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# Copeland Local Plan 2021 – 2038 Examination Hearing Statement

## Matter 10 – Natural Environment

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Respondent ID81

OFFICIAL

## Preface

Homes England is the Government's housing agency, responsible for increasing the number of new market and affordable homes that are built across England as well as the supply of housing on public land, and to accelerate the rate at which this land can deliver new homes; helping to stimulate economic growth and to attract private sector investment in local areas, especially outside of London.

This Statement is concerned with Matter 10 (Natural Environment) of the Matters, Issues and Questions published on 11 November 2022 by the Inspector appointed to examine the Copeland Local Plan 2021 – 2038. It should be read in conjunction with Homes England's further Statements regarding Matters 14, 15, and 19, along with the Representations made by Homes England at the Preferred Options, Pre-Publication Focused Consultation, and Publication Draft stages in November 2020, October 2021, and March 2022 respectively.

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## Matter 10 – Natural Environment

### Issue – Whether the approach towards the natural environment is justified, effective and consistent with national policy?

**Note:** Before Homes England answers questions posed by the Inspector in relation to Matter 10, it should be noted that there are some issues with the nomenclature in the Plan and the information contained within the Proposals Maps (CD3a and CD3b) and Settlement Maps (CD2 Appendix B). These are as follows:

- The Policies and supporting text within the Local Plan use the term '*Protected Green Space(s)*', whereas Keys to the Settlement Maps (CD2 Appendix B) refer to '*Protected Open Spaces*'. If this inconsistency is not resolved there will be questions asked post-adoption about how the Plan and its Policies should be interpreted; and
- The Inspector has referred to the '*Protected Green Spaces*' shown on the draft Proposals Map, however there are no '*Protected Green Spaces*' shown on the Proposals Map. There are '*Protected Open Spaces*' shown on the Settlement Maps which are proposed to be included in the Local Plan, but it is not clear why such an inconsistency exists. If '*Protected Green Spaces*' cannot be shown on the Proposals Map due to its scale, the Council should consider identifying Inset Map boundaries on the Proposals Map and using the Settlement Maps as the Inset Maps.

#### Green Infrastructure (Policies SP N9PU; SP N10PU; SP N11PU; SP N12PU)

**10.18 - How were the Protected Green Spaces shown on the draft Proposals Map and referred to in Policy SP N11PU defined? What evidence is there to support their designation? Is the Policy justified, effective and consistent with national policy?**

1. Homes England has reviewed the evidence base to the Local Plan and cannot find any document(s) that explain the approach that the Council has taken to designating 'Protected Green Spaces' shown on the Settlement Maps. It is therefore not clear to Homes England what process the Council has been through, and the reasons given as to why these designations have been identified e.g. for their contribution to an area's recreational resource or for their visual quality or something else.
2. The only evidence base document that mentions '*Protected Green Spaces*' is the Open Space Assessment (EB28), which Homes England would like to raise the following concerns with:
  - a) The primary purpose of EB28 is to provide the Council with baseline information on the public open spaces that exist within the Borough, including information on the amount of open space that exists, its condition, its distribution, and its overall quality (EB28, page 1). However, the Assessment goes on to state that it has a second purpose as follows:
 

*The document also gives direction on the future provision of accessible, high quality, sustainable provision for open spaces in Copeland. It reviews the designation of Protected Green Space in the current Local Plan in order to recommend whether the protection should continue, be removed or added to sites.*

Notwithstanding this, it appears that it neither assesses all of the spaces that are shown as protected on the current (adopted) Local Plan Proposals Map, nor confines its assessment to spaces that are protected in that Plan. There are other sites that it has assessed and has recommended for protection that have no physical or other relationship with sites previously protected;
  - b) EB28 describes the quality and value criteria that the authors (KKP) have used to assess the numerous open spaces that are referred to later in the document and then references the use of quality and value thresholds, which vary from typology to typology (see EB28, pages 7 and 8). The Assessment does not

specify how each criterion has been scored or weighted (e.g. what a site needs to do to achieve a threshold score). For example, the quality and value threshold scores for 'amenity greenspace' are 40% and 20% respectively (which, we note, appear very low and do not, on the face of it, point to land that is in any way special and worthy of protection). It is also not clear how a site might achieve these scores based on the criteria used to assess it, nor does it explain how each site has performed against each criterion. There are no site proformas within EB28, with only summary information provided on whether each site has achieved the threshold score for quality and value (denoted by use of red and green colour coding). The opportunity for Representors or the Inspector to interrogate the Assessment and the judgements made therein, to determine whether the conclusions that have been reached on matters of quality and value are soundly based, is therefore limited;

- c) EB28 does not properly explain and evidence how sites have been proposed for protection where an assessment of their quality and value has scored low, but due to a lack of adequate provision within the settlement, the particular typology of space has been identified as required and therefore is proposed to be protected. In cases where the Assessment has judged a settlement to be short of a particular space type it has recommended that the space is protected, regardless of its quality and value scores;

