



Independent Examination of the Copeland Local Plan 2021-2038

Inspectors Matters, Issues and Questions for Examination

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Matter 1-Procedural/legal requirements

Issue-Whether the Council has complied with the relevant procedural and legal requirements.

Plan preparation

- 1.1 Has the Plan, including the Addendum, been prepared in accordance with the Local Development Scheme in terms of its form, scope and timing?
- 1.2 Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents?
- 1.3 Has the preparation of the Local Plan complied with the Statement of Community Involvement?

Sustainability Appraisal

- 1.4 How has the Sustainability Appraisal (SA) informed the preparation of the Local Plan at each stage and how were options considered?
- 1.5 Are reasons for rejecting alternatives and discounting unreasonable options clearly given?
- 1.6 Has the methodology for the SA been appropriate? What concerns have been raised and what is the Council's response to these? Have the requirements for Strategic Environmental Assessment been met?
- 1.7 Has the SA for the Addendum been subject to consultation with the consultation bodies? What concerns have been raised and what is the Council's response to these?

Habitats Regulations Assessment

- 1.8 How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?
- 1.9 What were the relevant designated sites considered?
- 1.10 What potential impacts of the Local Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Local Plan?
- 1.11 How have mitigation measures for potential impacts arising from new development on designated sites in terms of recreational disturbance and air and water quality been addressed?
- 1.12 Have the specific recommendations of the HRA been taken into account in the Plan? If not, is it intended to implement these recommendations through modifications.
- 1.13 How have the specific concerns raised by Natural England been addressed in the revised HRA?
- 1.14 Have Natural England's concerns been addressed regarding the effect of the Local Plan on the integrity of the National Site Network in terms of air quality?
- 1.15 Have Natural England's concerns regarding nutrient neutrality been fully addressed?

- 1.16 Are there any financial implications arising from the HRA and any financial contributions towards strategic access management and monitoring measures? Does the plan wide viability assessment make any assessment for this or contain any headroom/contingency that could absorb likely costs?
- 1.17 Are there any further amendments to the Plan required as a consequence of the 2022 HRA, Natural England's correspondence, Statement of Common Ground (draft) with Natural England necessary for legal compliance with the Habitat Regulations and for soundness?

Strategic Policies and Neighbourhood Plans

- 1.18 What progress is there with Neighbourhood Plans in the Borough?
- 1.19 Does the Plan set an appropriate framework, and allow an appropriate role, for neighbourhood plans having regard to current progress in their preparation in the Borough? In particular:
- a) Does the Plan appropriately identify 'strategic policies'?
 - b) Does the Plan need to include a housing requirement for each designated neighbourhood area?

Other matters

- 1.20 Has the Council had regard to the specific matters set out in s19 of the 2004 Act (as amended) and Regulation 10?
- 1.21 Does the Local Plan include policies in relation to the mitigation of and adaptation to climate change? Which?
- 1.22 How have issues of equality been addressed in the Local Plan?

Matter 2-Duty to Co-operate

Issue-Whether the Council has complied with the duty to co-operate in the preparation of the Local Plan?

General

- 2.1 What strategic, cross-border matters have arisen through the preparation of the Local Plan?

Overall housing provision

- 2.2 Who has the Council engaged with in terms of overall housing provision and what form has this taken?
- 2.3 What are the inter-relationships with other authorities in terms of migration, commuting and housing markets?
- 2.4 How have these been taken into account in preparing the Local Plan and specifically in terms of the housing requirement?
- 2.5 Does the overall provision being planned in the Local Plan have any implications for other authorities? If so, what are they and how are these being addressed?
- 2.6 What is the position of other authorities in Cumbria and elsewhere in terms of the planned level of housing in Copeland?
- 2.7 In overall terms, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the

Local Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

Overall Employment Land Provision

- 2.8 In determining the need for different types of employment land over the plan period, how have inter-relationships with other local authorities, particularly within the Cumbria Local Enterprise Partnership (LEP), in terms of economic growth and employment land provision been taken into account? How does this take into account the availability of employment land elsewhere in the LEP area?
- 2.9 In overall terms, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of employment land provision?

Habitat Protection and Mitigation

- 2.10 Who has the Council engaged with in terms of habitat protection and mitigation for the protected habitats of Copeland?
- 2.11 Which cross-boundary issues have been identified and how have these been addressed?
- 2.12 In overall terms has the Council engaged constructively. What has been the outcome of co-operation and how has this addressed the issue?

Other strategic matters

- 2.13 What are the other strategic matters?
- 2.14 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
- 2.15 In overall terms has the Council engaged constructively. What has been the outcome of co-operation and how has this addressed the issue?

Matter 3-The Development Strategy

Issue: Whether the development strategy is justified, effective and consistent with national policy

