homes in the more attractive, more rural areas.

Reference to the 'model policy'

4.1.4   The Planning Inspectorate suggests on its web site that "model wording will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way of meeting this expectation" (that plans should reflect the presumption in favour of sustainable development contained in the NPPF).

4.1.5   The NPPF was published as the Core Strategy and Development Management Policies were in the process of being printed, and the plan therefore does not make explicit reference to the presumption in favour of sustainable development. The Plan has been prepared to be consistent with the then operating framework of national Planning Policy Guidance and Statements, and has broadly been accepted by the then arbiters, the Government Office for the North West, as being complaint with them. The NPPF has not changed the thrust of these documents, but has expressed very similar policy objectives in a much more concise form. The Borough Council considers that the plan remains in conformity with national planning policy and is demonstrably consistent with the presumption in favour of sustainable development and the other principles contained in NPPF Paragraph 14, but we accept that there is an expectation on the behalf of Government that plans should make explicit reference to it – particularly as some representors suggested (mistakenly, in our view) that the plan was not in compliance with it, because that explicit reference was absent.

4.1.6   We note that the Inspectorate does not refer to the suggested words as a 'policy'. To reproduce it as a free-standing policy does not, in the Council's opinion, sit comfortably in the plan.

4.1.7   The Borough Council has therefore suggested that the 'model words' are incorporated as follows:

a) in new paragraph 3.3.19, a version of the first paragraph redrafted in a locally distinctive way reflecting the general thrust of the plan;

b) at the foot of policy ST1, a statement that applications fulfilling the spatial development principles can expect to be approved (corresponding almost verbatim to the second paragraph of the model words);

c) in new paragraph 10.1.2, a statement of intent relating to the operation of development management. This statement is clearly more sensibly located in the part of the plan to which it relates, and, as a procedural statement of intent rather than a spatial planning policy, is more appropriately put in the preamble to the development management section.

They are recorded as proposed changes 2, 3 and 4 in the Schedule of Minor Modifications (Doc 1.4).

4.2.   Are there other spatial options which would be more likely to deliver better outcomes for Copeland during the plan period?

4.2.1   No realistic alternative has been identified.

4.2.2   The spatial strategy is based on an approach which has developed over the last decade or so. It was supported by external agencies (such as the NWDA) when they existed and were able to put financial support into key delivery elements such as the strategic employment sites at Westlakes and Lillyhall and the construction of the Parton-Lillyhall dual carriageway improvement to the A595. The approach was expressed in the Local Plan adopted in 2006 and economically-based strategies (the Energy Coast Master Plan, and now the Economic Blueprint), supported by all key local and sub-regional stakeholders. It is consistent with the spatial approach developed for the sub-region in the statutory planning process (Structure Plan and RSS) and taken forward, again with stakeholder support, in the Sub-Regional Spatial Strategy. So in those circumstances, it can be argued that it would be perverse, and would have led to a substantial volume of objection, if we had taken another tack.

4.2.3   In addition to that, Copeland has particular characteristics tending to limit strategic choice.

a)   In the first place, its remoteness from the strategic transport network makes it difficult to envisage significant change for example to the range of employment on offer. However energetically we might try to diversify, it would not be feasible to base a strategy on any assumption that a great degree of diversification would happen. As it is, the Core Strategy's approach is to make space for new areas of development, if we can attract them, by providing suitable land and policy support.

b)   Secondly, the environment (topography as well as protected areas) tightly constrains the possibilities for settlement development. Physically, the parts of the Borough outside the National Park occupy a narrow and discontinuous coastal strip with only one effective way in and out.

c)   The third factor is the dominant and, relative to most economic sectors, secure position of the nuclear industry. It is arguable that Sellafield has a deterrent effect on tourism, and it may be that Sellafield, by offering a range of highly-paid jobs, supply chain opportunities and demand for long- and short-term housing, restricts the scope available for incoming non-nuclear related investment.

