

Report to Cumberland Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Copeland Local Plan 2021-2038 Publication Draft.

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Abbreviations used in this report

BNG	Biodiversity Net Gain
CCC	Cumbria County Council
CEMP	Construction Environmental Management Plan
CMIQ	Cleator Moor Innovation Quarter
DTC	Duty to Cooperate
EDNA	Economic Development Needs Assessment
EIA	Equalities Impact Assessment
ELAA	Employment Land Availability Assessment
FEA	Functional Economic Area
FRA	Flood Risk Assessment
Framework	National Planning Policy Framework
GTAA	Gypsy and Traveller Accommodation Assessment
HASP	Housing Allocation Site Profile
HIA	Heritage Impact Assessment
HMA	Housing Market Assessment
HMO	House in Multiple Occupation
HNA	Housing Needs Assessment
HRA	Habitat Regulations Assessment
HRR	Household Representative Rate
IA	Integrated Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LGR	Local Government Reorganisation
LPVA	Local Plan Viability Assessment
MMs	Main modifications
NDA	Nuclear Decommissioning Authority
OBR	Office for Budget Responsibility
ONS	Office for National Statistics
OSA	Open Space Assessment

PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAA	Site Access Assessment
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SLCA	Settlement Landscape Character Assessment
SNHP	Sub-national household projections
SNPP	Sub-national population projections
SoCG	Statement of Common Ground
SPZ	Source Protection Zones
SRZ	Strategic Resource Zone
TIS	Traffic Impact Study
WRMP	Water Resource Management Plan

Non-Technical Summary

This report concludes that the Copeland Local Plan 2021-38 provides an appropriate basis for the planning of the former Copeland Borough Council area, provided that a number of main modifications [MMs] are made to it. Cumberland Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Modifications to roll forward the end of the Local Plan period to ensure a 15-year period on adoption.
- Modifications to ensure that the Local Plan is flexible and reflects viability issues.
- Modifications to ensure that the approach to development in smaller settlements and the open countryside is clear and effective.
- Modifications to ensure that policies reflect recent Biodiversity Net Gain legislation and guidance.
- Modifications to ensure that the Local Plan sets out the Council's approach to securing new open space, sports and recreation facilities or contributions.
- A revised housing trajectory and updated housing supply position.
- Various amendments to site allocations to reflect revised site capacities.
- Consequential amendments to the Housing Site Allocation Profiles to reflect revised site allocation boundaries, revised capacities and additional requirements.
- Modifications to the settlement maps to reflect revised boundaries and settlement boundaries.
- Modifications to ensure that the approach to nuclear development is justified, effective and consistent with national policy.
- Inclusion of a Sellafield Planning boundary.
- Revisions to the Housing Site Allocation Profiles to reflect the revised Heritage Impact Assessment.
- Inclusion of a new Appendix H to set out the Habitat Regulation Assessment requirements for allocated sites.
- Modifications to ensure that the monitoring framework is effective.
- A number of other modifications to ensure that the Local Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Copeland Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DTC). It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (the Framework) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant Plan. The Copeland Local Plan 2021-2038, submitted in September 2022, together with the Copeland Local Plan 2021-2038: Publication Draft - Addendum is the basis for my examination.
3. It is the same document as was published for consultation in January 2022, as updated by the Addendum.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendices.
5. Following the examination hearing, the Council prepared a schedule of proposed MMs and, where necessary, carried out SA and HRA of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and HRA that has been undertaken. Where necessary, I have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as 'Proposals Map (North Copeland)' as set out in CD3a and 'Proposals Map (South Copeland)' as set out in CD3b.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration

of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.

8. These further changes to the policies map were published for consultation alongside the MMs.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the 'Main Modifications to the Submission Draft Plan– Main Modifications Schedule' and 'Appendices'.

Context of the Plan

10. From 1 April 2023, the previous six district councils and Cumbria County Council were replaced by two unitary authorities. Cumberland Council now governs the former Carlisle, Allerdale and Copeland Council areas. The Plan covers the administrative area of the former Copeland Borough Council, excluding land within the Lake District National Park which is covered by the Lake District National Park Local Plan. Minerals and waste matters are covered by the Cumbria Minerals and Waste Local Plan 2015-2030.
11. Copeland is situated on the west coast of Cumbria and is primarily rural in nature. It has a population of around 68,424 residents (2018 mid-year population estimates) many of which live within the largest town of Whitehaven. The Borough also contains three market towns of Cleator Moor, Egremont and Millom. Connectivity between the north and south of the Borough is poor, with the A595 and the Cumbrian Coast Rail Line being the key routes. Copeland contains attractive and varied landscapes which include parts of the Lake District National Park, the Heritage Coast and a number of picturesque rural villages.
12. Upon adoption the Plan will replace the current Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies (the Core Strategy), which was adopted in December 2013 and the Saved Policies of the Copeland Local Plan 2001-2016. Regulation 8 (5) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations) require that where a policy is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. **MM1** is, therefore, required for the Plan to be legally compliant to modify paragraph 2.10.4 to cross -reference to new Appendix A (**MM120**) which identifies which policies are superseded by the Local Plan for effectiveness.

Public Sector Equality Duty

13. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of Traveller sites to meet need and accessible and adaptable housing. The Local Plan was accompanied by an Equalities Impact Assessment (EIA) (CD11) (Dec 2021). The EIA Screening Assessment determined that the Local Plan would have overall neutral to positive effects across all protected characteristics. Consequently, a full assessment is not required. Positive impacts include the provision of housing

suitable for residents' needs and income, supporting and protecting local services and job creation.

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. Copeland Borough Council formed part of a Cumbrian group of authorities including Cumbria County Council (CCC) and six district authorities including Copeland. CCC provided strategic services such as education, highways and social services in addition to dealing with minerals and waste planning matters. Copeland and the other Districts provided other planning services and a range of local services. It is within this two-tier system that the Plan was prepared, prior to local government reorganisation (LGR) on 1 April 2023.
16. The Council has worked closely with CCC and other neighbouring authorities and bodies throughout the production of the Plan by a variety of formal and informal methods consistent with the Statement of Community Involvement (SCI) and consultation statements. The Cumbria group of authorities and the Lake District National Park Authority had an established network of officers' groups to facilitate joint working. The outcome of this cooperation is set out in the Council's Duty to Cooperate Statement (DTC1) and a series of Statements of Common Grounds (SoCG) with those authorities (DTC2-DTC6).
17. The Council has worked in collaboration with CCC in relation to the preparation of a number of evidence base and technical documents to support the Local Plan including the Infrastructure Delivery Plan (IDP), Strategic Housing Land Availability Assessment (SHLAA), Copeland Transport Improvement Study, the Site Access Assessment and the Level 1 Strategic Flood Risk Assessment (SFRA). Joint working also took place in relation to the assessment of need for additional school places.
18. The Strategic Housing Market Assessment (SHMA) (2019) (EB4) and 2021 Update (EB5) identify that Copeland is a self-contained housing market area. Gross migration flows between Copeland and adjacent authorities are modest with the greatest number of moves between Copeland and neighbouring Allerdale. There are also moderate commuting flows between Copeland and Allerdale. As Copeland is a relatively self-contained housing market which can meet its own needs, there is no requirement to ask other authorities to meet its housing need or to meet other authorities housing needs within Copeland.
19. As discussed in the next section, the Standard Methodology results in a very low level of housing need in Copeland. The Plan seeks to set a higher housing requirement than the identified needs, an approach that has not led to any concerns or objections from neighbouring authorities as evidenced by the SoCGs.
20. The Cumbria Local Enterprise Partnership (LEP) area covers the former Copeland, Allerdale, Barrow-in-Furness, Carlisle, Eden and South Lakeland Councils. The Cumbria LEP have produced the Strategic Economic Plan (2014), a Local Industrial Strategy (2019) and an Infrastructure Plan (2016).