Relevant Policies: SP DS1PU; SP DS2PU; SP DS3PU; DS4PU

- 3.1 Is it necessary for Policy DS1PU to repeat the presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework)?
- 3.2 Does Policy DS2PU provide an effective framework to reduce the impacts of development on climate change? Has the potential effect of the policy on the viability of development been assessed?
- 3.3 Is there evidence to support the proposed higher National Housing Standard for water conservation and BREEAM rating of excellent in new non-domestic buildings as proposed in suggested Main Modification MA-LP14?
- 3.4 Is the methodology set out in the Settlement Hierarchy and Development Strategy Paper (updated) and Village Services Survey sound? Do they provide an appropriate basis to inform the settlement hierarchy in Strategic Policy DS3PU? How does it differ from the approach taken in the Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies (the Core Strategy) 2013?
- 3.5 Does Policy DS3PU provide an appropriate Framework to guide development in the Principal Town, Key Service Centres, Local Service Centres, Sustainable Rural Villages and Rural Villages?
- 3.6 Is it clear the scale of development which will be allowed within each tier of the hierarchy? Does the level of growth proposed in each area reflect the housing and employment needs in the different parts of the Borough?
- 3.7 Are the suggested Main Modifications to Policy DS3PU justified? Are they necessary in the interests of soundness?
- 3.8 What is the basis of the proposed settlement clusters?
- 3.9 Is the methodology for the review and definition of detailed settlement boundaries robust? Have the criteria and judgements used to inform the choice of settlement boundaries been applied consistently?
- 3.10 Are the proposed settlement boundaries justified on the basis of proportionate evidence?
- 3.11 Will the settlement boundaries defined on the draft Proposals Map be effective in enabling further windfall sites to come forward to meet any residual housing need?
- 3.12 Does Strategic Policy DS4PU provide an appropriate basis to manage development within and adjacent to settlement boundaries and beyond in the open countryside?
- 3.13 Overall, is the development strategy justified? Does it represent an appropriate strategy when considered against the reasonable alternatives available? What alternative options were considered as part of the Plans preparation and why were they discounted?

Matter 4 The Housing Requirement

Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the overall provision for housing and the housing requirement?

Relevant Policy: SP H2PU

- 4.1 Is the calculation of the local housing need set out in the Five-Year Housing Land Supply Statement 2021/22 consistent with the standard methodology set out in national guidance?
- 4.2 How does the Local Housing Need calculation compare to the calculation of housing need set out in the Strategic Housing Market Assessment Update (SHMA) 2021?
- 4.3 Is the methodology for calculating housing need in the SHMA appropriate and does it provide a robust basis for establishing housing need?
- 4.4 What is the demographic basis for the assessment? Are the demographic assumptions justified?
- 4.5 Are the assumptions relating to household representative rates justified?
- 4.6 Are the assumptions relating to migration justified?
- 4.7 What evidence is there in relation to future economic/jobs growth? How have economic/jobs forecasts and changes to working age population been taken into account?
- 4.8 Is it appropriate to select the midpoint economic forecast?
- 4.9 Are the economic growth assumptions upon which the proposed housing requirement is based deliverable?
- 4.10 Is it appropriate to plan for a higher figure than the standard method indicates? Is it appropriate to include a range? Should the 5 year land supply be based on the minimum housing requirement as opposed to the planned 3,400 dwellings?
- 4.11 How does the proposed requirement compare to previous levels of delivery in the Borough? Is it deliverable?
- 4.12 How have other factors been taken into account? What do they show?
- 4.13 In overall terms, is the housing requirement of 2,482 net additional dwellings for the Plan period or 146 dwellings per annum in Copeland appropriate and justified? Is it appropriate to plan for 3,400 dwellings or 200 dwellings per annum? Is there a basis to arrive at an alternative figure and if so what?

Matter 5: Other Housing Requirements

Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the provision for other housing requirements.

Relevant Policies: Policies H7PU; SP H8PU; SP H9PU; H10PU; H12PU

Housing Density and Mix (H7PU)

- 5.1 What is the evidence in relation to housing mix?
- 5.2 Does Policy H7PU provide sufficient guidance to developers in terms of housing mix?
- 5.3 Is Policy H7PU justified, effective and consistent with national policy, particularly in terms of the approach to densities?

Specialist and Older Persons Housing (H12PU)

- 5.4 What is the evidence in relation to the need for specialist and older persons housing in the Borough?
- 5.5 Does Policy H12PU provide sufficient guidance to developers in terms of specialist and older persons housing?
- 5.6 Is Policy H12PU justified, effective and consistent with national policy?

Affordable Housing (SP H8PU)

- 5.7 What is the evidence in terms of affordable housing need and what does it show?
- 5.8 What are the past trends in affordable housing in terms of completions and forms of delivery? How is this likely to change in the future?
- 5.9 Is the site size threshold for seeking affordable housing in Policy SP H8PU justified and consistent with national policy? Is the lower threshold of 5 units within the Whitehaven Rural sub-area supported by evidence and justified?
- 5.10 What is the evidence in relation to the viability of delivering affordable housing as part of market housing schemes? What does it show and does it justify the 10% requirement set out in Policy SP H8PU?
- 5.11 What is the basis for the tenure split set out in Policy SP H8PU? Is this justified?
- 5.12 Is there evidence to support the approach to not require 10% of homes within major developments to be made available for affordable home ownership as required by paragraph 65 of the Framework?
- 5.13 Is the policy sufficiently flexible in relation to viability and the potential for off-site provision?
- 5.14 Are suggested Main Modifications MA LP117-MA LP121 required in the interests of soundness?
- 5.15 In overall terms, is Policy SP H8PU justified, effective and consistent with national policy?

Gypsies, Travellers and Travelling Showpeople (SP H9PU; H10PU)

- 5.16 What is the evidence in terms of the need for additional provision? Was the methodology for the assessment appropriate and robust?
- 5.17 How were the needs of unknown households and transit provision considered?
- 5.18 Do the criteria set out at Policy H10PU provide an effective basis for the consideration of sites for gypsies, travellers and travelling showpeople?
- 5.19 How was the site proposed for allocation (GTW5) in Policy SP H9PU as per the suggested change set out in the Addendum selected? Which other sites were considered?
- 5.20 Does the proposed site allocation (GTW5) meet the need for Gypsies, Travellers and Travelling Showpeople in full and provide a five-year supply of sites?
- 5.21 What is the current status of the site? What are the potential adverse impacts of developing the site? Is the site available, deliverable and achievable?
- 5.22 In overall terms, are Policies SP H9PU and Policy H10PU justified, effective and consistent with national policy?

