



## Appendix 1

### **Cumbria County Council Response to the Copeland Local Plan 2021- 2038: Publication Draft Addendum Consultation July - August 2022**

**23 August 2022**

#### **1.0 INTRODUCTION**

- 1.1 This report sets out the Council's response to the Copeland Local Plan 2021-2038: Publication Draft Addendum Consultation currently being held between 13<sup>th</sup> July and 24<sup>th</sup> August 2022.
- 1.2 Copeland Borough Council is in the process of developing the Copeland Local Plan 2021-2038, which has recently been taken through a Regulation 19 public consultation exercise and which the Council formally responded to through the Cabinet decision making process in April 2022.
- 1.3 The Copeland Local Plan Publication Draft Addendum consultation seeks to complete the Local Plan by updating Policy H9PU Allocated Sites for Gypsies and Travellers and its supporting text in the Publication Draft to include a Gypsy and Traveller site allocation. The Addendum consultation also makes amendments to Policy N5PU: Water Resources, to address the issue of Nutrient Neutrality. No other changes are proposed.
- 1.4 This report sets out the Council's response to the changes proposed to policy H9PU 'Allocated Site for Gypsies, Traveller and Travelling Showpeople' and Policy N5PU: Water Resources.
- 1.5 The Council's response is made in the context of the Council Plan for Cumbria County Council, which is based on the following three core outcomes, all of which can be supported by the Copeland Local Plan in the way it shapes the future development of Copeland.
  - People in Cumbria are healthy and safe;
  - Places in Cumbria are well connected and thriving; and
  - The economy in Cumbria is growing and benefits everyone.
- 1.6 The Council's response is based on the technical comments of Cumbria County Council officers from Infrastructure Planning and Flood and Development Management teams. The consultation document has also been considered by the Environment and Sustainability Lead in the context of Nutrient Neutrality.

## 2.0 DETAILED RESPONSE

- 2.1 Section 2.0 sets out the Council's detailed response to all proposed changes outlined within the Copeland Local Plan 2021-2038 Draft Publication Addendum. It shows that the Council has no objections to raise. However, the Council requests that Copeland Borough Council acknowledges the accuracy of comments that the Council has submitted against specific sites throughout the various stages of local plan development.
- 2.2 Between November 2021 and May 2022, the Council has worked closely with Copeland Borough Council to formulate evidence to inform the forthcoming Gypsy and Traveller Site Allocation consultation which took place between March and May 2022.
- 2.3 The Council has submitted technical responses to proposed gypsy and traveller sites for allocation at the following stages:
- Request to provide a technical assessment of 11 proposed Gypsy and Traveller sites (November 2021);
  - Copeland Local Plan Site Access Assessment evidence base (December 2021);
  - Copeland Local Plan Site Access Assessment Addendum evidence base (March – May 2022);
  - Copeland Local Plan 2021-2038: Gypsy and Traveller Site Allocation consultation (March - May 2022); and
  - Copeland Local Plan 2021-2038 Draft Publication (January – March 2022).
- 2.4 The current Copeland Local Plan 2021- 2038: Publication Draft Addendum consults on proposed site GTW5 Land at Sneckyeat Industrial Estate in Whitehaven as being the preferred site to be included as an allocation under Policy H9PU.
- 2.5 Appendix A of the consultation document *Summary of responses and evidence received in relation to sites GTW3 and GTW5* provides the Council's technical assessment of site GTW5a comments rather than for site GTW5.
- 2.6 The following table, therefore, provides a summary of the Council's technical responses to proposed gypsy and traveller site allocations GTW3, GTW5 and GTW5a between the period of November 2021 and May 2022.

**Table 1. Technical Assessment of sites GTW3; GTW5 and GTW5a proposed for Gypsy and Traveller allocation between November 2021 and May 2022**