21. There are some links with Allerdale in relation to an employment site on the border and some transport links. Furthermore, Sellafield attracts more than one fifth of its workforce from Allerdale. However, overall, the evidence shows that Copeland can be defined as a standalone Functional Economic Area (FEA), as confirmed in Copeland Economic Needs Assessment (EDNA) (EB15).
22. Given the cross-boundary issues involved, and the cross-boundary nature of some of the designated sites, the Council has worked closely with neighbouring authorities, Natural England and other organisations in relation to habitat protection and mitigation through the DTC process. The Council engaged with Natural England through the preparation of the HRA who were consulted at every stage. In particular, the Council worked closely with the Lake District National Park and Allerdale in relation to the issue of nutrient neutrality which is dealt with on a catchment basis.
23. A significant cross-boundary matter is the creation of a business cluster focussing on existing specialisms in the nuclear and energy sector. There is significant potential to grow the supply chain and expand specialisms into the non-nuclear sector from Copeland. The Cumbria Nuclear Prospectus 2020 focuses on the Energy Coast and was produced by the Cumbria LEP partnership with the Council and other and introduced the Cumbria Clean Energy Park at Moorside.
24. In conclusion, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DTC has therefore been met.

Assessment of Other Aspects of Legal Compliance

25. The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS) which has been updated throughout the process to reflect factors which have impacted on the timing of different elements of its production. The latest iteration of the LDS is the July 2022 version which reflects the additional focused consultation on the Local Plan Addendum Document. Consultation on the Plan, Addendum Document and MMs was undertaken in accordance with the Council's SCI.
26. The Council carried out a SA of the Plan and prepared a report of its findings and published the report along with the Local Plan. A separate SA/Integrated Assessment (IA) was undertaken for the Addendum Document. The appraisal was updated to assess the MMs. Historic England disagreed with the results of parts of the IA. Following discussions with Historic England, the Heritage Impact Assessment (HIA) was updated and the SoCG (DTC7) with Historic England confirms that its objections have been resolved. These processes have highlighted where changes might be necessary to the Plan's policies insofar as they relate to heritage assets. Where I consider that the identified changes are needed to secure the soundness of the Plan, they form the basis of MMs which are discussed in detail below. In this way the SA process has been a genuinely iterative one.
27. These MMs are referred to throughout the report. In addition, the HIA itself has been updated. Furthermore, a number of consequential amendments are made to the Housing Allocation Site Profiles (HASP) to reflect the revisions to the HIA. Overall, I

consider that the SA meets relevant procedural requirements and forms an adequate basis for the assessment of the Plan's sustainability implications.

28. A screening assessment was carried out of all draft policies and proposals in the Local Plan Preferred Options. The assessment identified that not all policies/proposals could be screened out and that some may lead to likely significant effects on Natura 2000 sites (National Network Sites). An Appropriate Assessment was, therefore, carried out. The results of the assessment were included in the HRA Report October 2020. This process informed the next iteration of the Plan which included a new policy on air quality and changes to address water quality along with supporting text on project-level HRAs. Natural England confirmed that these amendments address nutrient neutrality issues.
29. In response to concerns raised by Natural England regarding the potential effects of air pollution on the Duddon Mosses Special Area of Conservation (SAC); Lake District High Fells SAC and Subberthwaite Blawith and Torver Low Commons SAC, the Council undertook additional transport and air quality modelling work which has resulted in an update to the HRA. Natural England are satisfied with the conclusion of no likely significant effects on the protected sites referred to above and have, therefore, withdrawn their objection to the Plan, confirmed in the letter dated 7 June 2023. A number of modifications are necessary to the Plan to address matters raised by the HRA which are identified in CD14 and CD16, including an additional Appendix H which sets out HRA Requirements for Allocated Sites. **MM171** addresses this matter for the Plan to be legally compliant.
30. Overall, I am satisfied that the updated HRA work underpinning the Plan has been carried out in accordance with the relevant legal requirements and that the policies of the Local Plan provide an appropriate framework to ensure that development would not have an adverse impact on the National Sites Network.
31. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
32. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The Local Plan includes a new table which sets out measures which developers can take to reduce the environmental impacts of their developments (**MM9**). In addition, there are several policies in the Local Plan which address the various aspects of climate change such as DS8 Reducing Flood Risk.
33. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness.

Main Issues

34. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing, I have identified 16 main issues upon which the soundness of this Plan depends. This report deals with these main issues.

It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

35. The existing Appendix A includes a Wayfinding table to show the link between the submission draft policies and the preferred options policy references. This is deleted (**MM119**) for effectiveness as it is no longer required upon adoption of the Local Plan.
36. Due to LGR referred to above, some of the objectives, policies and associated supporting text refer to the incorrect geographical area and as such the Plan is not effective in this regard. Consequently, **MM3, MM4, MM5, MM11, MM18, MM22, MM25, MM29, MM33, MM41, MM45, MM46, MM53, MM54, MM58, MM75, MM85, MM92, MM97, MM100, MM101, MM107, MM112, MM113**, and **MM114** address this matter for effectiveness.

Issue 1 – Whether the vision, objectives and development strategy are positively prepared, justified, effective and consistent with national policy.

Vision and objectives

37. Chapter 3 sets out the overall vision and a number of strategic objectives. The vision is amended (**MM2**) to reflect the rolling forward of the end date of the Plan so that it covers 15 years from adoption for effectiveness. As presented a number of objectives are not expressed clearly and are not, therefore, effective. **MM3, MM4, MM5, MM6** address this matter for effectiveness. As written, the objectives do not give sufficient emphasis to the creation of new habitats in developments or sufficiently reflect the conservation and enhancement of the World Heritage Sites. **MM5** addresses these points for the objectives to be justified, effective and consistent with national policy.

Settlement hierarchy

38. The settlement hierarchy and role of settlements is set out in Policy DS3PU of the Local Plan. It identifies Whitehaven as the principal town which will continue to be the primary focus for new retail/town centre, employment and housing development in Copeland. Housing development will comprise large-scale housing extensions, windfalls and infill development.
39. The next category is Key Service Centres comprising of Cleator Moor, Egremont and Millom. These towns provide a wide range of services, including convenience and comparison stores, employment, schools and health care and also act as service hubs for surrounding villages. They will be the focus for town centre and employment development, medium scale housing extensions, windfall and infill development.
40. Below this, the Council has identified three categories of rural settlements, Local Service Centres, Sustainable Rural Villages and Rural Villages, which will accommodate development commensurate with the range of services and facilities. The Settlement Hierarchy and Development Strategy Paper (EB1) and Village Services Survey (EB2) set out the rationale for this approach.

41. The Council has taken a systematic approach to the categorisation of settlements considering the availability of services and facilities, development constraints and population. Consequently, I am satisfied that the resultant settlement hierarchy is justified.
42. Policy DS1 states that the Council will take a positive approach to sustainable development and determine planning applications in accordance with the development plan; however, this merely repeats national legislation and guidance which is inconsistent with paragraph 16f of the Framework which seeks to avoid unnecessary duplication of policies including policies in the Framework. **MM8** therefore, deletes Policy DS1 alongside consequential modifications to the supporting text (**MM7**) to remedy this matter.
43. Policy DS2 seeks to reduce the impacts of development on climate change by encouraging developers to apply a number of principles to new development. However, many of the criteria repeat matters contained in other policies which would be inconsistent with paragraph 16f of the Framework. Furthermore, some aspects of the policy have not been subject to viability appraisal. Consequently, **MM10** deletes the policy together with consequential amendments to the supporting text (**MM9**) for the Plan to be justified, effective and consistent with national policy. In recognition of the need to encourage sustainable development a table (**MM9**) has been included which suggests measures which developers can take to reduce the environmental impact of development. **MM9** and **MM10** are necessary for the Plan to be justified, effective and consistent with national policy.
44. Policy DS3 sets out the settlement hierarchy for the area. As drafted it is not clear that windfall and infill development would also be supported in addition to small scale housing allocations within the Sustainable Rural Villages and Rural Villages tiers of the hierarchy. This omission is inconsistent with paragraph 79 of the Framework which states that housing should be located where it will enhance or maintain the vitality of rural communities. It is also not clear that Whitehaven Commercial Park would be the focus for employment. This is inconsistent with paragraph 16d of the Framework which requires policies to be clearly written and unambiguous.
45. In addition, it is not clear how development in the countryside would be considered. Consequently, additional text is included in the policy to refer to Policy DS4 which lists the circumstances where development within the countryside would be supported. **MM11** also addresses the other above matters for the policy to be justified, effective and consistent with national policy.