Matter 6: Employment Land Requirement, Supply and Distribution

Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the employment land requirement, supply and distribution of employment.

Relevant Policies: SP Policy E1PU; Table 9; SP E2PU; E7PU

Employment land requirement (Table 9)

- 6.1 What specific evidence is available to support the employment land requirement of 39.9 ha for the period 2021-2038?
- 6.2 What did the analysis of the economic baseline future jobs growth show?
- 6.3 How were the five growth scenarios arrived at? What would the overall jobs growth be in the Borough for the period 2021-2038 were all five scenarios to come forward, combined with the economic baseline?
- 6.4 Are the economic growth assumptions upon which the proposed employment requirement is based deliverable? How do they compare to previous employment growth rates in the Borough?
- 6.5 What assumptions have been used to convert employment growth forecasts to future employment land needs? Are these justified?
- 6.6 Forecasts based on past completion trends show an employment land requirement of 9.39 ha for the Plan period, compared to the proposed requirement of 39.9 ha. Bearing in mind past completion trends, is the proposed requirement of 39.9 ha realistic and deliverable?
- 6.7 What is the basis for the proposed flexibility margin of 5 years of completion data?
- 6.8 How have other factors been taken into account? What do they show?

- 6.9 In overall terms, is the employment requirement of 39.9 ha for the Plan period justified? Is there a basis to arrive at an alternative figure and if so what?
- Employment land supply*
- 6.10 What is the estimated total supply of employment land in the Plan period overall? Do opportunity sites contribute to meeting the requirement or are they an additional source of supply?
- 6.11 What is the total supply of employment land (ha) from the following sources:
- a) Net completions since 2021 (base date of the Plan)
 - b) Sites under-construction
 - c) Planning permissions
 - d) Other commitments
 - e) Residual land on existing employment sites
 - f) Proposed employment land allocations for E(g), B2 and B8 uses
 - g) Westlakes and CMIQ
 - h) Opportunity sites
- 6.12 How will the sectoral employment land requirements set out in Economic Development Needs Assessment (EDNA) (2021) be met?
- 6.13 Would the proposed employment land allocations fully meet the proposed requirement? If not, what is the extent of the shortfall?
- 6.14 Would the planned supply provide sufficient flexibility? How does the planned supply relate to past take-up rates?
- 6.15 Is Main Modification MA-LP56 necessary in the interests of soundness?
- Economic Growth (Strategic Policy E1PU)*
- 6.16 Does Policy E1PU provide an appropriate strategic framework for economic growth? Is the policy justified, effective and consistent with national policy?
- Location of Employment (Strategic Policy E2PU)*
- 6.17 Is the proposed type and scale of development proposed in each of the settlement groups consistent with the development strategy?
- 6.18 Does the policy provide an effective framework to guide employment development to the most appropriate locations? Is the policy justified, effective and consistent with national policy?
- Safeguarding of Employment Sites (Policy E7PU)*
- 6.19 Does Policy E7PU provide an effective framework to safeguard employment sites? Is the policy justified, effective and consistent with national policy?
- 6.20 Is proposed Main Modification MA-LP57 required in the interests of soundness?

Matter 7 – Retail and other main town centre uses

Issue -Whether the Local Plan has been positively prepared and whether the approach to retail and other main town centre uses is justified, effective and consistent with national policy

Relevant Policies: SP R1PU; SP R2PU; SP R3PU; SP R4PU; R5PU; R6PU; R7PU; R8PU; R9PU; R10PU

Retail Hierarchy and capacity (Policies SP R1PU; SP R2PU)

- 7.1 What are the inter-relationships with other authorities in terms of shopping patterns and how have these been taken into account?
- 7.2 What evidence is there in relation to the need for additional retail and other main town centre uses? What does it show?
- 7.3 How does the Local Plan seek to accommodate any needs for such development?
- 7.4 How is it intended to meet the identified convenience floorspace capacity? How much of the identified floorspace capacity would remain?
- 7.5 Does Policy SP R1PU provide an appropriate strategic framework for the vitality and viability of town centres and villages?
- 7.6 What is the basis for the hierarchy of town centres set out in Policy SP R2PU? Does it provide an effective framework to guide new development to the most appropriate locations consistent with the development strategy?

Whitehaven Town Centre (Policies SP R3PU; R6PU)

- 7.7 Does Policy SP R3PU provide an effective framework for Whitehaven Town Centre? How were the town centre boundary and the Primary Shopping Area (PSA) defined? Is the policy justified, effective and consistent with national policy?
- 7.8 Is the approach set out in Policy R6PU regarding Whitehaven Primary Shopping Area justified, effective and consistent with national policy? Would the Policy provide effective guidance in relation to the proportion of non-retail uses in the PSA?

Key Service Centres (Policy SP R4PU)

- 7.9 Does Policy SP R4PU provide an effective framework for the key service centres of Cleator Moor, Egremont and Millom? How were the town centre boundaries defined? Is the policy justified, effective and consistent with national policy?

Rural Areas (Policy R5PU)

- 7.10 Does Policy R5PU provide an effective framework for rural areas? Is the policy justified, effective and consistent with national policy?

Sequential test and Retail and Leisure Impact Assessments (Policies R7PU and R8PU)

- 7.11 Is the approach set out in Policy R7PU justified, effective and consistent with national policy?
- 7.12 What is the basis for the thresholds set out in Policy R8PU for an impact assessment and are these justified? Is the approach set out in Policy R8PU justified, effective and consistent with national policy?
- 7.13 Do policies R7PU and R8PU reflect the definition of 'edge of centre' in the Glossary of the Framework and in particular the distinction between retail and non-retail uses?

