

KL/22/043

19 December 2022

Programme Officer,
C/o Strategic Planning,
Copeland Borough Council
Market Hall,
Market Place,
Whitehaven,
CA28 7JG

Also, by email to: programme.officer@copeland.co.uk

Dear Ms Schofield,

Copeland Borough Council Hearing Statement – Matter 16 (16.10 to 16.18)

We are instructed, on behalf of our client, Mr Ivor Towers, who is the owner of Bowthorn Park Farm, to submit this Statement in response to the Inspectors Matters and Questions in relation to Matter 16 (Employment Land Allocations).

Our client, Mr I Towers is the landowner of a substantial amount of the proposed allocation (E4PU) and wishes to object in the strongest possible terms to the proposed allocation of his land in the emerging Copeland Local Plan.

For ease of reference, we will refer to my client's land as Area 3 throughout our submission and we have included a copy of the allocation plan as **Appendix 1**.

Firstly, we would like to take this opportunity to reaffirm that the land is not available for sale, and the landowner has no intention to make the land available for development. Bowthorn Park Farm has been within his family for at least three generations, and he does not wish for his farm to be replaced with a large-scale industrial development, which is at odds with the immediate surroundings.

We would also like to take this opportunity to make clear that we have no objections to the redevelopment of Leconfield Industrial Estate and welcome the funding and associated benefits that will result from this investment in Cleator Moor. However, the proposals for Leconfield Industrial Estate and my client's land are distinctly

different and should be viewed as such. We therefore strongly disagree with the proposed inclusion of this land within the allocation.

Question 16.10 – Background to the Site Allocation.

The Emerging Copeland Local Plan is supported by an evidence base of documents and studies which are intended to support the strategies, policies and allocations included within the Local Plan. For employment sites, this includes:

- Employment Land Availability Study
- Employment Development Needs Assessment

The most recent analysis of Employment Land needs concluded that the Borough needs twelve hectares of additional Employment Land in the plan period¹. When Growth Forecast Scenarios are applied, this produces an additional requirement of up to 27.9 hectares of employment land. If we take these two figures as a whole, that produces an employment land requirement of 39.9 hectares.

The proposed extension to the Leconfield Industrial Estate, a greenfield site measuring 13.3 hectares would supply over 30% of this target, which significantly exceeds the spatial distribution targets for a settlement the size of Cleator Moor and when considered against the site area of the existing site at 14.4 hectares, would represent an increase of over 90% in a single location. Notwithstanding, our concerns regarding the suitability of the site for development, this is a substantial site area, which is not in any way justified by evidence of need.

The existing Leconfield Industrial Estate has vacancies and there is a healthy supply of employment land amounting to 39.31 hectares available within the Borough. Area 3 of this application site is not included within that figure, so would be provisioned over and above the projected highest growth scenario figures and above what already exists for this purpose. This is evidenced in the recent Employment Land Availability Report prepared on behalf of Copeland Borough Council to support the Local Plan preparation.

A copy of the assessment which concluded that the site should not be allocated is included as **Appendix 2**. The site was only added following the Preferred Options (Reg 18 Consultation), and it has not been made clear why this change was made, nor any evidence of need supplied. Paragraph 7.7.14 of the Local Plan even acknowledges that the site has not been the subject of the same level of assessment in matters such as access, ecology, and infrastructure. This further raises questions about the inclusion of the site within the emerging Local Plan.

¹ Based on Experian Forecast Data (2021)

Furthermore, this site has previously been regarded as unsuitable and not proposed for allocation in earlier versions of the emerging Local Plan, with other more suitable sites identified to meet the employment land requirements of the emerging Local Plan. In the absence of any demonstrable need, we simply cannot see how the Council can justify such a large-scale expansion into open countryside and therefore recommend that this extension to the existing site is not included as an allocated employment site.

Question 16.11 – Planning Status

There is a live application (Ref: 4/22/2308/001) currently under consideration on this site and the application is the subject of a number of concerns and objections from local residents, the Town Council and statutory consultees.

We have included as Appendix 3 a copy of our letter of objection to the planning application submission.

We assume the Council will refer to the above-mentioned responses as part of their Hearing Statement; however, copies can be made available if required.

We recently received communication from the Council by way of an update on the application, which indicates that there are a number of issues with the application which need to be resolved, further casting uncertainty regarding the suitability of the site for allocation.

Question 16.13 – Scale and Mix of Development

Area 3 of the proposed allocation, measures approximately 13.3 hectares, will provide up to 300,000 square feet of employment floorspace. This is more than double the proposed floorspace of Area 1 and significantly more additional/new floorspace than Areas 1 and 2 combined. It also explains that buildings in Areas 1 and 3 will have a maximum height of eighteen metres.

We consider that buildings of this footprint with a potential height of eighteen metres will sit unnaturally above all other buildings and features within the surrounding landscape. Buildings of this size will be incongruous with the surrounding landscape and will be poorly related to the existing development at Leconfield and on the edge of Cleator Moor. It will be harmful to the open countryside which has very little natural screening. We consider that the harmful landscape and visual impacts would be so substantial that they override any benefits that may arise from the development in terms of social and economic objectives.