Approach to Settlement Boundaries

46. The Council's approach to the definition of settlement boundaries is set out in Section 8.9 of EB1 which explains that the existing settlement boundaries identified in the Core Strategy were utilised where these exist as a starting point. These were then reviewed considering: built form; the evidence base; potential constraints; the potential for coalescence of settlements; and housing needs. In some cases where villages were included within the settlement hierarchy for the first time a new boundary was drawn. The approach utilised obvious boundaries reflecting land

ownerships and clearly delineated curtilages or landscape features such as hedgerows.

47. Settlement boundaries provide certainty for developers and decision makers and give effect to paragraph 16 of the Framework which requires that policies are clearly written and unambiguous. Furthermore, they are consistent with paragraph 78 and 79 of the Framework which require housing to be located where it will enhance or maintain the vitality of rural communities. In this case, the settlement boundaries have been drawn to include potential development sites identified in the SHLAA and to also include smaller sites on the edge of settlements which would result in an appropriate rounding off of the settlement. Some infill/windfall development would also be permitted by the policy enabling the housing, employment and other needs of the Borough to be met.
48. Policy DS4 encapsulates the Council's approach to settlement boundaries establishing that development within settlement boundaries will be supported in principle. It then sets out the circumstances in which development would be allowed outside of settlement boundaries. These include where the Council cannot demonstrate a 5-year supply of housing land thus providing additional flexibility to meet the housing requirement where required.
49. As drafted, criterion 1) a) implies that only housing development which is well-related to and directly adjoining a town or local service centre would be acceptable which would preclude housing development well related to other settlements. This would be inconsistent with paragraph 79 of the Framework which seeks to encourage villages to grow and thrive where this would support local services. Consequently, **MM13** amends Policy DS4 to clarify that consideration would be given to development adjoining an identified settlement boundary to address this matter. Post consultation on the MMs, I have made consequential amendments (**MM12**) to paragraphs 5.5.8 and 5.5.9 to ensure that the supporting text reflects that development adjoining villages identified in the hierarchy would be appropriate subject to development being commensurate with the role, form, scale and infrastructure capacity of the settlement. This is to ensure consistency between the supporting text and the policy itself for effectiveness. As drafted, bullet point 4 of part 2 of the policy is not clear that only appropriate rural development which is dependent on a countryside location would be permitted in a countryside location. **MM13** addresses this matter for the policy to be effective. Additional supporting text (**MM12**) is included to signpost to the types of evidence which would be required to justify development in an open countryside location.
50. With the above modifications, I consider that the Council's approach to settlement boundaries is positively prepared, effective and consistent with national policy.

Conclusion

51. Overall, subject to the MMs set out above, the vision, objectives and development strategy are positively prepared, justified, effective and consistent with national policy.

Issue 2 – 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.

52. The Core Strategy and Development Management Policies (2013-2028) contains a requirement for a minimum of 230 dwellings per annum (dpa) to be delivered over the first 5 years of the Plan period with an uplift to provide an additional 30% on top of the basic requirement, equating to 300 dpa in the latter 10 years. This was to support the construction and operation of a new nuclear power station at Moorside based on job creation estimates at the time; however, the Moorside power station has not been built.
53. Paragraph 61 of the Framework states that in setting housing requirements authorities should be informed by a housing needs assessment using the 'standard method' unless exceptional circumstances justify an alternative approach. Applying the Standard Methodology for calculating housing need the Council identified a local housing need of 8 dpa, significantly lower than the Core Strategy. Consequently, the Council considers that a higher housing requirement of 146 dpa (2022-2032), as identified in the SHMA, would be more appropriate to encourage population growth.
54. The Planning Practice Guidance (PPG) sets out the circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. These include the presence of a growth strategy; strategic infrastructure improvements likely to drive an increase in homes; and taking on unmet need from neighbouring authorities. It goes on to say that there may occasionally be situations where previous levels of housing delivery in an area, or previous assessments of need (such as a recently produced SHMA) are significantly greater than the outcome from the standard method.
55. The Council's Growth Strategy (Copeland Vision 2040) identifies that Copeland has the lowest projected growth of working age population in the Country, and an overall ageing population. Consequently, the retention and attraction of young people is a priority. The Growth Strategy is supported by a Cumbria Nuclear Prospectus 2020 which centres around the vision of a Cumbria Clean Energy Park in Copeland. It also highlights opportunities to grow the Sellafield supply chain. The Energy Park could contain large scale nuclear new build at the Moorside site and/or advanced nuclear technologies. The Council is actively promoting the Moorside site for such technologies and has been in recent discussion with developers.
56. One key development which would support both the growth of the Sellafield supply chain and make the Clean Energy Park more attractive is the development of the Innovation Quarter at Leconfield site in Cleator Moor. This development recently received around £7 million Town Deal funding together with £20 million Levelling Up funding for Phase 2 of the redevelopment.
57. The SHMA 2021 (EB5) demonstrates that to support a number of aspirational 'growth projects' in Copeland, additional housing over and above the housing requirement will

be needed. These include two projects which are Nationally Significant Infrastructure Project (Sellafield and Moorside) and West Cumbria Mining.

58. As noted above, the SHMA identifies that housing need exceeds that identified through the standard methodology in order to provide additional labour supply to fill the additional baseline jobs created in Copeland. Moreover, it is clear from Table 12 of the Local Plan that a significantly greater number of homes have been delivered annually than the figure produced by the standard methodology over the past 11 years, with an average of 133 net additional dpa.
59. Taking all of the above into account, I consider that an uplift to housing need over and above the outcome of the standard method is justified in principle and meets the provisions of paragraph 010 [Reference ID: 2a-010-20201216] of the PPG.

Calculation of the Housing Requirement

60. A SHMA [EB4] was produced in 2019 to support the Local Plan Preferred Option Draft. This used an alternative methodology for calculating housing need to the standard method. It analysed a range of different scenarios based on demographic trends and employment projections. It recommended that 140 dpa are delivered across the Local Plan period 2017-2035 to meet housing needs, but stated that 200 dpa should be planned for to provide choice and support economic growth.
61. A SHMA update [EB5] was produced which takes into account more up-to-date economic projections from the EDNA. This covers a different Local Plan period of 2021-2035 and utilised a slightly different methodology for calculating housing need as discussed below.

DEMOGRAPHIC BASIS

62. The 2019 SHMA concluded that Copeland can be considered a Housing Market Area (HMA) in its own right. At a local level the Copeland HMA was split into three local HMAs (Whitehaven, the Lake District National Park and Millom) and the Whitehaven local HMA split further into four sub-market areas (Whitehaven, Egremont, Cleator Moor and Whitehaven Rural). The Copeland and local HMAs have been carried forward into the 2021 SHMA.
63. The SHMA analysis of past population growth and future trends draws on the 2018-based subnational population projections (SNPP) and the 2018-based household projections (SNHP). The analysis also considers the most recent population projections which date to mid-2020.
64. In terms of past trends, the analysis shows that the population of Copeland has fallen. In 2020 it is estimated that the population of Copeland had fallen by 2% from 2001 levels with a decrease of 4% from 2011 to 2020 reflecting a negative level of natural change throughout the period. This has resulted in a significant ageing of the population and falling numbers of children and people of working age. Internal migration is variable but shows a small net migration in the last year for which data is available. International migration is variable and modest in scale. Over the past five years international migration has averaged about 30 people per annum (net).

65. In terms of future population estimates the 2018-based SNPP also show a continuing decline in population. In response, the SHMA has taken an optimistic but evidenced view on migration and Household Representative Rates (HRRs) which in my view provides a reasonable basis for assessment. I consider that this approach is positive and justified.