Non-Retail Development in Town Centres (Policy R9PU)

- 7.14 Is Policy R9PU justified, effective and consistent with national policy?

Hot Food Takeaways (Policy R10PU)

- 7.15 Does Policy R10PU provide an effective framework for the consideration of hot food takeaways?

Matter 8-Energy and Nuclear Development

Issue- Whether the approach to energy and nuclear development is justified and consistent with national policy.

Relevant policies: CC1PU; CC2PU; SP NU1PU; SP NU2PU; SP NU3PU; NU4PU; NU5PU

Large scale energy developments (excluding nuclear and wind energy) (Policy CC1PU)

- 8.1 What is the evidence relating to large scale energy developments and what does it show?
- 8.2 Does Policy CC1PU provide an effective framework for the consideration of large scale energy developments (excluding nuclear and wind energy developments?). Is the Policy justified and in accordance with national policy?
- 8.3 Are the suggested Main Modifications (MA-LP61-MA-LP65) necessary in the interests of soundness?

Wind energy developments (Policy CC2PU)

- 8.4 What evidence is there to support the Areas Suitable for Wind Energy as shown on the draft Proposals Map?
- 8.5 Do the criteria in Policy CC2PU provide clear and effective guidance for the consideration of wind energy developments?

- 8.6 Are the suggested Main Modifications (MA-LP66-68) necessary in the interests of soundness?
- Supporting development of the nuclear sector (Policy SP NU1PU)*
- 8.7 Do the criteria in Policy SP NU1PU provide clear and effective guidance for the consideration of nuclear development? Is the policy justified, effective and consistent with national policy?
- Nuclear Decommissioning (SP NU2PU)*
- 8.8 Is the policy justified, effective and consistent with national policy?
- General Nuclear Energy Sector and Associated Development (SP NU3PU)*
- 8.9 Do the criteria in Policy SP NU3PU provide clear and effective guidance for the consideration of nuclear energy sector and associated development?
- 8.10 Is the policy justified, effective and consistent with national policy? Are the suggested Main Modifications (MA-LP72-76) necessary in the interests of soundness?
- Nuclear Development at Sellafield (Policy NU4PU)*
- 8.11 Do the criteria in Policy SP NU4U provide clear and effective guidance for the consideration of nuclear and associated development at Sellafield?
- 8.12 Is the policy justified, effective and consistent with national policy? Are the suggested Main Modifications (MA-LP77-LP81) necessary in the interests of soundness?
- Nuclear demolition (Policy NU5PU)*
- 8.13 Is the policy justified, effective and consistent with national policy?

Matter 9: Rural Economy and Tourism

Issue – Whether the approach to the rural economy and tourism is justified, effective and consistent with national policy?

Relevant policies: RE1PU; RE2PU; RE3PU; SP T1PU; T2PU; T3PU

- Agricultural Buildings (Policy RE1PU)*
- 9.1 Is the policy justified, effective and consistent with national policy? Are the suggested Main Modifications (MA-LP58-LP59) necessary for soundness?
- Equestrian Related Development (Policy RE2PU)*
- 9.2 Is the policy justified, effective and consistent with national policy? Is the suggested Main Modification (MA-LP60) necessary for soundness?

Conversion of rural buildings to commercial or community use (Policy RE3PU)

- 9.3 Do the criteria in Policy RE3PU provide clear and effective guidance for the consideration of proposals to convert rural buildings to commercial or community use?

Tourism Development (SP Policy T1PU)

- 9.4 Do the criteria in SP T1PU provide clear and effective guidance for the consideration of proposals to convert rural buildings to commercial or community use? Is the policy justified and consistent with national policy? Is the suggested Main Modification (MA-LP91) necessary for soundness?

Coastal development along the developed coast (Policy T2PU)

- 9.5 Do the criteria in SP T2PU provide clear and effective guidance for the consideration of proposals for coastal development along the developed coast? Is the policy justified and consistent with national policy? Are the suggested Main Modifications (MA-LP92-LP99) necessary for soundness?

Caravan and camping sites for short-term letting (Policy T3PU)

- 9.6 Do the criteria in SP T3PU provide clear and effective guidance for the consideration of proposals for caravan and camping sites for short-term letting? Is the policy justified and consistent with national policy? Is the suggested Main Modification (MA-LP100) necessary for soundness?

Matter 10 Natural Environment

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

Relevant policies: SP N1PU-N4PU; N5PU; SP N6PU-N12PU; N13PU; N14PU

Conserving and Enhancing Biodiversity and Geodiversity (SP Policy N1PU)

- 10.1 Does Policy N1PU provide an effective basis for the consideration of the effect of development on biodiversity and geodiversity? Is the policy justified, effective and consistent with national policy? Are suggested modifications MA-LP150-151 necessary in the interests of soundness?

Local Nature Recovery Networks (SP N2PU)

- 10.2 Is it appropriate for Policy N2PU to refer to Local Nature Recovery Networks which extend beyond the borough's boundaries? Is the policy justified, effective and consistent with national policy?

Biodiversity Net Gain (SP N3PU)

- 10.3 Is the approach to biodiversity net gain set out in Policy SP N3PU in accordance with the Environment Act 2021 and national policy?

