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Copeland Local Plan 2021 – 2038 Examination Hearing Statement

Matter 15 – Housing Allocations

December 2022
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 15 (Housing Allocations) 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 10, 14, and 19, along with the Representations made by Homes England at the Preferred Options, Pre-Publication Focussed Consultation, and Publication Draft stages, submitted in November 2020, October 2021, and March 2022 respectively.

All correspondence with Homes England for the purpose of the Copeland Local Plan Examination should be sent to:

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Matter 15 – Housing Allocations

Issue – Whether the proposed housing allocations and broad locations are justified, effective and consistent with national policy?

Site Selection

15.1 - Was the methodology used to assess and select the proposed site allocations and broad locations appropriate? Were reasonable alternatives considered and tested? Are the reasons for selecting the preferred sites and rejecting others clear and where is this set out?

1. Homes England considers that the methodology and approach the Council has taken has led to a clear and robust conclusion of the appropriateness of proposing site HWH2 for allocation.

Distribution of Housing (Policy SP H4PU)

15.2 - Is the proposed distribution of housing set out in Policy SP H4PU consistent with the settlement hierarchy set out in Policy DS3PU? How were the proportions/amounts of development for each tier of the hierarchy of settlements arrived at?

2. Homes England supports the spatial approach taken by the Council to identify Whitehaven as the Principal Town for Copeland. The Plan makes provision for the development of 3,600 new homes in the period 2021 - 2039 at an average rate of 200 dwellings per annum, with 40% of the requirement accommodated within Whitehaven.
3. Homes England is satisfied that the distribution specified in Policy H4PU is consistent with the settlement hierarchy and the capacity and sustainability credentials of the settlements therein. It is appropriate that Whitehaven accommodates the greatest proportion of housing required in the light of it having the greatest range of services, facilities, job opportunities and necessary supporting infrastructure.

Housing Allocations (Policy SP H5PU)

15.3 - What is the background to the site allocation? How was it identified and which options were considered?

NOTE: THIS RESPONSE CONCERNS SITE ALLOCATION HWH2 – RED LONNING AND HARRAS MOOR

4. Much of Site HWH2 is allocated for residential development under Policies HA1 and HA2 of the Copeland Local Plan 2001-2016 'Saved Policies' document, with an indicative capacity of 220 dwellings. This allocation was proposed to be continued with a slightly increased capacity of up to 230 dwellings in the Council's 2015 Preferred Options document.
5. In 2016, the Borough and County Councils contacted Homes England and sought its help in delivering the Site citing a lack of resource to do so themselves. Homes England acquired the land in 2017 and has since been engaging in the preparation of the Local Plan and has made representations in support of the HWH2 allocation at the following stages:
 - Preferred Options (November 2020)
 - Pre-Publication Focussed Consultation (October 2021)
 - Publication Draft of the Copeland Local Plan (March 2022)
6. In addition, to accelerate housing delivery, Homes England has applied for outline planning permission for the development of the HWH2 site with up to 370 dwellings.

15.4 - What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?

7. Homes England made an application for outline planning permission in respect of Site HWH2 on 18 May 2018. The application proposed a development of up to 370 dwellings together with associated open space and infrastructure. All matters of detail, save those of access, were reserved for later approval. The application was accompanied by a full suite of technical documents including:
 - Planning Statement
 - Statement of Community Involvement
 - Design and Access Statement
 - Parameters Plan
 - Illustrative Masterplan
 - Illustrative Layout Plan
 - Transport Assessment, Travel Plan and Road Safety Audits
 - Noise Assessment
 - Habitat Regulations Assessment
 - Ecological Assessment (incl. Protected Species Surveys)
 - Flood Risk Assessment
 - Geophysical Survey and Report
 - Tree Survey and Arboricultural Impact Assessment
8. The application was validated on 26 June 2018 with reference: 4/18/2287/001. It was the subject of extensive consultation and discussion, including with all relevant statutory consultees. This included the County Council, acting as Local Highway Authority and Highways England (now National Highways). Neither objected to the proposals.
9. The application was presented to the Council's Planning Panel for determination on 18 September 2019. Officers recommended that planning permission be granted. However, Members moved to refuse permission citing concerns around highway safety and congestion on parts of the highway network serving the site. There was no substantive evidence produced to support the reasons for refusal. In line with the Council's constitution, determination of the application was deferred to allow for Members' concerns to be addressed.
10. In October 2019, Council Officers commissioned an independent review of Homes England's Transport Assessment and supporting documents. The scope of the review was agreed with Members.
11. The review was carried out by Arup and was completed in October 2019. It found Homes England's assessment to be robust and concluded that there are no highway related reasons why planning permission should be refused. Throughout this period, the relevant highway authorities did not raise any objection on highway grounds.
12. In Summer 2020, Homes England proposed changes to the outline drainage strategy for the site to reflect the Agency's intention to dispose of the land in two tranches. Whilst this was being assessed, Homes England prepared and agreed with the County Council and National Highways mitigation schemes for the upgrade of two off-site highway junctions, required because of the proposals. Updates were subsequently made in early 2021 to

several of the application documents to align them with the revised drainage strategy, highways work, and changes that had been made to the NPPF.

