

Copeland Local Plan 2021-2038 Examination

Hearing Statement on behalf of Story Homes (Respondent No. 79)

Matter 14: Development Standards

Issue: Whether the approach towards development standards is justified, effective and consistent with national policy?

Q14.1 Is the approach to infrastructure provision/enhancements and planning obligations effective? Is it clear as to when contributions for the enhancement of existing or provision of new infrastructure would be sought?

- 1.1 Story Homes does not consider it to be clear where contributions for the enhancement of existing or provision of new infrastructure are to be sought.
- 1.2 The evidence base which supported the Preferred Options consultation includes an Infrastructure Delivery Plan (IDP) (Stage 1) which identifies known shortfalls and constraints surrounding infrastructure in the Borough. Stage 2 includes details of what infrastructure requirements are necessary to support the Local Plan, as well as providing an Infrastructure Delivery Schedule.
- 1.3 Story Homes is of the view that the plan-making process represents the most appropriate mechanism to strategically determine and provide for future school needs both in Whitehaven and across the Borough. The emerging Local Plan should therefore include and look to take account of a full review of existing school capacity, appraise the extent of the need for new places, and identify the preferred location and means of delivery for provision. This should be established in discussions with key partners including the County Council and developers such as Story Homes, to ensure that the proposals are suitable and deliverable alongside the development of the new homes in the Borough.
- 1.4 One key example of this review being needed is in respect of the Outline planning permission at emerging allocation HWH3: Land at Edgehill Park¹. The scheme includes a small area set aside for a primary school and Story Homes have paid a £350,000 education contribution (required by the Unilateral Undertaking pursuant to the Outline permission). Story Homes has written to Cumbria County Council seeking confirmation on whether it intends to locate a new primary school on the land reserved for this purpose within the allocation however confirmation on this point is awaited, alongside a full review of feasibility of constructing a school in this location.
- 1.5 The IDP Stage 1 document provides an assessment of education capacity within Whitehaven and concludes that although six out of twenty schools are at or above capacity, the additional demand can be accommodated by other local schools. For instance, Hensingham Primary School and Valley Primary School, also located in southern part of Whitehaven are currently only at 70% capacity. The schools with identified capacity issues are Jericho Primary School, Moresby Primary School and St. Bridget's C of E School and are all located to the north of Whitehaven. This basic comparison

¹ Application reference: 4/13/2235/001

demonstrates that the issue should be considered strategically based on where the need exists rather than where major applications are forthcoming.

- 1.6 Story Homes can confirm that the land reserved for a Primary School is suitable for the delivery of additional housing should the IDP, feasibility assessment and a review of preferred locations for new schools conclude that land within HWH3 is not the most appropriate location for a new school.

14.2 Does it [Policy DS5PU Planning Obligations] provide an appropriate level of flexibility in terms of the impact on the viability of development proposals? Is it justified and consistent with national policy?

- 1.7 Policy DS5PU outlines the planning obligations that CBC may request of new development where it is reasonable, necessary and directly related to the development. However, the priority for infrastructure will be dependent on the location of development. One type of infrastructure should not be prioritised until an assessment has been undertaken to identify the infrastructure for which there is the most pressing need in a certain location, and the most appropriate location for such infrastructure. Such need should be assessed by the relevant delivery partners, and may include the developer, CBC and the County Council, as well as the advice of a specialist, which should be obtained where appropriate.
- 1.8 It is considered that the plan-making process provides the most appropriate mechanism for such an assessment. The Local Plan's supporting evidence base should assess the need for differing types of infrastructure, the viability of delivery, the preferred location within the Borough and the most appropriate method of delivery.
- 1.9 Therefore, rather than listing types of infrastructure for which there is a priority, the Local Plan should identify specific infrastructure projects for which there is a need and identify specific requirements, in terms of location and method of delivery, for such infrastructure.
- 1.10 The draft policy confirms that where the provision of such planning obligations would impact the viability of a scheme, a site specific viability assessment must be submitted to and agreed by the Council. This is in line with paragraph 58 of the NPPF and the PPG and provides an opportunity to reconsider viability on a site-by-site basis where particular circumstances may merit a review of policy expectations.
- 1.11 Story Homes is generally supportive of the categories outlined in the draft policy and welcome the opportunity to provide a site specific viability assessment, where necessary.
- 1.12 The Stage Two Viability Study was prepared by Keppie Massie (KM) and published in February 2022 ahead of the Regulation 19 consultation exercise. Cushman & Wakefield (CW) prepared a separate representation to the Regulation 19 consultation in respect of viability on behalf of a developer consortium which included Story Homes. The document is appended to Story's representations and comprises a review of the viability approach and assumptions adopted by KM.
- 1.13 CW's representation confirms that whilst the different categories of infrastructure are listed as being funded by planning contributions in Policy DS5PU, the Copeland Transport Improvements Study (2021) fails to account for junction improvements. CW consider CBC have therefore significantly underestimated the off-site highways costs for all emerging allocations. In accordance with CW advice, CBC should include a higher Section 106 contribution within the 'base' viability testing to reflect likely mitigation requirements for all allocations to ensure the Local Plan is effective and justified.

- 1.14 Story Homes objects to this approach on the basis that it does not meet the tests of soundness as it is not 'positively prepared' or appropriately 'justified' within the Council's evidence base.

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