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- 10.4 Is the proposed hierarchical approach to off-site provision effective and justified?
- 10.5 Is the approach to monitoring and management effective and justified?
- 10.6 Is it appropriate to have a baseline date of 30th January 2020 where there is evidence that the baseline has been intentionally lowered or should the baseline date be consistent with the Environment Act (time of application)?
- Marine Planning (SP N4PU)*
- 10.7 Does SP N4PU provide an effective basis for the protection of the marine environment? Is it justified and consistent with national policy?
- Protection of Water Resources (Policy N5PU)*
- 10.8 Does Policy N5PU provide an effective basis for the protection of water resources?
- 10.9 Do the suggested amendments to the Policy and supporting text, proposed through the Addendum (July 2022), provide an effective basis to consider the effect of development on nutrient neutrality? What response has been received to consultation?
- 10.10 Overall, is the policy justified, effective and consistent with national policy?
- Landscape Protection (SP N6PU)*
- 10.11 Do the criteria set out in Policy SP N6PU provide an effective basis for the consideration of the impact of development on the borough's landscape?
- 10.12 Does the approach set out in the Policy provide an effective basis to ensure that the statutory purposes of Lake District National Park are fulfilled? Does the policy adequately reflect the need to ensure that development outside the National Park do not adversely affect its setting?
- 10.13 In overall terms, is the policy justified, effective and consistent with national policy?
- St Bees and Whitehaven Heritage Coast (SP Policy N7PU)*
- 10.14 Does Policy SP N7PU provide an effective basis for the consideration of the effect of development on the St Bees and Whitehaven Heritage Coast? Is the policy justified, effective and consistent with national policy?
- The Undeveloped Coast (Policy N8PU)*
- 10.15 Is Policy N8PU justified, effective and consistent with national policy?
- Green Infrastructure (Policies SP N9PU; SP N10PU; SP N11PU; SP N12PU)*
- 10.16 Does SP N9PU provide an effective strategic framework for the provision of green infrastructure in the Borough?
- 10.17 How were the Green Wedges referred to in Policy SP N10PU and shown on the draft Proposals Map, defined?. What evidence is there to support their

designation? Is the Policy justified, effective and consistent with national policy?

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?

10.19 How were the Local Green Spaces shown on the draft proposals map and referred to in Policy SP N12PU defined? What evidence is there to support their designation? Is the Policy justified, effective and consistent with national policy?

Trees, Woodland and Hedgerows (Policy N13PU)

10.20 Do the criteria set out in Policy N13PU provide an effective basis to protect woodlands, trees and hedgerows?

Community Growing Spaces (Policy N14PU)

10.21 Is Policy N14PU justified, effective and consistent with national policy?

Matter 11 Built and Historic Environment

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

Relevant Policies: BE1PU; BE2PU; BE3PU; BE4PU; BE5PU; BE6PU

Heritage Assets (Policies BE1PU; BE2PU; BE3PU; BE4PU)

11.1 Does Policy SP BE1PU provide an effective strategic framework for the protection and enhancement of heritage assets? Is the policy sufficiently locally distinctive?

11.2 Does Policy BE2PU provide an effective basis for the consideration of development proposals which affect designated heritage assets? Is it justified and consistent with national policy?

11.3 Does Policy BE3PU provide an effective basis for the consideration of development proposals which affect archaeological interests? Is it justified and consistent with national policy?

11.4 Does Policy BE4PU provide an effective basis for the consideration of development proposals which affect non-designated heritage assets? Is it justified and consistent with national policy?

Shopfronts (Policy BE5PU)

11.5 Is Policy BE5PU justified, effective and consistent with national policy?

Advertisements (Policy BE6PU)

11.6 Is Policy BE6PU justified, effective and consistent with national policy?

Matter 12 Health, Sport and Culture

Issue – Whether the approach towards health, sport and culture is justified, effective and consistent with national policy?

Relevant Policies: SP SC1PU; SC2PU; SC3PU; SC4PU; SC5PU

Health and well-being (Policy SC1PU)

- 12.1 Does Policy SC1PU provide an effective strategic framework for promoting health and well-being in the borough?
- 12.2 Does the additional new sentence, as set out in suggested Main Modification MA-LP141, provide clear and effective guidance as to when and how developer contributions would be sought towards new or improved sports, recreational and community facilities where a need arises from the development?
- 12.3 Are the suggested Main Modifications (MA-LP134-LP140) necessary in the interests of soundness? Is the policy consistent with national policy?

Sports and Leisure (Policies SP2PU-SC4PU)

- 12.4 Does Policy SC2PU provide an effective basis for the protection of existing sports and leisure facilities and provision of new facilities?
- 12.5 How would developer contributions be calculated towards the provision of new sporting and leisure facilities where the need arises from the development?
- 12.6 Is Policy SC2PU justified, effective and consistent with national policy?
- 12.7 Does Policy SC3PU provide an effective basis for the protection of existing playing fields and pitches and the provision of new?
- 12.8 Is Policy SC3PU justified, effective and consistent with national policy? Are suggested Main Modifications (MA-LP144-LP146) necessary in the interests of soundness?
- 12.9 Is Policy SC4PU justified, effective and consistent with national policy?

Community and Cultural Facilities (Policy SC5PU)

- 12.10 Does Policy SC5PU provide an effective basis for the protection of existing community and cultural facilities and the provision of new?
- 12.11 How would the Council assess whether the marketing referred to in criterion a is 'appropriate'. Is the proposed marketing period of 12 month justified?
- 12.12 Is Policy SC5PU justified, effective and consistent with national policy? Is suggested Main Modification MA-LP149 necessary in the interests of soundness?

Matter 13 Connectivity

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

Relevant Policies: SP CO1PU; SP CO2PU; SP CO3PU; SP CO4PU; CO5PU; CO6PU; CO7PU

Communications (Policy SP CO1PU)

- 13.1 Is policy justified, effective and consistent with national policy?