Thus the strategic choice has been around different ways of responding to that context, with the choices debated in the early stages of plan production being around different geographical patterns of development (concentrated, dispersed, or 'status quo) which might successfully respond to it.

4.2.4   The concerns which were raised in the stakeholder debates which were a preliminary to the 'Issues and Options stage of production are in the Statement of Consultation (Doc 1.3) at pages 216-220. They demonstrate that (whilst some of the concerns may not have been

pursued because they are not appropriate for inclusion in a statutory spatial plan) the submitted plan covers the spectrum of issues identified.

4.3. **Is the overall balance of growth between identified settlements clearly founded on the evidence base and is it likely to be effective in promoting sustainable development across the Borough, including the rural areas?**

4.3.1   Our assessment of the evidential justification for the balance of growth is based on three factors;

    I.   is it consistent with national planning policy?
   II.   is it desirable?
  III.   is it feasible?

4.3.2   When considering how policy should apply to the 'rural areas' one might note that, although the plan uses the word 'rural' to refer to development outside the towns, this is in fact a rural plan, as the Borough of Copeland is entirely rural. Even Whitehaven, which, with its industrial past, has an urban character, is, at 25,000 inhabitants, within the definition of rural towns (up to 30,000 population) used by the Taylor Review and the Commission for Rural Communities.   A key principle of sustainable development, in general terms but in a particular way in rural areas, is that development should be concentrated in settlements which are able to support a range of activity, to enable the greatest number of people to gain access to the facilities and services which they use in their daily lives in the most sustainable way (especially, by not using their cars).

4.3.3   No fewer than 5 (Objectives 4, 6, 8, 10 and 12) relate to that principle.

4.3.4   This responds to and supports the principle expressed in the eleventh bullet point of NPPF Paragraph 17; "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".

4.3.5   Figure 3.2 describes the settlement hierarchy in those terms, with four tiers – Whitehaven, the three smaller towns ('Key Service Centres') the 'Local Centres' and the rest (smaller villages and the open countryside).

4.3.6   The strategy does not rule out development in the smaller villages or even in the open countryside.   Policy ST2C, supported by the relevant section of Figure 3.2, describes the types of development which would in principle be acceptable outside settlement boundaries and in the open countryside.   Under that strategic umbrella, Policies ER6 (Location of Employment), ER9B (The Key Service Centres, Local Centres and other smaller centres), ER10 (Renaissance through Tourism) and SS3B (Housing Needs, Mix and Affordability) explicitly allow for it. Their intention is to describe the circumstances where development in villages or the open countryside might fulfil the plan's general promotion of a sustainable pattern of development. This might be a theme that could be explored in greater, localised detail in Neighbourhood Plans.

4.4. **Is the spatial strategy deliverable in the plan period and have the risks to delivery been properly assessed?**

4.4.1 The Borough Council submits that the plan is demonstrably deliverable, based on two fundamental facts; firstly, that it can be shown that the land supply is more than adequate to meet anticipated demands, and secondly, that analysis of potential infrastructure constraints has not identified anything which would be fatal to the attainment of the strategy.

4.4.2 We identify the following risks to delivery.

4.4.3 *Infrastructure; waste water drainage capacity*. This has been discussed in some detail with United Utilities. Their response to the published strategy issues some cautions, but in discussion with them (most recently on January 18), they have indicated that in the short term they are content that development can happen at the proposed rate borough-wide, and that most issues can be resolved at site allocation (including phasing of development, particularly in Cleator Moor) or planning application stage without threatening the viability of the strategy.

4.4.4 Uncertainty arising here is more a matter of which sites will have to be discarded, not whether the yield of the sites is insufficient to produce the capacity indicated. The preliminary analysis of United Utilities leaves us with enough sites to accommodate the proposed level of development.