13. To ensure that the local community and consultees were fully apprised of the additional information that had been added to the application, the Council re-consulted on the proposals in April 2021. At that point, objections from Sport England, the Woodland Trust, Natural England, and Whitehaven Town Council were received. In response, Homes England prepared and submitted a Habitat Regulations Assessment, a Biodiversity Net Gain (BNG) Assessment and a Sport Mitigation Strategy. In addition, the illustrative layout for the site was amended, including in respect of tree retention, stand-offs from Midgley Wood and the provision of public open space. This was the subject of additional consultation in May 2022. As a result, the Woodland Trust, Natural England and Sport England withdrew their objections.
14. The application was taken back to CBC's Planning Panel on 16 August 2022, again recommended for approval. However, Members voted 5 to 2 against the recommendation (1 abstention) and planning permission was refused for the following reasons:

Reason 1

The proposed development will result in an unacceptable impact on highway safety on the public highway network, with specific regard to the public highways known as Harras Road, Park View, Victoria Road, Albert Terrace, Solway View, Hilton Terrace and Wellington Row and the junctions of Park View with Albert Terrace, Park View with Solway View, Albert Terrace with Victoria Road and Victoria Road with the A595. Given the constraints of the public highways and junctions, the impacts of the proposed development on highway safety cannot be cost effectively mitigated to an acceptable degree.

The development is in conflict with the requirements of Policies ST1 and T1 of the Copeland Local Plan 2013-2028 and Paragraphs 110 and 111 of the National Planning Policy Framework.

Reason 2

The proposed development will result in severe residual cumulative impacts on the road network, with specific regard to capacity and congestion on the public highways known as Harras Road, Park View, Victoria Road, Albert Terrace, Solway View, Hilton Terrace and Wellington Row and the junctions of Park View with Albert Terrace, Park View with Solway View, Albert Terrace with Victoria Road and Victoria Road with the A595. Given the constraints of the public highways and junctions the impacts of the proposed development on capacity and congestion cannot be cost effectively mitigated to an acceptable degree.

The development is in conflict with the requirements of Policies ST1 and T1 of the Copeland Local Plan 2013-2028 and Paragraphs 110 and 111 of the National Planning Policy Framework.

15. The highway safety and congestion issues noted in the reasons for refusal were not raised by either the Local Highway Authority or National Highways prior to determination and were not flagged as potential issues in any of the technical work undertaken either by Homes England or the Council's consultants.
16. Homes England has served notice on the Council of its intention to appeal and to seek a determination by Public Inquiry. The appeal is currently being prepared for submission and we expect it to be lodged no later than February 2023. Based on current PINS timescales, it might reasonably be expected for the appeal to be determined by the end of June 2023.

15.5 - How were the site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?

17. The capacity of Site HWH2 has been calculated on the basis of the extensive work that Homes England has undertaken in connection with the above-mentioned planning application. The Site's constraints and opportunities have been fully examined and its infrastructure requirements fully scoped and tested. Moreover, the application has examined matters such as the scale and density of development, housing mix, car parking provision, open space strategies, the relationship between new and existing homes, the retention of trees and the reinforcement of tree planting, the incorporation of SUDS and the internal network of streets and links. The result is a masterplan and illustrative layout that propose: 7.1 hectares of open space (incorporating two Local Equipped Areas of Play, informal recreation areas; walkways; SUDS, tree planting and new / enhanced habitats); a net developable area of 14.2 hectares; and layout that contains 370 homes (26 dwellings per hectare). The proposals are policy compliant, are suitable and achievable.

15.6 - What are the potential adverse impacts of developing the site and how could these be mitigated for example in terms of transport/traffic, nature conservation, landscape and countryside, heritage assets and the impact on flood risk? Would policy safeguards and proposed mitigation be sufficiently effective?

18. The above-mentioned planning application has fully tested the likely and potential adverse effects of developing the HWH2 site with up to 370 homes. All relevant environmental effects have been examined including those relating to:
- landscape and visual impacts;
 - ecology and biodiversity;
 - trees;
 - flood risk and drainage;
 - open space and outdoor sports infrastructure;
 - traffic and transportation;
 - accessibility;
 - noise;
 - utilities; and
 - education infrastructure;
19. The application process has confirmed that any / all adverse effects can be satisfactorily mitigated using planning conditions and obligations, save as (as per the reasons for refusal) regards to traffic impacts along the HARRAS Road / Park View / Albert Terrace / Victoria Road / Solway View / Hilton Terrace/ Wellington Row / A595 area to the northwest of the site. However, as noted elsewhere, this is not an issue that has been raised by the Local Highway Authority or National Highways but by Council Members and it is a matter that is to be tested at appeal in the first half of 2023. Homes England expects the appeal process to confirm that the development of the Site is acceptable in all respects. In addition, we note that the assessment of the site that is contained in Appendix F of the Local Plan (CD2) identifies no issues of concern.