ECONOMIC PROJECTIONS -HOUSING AND ECONOMIC GROWTH

66. The SHMA tested the level of population growth which would be required to meet a series of potential economic projections contained within the EDNA. The EDNA sets out a baseline position and also 'Policy-on' Growth Scenarios which included Oxford Economics (OE), Cambridge Econometrics (CE) and Experian forecasts. Cambridge Econometrics (CE) forecasts that there would be a net loss of jobs in the 2019-2021 period of -744 whilst Experian forecast a net growth in jobs of 1,200 in the same period.
67. In order to meet the Experian jobs forecast there would need to be an increase in the economically active population of around 1,089 whilst the figure is -675 for the CE forecasts. This translates into a figure of around 64-149 additional homes per annum in Copeland to support economic growth, significantly higher than the 8 dwellings per annum required by the Standard Method. This exercise shows that due to a falling economically active population, the Standard Method would not support anticipated jobs growth even if a conservative approach is taken to the number of jobs likely to be created over the Plan period.
68. In addition to the baseline forecast the EDNA considered a number of 'policy-on' growth scenarios which looked at specific scenarios which may come forward to 2038. These include Sellafield off-siting which would not result in additional jobs growth but would see 1,364 jobs relocated. Furthermore, the Sellafield Supply Chain; Clean Energy Park; Woodhouse Colliery; and the AI Campus would result in an additional 4,923 jobs all of the projects came forward in the Plan period. In terms of modelling the housing need associated with the Growth Scenarios, two scenarios were run. Firstly, the SHMA modelled all of the jobs coming forward and secondly it modelled half the jobs coming forward.
69. Whilst selecting half of the jobs appears arbitrary, it reflects that not all the projects will come forward at once and that some may not happen at all. The modelling looks at 2,690 and 5,151 additional jobs (in total) over the 2021-2038 period. This shows that a labour supply of 2,023 people would be needed for the mid-point growth scenario and 3,839 people for all growth scenarios. This would result in a housing need of 194 dpa for the midpoint and 281 dpa if all growth scenarios materialised. Communal establishments would increase this need to 201 dpa for the midpoint growth scenario and 288 dpa for all growth scenarios. Taking account of the Lake District National Park requirement of 10 dpa across all scenarios there would be a need for 61-146 dpa for the baseline economic growth scenario; 191 for the Growth Scenario Mid-Point; and 278 dpa for the full Growth Scenario.
70. Policy H2 sets out a requirement for 2,482 per annum, equivalent to 146 dpa which reflects the baseline economic growth scenario. This ensures that there would be sufficient population to support baseline jobs growth. This would be the figure against

which 5-year supply would be measured. However, to plan positively and support employment growth arising from the economic growth scenarios the Plan allocates land to provide 200 dpa. This would be sufficient to meet the Growth Scenario Mid-Point jobs growth. The mid-point is significantly above past completion trends and substantially above the Standard Method need. I consider that this approach is positive, enabling sufficient population to meet economic growth arising from the growth scenarios. Given the uncertainty surrounding some of the identified growth projects, allocating land to meet the higher economic growth scenario may result in new housing coming forward without jobs, resulting in unsustainable commuting patterns. Consequently, I consider the Council takes a pragmatic and positive approach to the housing requirement which enables flexibility to respond to changing circumstances. The approach is also consistent with paragraph 81 of the NPPF which places significant weight on the need to support economic growth.

71. Paragraph 22 of the Framework requires strategic policies to look ahead over a minimum period of 15 years from adoption. Consequently, the requirement in Policy H2 is updated by adding an additional year to reflect a 15-year period. The housing requirement is, therefore, updated to 2,628 dwellings to reflect this additional year. and the number of dwellings which the Plan allocates updated to 3,600. **MM60** addresses this point for the Plan to be justified, effective and consistent with national policy. As written the supporting text does not make it clear that the housing requirement is not a ceiling and that additional development over and above this would be supported where it accords with the Plan. **MM59** addresses this point for the Plan to be effective.

DISTRIBUTION OF HOUSING

72. Policy H4 sets out the distribution of housing in each of the tiers of the settlement hierarchy. Around 40% of the housing requirement would be within the Principal Town of Whitehaven; 30% in the Key Service Centres; 17% within the Local Service Centres; 10% within the Sustainable Rural Villages; and 3% within the Rural Villages. In determining the amount of housing development to be directed to each tier, consideration was given to the number and type of services, their links with neighbouring settlements and public transport provision. The Council has undertaken a systematic process set out in the Settlement Hierarchy and Development Strategy Topic Paper Update 2022 (EB1).
73. The amount of development directed to Whitehaven is slightly lower than that allocated in the Core Strategy (45%). However, the 5% has been redirected towards the villages in order to support the strategy to direct more growth to the rural villages in accordance with paragraph 79 of the Framework which seeks to enhance or maintain the vitality of rural communities. In addition, the allocation for Whitehaven is a minimum requirement and additional development over and above the 40% would be supported which is in accordance with the Plan. Consequently, I consider that the distribution of housing development is consistent with the settlement hierarchy. **MM62** is necessary to amend the figures within the table to reflect the additional year of the Plan for the policy to be justified and effective.

Conclusion

74. Overall, I consider that the Plan is positively prepared, justified, effective and consistent with national policy in relation to the overall provision of housing and the housing requirement.

Issue 3 – 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.

Housing Density and Mix (Policy H7)

75. Policy H7 seeks to ensure that developments make effective use of land and meets housing needs in terms of house type, size and tenure. As drafted the policy does not place sufficient emphasis on the need to reuse previously developed land, which is contrary to paragraph 120 of the Framework. Furthermore, the second part of the policy states that alternative, more up-to-date evidence (as opposed to the SHMA), will be considered only in exceptional circumstances where the developer demonstrates that the SHMA (EB5) and Housing Needs Assessment [EB6] (HNA) are out of date. However, it is not clear what these 'exceptional circumstances' would be and so this term is deleted. In addition, it is not clear that the SHMA or HNA could be considered out of date either in whole or part. For these reasons the policy is neither justified nor effective. **MM68** addresses these matters for the policy to be justified, effective and consistent with national policy.

Affordable Housing (Policy H8)

76. The SHMA 2019 (EB4) and 2021 update (EB5) identify that in general, house prices in the Borough are very low compared to other areas which is supported by the HNA (EB6). The combination of low house prices and relatively high levels of income, in part associated with Sellafield, result in a favourable house price to income affordability ratio of 2.62 (2020) making the Copeland one of the most affordable places to live in the England.
77. Nevertheless, the SHMA update identifies a deficit of 99 affordable dpa across Copeland over the Plan period. Some of this need falls within the Lake District National Park (14 dwellings). The greatest affordable housing needs are in Whitehaven and Whitehaven Rural sub-areas. Evidence points to difficulties in raising deposits for purchasing homes and therefore affordable rented housing would best meet the need. Approvals and completions of affordable housing have been historically low in part due to viability and local market variation.
78. The SHMA update highlights that the 10% affordable housing target is low in the context of need and suggests investigating the possibility of increasing the figure to 20-25%. However, mindful of viability considerations due to the low value of housing and challenges facing the remediation of previously developed sites, the Council has retained the 10% target. Nevertheless, the Policy is referenced in terms of 'at least' which allows for a greater number of affordable homes where viability allows. Given that the target is relatively low compared to need, further clarity is necessary in the supporting text to explain that in areas with identified need and where the Local Plan

Viability Assessment (LPVA) shows that there is sufficient headroom a higher proportion of affordable housing would be sought in the interests of effectiveness.

MM69 addresses this matter to maximise the delivery of affordable homes in the interests of effectiveness.