4.4.5 *Infrastructure; transport capacity*. The worst case scenario is that all development aspirations are achieved without any corresponding improvements to transport infrastructure. (This is unlikely as the authorities are collaborating to produce an assessment of what is needed, starting with capacity improvements.) Failure would result in more congestion, mitigated to some extent by measures already in progress for Sellafield to move workers off site into more sustainable locations and make provision for park and ride for its workforce. No-one has suggested that this, undesirable though it would be, would prevent the strategy being realised.

4.4.6 *Moorside doesn't go ahead*. This would deprive us of a promising driver of medium-term growth, but the strategy can accommodate that by reverting to the lower level of predicted demand for land. It could be expected to trigger a re-evaluation of the employment land supply, and would certainly lead to strengthened efforts to seek inward investment and economic diversification.

4.4.7 *Sellafield job decline accelerates*. Such decline would not be immediate and thus in the short term implementation of the strategy would be 'business as usual'; but in the longer term the wider strategy (Economic Blueprint) would have to be re-evaluated, which would be likely to trigger a review of the plan. The main issues in such a review can be expected to be how the regeneration strategy could be adjusted to invigorate efforts to diversify the economy, and whether the spatial strategy would need to be revised either to safeguard the concentration on the towns, or to evaluate whether a different distribution would spark

developer demand. Such a review would, however, probably be in the timescale (five years plus) in which the plan would be expected to be reviewed as a matter of routine.

4.5.   Do the strategic policies provide sufficient clarity and detail for users of the Plan to understand the intention behind the Council's approach?

4.5.1   The spatial strategy section (Section 3) contains

- an explanation of the rationale of the strategy (in particular, the 'drivers of change' in Section 3.3), followed by
- the principles which will underlie planning decision making under the auspices of the Copeland Local Plan (Strategic Development Principles, policy ST1).

4.5.2   The key spatial strategy policies follow; these are

- ST2 'Spatial Development Strategy', which sets out the broad distribution of development across the borough's settlements and other suitable locations; and
- ST3 'Strategic Development Priorities', which focuses on the main locations where the regeneration and growth effort will be concentrated;

    along with

- ST4 'Providing Infrastructure' which sets out the principles which will govern the Council's efforts to secure suitable provision of infrastructure made necessary by development, including the Planning Obligations SPD now under production, and Community Infrastructure Levy when adopted.

4.5.3   This is the heart of the document. The subsequent Core Strategy policies (Sections 4 to 7) are organised according to the themes which have emerged and are expressed in the Spatial Portrait, Vision and Objectives; but those policies which guide the spatial distribution of development, notably, but not exclusively, ER3, ER4, ER6, ER7, ER9, ER10, and SS1-4, can be referenced back to ST2 and ST3, and in most cases refer to one or both of them explicitly.

4.5.4   The Borough Council considers that this is a clear and logical structure. Representations, even those which disagree with it, have not shown any indication that it is misunderstood.

4.6.   Is there sufficient flexibility in the CS to allow for change or unforeseen events?

4.6.1   In general the plan's policies are expressed in permissive terms, giving them an inherent flexibility. The essential, more specific components of flexibility are the provision of a supply of land which can meet the needs of the Borough under a range of circumstances.

4.6.2   The supply of employment land, which is carried forward from the 2006 Local Plan, is, as discussed elsewhere, (See response to Matter 5, 5.3), generous in comparison to past take-up rates, but retained precisely for the purpose of retaining the flexibility to provide land for operations ancillary to, or arising to supply, proposed major developments at and adjacent to Sellafield.

4.6.3   Additionally, our analysis of the land available for housing, emerging from the SHLAA (Doc. 7.3) satisfies us that there is sufficient supply to provide for level of house building greater than anything seen for many years. The Housing Trajectory identifies a need for 3450 under the 'base scenario' or 4150 allowing for growth; the SHLAA has identified land to accommodate 6360 dwellings. We are confident that this will give us enough flexibility to cater for foreseeable demand resulting from an influx of migrants resulting from major proposed projects.