Transport (Policy SP CO2PU; SP CO3PU; SP CO4PU; SP CO5U)

- 13.2 Do Policies CO2PU and SP CO3PU provide an effective strategic framework for the improvement of transport networks/links within and to and from the borough? Are the transport priorities listed in Policy CO2PU shown on the draft proposals map for safeguarding? Are the policies justified, effective and consistent with national policy?

- 13.3 Does Policy SP CO4PU provide an effective basis to encourage sustainable transport? Is it consistent with national policy?

- 13.4 Does Policy CO5PU provide an effective basis to promote sustainable and inclusive modes of transport? Is it consistent with national policy?

Countryside Access (SP CO6PU)

- 13.5 Is Policy SP CO6PU justified, effective and consistent with national policy?

Parking Standards (Policy CO7PU)

- 13.6 What's the basis for the parking standards referred to in Policy CO7PU? Should they form part of the Local Plan?

- 13.7 Bearing in mind part S of The Building Regulations 2010 which took effect 15 June 2022, is the third paragraph of Policy CO7PU relating to Electric Vehicle Charging Infrastructure necessary?

Matter 14 Development Standards

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

Relevant policies: SP DS5PU; DS6PU; DS7PU; SP DS8PU; DS9PU; DS10PU; DS11PU

Planning Obligations (DS5PU)

- 14.1 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?

- 14.2 Does it 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?

Design and Development Standards (Policy DS6PU)

- 14.3 What is the evidence in terms of the need for the higher water use efficiency standard as proposed in suggested Main Modification MA-LP36? How has the effect of this standard on viability been taken into account?
- 14.4 Are the various suggested Main Modifications (MA-LP26-MA-LP37) to Policy DS6PU necessary in the interests of soundness?
- 14.5 In overall terms, is Policy DS6PU justified, effective and consistent with national policy?

Hard and Soft Landscaping (Policy DS7PU)

- 14.6 Does Policy DS7PU provide an effective basis for the consideration of hard and soft landscaping within development proposals? Is it justified and consistent with national policy?

Reducing Flood Risk (Policy SP DS8PU)

- 14.7 What evidence is there in relation to flood risk and how has this informed the Local Plan?
- 14.8 Does Policy SP DS8PU provide an effective basis for the consideration of flood risk? Is it consistent with national policy?
- 14.9 Are the suggested Main Modifications (MA-LP41-LP44) necessary in the interests of soundness?

Sustainable Drainage (Policy DS9PU)

- 14.10 Is Policy justified, effective and consistent with national policy?

Soils, Contamination and Land Stability (Policy DS10PU)

- 14.11 Is Policy DS9PU justified, effective and consistent with national policy?

Protecting Air Quality (Policy DS11PU)

- 14.12 Does Policy DS11PU provide an effective basis for protecting air quality? Is it justified and consistent with national policy?

Matter 15 Housing Allocations

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

Relevant Policies: SP H4PU; H5PU

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?

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?

Housing Allocations (Policy SP H5PU)

NB. In responding to the questions on site allocations the Council should identify and address specific key concerns raised in representations e.g. in terms of adverse impacts, delivery etc

Taking each of the following proposed housing allocations individually:

A: Housing allocations in the towns:

Whitehaven

- HWH1 Land at West Cumberland Hospital and Sneckyeat Road
- HWH2 Red Lonning and Harris Moor
- HWH3 Land at Edgehill Park Phase 4
- HWH4 Land south and west of St Mary's School
- HWH5 Former Marchon Site North
- HWH6 Land south of Waters Edge Close

Cleator Moor:

- HCM1 Land at Jacktrees Road
- HCM2 Land north of Dent Road
- HCM3 Former Ehenside School
- HCM4 Land at Mill Hill

Egremont:

- HEG1 Land north of Ashlea Road
- HEG2 Land at Gulley Flats
- HEG3 Land to south of Daleview Gardens

Millom:

- HMI1 Land west of Grammerscroft

- HMI2 Moor Farm

B: Housing allocations in the Local Service Centres:

- *HAR1 Land East of Arlecdon Road*
- *HDI1 Land south of Prospect Works*
- *HD12 Land south west of Rectory Place*
- *HSB1 Land adjacent Abbots Court*
- *HSB3 Land adjacent Fairladies*
- *HSE2 Fairways Extension*
- *HSE3 Town End Farm East*
- *HTH1 Land to south of Thornhill*

C: Housing allocations in the Sustainable Rural Villages and Rural Villages

- HBE1 Land north of Crofthouse Farm
- HBE2 Land adjacent to Mill Fields
- HBI1 Land north of Springfield Gardens
- HB12 Land west of Jubilee Gardens
- HDH2 Wray Head, Station Road
- HDH3 Hill Farm, Holmrook
- HMR1 Land to north of Social Club
- HMR2 Land to south of Scalegill Road
- HLO1 Solway Road
- HSU1 Land to South West of Summergrove

- 15.3 What is the background to the site allocation? How was it identified and which options were considered?
- 15.4 What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
- 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?
- 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?
- 15.7 What are the infrastructure requirements/costs and are there physical or other constraints to development? How would these be addressed?
- 15.8 Is the development proposed viable and deliverable within the plan period?
- 15.9 What is the situation in relation to land ownership and developer interest?
- 15.10 What is the expected timescale and rate of development and is this realistic?

Broad locations (para 13.8)

- 15.11 What status do the broad locations identified at paragraph 13.8 have? Where are they identified?
- 15.12 Have the sites been assessed through the Sustainability Appraisal and Habitat Regulations Assessment or other mechanism?
- 15.13 How would the Council consider an application for housing development which was submitted prior to a Local Plan review, for example in the circumstances set out in SP H3PU?

Matter 16-Employment Site Allocations

Issue – Whether the proposed employment allocations and opportunity sites are justified, effective and consistent with national policy?