15.7 - What are the infrastructure requirements / costs and are there physical or other constraints to development? How would these be addressed?

20. As noted above, these matters have been fully tested through the planning application process. The Site's primary constraints are its topography and the presence of adjacent ancient woodland but neither impacts materially on the way in which development must be laid out, the capacity of it or the impacts that development will have either visually or environmentally. The entirety of the ancient woodland is outside of the application site boundary, is to be retained and appropriate standoffs incorporated to ensure its preservation.
21. On the Settlement Map for Whitehaven (Appendix B of the Local Plan) there are two erroneous 'Protected Open Space' designations within the HWH2 Site, these do not appear on the main Policies Map. One of these is an open field. There is no public access to this land, it is not part of a valued landscape, and it has no ecological notable value. The second is a long-disused playing field which the Council notes at Appendix F of the Local Plan (CD2) is poorly accessed and has no natural surveillance. The playing pitch would be developed as part of Homes England's proposals for the Site. The Council and Sport England have agreed that its loss should be mitigated by the making of a financial contribution towards the improvement of sports facilities off-site (see below). We deal more fully with the Protected Open Space issue and why the references to these two spaces need to be removed from the Plan in our Matter 10 Statement.
22. A parameters plan was agreed with the Council during the determination of the planning application, and we would expect this to be the subject of a suitably worded planning permission if the above-mentioned appeal is allowed.
23. The planning application has confirmed that the Site's infrastructure requirements are as follows:
 - Improvement to the Main Street / Cleator Moor Road mini roundabout;
 - Improvement to the A595 Egremont Road / Homewood Road roundabout;
 - A landscape and habitat management plan;
 - A contribution towards the achievement of biodiversity net gains off-site;
 - A contribution towards the provision of improved sports facilities off site - £100,000; and
 - A Travel Plan Monitoring Fee - £6,600
24. As noted above, Members of the Council has also concluded that the development should be required to deliver or fund improvements to the highway network in the HARRAS ROAD / PARK VIEW / ALBERT TERRACE / VICTORIA ROAD / SOLWAY VIEW / HILTON TERRACE / WELLINGTON ROW / A595 area (albeit Member's view is that this cannot be effectively mitigated to an acceptable degree), but this is yet to be tested.
25. Homes England can confirm that the development can fund / support all the above listed infrastructure requirements without any threat to its viability and deliverability.

15.8 - Is the development proposed viable and deliverable within the plan period?

26. Homes England is satisfied that the development of HWH2 is viable and deliverable on the basis assessed through the planning application process. However, please refer to the various concerns raised about the infrastructure requirements attributed to the Site within the IDP within our Matter 14 and Matter 19 Statements.
27. It should also be noted that an appeal will be lodged and pursued by Homes England at the site, and that Homes England does not consider Members' reasons for refusal to reflect any substantive issue which undermines the suitability or deliverability of the site.

15.9 - What is the situation in relation to land ownership and developer interest?

28. The entirety of the HWH2 site is owned by Homes England, and as the government's agency for accelerating the delivery of housing, Homes England is committed to the delivery of the site in accordance with the proposed allocation.
29. Homes England has received a high level of interest in the Site from a range of developers keen to work with the Agency in bringing forward new homes for Whitehaven. The Homes England standard approach to the delivery of major residential sites like Harras Moor is to first obtain outline planning permission before advertising the site via its Delivery Partner Dynamic Purchasing System (DPS) and entering into a building lease agreement with a preferred developer partner or partners.

15.10 - What is the expected timescale and rate of development and is this realistic?

30. Homes England expects its appeal to be determined in the first half of 2023 or during the Summer of 2023 at the latest. Assuming the appeal is allowed, development will certainly commence within 5 years of the Plan being adopted and it is expected that the development would be completed within 8-10 years.
31. We note that the Council is proposing a Main Modification to the Housing Allocation Profile for HWH2 in Appendix F of the Local Plan, which, if agreed by the Inspector, would change the commencement timescale from 0-5 years to 6+ years to *"reflect that the Planning Panel refused the application for housing development on site contrary to Officer recommendation, to allow time for issues regarding highways and drainage to be resolved or an appeal decision to be determined"*. Homes England does not consider this change to be necessary in order to make the Plan sound. In addition, the reference to drainage issues is erroneous. There are no outstanding drainage issues in respect of the development of this Site.

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