LPA Site Ref.	Site Name	Settlement	Site Specific Highway Issues	Drainage	Access to Sites Assessment	Overall Assessment
GTW3 (0.83ha)	Land north of Greenbank	Whitehaven	Existing access to the site from Woodhouse Road is appropriate. Access roads into the site will be steep and will need careful design to comply with Design Guide maximum gradients. Pedestrian access paths to existing footways from site boundaries to west and north on Woodhouse Road and Low Road should be provided.	No known surface water or flooding issues. Would expect to see infiltration strategy explored for surface water but site is steep so needs careful design to prevent lateral seepage. There is a surface water sewer in Low Road which could be utilised if infiltration is proved non-viable. United Utilities (UU) combined sewer runs through the site meaning that the Foul Strategy for the site should be straightforward.	Agree with WSP's comments for site ref GTW3 in principle. Whilst access is possible from St. Bees Road, the Local Highways Authority also prefer the access point from Woodhouse Road as recommended. However, if this is shown to be impracticable or non-viable (for gradient or utility diversion issues for example) then the St. Bees Road access can be considered as an alternative. The site access location on Woodhouse Road has utility infrastructure in vicinity - to be aware of in outline design process.	Acceptable in principle.
GTW5 (1.81ha)	Land at Sneckyeat Industrial Estate	Whitehaven	Looks acceptable, but access will need to be shown. PRoW on site and must remain unfettered. No issues with highway capacity.	Acceptable in principle. No known drainage issues.	Agree with WSP's comments and recommendations for site ref: GTW5, in principle, for primary access to be taken from Homewood Road in a staggered junction arrangement with Sneckyeat Grove. However, there is no requirement for a secondary access or Emergency Vehicular Access onto an Industrial Estate /	Acceptable in principle.

LPA Site Ref.	Site Name	Settlement	Site Specific Highway Issues	Drainage	Access to Sites Assessment	Overall Assessment
GTW5a (0.68ha)	Land at Sneckyeat Industrial Estate	Whitehaven	<p>Access would be acceptable from Sneckyeat Road but will need upgrading. However, the site now shown appears to be land locked and access should form part of the site allocation boundary and shown on the allocation plan.</p> <p>There is a Public Rights of Way (PRoW) on the northern boundary of site which must remain unfettered.</p> <p>To be acceptable access will need to be demonstrated prior to submission.</p>	<p>There are no apparent watercourses or receptors for surface water on the site but there are no known surface water or flooding issues on the site either. An understanding of the existing drainage mechanism is required, and an Infiltration Strategy should be explored.</p> <p>There is no apparent foul sewer on site, at Sneckyeat Industrial Estate or at Homewood Road meaning that a Foul Strategy needs to be explored early on with United Utilities.</p>	<p>employment site so would be no requirement to include the access from Sneckyeat Road for this site, as an employment site alone.</p> <p>Agree with WSP's comments and recommendations for site ref: GTW5a, in principle, for an access from Sneckyeat Road as the preferred option for the main access.</p> <p>Parking restrictions required and footway provision on Sneckyeat Road to be considered, but width of highway corridor appears to restrict options for high quality road and pedestrian provision, yet this can be further investigated during the planning process.</p>	<p>Acceptable in principle subject to the site boundary being amended to allow for suitable access.</p>

2.7 Although the Council has not previously raised any objection to the potential allocation of sites GTW3; GTW5 or GTW5a - the comments associated with sites GTW5 and GTW5a differ. As such, it is important that Appendix A of the Copeland Local Plan 2021- 2038: Publication Draft Addendum reflects the Council's comments submitted for the larger GTW5 (1.81ha) site as opposed to the smaller GTW5a (0.68ha) site; or that it reflects both for completeness and in acknowledgement that the sites have the same title e.g., Land at Sneckyeat Industrial Estate.

#### **Policy H9PU Allocated Site for Gypsies, Traveller and Travelling Showpeople**

2.8 The Copeland Local Plan 2021- 2038: Publication Draft Addendum document proposes the following changes to policy H9PU Allocated Site for Gypsies, Traveller and Travelling Showpeople and its supporting text:

- The policy title is proposed to be amended to H9: Allocated Site for Gypsies and Travellers;
- further explanation is provided in supporting text on the approach to identifying potentially suitable sites for gypsy and traveller allocation (paras 13.12.2 – 13.12.4); and
- advice is provided on documents which will need to be provided to the Local Planning Authority before development can commence on the allocated site (para 13.12.5).

2.9 The Council has no objection to the proposed changes to and supporting text of policy H9PU Allocated Site for Gypsies, Traveller and Travelling Showpeople.

2.10 However, the Council would also like to raise awareness of the recently designated Cumbria Coastal Community Forest located in close proximity of the proposed GTW5 Land at Sneckyeat Industrial Estate gypsy and traveller site allocation. Any planning application coming forward for the gypsy and traveller site would need to be mindful of this and the design opportunities it would present.

2.11 No changes are being proposed for Policy H10PU Gypsies, Travellers and Travelling Showpeople Sites. This specific policy outlines where planning applications for the development of new or extension of existing Gypsy and Traveller sites will be supported.

#### **Policy N5PU: Water Resources**

2.11 The consultation document explains that since the production of the Publication Draft, the Government has produced new guidance relating to nutrient neutrality.