Relevant policies: E3PU; E4PU; E5PU; E6PU

Site Selection

- 16.1 Was the methodology used to assess and select the proposed site allocations and opportunity sites 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?

Westlakes Science and Technology Park (Policy SP E3PU)

- 16.2 What is the background to the site allocation? How was it identified and which options were considered?
- 16.3 What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction? How much residual land is there for development? Does this site contribute towards the employment land requirement or is it additional to it?
- 16.4 What is the basis for the scale and mix of uses proposed? Is this justified? How would an application for ancillary, and in particular town centre uses be assessed?
- 16.5 What are the potential adverse impacts of developing the remaining parts of the site and how could these be mitigated for example in terms of transport/traffic, nature conservation, landscape and countryside, heritage assets, flood risk etc. Would policy safeguards and proposed mitigation be sufficiently effective, particularly with regards to the River Ehen SAC.
- 16.6 What are the infrastructure requirements/costs and are there physical or other constraints to development including those from nearby land uses/proposed developments? How could these be addressed?
- 16.7 Is the development proposed viable and deliverable within the Plan period? What is the situation in relation to land ownership and developer interest?

- 16.8 How is it intended to bring the site forward for development? What mechanisms will there be to ensure a comprehensive and co-ordinated approach to development, ensuring that infrastructure requirements are provided?
- 16.9 What is the expected timescale and rate of development and is this realistic?
- Cleator Moor Innovation Quarter at Leconfield (Policy SP E4PU)*
- 16.10 What is the background to the site allocation? How was it identified and which options were considered?
- 16.11 What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction? How much residual land is there for development? Does this site contribute towards the employment land requirement or is it additional to it?
- 16.12 What status do the Growth areas have? Are they allocated in this Plan? Have they been subject to Sustainability Appraisal and Habitat Regulations Assessment and any other assessments?
- 16.13 What is the basis for the scale and mix of uses proposed? Is this justified? How would an application for ancillary, and in particular town centre uses be assessed? How would student accommodation relate to other uses on the site?
- 16.14 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, flood risk etc. Would policy safeguards and proposed mitigation be sufficiently effective?
- 16.15 What are the infrastructure requirements/costs and are there physical or other constraints to development including those from nearby land uses/proposed developments? How could these be addressed?
- 16.16 Is the development proposed viable and deliverable within the Plan period? What is the situation in relation to land ownership and developer interest?
- 16.17 How is it intended to bring the site forward for development? What mechanisms will there be to ensure a comprehensive and co-ordinated approach to development, ensuring that infrastructure requirements are provided?
- 16.18 What is the expected timescale and rate of development and is this realistic?

Employment Sites and Allocations (SP E5PU)

NB. In responding to the questions on site allocations the Council should identify and address specific key concerns raised in representations e.g. in terms of adverse impacts, delivery etc

Taking each of the following proposed employment sites and allocations individually:

- ES3 Whitehaven Commercial Park, Moresby Parks
- ES4 Sneckyeat Road, Whitehaven
- ES5 Haig Business Park
- ES6 Red Lonning, Whitehaven

- ES7 Bridge End, Egremont
- ES13 Devonshire Road, Millom
- ES12 Mainsgate Road, Millom
- ES8 Furnace Row, Distington
- ES9 Frizington Road, Frizington
- ES11 Haverigg Industrial Estate, Haverigg
- ES14 Seascale Rural Workshops
- ES10 Energy Coast Business Park, Haile

- 16.19 What is the background to the site allocation? How was it identified and which options were considered?
- 16.20 What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
- 16.21 What is the basis for the scale and mix of uses proposed? Is this justified?
- 16.22 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, flood risk etc. Would policy safeguards and proposed mitigation be sufficiently effective?
- 16.23 What are the infrastructure requirements/costs and are there physical or other constraints to development including those from nearby land uses/proposed developments? How could these be addressed?
- 16.24 Is the development proposed viable and deliverable within the Plan period? What is the situation in relation to land ownership and developer interest?
- 16.25 How is it intended to bring the site forward for development? What mechanisms will there be to ensure a comprehensive and co-ordinated approach to development, ensuring that infrastructure requirements are provided?
- 16.26 What is the expected timescale and rate of development and is this realistic?

Opportunity Sites (SP E6PU)

- 16.27 What status do the opportunity sites have? Are they allocated in this Local Plan? Do they contribute to the employment land requirement and/or the retail requirement?

NB. In responding to the questions on site allocations the Council should identify and address specific key concerns raised in representations e.g. in terms of adverse impacts, delivery etc

Taking each of the following proposed opportunity sites individually:

- OWHO1 Old Dawnfresh Factory, Whitehaven
- OWHO2 Jacksons Timber Yard, Whitehaven
- OWHO3 Preston St Garage, Whitehaven
- OWHO4 BT Depot, Whitehaven
- OWHO5 Land at Ginns, Whitehaven
- OWH06 Land at Coach Road, Whitehaven
- OWH07 Marlborough Street, Whitehaven
- OWH08 Pow Beck, Whitehaven
- OWH09 Car Park Quay Street East, Whitehaven

- OWH10 Quay Street West, Whitehaven
- OWH11 Mark House and Park Nightclub, Whitehaven
- OWH12 Former Bus Garage, Bransty Row, Whitehaven
- OWH13 Marchon South, Whitehaven
- OCLO1 Cleator Mills, Cleator
- OEG01 Chapel Street, Egremont
- OEG02 Former Red Lion PH, Main Street, Egremont
- OEG03 East Road Garage, Egremont
- OMI01 Millom Pier, Millom

- 16.28 What is the background to the site allocation? How was it identified and which options were considered?
- 16.29 What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
- 16.30 What is the basis for the scale and mix of uses proposed? Is this justified?
- 16.31 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, flood risk etc. Would policy safeguards and proposed mitigation be sufficiently effective?
- 16.32 What are the infrastructure requirements/costs and are there physical or other constraints to development including those from nearby land uses/proposed developments? How could these be addressed?
- 16.33 Is the development proposed viable and deliverable within the Plan period? What is the situation in relation to land ownership and developer interest?
- 16.34 How is it intended to bring the site forward for development? What mechanisms will there be to ensure a comprehensive and co-ordinated approach to development, ensuring that infrastructure requirements are provided?
- 16.35 What is the expected timescale and rate of development and is this realistic?