There is a clear and distinct separation between the developed Leconfield Industrial Estate and Area 3, which is proposed for future expansion. It is firmly our view that

these sites will be viewed in isolation, and not as a logical continuation of the development pattern of this part of Cleator Moor. The immediate and surrounding landscape character of Area 3 is that of a rural area, not an urban or developed area. A development of this type and scale, will have significant adverse effects on this landscape character and the attractive setting of Cleator Moor when viewed from this location.

The need to avoid development within the parts of Area 3, which are at High Risk of surface water flooding, means that further visual separation will occur, leading to an unacceptable relationship between the built edge of the settlement and the open countryside location in which it sits.

There is no justification for this scale or type of development in this location.

Question 16.14 – Potential Adverse Impacts

It is important to stress that the potential adverse impacts are not the same across the entire allocation. Our response will focus on the significant adverse impacts of the inclusion of thirteen hectares within the open countryside, not the development or allocation of the existing Industrial Estate.

Access

It is acknowledged within the planning application submission, as well as evidence-based documents which support the emerging Local Plan, that access to the Site (Area 3) is constrained. There is no access from the Leconfield Industrial Estate and the development of Area 3 would necessitate provision of a new access or accesses to facilitate development.

It is suggested that the primary access route would be via Bowthorn Road, which is narrow and affected by on-street parking from the residential properties to the south.

This road, which is currently narrow is simply not suitable for the level of traffic movements and access requirements needed to facilitate such a large-scale development.

According to the Transport Statement, the predicted number of additional journeys along Bowthorn Road to serve the potential new development will be 135 AM and 115 PM. This is a significant increase of when you consider the current usage of the road, which at the point of the proposed access is rural in character.

The level of increase in traffic will give rise to significant highway safety impacts, furthermore with proposals for restricted parking through the introduction of double yellow lines, and priority give-way system for HGVs to be able to use the road, this

will displace existing residential occupiers to other areas within Cleator Moor, if they are no longer able to park outside their own properties.

The significant increase in traffic generation, will also give rise to noise, air, and light pollution, which will be a direct consequence of the types of vehicles which may be using Bowthorn Road on a daily basis. This will be, we assume un-restricted, with journeys taking place up to 24 hours per day. The cumulative impact of this will be significant for the residential amenity of the occupiers of Bowthorn Road, and the surrounding area.

As such, we consider the proposal, in respect of Area 3 fails to comply with policy T1 of the Current Local Plan, policy CO2PU of the emerging Local Plan and Chapter 9 of the National Planning Policy Framework.

Environmental and Ecology

The development of greenfield sites is actively discouraged by both Local and National Planning Policies where previously developed/brownfield sites exist and are suitable for delivery of the same development proposal. The application proposes the loss of thirteen hectares of arable agricultural land, which is currently farmed by my client. Once this land is developed, it will be lost as agricultural land. The loss of thirteen hectares of agricultural land, will have a huge impact on the agriculture enterprise, but will also result in significant harm to the environment if the allocation is allowed to go ahead.

The development of this site will result in the irreversible loss of natural habitats for both animal and plant species, the Cumbria Landscape Character Assessment referred to above recognises the ecological value of these landscapes, particularly where there are mature hedgerows and trees. The change to the landscape, even if these are to be retained, will have a significant impact on biodiversity and habitats within the site. The noise, air and light pollution which will be caused by the proposed development will alter the landscape both visually and environmentally.

The development of the site will give rise to increased surface water run-off created by the buildings and associated areas of hardstanding, in a location where there is already a High Risk of Surface Water Flooding.

Chapter 15 of the NPPF places significant emphasis on conserving and enhancing our natural environment, which includes protecting and enhancing valued landscapes, sites of biodiversity or geological value. Paragraph 174 acknowledges the importance of recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The Site (Area 3) contains a mixture of landscape types (Appendix 3), included marsh land, and is predominantly found in an undeveloped and natural state, this is a stark contrast to the existing Industrial Site and even Area B, which is surrounded by development.

As such, we consider the proposal, in respect of Area 3 fails to comply with policy ENV3 of the Current Local Plan, policies N1PU and N3PU of the emerging Local Plan and Chapter 15 of the National Planning Policy Framework.

Landscape Impact

The Cumbria Landscape Character Assessment defines the landscape character as Sub Type 5a, Ridge and Valley. This sub type runs in an unbroken band from Carlisle to Workington alongside the Limestone Fringe landscape. It becomes broken up around Workington and continues in this way to Cleator Moor.