79. A site threshold above which affordable housing would be secured is set at 10 units (0.5ha) generally and 5 units or more within the Whitehaven Rural Sub-area. All of the parishes within the Whitehaven Rural Sub-area are designated as rural areas under Section 157 of the Housing Act 1985. Furthermore, a significant number of planning permissions in that area relate to proposals for development of between 5-10 dwellings. Consequently, I am satisfied that the proposed thresholds are justified, effective and consistent with paragraph 65 of the Framework.
80. To address the Written Ministerial Statement published on 24 May 2021 in relation to the provision of First Homes, **MM70** alters the tenure mix to reflect 25% First Homes, 15% discounted market sales and 60% affordable or social rented to be consistent with the national policy. **MM71** illustrates an example of the application of the tenure mix for effectiveness.
81. As the overall target for affordable homes is 10%, the requirement that at least 10% of the total number of homes should be for affordable home ownership, as set out at paragraph 65 of the Framework, cannot be met. However, the SHMA, SHMA update and HNS (EB6) support a tenure more heavily focused towards the affordable rented sector due to the difficulties residents have in accessing capital in addition to potential mortgage restriction rather than simply the cost of housing to buy. Considering this, the Council is justified in not applying the 10% affordable home ownership requirement as this would significantly prejudice the ability to meet the identified needs of specific groups who lack capital to access home ownership and be inconsistent with paragraph 65 of the Framework.
82. The last paragraph of Policy H8 recognises that there may be circumstances where it may not be viable to meet the full requirement for affordable housing. As drafted the policy states that a lower proportion of affordable housing or an alternative tenure split will only be accepted in 'exceptional circumstances'. However, this test is not contained within the Framework. Consequently, following consultation on the MMs, I have deleted the term 'exceptional circumstances' and replaced it with 'particular circumstances' to be consistent with national policy (**MM70**).
83. As drafted, the circumstances in which off-site provision or contributions in lieu of on-site provision would be acceptable are not clear. Consequently, **MM69** and **MM70** amend the policy and supporting text to reference the need for a site-specific viability study demonstrating that providing 10% affordable housing on site would render the development unviable. **MM70** addresses this point to be consistent with national policy.
84. Where a lower proportion of affordable housing provision is agreed on viability grounds, **MM69** and **MM70** include the requirement for a late-stage viability assessment, reflecting that viability can change over the lifetime of a scheme for effectiveness. The Council has taken a pragmatic approach by setting the affordable housing target at only 10% in recognition of viability issues. In addition, as the LPVA

notes, anecdotal evidence has shown that housing in the Borough has continued to come forward on sites that are not considered to be viable through standard viability modelling. Under these circumstances, I consider that the Council is justified in requiring such a review mechanism to maximise the provision of affordable housing. However, it is only appropriate for larger or multi-phase developments which take longer to build to be subject to a viability review. Consequently, post-consultation on the MMs, I have amended the policy (**MM70**) and supporting text (**MM69**) to reflect this. This post-consultation change merely clarifies the interpretation of the policy and would not, therefore, prejudice any parties. It is not clear to readers of the Plan what the term 'viability review mechanism' means. So, a definition of the term is added to the Glossary to address this for effectiveness (**MM118**).

85. The policy quotes the Affordable Housing and Viability SPD; however, this SPD may be updated, and the policy may become out of date. Consequently, post-consultation on the MMs, I have moved the reference to the SPD to the supporting text at the end of paragraph 13.11.20 for effectiveness (**MM70** and **MM69**). This is a minor post-consultation change for clarification and as such would not prejudice any parties.
86. **MM118** includes a definition of the term 'viability review mechanism' for clarity and, therefore, effectiveness. **MM69** highlights that viability issues may be remedied by use of an alternative housing mix to reflect the sensitivity testing on the LPVA and to provide clarity also for effectiveness.
87. As written, the position in relation to affordable housing and self-build is not clear so **MM70** addresses this point for effectiveness. **MM69**, **MM70** and **MM71** ensure that the policy provides sufficient flexibility to respond to viability issues in the interests of effectiveness and consistency with national policy.
88. With these modifications, I am satisfied that Policy H8 is justified, effective and consistent with national policy in relation to affordable housing.

Gypsy, Travellers and Travelling Showpeople (Policies H9; H10)

89. The Cumbria Gypsy and Traveller Accommodation Assessment (GTAA) (EB10) (2022) identified a need for 12 Gypsy and Traveller Pitches in the period 2021-2040. The GTAA assessed the needs of those who have ceased to travel; however, no households were identified who did not meet the definition in the PPTS. No undetermined needs or needs of Travelling Showpeople were identified either. Consequently, the outcome of the Lisa Smith judgment (Lisa Smith v SSLUHC (2022) EWCA Civ 1391) does not affect the identified needs of Gypsies and Travellers. Overall, having reviewed the evidence, I am satisfied that the 2022 GTAA provides a robust assessment of need in Copeland.
90. Policy H10 sets out a positive framework for the consideration of new or the extension of existing Gypsy and Traveller sites in the Borough. Furthermore, following a site selection process and focused consultation (Copeland Local Plan: Publication Draft Addendum) (CD7), Policy H9 allocates a site for Gypsies and Travellers - GTW5 Land at Sneckyeat Industrial Estate, Whitehaven which can accommodate the full requirement for 12 new pitches. The suitability of the site is considered in Issue 12. In principle, I am satisfied that the Plan can meet the requirement for Gypsy and

Traveller pitches for the life of the Plan and provide a five-year supply. As drafted, there are some grammatical errors in Policy H10 and **MM72** addresses this for clarity and, therefore, effectiveness. With this MM, I consider that the Plan provides a justified, effective approach to meeting the needs of Gypsies, Travellers and Travelling Showpeople which is consistent with national policy.

Conclusion

91. Overall, with the MMs, I consider that the Plan has been positively prepared and is justified, effective and consistent with national policy in relation to the provision for other housing requirements.

Issue 4 – 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 land and the rural economy and tourism.

Employment Land Requirement

92. Copeland is identified as a standalone FEA as it has a high proportion of people living and working in the Borough and the ONS identify Copeland as a single travel to work area. The main economic links outside of Copeland are with neighbouring former Allerdale Council due to employment land being situated close to the boundary. The 2021 EDNA, (EB15) and the 2021 Employment Land Availability Assessment (ELAA) (EB16) form the evidence base for employment matters in the Local Plan.
93. The EDNA identifies that the economy is strong in the nuclear and manufacturing sectors. The GVA per head of population has grown in recent years and is above average for the rest of Cumbria and the Northwest, but still below the England average. The largest employment sectors by numbers of jobs are within manufacturing, health, construction and the professional, scientific and technical services sector. Copeland also has a relatively strong agriculture, forestry and fishing sector. Sellafield has a strong influence on the economy of Copeland accounting for around 83% of jobs within the manufacturing sector. Strong links also exist in several other sectors related to Sellafield and its wider supply chain.
94. The EDNA assessed the future economic growth of Copeland utilising three economic forecasts (Experian; CE; and OE). Whilst the forecasts provided different conclusions, all three forecast a decline in jobs primarily in the manufacturing sector, most of which are based at Sellafield. Stakeholder consultation showed that there were no plans for job losses in this sector and so the forecasts were inaccurate. The EDNA, therefore, reduced the forecast for job losses within the manufacturing sector. This approach did not take into consideration Sellafield 'off-siting' which is considered separately within the growth scenarios.
95. In addition to baseline economic growth scenarios, the EDNA assessed 'policy-on' growth scenarios which included five potential growth projects. These are summarised in paragraphs 55-57 and 66-68 of Issue 2. Cumulatively, these projects could result in around 4,923 new jobs between 2021-2038 and an overall growth rate

of 0.7% over the Experian forecast (0.4%), equivalent to a 1.1% level of growth per annum.

96. The EDNA converted the employment growth forecasts arising from the above growth scenarios into an estimate of employment land need utilising a recognised methodology. The CE baseline scenario would result in a land requirement of 1.5ha land; the Experian baseline scenario would result in a land requirement of 12ha; and the cumulative total for the Growth Scenarios would result in a land requirement of 27.9ha. Adding the Experian and Growth Scenario options together results in the proposed employment land requirement of 39.9ha.
97. Job growth in Copeland in the previous 10-year period (2011 to 2021) has been around 1% to 1.4% per annum and so the job growth scenarios are realistic and achievable in this regard. However, past employment land take up has been more conservative. A forecast based on past completion trends would be only 9.39 ha for the Plan period which would be below the baseline scenario. It is not clear why historical jobs growth is out of step with historical employment land take up rates. However, a significant step change would be required to achieve the proposed employment land requirement.
98. The Council acknowledge that all the projects may not come forward within the Plan period. However, providing sufficient employment land to meet the full Growth Scenario ensures flexibility to respond to inward investment opportunities which may arise to enable the economy to grow to its full potential. Consequently, whilst ambitious, I consider that the proposed employment land requirement of 39.9ha is positive, justified, effective and consistent with national policy.