Matter 17 The Supply and Delivery of Housing Land

Issue-Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.

Relevant policy: H3PU

- 17.1 What is the estimated total supply of new housing in the plan period 2021-2038 and how does this compare with the requirement?
- 17.2 What is the estimated total supply in the plan period from:
 - a) Completions since 31 March 2021
 - b) Sites under-construction
 - c) Planning permissions
 - d) Proposed allocations
 - e) Windfall sites
- 17.3 What are the assumptions about the scale and timing of supply and annual rates of delivery from these various sources? Are these realistic? How do they compare to previous rates?
- 17.4 How has flexibility been provided in terms of the housing land supply? Are there other potential sources of supply not specifically identified? Can this be specified?
- 17.5 In overall terms, would the Local Plan realistically deliver the number of houses required over the Plan period?
- 17.6 Has there been persistent under delivery of housing? In terms of a buffer for a five-year supply of housing sites, should this be 5% or 20% in relation to para 47 of the NPPF?
- 17.7 How would any shortfall since 2021 be dealt with?
- 17.8 What would the requirement be for a five-year supply including a buffer and accommodating any shortfall since 2021?
- 17.9 Would the Local Plan realistically provide for a five-year supply on adoption? Will a five-year supply be maintained?
- 17.10 Is Policy SP H3PU justified, effective and consistent with national policy?

Matter 18 Housing Development Policies

Issue-Whether the approach towards housing development is justified, effective and consistent with national policy.

Relevant Policies: SP H1PU; H6PU; H11PU; H13PU; H14PU; H15PU; H16PU; H17PU; H18PU; H19PU; H20PU

Improving the Housing Offer (Policy SP H1PU)

- 18.1 Is the approach set out in Policy SP H1PU effective, justified and consistent with national policy?

New Housing Development (Policy H6PU)

- 18.2 Is the approach set out in Policy H6PU effective, justified and consistent with national policy?

Custom and Self-build housing (Policy H11PU)

- 18.3 What is the evidence in relation to the need for custom build and self-build housing?
- 18.4 Will the approach in Policy H11PU be effective in delivering the identified need? Is it justified and consistent with national policy?

Conversion and sub-division of buildings to residential uses including large HMOs (H13PU)

- 18.5 How would an 'over-concentration of HMO's' be practically assessed?
- 18.6 Overall, does Policy H13PU provide an effective basis for the consideration of proposals for conversion and subdivision of properties, including large HMOs?

Domestic Extensions and Alterations (Policy H14PU)

- 18.7 Is Policy H14PU justified, effective and consistent with national policy?

New Housing in the Countryside (Policies H15PU; H16PU)

- 18.8 Is Policy H15PU justified, effective and consistent with national policy?
- 18.9 Is Policy H16PU justified, effective and consistent with national policy?

Conversion of Rural Buildings to Residential Use in the Open Countryside (Policy H17PU)

- 18.10 Is Policy H17PU justified, effective and consistent with national policy?

Replacement Dwellings in the Open Countryside (Policy H18PU)

- 18.11 Is Policy H18PU justified, effective and consistent with national policy?

Beach Bungalows (Policy H19PU)

- 18.12 Is Policy H19PU justified, effective and consistent with national policy?

Removal of Occupancy Conditions (H20PU)

- 18.13 Is the technical note regarding 'local occupancy' referred to in paragraph 13.21.3 available?
- 18.14 Is Policy H20PU justified, effective and consistent with national policy?

Residential Caravans (Policy H21PU)

- 18.15 Is Policy H21PU justified, effective and consistent with national policy?

Matter 19-Implementation and Viability

Issue- Taking account of the cumulative scale of obligations and policy requirements, is the Plan deliverable?

Relevant policy: DS5PU

- 19.1 Has Stage 2 Local Plan Viability Study (EVA2) 2022 (and predecessor documents) been subject to consultation/stakeholder engagement to 'sense check' the assumptions and approach used? How has any feedback been taken into account?
- 19.2 Are the financial appraisal assumptions set out in Section 6 and Tables 6.7 and 6.10 of the EVA2 realistic and based on robust evidence?
- 19.3 Are the site assessments set out in section 7 robust? How have the costs per dwelling been arrived at?
- 19.4 Overall, taking into account the cumulative scale of obligations and policy requirements, is the Plan deliverable?

Matter 20- Monitoring

Issue – Whether the Monitoring Framework for the Plan is justified, effective and consistent with national policy?

- 20.1 Does the monitoring framework in Chapter 18 provide an effective mechanism for monitoring all of the policies in the Local Plan?
- 20.2 Are the indicators and targets sufficiently precise to measure the performance of the Local Plan?
- 20.3 Are there clear contingencies in place to address any issues arising from the monitoring process, such as non-delivery or lower delivery of housing and employment allocations in the Local Plan? Are suitable arrangements in place for reviews of the policies (either separately or as part of the wider plan) in a timely manner?