Key characteristics of this landscape type are:

- A series of ridges and valleys that rises gently toward the limestone fringes of the Lakeland Fells
- Well managed regular shaped medium to large pasture fields
- Hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations.
- Scattered farms and linear villages found along ridges
- Large scale structures generally scarce

The Character Assessment recognises that these landscapes are “peaceful pastoral” landscapes, which are “sensitive to large scale development.” This application is proposing the development of more than thirteen hectares of agricultural land, with buildings which will appear incongruous in an otherwise open rural landscape. Furthermore, the Character Assessment also states that development should prevent “urban sprawl.” It is firmly our view that the proposed extension of Leconfield Industrial Estate into adjoining land (Area 3), will result in unacceptable landscape impacts, which cannot reasonably be considered to be a logical extension to the existing settlement boundary, but instead would result in the loss of a valued landscape setting and result in the creation of an urban ‘hard’ development edge, to what is currently an area characterised by rural, rather than urban landscapes.

We strongly disagree with any suggestion that the landscape harm arising from this extension would not be **significant**, and in the absence of any robust justification for the need to develop 13 hectares of agricultural land in this location for employment purposes, we fail to see how there are any benefits arising from allowing this

development, which would outweigh the harm which would be caused to the landscape.

As such, we consider the proposal, in respect of Area 3 fails to comply with policies ENV5 and DM10 of the Current Local Plan, policies N6PU and DS6PU of the emerging Local Plan and Chapter 15 of the National Planning Policy Framework.

Question 16.16 – Land Ownership, Deliverability and Viability

The land is not available for sale, and the landowner has no intention to make the land available for development. Bowthorn Park Farm has been within his family for at least three generations, and he does not wish for his farm to be replaced with a large-scale industrial development, which is at odds with the immediate surroundings.

We understand Copeland Borough Council are now the owners of the Leconfield Industrial Estate but are not aware of any engagement with any development partners.

We would also question whether such a substantial employment expansion of Cleator Moor would be deliverable, based on evidence of need and demand for employment units within the existing sites. Furthermore, as we have identified above the allocation poses a considerable number of technical challenges, all of which raise questions about whether the scheme could be viable, if implemented.

Question 16.17 – Development Mechanisms

No details have been provided as to how this scheme could be delivered in a co-ordinated way, to ensure that infrastructure capacity can be provided to service such a large-scale proposal. The planning application has provided no further details of how this might be achieved.

Although not a material planning consideration as such, we also wish to make observations Town Deal Funding for Cleator Moor, and its relevance to this site, but in particular to considerations surrounding Area 3 to which our principal objections relate.

In July 2021, Cleator Moor Town Deal Board received an offer of £22.5 million from the Towns Fund, the successful bid comprised of four main projects, which were:

- **Enterprising Town** - a project to develop an enterprise campus on the Leconfield Industrial Estate aimed at leveraging the economic growth potential of the Sellafield supply chain through a cluster approach to growing and diversifying the West Cumbria economy.
- **Revitalised Town** - to increase activity and footfall around the Town Square by bringing vacant and under-utilised buildings back into active use while

creating an attractive new public realm. Uses will include a new cultural community hub and enhanced business space.

- **Healthy Town** - enhancing existing sports and leisure provision as well as providing a modern multi-purpose centre including an indoor sports hall, flexible studio space, gym and café, alongside wider health and well-being provision and targeted youth activity. This will improve population health and generate more reasons for people to visit and spend time in Cleator Moor.
- **Connected Town** - this scheme will deliver a high-quality integrated and sustainable transport network which improves connections between employment, education, amenities, and leisure and transforms the accessibility and attractiveness of Cleator Moor.

It should be noted, as this is not made clear within the application submission nor allocation, that the majority of Area 3 is located outside of the boundary of Cleator Moor and is within the Parish of Frizington and Ward of Arlecdon and Ennerdale. The land is therefore not a component of the Town Deal Funding Bid, nor will it be eligible for any funding arising from this bid.

The land is an entirely independent component of the scheme, and in fact, has no bearing on the delivery of the redevelopment of Leconfield Industrial Estate nor the establishment of an Innovation Hub.

We consider the inclusion of Area 3, and the associated wording of the supporting documentation serves to suggest that these developments and the benefits arising from the Town Deal Fund would be linked, but they are not. They should be viewed as entirely independent proposals/site developments, which in our opinion raises further questions about the inclusion of the land within this submission. Especially in light of the comments made above with regard to suitability, availability and achievability of Area 3.

This poses further questions about whether the allocation is deliverable.

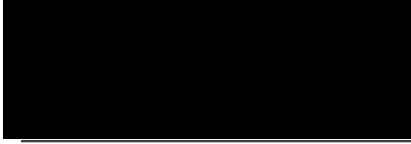
Summary and Conclusion

In line with the concerns raised in this letter, our client strongly objects to the allocation (Policy E4PU) in so far that it relates to a large expansion of the existing site into the open countryside.

We consider the proposed allocation is considered to be contrary to both the current and emerging Copeland Local Plan, as well as National Planning Policy. As such, we request that the allocation is removed from the Emerging Local Plan or amended to include only the existing developed site area of Leconfield Industrial Estate.

If you require any further information, please do not hesitate to contact the PFK Planning and Development team.

Yours sincerely,



Kayleigh Lancaster MRTPI
Chartered Town Planner
PFK PLANNING & DEVELOPMENT

Email: KayleighLancaster@pfk.co.uk