Employment Land Supply

99. The ELAS (EB16) undertook a systematic assessment of existing and potential employment sites across the Borough.
100. To meet the proposed employment land requirement of 39.9ha, the Council estimate the total supply of employment land allocated over the Plan period is around 48ha. This comprises of two extensions to allocations at the Westlakes Science and Technology Park; remaining land on the Leconfield Industrial Estate; land at the CMIQ Associated Growth Area 2; and remaining land on other allocated sites identified in Policy E5. Some of the opportunity sites could also contribute to meeting the requirement; however, these would be an additional source of supply. Consequently, the Local Plan would provide a surplus of 8 ha of employment land over and above the requirement over the Plan period. Together with the opportunity sites, I am satisfied that the Plan provides a good degree of flexibility to ensure economic development and growth.

Economic Growth (Policy E1)

101. Policy E1 provides an appropriate and positive strategic framework for economic growth in the Copeland. However, the policy does not adequately reflect the role that rural enterprises play in supporting the rural economy. **MM23** remedies this matter so that the policy is justified, effective and consistent with national policy.

Location of Employment (Policy E2)

102. Policy E2 sets out the proposed type and scale of development proposed in each of the settlement groups within the development strategy. Most of the larger employment sites are situated in Copeland's main towns with the exception of the existing employment sites of Westlakes Science Park and Whitehaven Commercial Park which whilst situated close to Whitehaven, are not actually within the settlement. However, overall, the scale and type of proposed allocations is broadly consistent with the development strategy.
103. As drafted the policy does not adequately explain the scale and type of employment opportunities that would be acceptable in the rural villages. Furthermore, it does not reflect the potential impact that employment development may have on the historic environment and heritage assets. **MM24** addresses these matters for the policy to be justified, effective and consistent with national policy. With this MM, I consider that Policy E2 provides an effective framework to guide development to the most appropriate locations in line with the development strategy.

Safeguarding of employment sites (Policy E7)

104. Policy E7 seeks to ensure that employment sites are retained and safeguarded during the Plan period. However, as drafted it is not clear as to when alternative, non-employment uses would be acceptable. Further clarity is also required to emphasise that any significant change of use should be considered through a Local Plan review as opposed to on an ad-hoc basis. **MM29** addresses these matters for the policy to be justified, effective and consistent with national policy.

Agricultural Buildings (Policy RE1)

105. Policy RE1 sets out a framework for the consideration of new agricultural buildings. As drafted the policy does not properly consider the potential effect of any proposals on heritage assets. Furthermore, the wording of the policy is ambiguous. **MM30** is necessary to remedy these matters in the interests of effectiveness and consistency with national policy.

Equestrian Related Development (Policy RE2)

106. Policy RE2 provides the framework for the consideration of equestrian related development in the Borough. As drafted, the Policy would only permit development on the edge of the Principal Town, Key Service Centres or Local Service Centres which would be unnecessarily restrictive by excluding potential equestrian related development associated with farm steads. Moreover, the policy does not set out how the significance of any related heritage assets would be considered and as a result is inconsistent with national policy. **MM31** is, therefore, necessary to remedy these matters whilst retaining reference to locations where there is adequate road and servicing infrastructure.

Conversion of rural buildings to commercial or community use (Policy RE3)

107. Policy RE3 provides the framework for the consideration of the conversion of rural buildings to community or community use but fails to address the biodiversity implications of such proposals in an effective policy. **MM32** amends the policy to refer to the requirement for ecological surveys to be carried out where appropriate to ensure that ecological issues are properly considered in the interests of effectiveness.

Tourism Development (Policy T1)

108. Policy T1 provides a positive framework for the consideration of tourism related developments. However, the policy fails to ensure that the effects of tourism development on landscapes, heritage assets and biodiversity are properly considered and parts of the policy lack clarity. **MM54** remedies these matters for the policy to be effective and consistent with national policy.
109. As drafted the policy states that proposals for tourism development outside of defined settlements would be supported where the proposal is for a specific activity or function that requires a location which cannot be accommodated in a Principal Town, Key Service Centre, or Local Service Centre. However, tourism development may also be appropriate in Sustainable Rural Villages or Rural Villages. **MM54**, therefore, amends the policy to refer to activities requiring such a location outside of defined settlements. **MM54** is necessary to ensure that the policy is justified, effective and consistent with national policy.

Tourism Development along the Developed Coast (Policy T2)

110. Policy T2 identifies the type of tourist development that will be supported in principle along the developed coast and provides a framework for the consideration of such developments. **MM55** is required to improve the legibility of the policy and to ensure that landscape, heritage and biodiversity interests are properly considered. In addition, the title of the policy is revised to better reflect the purpose of the policy. Furthermore, it is unnecessary to specifically refer to the Lake District Coast as this is covered within the broad remit of the policy. **MM55** addresses these matters for the policy to be justified, effective and consistent with national policy.

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

111. Policy T3 provides a framework for the consideration of new static, touring caravan and camping sites for short-term letting. As drafted it is not clear that proposals for year-round use of caravan and camping sites would only be supported as short-term lets and not for permanent occupancy. Such sites are not necessarily located close to services and facilities and permanent occupancy could, therefore, lead to unsustainable patterns of development.
112. To ensure that development is sustainable and in order to minimise the visual impact of such development on the countryside, additional supporting text (**MM56**) is added to clarify that development should be located within or adjacent to a settlement or connected to an existing rural business if in the open countryside. Furthermore, the potential effect of development on historic and biodiversity assets is not adequately

addressed. Further MMs to the policy are necessary for the policy to be clear and unambiguous to readers for effectiveness. **MM56** and **MM57** address the above matters for the policy and supporting text to be justified, effective and consistent with national policy.

Conclusion

113. With the MMs, I consider that the Local Plan has been positively prepared and is justified, effective and consistent with national policy in relation to the employment land requirement, supply and distribution of employment land and the rural economy and tourism.

Issue 5 – 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.

Retail capacity (Policy R1)

114. The evidence base in relation to retail and town centres is provided by the 2020 West Cumbria Retail, Town Centres and Leisure Study (EB17) and the subsequent update to the Study in 2021 (EB18) which focused on the position in Copeland. This showed that some convenience and comparison retail expenditure was being spent in destinations outside the Copeland and West Cumbria, principally Carlisle City Centre, Keswick town centre and Barrow-in-Furness town centre. In terms of convenience floorspace by 2038 there would be an additional floorspace requirement of between 1,700m² and 2,000m². This equates to 2,400m² additional floorspace in Whitehaven, 700m² in Millom and losses in Cleator Moor and Egremont (-500m² and -400m² respectively).
115. In terms of comparison floorspace, both the 2020 study (EB17) and the update (EB18) identified that there was a requirement of between -1,300m² and -2,200m² up to 2035. Extending the Plan period did not alter the position that there is no identified capacity to support additional comparison floorspace up to 2028.
116. In terms of commercial leisure uses, the 2020 study (EB17) identified potential to increase both cinema and ten-pin bowling provision within Copeland, although more likely in respect of 'boutique' style cinema and ten-pin bowling operators.
117. The 2021 update (EB18) identified that once commitments were taken account of, across the Borough as a whole, up to 2,000m² of additional convenience floorspace could be accommodated, therefore meeting the identified requirement.
118. However, the Study also looked at the requirements of individual towns and considered that there may be a quantitative capacity for additional convenience floorspace in Whitehaven Town Centre as the principal town. This could be in the form of an additional food store of around 2,400m². Following a search for a suitable site, none was found which would have the benefit of supporting the future vitality and viability of the centre reflecting the constraints of the town centre. Any forthcoming proposal to meet this need would, therefore, be considered on its own merits. Policy

R1 provides a strategic and indeed positive framework for the vitality and viability of town centres and villages and to facilitate the above mentioned floorspace requirement.