- d) on page 122, EB28 states:

*There is a need for further consideration to the potential protection of some sites. In larger settlements (e.g. Whitehaven) the recommendation may be for a site to be protected as overall the settlement has a relative shortfall in that type of provision. However, the site in question may be rated as being of lower quality and value. The approach has therefore been to recommend protecting the site against any potential immediate loss. If, however quality and/or value cannot be enhanced then longer term the site may not warrant being designated for protection. (Homes England emphasis)*

We can find no evidence of any analysis of whether the value and quality of spaces may be enhanced, and so no evidence of the final sentence above having had an impact on the assessment or the Plan itself;

- e) it goes on to say that:

*There is also a need to consider cumulative loss of potential sites, of the same typology, not put forward for protection. On a site by site basis, no shortfall may be calculated due to the loss of a single site. However, the loss of multiple sites may lead to a settlement falling below the Copeland provision level.*

Homes England therefore raises concern with justification for the protection of spaces that are not contributing materially to an area, in particular Whitehaven, in terms of the quality and value of its open space provision;

- f) EB28 is an open space assessment. It is therefore concerned with how land performs as publicly accessible open space that may be used for recreation, play, leisure, amenity, and sport. It does not contain any form of landscape analysis, yet EB28 assesses the merits of continuing to protect land that is currently protected for its 'landscape value' rather than the role it performs in providing a recreational resource.
- g) According to the Settlement Map for Whitehaven, Site HWH2 has within it two parcels of land that the Plan is indicating should be designated as Protected Open [sic] Spaces. In EB28, these are referred to as sites 72 (Laurel Bank AGS) and 179 (Red Lonning Playing Field).

Part of site 72 (an arbitrary, square parcel of land at the very southwestern end of HWH2 behind the row of houses that front onto Loop Road South) is protected in the adopted Local Plan for its landscape quality under Policy DM26. No other part of HWH2 is protected in the adopted Plan. Site 72 is a pasture. It has no particular landscape value and is certainly not a valued landscape in NPPF paragraph 174 terms, and the

landscape and visual effects of developing part of Site 72 have been assessed through the recent planning application process and have been found to be acceptable. The land is not accessible to the public, is not a recreational resource of any kind, is not overlooked (other than by the small number of homes on Loop Road South) and has no notable ecological value. EB28 gives Site 72 no scores at all in Part 28.1 of its assessment (page 116). However, in part 29, it indicates that it fails to meet the quality threshold score but achieves the threshold score for value. It is not clear how this conclusion has been reached, especially in recommending that the site be protected for the following reason: *“Rates higher for value. Settlement below provision levels in Copeland.”*

Site 179 is a long disused, privately owned playing pitch that is in poor condition. The Housing Allocation Profile for HWH2, in Appendix F of the Local Plan (document CD2), notes that it “is poorly accessible from surrounding residential areas with no natural surveillance”. It is not a protected or designated open space in the current adopted Local Plan. Homes England’s planning application proposed that this land be developed for housing. Sport England was consulted on the application and agreed, following the undertaking of a Sport Mitigation Strategy, that the land could / should be developed and that rather than have this space re-provided on site, the Borough would benefit more from having the developer make a contribution to the enhancement of sports facilities off-site. In part 28.1 of EB28 site 179 is noted as failing to achieve the threshold scores for both quality and value. EB28 recognises this again in part 29 but concludes that the site should be protected for the following reason: *“Rates lower for quality and value. Settlement below provision levels in Copeland.”*

As noted above, both sites 72 and 179 fall within a wider site that is proposed to be allocated for housing development. The protection of these spaces is at odds with the residential allocation and retaining the designations and requiring the developer of the land to comply with the provisions of Policy N11PU would compromise the capacity of the site in a material way. It may also impact adversely on the viability of the development.

Therefore, notwithstanding the obvious lack of quality and value in these spaces, the direct conflict that protecting them has with objectives of the HWH2 allocation, the Open Space Assessment which confirms that neither space achieves threshold scores for both quality and value (with site 179 achieving neither), and in spite of the fact that the planning application process has concluded that these sites may be developed without giving rise to unacceptable harm, the Council appears to be continuing with the notion that the land parcels should be designated as Protected Green Spaces in the Local Plan.

3. In light of the above, Homes England reiterates the critical point that there is no explanation as to how the sites earmarked for protection on the Settlement Maps have been identified, and why they have been identified (i.e. what is special about them). Homes England has undertaken a detailed assessment of the open space within site HWH2 and has concerns with the way in which the Council has assessed these in the Local Plan. Homes England’s own assessment of open space within site HWH2 in support of the planning application does not align with the position agreed with the Council and Sport England, and we therefore recommend the removal of Protected Green Space sites 72 and 179 as from the Settlement Map for Whitehaven.

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