- 2.12 The guidance requires development to take account of nutrient impacts on habitats sites and ensure that nutrient neutrality is secured as part of a proposal before planning permission is granted.
- 2.13 This change in planning guidance is not unique to the Copeland area and is being addressed by all Local Planning Authorities affected by Nutrient Neutrality.
- 2.14 For Copeland, Nutrient Neutrality affects the catchment area for the Derwent and Bassenthwaite Lake Special Area of Conservation (SAC). The affected area is limited to parts of the parishes of Lamplugh, Arlecdon and Rowrah and Distington and does not affect any of the proposed allocations within the emerging Local Plan.
- 2.15 To comply with the guidance, Copeland Borough Council are proposing to make amendments to Policy N5PU: Protection of Water Resources, to address the issue which may affect future windfall developments.
- 2.16 The Copeland Local Plan 2021- 2038: Publication Draft Addendum document proposes the following changes to Policy N5 Protection of Water Resources and its supporting text:
- New supporting text paragraphs 15.12.7 – 15.12.15 on Nutrient Neutrality; and
  - specific reference to the Derwent and Bassenthwaite Lake SAC within policy N5: Protection of Water Resources.
- 2.17 The Council has no objection to the proposed changes to and supporting text of policy N5PU: Protection of Water Resources. The Council would however like to state that all surface water run-off from new development sites needs to have the appropriate treatment to prevent pollution from road run-off and that this would be standard practice addressed with the inclusion of good quality Sustainable Urban Drainage Systems (SuDS).
- 2.18 The Council has no objection to the proposed changes to the policy itself or the supporting text of N5PU: Water Resources understanding that the Derwent and Bassenthwaite Lake Special Area of Conservation (SAC) in Copeland relates to the River catchment area in the north of the Borough and SAC conservations objectives including the need to ‘restore stable nutrient levels appropriate for lake type’ and that ‘the natural nutrient regime of the river should be protected’.

## **General Observations**

### **Nutrient Neutrality**

- 2.18 Paragraph 3.3 of the Addendum consultation documents refers to the matter of Nutrient Neutrality potentially affecting windfall sites. It is suggested that the term ‘windfall site’ is defined or included within a ‘glossary of terms’.

- 2.19 Figure 12 which shows the River Derwent and Bassenthwaite Lake SAC Catchment Area appears blurry and would benefit from a sharper more higher quality resolution.
- 2.20 The term SAC is referenced within the consultation document but without definition. It is suggested that the term is defined or included within a 'glossary of terms'.
- 2.21 It is suggested that the final sentence of paragraph 15.12.9 describing the propose of supporting text to policy N5PU: Protection of Water Resources is moved to paragraph 15.12.7 where the definition of the term would sit more comfortably in the introductory paragraph.
- “Nutrient neutrality is the term used for the desired outcome either prior to or following for such mitigation.”*
- 2.22 It is suggested that footnote 3 on page 12 can be removed considering its duplicate explanation in supporting text paragraph 15.12.15. Instead, reference could be made to paragraph 15.12.15 for further detail on overnight accommodation.
- 2.23 In Appendix A, page 19 the Council is named in the Consultee column of the table as “County Council”. The Council would request that this is changed to Cumbria County Council.
- 2.24 As highlighted at paragraph 2.7 of this report, the Council's comments in Appendix A, page 19 relate to site GTW5a (0.68ha) and not the site which is being consulted on in this document which is site GTW5 (1.81ha). Appendix A of the consultation document should therefore reflect the Council's comments related to site GTW5.
- 2.25 It is suggested that for the avoidance of doubt and in consideration of the above comment, Figure 9: Gypsy and Traveller Site Allocation, Land at Sneckyeat, Whitehaven, includes site size detail (ha).

### **3.0 CONCLUSIONS**

- 3.1 This report provides the Council's response to the Copeland Local Plan 2021-2038: Publication Draft Addendum Consultation being held between 13<sup>th</sup> July and 24<sup>th</sup> August 2022.
- 3.2 The Council has no objection to proposed site GTW5 Land at Sneckyeat Industrial Estate in Whitehaven as being the preferred site to be included as an allocation under Policy H9PU.
- 3.3 The Council has no objection to the proposed amendments to policy text and supporting text of Policy H9: Allocated Site for Gypsies and Travellers.

- 3.4 The Council has no objection to the proposed amendments to policy text and supporting text of Policy N5PU: Protection of Water Resources.
  
- 3.5 Cumbria County Council will continue to work with Copeland Borough Council to support the development of the Copeland Local Plan through monthly progress meetings, support around various evidence base to inform the emerging local plan and in identifying and securing infrastructure improvements to support growth priorities across Copeland and the wider Cumbria.