Hierarchy of centres (Policy R2)

119. Policy R2 sets out a hierarchy of centres in Copeland, which is derived from the broader development strategy set out in Policy DS3. It directs main town centre uses to settlements ensuring that development is of a scale appropriate to the role and function of the centre as well as its position in the settlement hierarchy. I find that this approach is justified, effective and consistent with national policy.

Whitehaven Town Centre (Policies R3 and R6)

120. Policy R3 seeks to ensure that development supports the role of Whitehaven Town Centre as the Principal Town by encouraging uses which contribute to the vibrancy and economic vitality of the centre. The Town Centre boundary has rightly been redrawn to exclude areas of residential and other non-town centre uses. The approach of consolidating the boundary helps to focus the retail offer and enable greater control to consider potential proposals which may have an adverse impact on the vitality and viability of the centre, a sensible approach in the current retail climate. The policy references the Whitehaven Town Centre and Harbourside Supplementary Planning Document (SPD); however, this could date the Plan should the SPD be updated in the future which would make the policy ineffective. **MM47** remedies this matter in the interests of effectiveness.

121. Policy R6 sets out the approach to the consideration of development in the Whitehaven Primary Shopping Area which will be the focus of new retail uses. It sets out a positive approach to other main town centre uses which would contribute to the vitality of the Primary Shopping Area consistent with national policy. The policy includes a drafting error which results in the policy being ambiguous. **MM50** addresses this matter for the policy to be effective.

Key service centres (Policy R4)

122. Policy R4 provides a positive framework to ensure the vitality and viability of the Key Service Centres of Cleator Moor, Egremont and Millom. It defines town centre boundaries within which town centre uses of a scale appropriate to the size of the centre. As submitted, the policy seeks to provide improvements to public realm; however, it does not clarify how this could be achieved and so is ineffective. **MM48** amends the policy to be clear that improvements to public realm can be secured through the provision of public greenspace and landscaping for the policy to be effective.

Rural Areas (Policy R5)

123. Policy R5 sets out the approach to small scale retail and service provision in rural areas. As drafted it is not clear that the threshold of 150m² would apply in out of centre locations in the open countryside and so the policy is ineffective. In addition, the potential effect of proposals on heritage assets is not addressed in the policy.

Criterion a (Part 2) relates to the loss of existing village shops, post offices and public houses. As written, it fails to encourage applicants to demonstrate that they have considered opportunities to retain the existing use as part of a shared/combined service in order to improve viability. **MM49** addresses these matters to ensure that the policy is justified, effective and consistent with national policy.

Sequential Test (Policy R7)

124. Policy R7 sets out the approach to the application of the sequential test for main town centre uses. As drafted the policy does not reflect the definition of 'edge of centre' in the Glossary of the Framework in relation to the distinction between retail and non-retail uses. In addition, it is necessary to clarify that the sequential approach should not be applied to applications for small-scale rural offices or other small scale rural development. **MM51** remedies these matters to be consistent with national policy.

Retail and Leisure Impact Assessments (Policy R8)

125. Policy R8 sets out the approach to retail and leisure impacts including thresholds above which an impact assessment would be required. As drafted the policy sets a threshold of 500m² for Whitehaven Town Centre and 'borough wide' and a threshold of 300m² for Key Service Centres. However, a threshold of 500m² would be too high for areas outside of the town centre and key service centres and is, therefore, not justified. **MM52** remedies this matter and sets a threshold of 150m² for Local Service Centres, Sustainable Rural Villages and Rural Villages. **MM52** is also necessary to differentiate between retail and non-retail uses in edge of centre locations. In addition, it clarifies that the 'centre' for retail purposes would be the Primary Shopping Area in Whitehaven and the town centre in key service centres, reflecting the fact that they do not have a Primary Shopping Area due to their scale and nature. These MMs are necessary for the policy to be justified, effective and consistent with national policy.

Conclusion

126. Subject to the MMs, I consider that the Local Plan has been positively prepared and that the approach to retail and other main town centre uses is justified, effective and consistent with national policy.

Issue 6 – Whether the approach to energy and nuclear development is justified and consistent with national policy.

127. The Cumbria Renewable Energy Capacity and Deployment Study 2011 identifies that 606mw of renewable energy could realistically be deployed within Cumbria by 2030. It considers wind, biomass, energy from waste, hydropower and solar and heat pumps. In addition, the Cumbria Clean Energy Park is identified as a large-scale energy project which could support a range of new energy technologies, mainly linked to nuclear but also hydrogen production within the mix of clean energy technologies.

Large Scale Energy Developments (excluding nuclear and wind energy developments) (Policy CC1)

128. Policy CC1 provides the framework for the consideration of large-scale energy development with the exception of nuclear and wind energy developments. As written, the approach to the siting and scale of development and the potential individual and cumulative impacts is not clear. In addition, the policy does not address the potential effects of such development on the St Bees and Whitehaven Heritage Coast, the English Lake District and Hadrian's Wall World Heritage sites or water resources. Furthermore, the reference to 'as per national policy' is unnecessary.
129. As written, paragraph three implies that the planning impacts of development on local communities would be 'fully addressed'; however, this may not always be possible, as any adverse impacts would need to be balanced against any positive benefits. Consequently, the wording is altered to 'take into account' any such impacts. These matters are addressed by **MM33** for the policy to be justified, effective and consistent with national policy.

Wind Energy Developments (Policy CC2PU)

130. The Wind Energy Technical Document (EB38) was produced to identify Areas Suitable for Wind Energy which are identified in Appendix D of the Plan and the Policies Map. This identified the whole Borough as suitable for wind energy development, with the exclusion of some of the more sensitive landscapes. The Council also drew on the Cumbria Renewable Energy Capacity and Deployment Study to identify the potential technical capacity of these areas together with the Cumbria Wind Energy Supplementary Planning Document (2007) and landscape character evidence to assess the potential cumulative effects and to refine the approach. On this basis, I am satisfied that the Council has undertaken a methodical and robust approach to the identification of 'Areas Suitable for Wind Energy'.
131. Policy CC2 provides the framework for the consideration of wind energy developments and directs wind turbines over 50m in height to an Area Suitable for Wind. Clarity is required in the second paragraph as to the approach that will be taken to address the potential impact of proposals, including the need to consider the effect on the St Bees and Whitehaven Heritage Coast, the English Lake District and Hadrian's Wall World Heritage sites and water resources. In addition, reference to 'as per national policy' is unnecessary. As with Policy CC1, the wording of paragraph four is modified to 'take into account' the planning impacts identified by local communities as it may not be possible to 'fully address' them. These matters are addressed by **MM34** for the policy to be justified, effective and consistent with national policy.

Nuclear Development

132. The Local Plan seeks to secure opportunities related to nuclear development in Copeland including the delivery of the Sellafield Mission; opportunities associated with the Clean Energy Park; deployment of new nuclear technologies; potential new

nuclear power generation at Moorside and the Industrial Solutions Hub (ISH) in Cleator Moor.

Supporting Development of the Nuclear Sector (Policy NU1)

133. Policy NU1 provides the framework for the consideration of nuclear sector development in general. The final paragraph of Policy NU1 states that the Council will expect all nuclear sector-related development to make a '*proportionate and meaningful contribution to local economic, social and environmental strategies/priorities*'. However, there is nothing in the policy or supporting text to clarify what this means, and it is, therefore, ambiguous. Consequently, the last paragraph of the policy is amended to state that the benefits of nuclear sector-related development should outweigh any impacts for effectiveness.
134. As drafted, the policy does not sufficiently distinguish between the community benefits often sought when discharging obligations under Section 7 of the Energy Act 2004 and conditions and obligations which may be required by the planning system. It is also not clear that any planning obligations or contributions would only be sought where they are necessary, reasonable and directly related to the development to be consistent with national policy and legislation.
135. In addition, the policy does not refer to the Nuclear Decommissioning Authority (NDA) which plays an important role in the decommissioning of the Sellafield site. Furthermore, it is unnecessary to refer to the Council working proactively with the previous CCC and Sellafield as this is largely a procedural, not a policy matter. The above matters are addressed by amending the supporting text (**MM35**) and the policy itself (**MM36**). These modifications are necessary to ensure that the Policy is justified, effective and consistent with national policy.

Nuclear Energy Sector Development and Infrastructure (Policy NU3)

136. Policy NU3 provides the framework for the consideration of a broad range of activities which are related to the nuclear sector but are not necessarily directly nuclear development such as contractors' accommodation and laydown/storage facilities. However, the policy does not refer to potential development associated with the delivery of major new nuclear projects and Nationally Significant Infrastructure Projects. **MM37** clarifies this matter by including additional supporting text in the interests of effectiveness.
137. As drafted, it is not clear that development solely relating to Sellafield, either on or off site, will be considered using the criteria in Policy NU4. In addition, it is not necessary to refer to pre-application advice as this is a procedural as opposed to a policy matter. This reference has, therefore, been relocated from the policy itself to the supporting text. **MM38** addresses these matters in the interests of effectiveness.
138. As drafted, Policy NU3 requires development to be on a designated employment site or on a suitable site within settlement or otherwise be accompanied by a justifiable 'exceptional need case'. Whilst the principle of focusing new development on employment sites and within settlement boundaries is consistent with the spatial strategy, the requirement for an 'exceptional need case' is not justified.

Consequently, **MM39** amends the policy to state that development proposed outside of these locations should be accompanied by a justification setting out why it is essential for the development to be on that particular site and why available sites within settlements are not suitable. This would secure effectiveness and ensure that the policy is justified. Post-consultation on the MMs, I have included reference to employment sites, in addition to sites within settlements. This is a minor amendment to secure consistency of approach and does not, therefore, prejudice any party. The reference in criterion c to a 'positive legacy' is ambiguous and is, therefore, removed by **MM39**. The above **MMs** are necessary to ensure that the policy is justified, effective and consistent with national policy.

Nuclear Development at Sellafield (Policy NU4)

139. Policy NU4 provides a framework for the consideration of nuclear development specifically at Sellafield. The title of the policy does not reflect that it also relates to associated development at Sellafield, not just nuclear development and so this is addressed by **MM41** for effectiveness.
140. In addition, it is not clear that the policy relates to development both inside and outside of the defined Sellafield boundary as shown on the policies map. Sellafield has unique considerations to deliver the Sellafield Mission. For example, the site has specific safety, security and other regulatory requirements and as a consequence there will be occasions that some policies of the Plan (such as landscaping) may not always be appropriate for all developments. **MM40** amends the supporting text to clarify this point for effectiveness. Post consultation, I have, however, amended the supporting text at 10.12.3 (**MM40**) to be clear that the development plan should be the starting point for the consideration of an application to ensure that the Plan is justified and effective. This change does not alter the fundamental meaning of the policy and does not, therefore, prejudice any party.
141. As per Policy NU3 above, I have amended **MM41** post-consultation to include reference to employment sites in addition to sites within settlements for clarity and consistency. Furthermore, criterion a of the policy does not sufficiently reflect that associated development and enabling works, in addition to nuclear development should be sited within the existing Sellafield site boundary unless criterion b applies. **MM40** and **MM41** address these matters for the policy to be justified and effective.
142. Policy NU4 has a similar requirement to NU3 which requires development outside the site boundary and settlements to set out an 'exceptional needs case'. For the reasons set out above, this is not justified and Policy NU4 is, therefore, similarly amended, including the deletion of footnote 43 (**MM41/MM42**).
143. The consolidation of radioactive material such as irradiated fuel and nuclear material is not in itself development requiring planning permission and would be controlled by other regulatory processes and so criterion c is deleted for effectiveness. Criterion d is amended to refer to 'necessary' as opposed to 'adequate' infrastructure for clarity and effectiveness. Criterion g, relating to carbon offsetting is inconsistent with the NDA Strategy for carbon management and offsetting and is, therefore, deleted. **MM41** and **MM42** address these matters for the policy to be justified, effective and consistent with national policy.

Nuclear demolition (Policy NU5)

144. Policy NU5 sets out criteria for the consideration of proposals for the demolition of buildings and structures on the Sellafield site. However, the policy goes beyond the permitted development rights and prior approval processes. Furthermore, many aspects of demolition at Sellafield are controlled by other regulatory process. The policy is not, therefore, consistent with national legislation and policy and is ineffective. Consequently, **MM43** and **MM44** delete Policy NU5 and associated supporting text as it goes beyond the permitted development and prior approval processes for effectiveness and consistency with national policy.

Sellafield Site Boundary

145. The current planning boundary for Sellafield is contiguous with the Nuclear Licensed Site Boundary. The position of the perimeter fence has changed and, in some places, now stretches beyond the licenced site boundary which has created a number of anomalies.

146. The lease boundary between Sellafield and the NDA reflects the full extent of the current operational land for the Sellafield site; however, the planning boundary on the proposals map is more tightly drawn. Extending the planning boundary to a degree would help to regularise some existing anomalies. However, extending the boundary to the extent desired by Sellafield and the NDA would result in a significant extension which would include site security features, the former Visitors Centre area and ancillary access infrastructure, including Yottenfews Car Park. This could lead to significant amounts of development such as contractor laydown which would be permitted development with potential adverse effects on the character and appearance of the area.

147. Consequently, I consider that the planning boundary should be the nuclear licensed site or the Sellafield external fence, whichever has the greatest extent with the exception of Calder Hall Farm and the Combined Heat and Power (CHP) Screening Mound where the license site boundary should continue to act as the planning boundary. This would help to regularise some anomalies between the licenced boundary and the perimeter fence.

148. Calder Hall Farm (area 3) is in a noise sensitive location close to the farm and other residential properties. The CHP Screen Mound is not within the nuclear site licence but is within the perimeter fence. It is an inert spoil store developed in 1993 as a visual and sound buffer for CHP. Development of this mound could have a potential effect on occupiers of Calder Hall Farm and other rural dwellings. Retaining a tighter boundary would not necessarily preclude development outside the planning boundary; however, it would provide the Council the opportunity to fully consider any proposals which may come forward. Consequential amendments which include a map for the planning boundary of Sellafield are included by **MM126**. In addition, reference to the Sellafield Planning Boundary is included in the introduction to Appendix B of the Plan, Settlement Maps via **MM121** is also included.

Conclusion

149. With these MMs, I consider that the approach to energy and nuclear development is justified, effective and consistent with national policy.

Issue 7 – Whether the approach towards the natural environment is justified, effective and consistent with national policy.

Conserving and enhancing biodiversity and geodiversity (Policy N1)

150. Policy N1 provides the strategic framework for the consideration of the effects of proposals on biodiversity and geodiversity in accordance with the mitigation hierarchy. Following LGR, the reference to the Plan area needs to be amended. As drafted, the policy omits specific reference to Sites of Special Scientific Interest and National Sites. **MM92** addresses these matters for the policy to be justified, effective and consistent with national policy.

Local Nature Recovery Networks (Policy N2)

151. Policy N2 sets out the Council's commitment to Local Nature Recovery Networks. However, as drafted the policy refers to networks which 'extend beyond the borough's boundaries' which would be beyond the jurisdiction of the Plan. In addition, the policy should refer to the protection and enhancement of Local Nature Recovery Networks in addition to the identification and implementation. **MM93** addresses these matters and is necessary to ensure that the policy is justified, effective and consistent with national policy.

Biodiversity Net Gain (BNG) (Policy N3)

152. Policy N3 sets out the approach to securing biodiversity net gain (BNG) requiring new development to provide 10% biodiversity net gain over and above existing site levels in accordance with paragraph 180d of the NPPF which supports development which secures measurable net gains for biodiversity.

153. The statutory requirement requiring development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat came into force 12 February 2024. To future proof the policy, additional text is necessary to refer to 'any documents which may supersede' the Environment Act (the Act) for effectiveness (**MM94**).

154. The first paragraph of Policy N3 refers to the need for a 'minimum of' 10% BNG over and above existing site levels. This minimum requirement is not more onerous than the statutory requirement as a 10% gain would comply with both the Plan policy and the Act. Nevertheless, I have amended paragraph 1 of the policy, post-consultation on the MMs to refer to 'at least' a 10% BNG to be consistent with the terminology contained in national legislation and policy. This approach provides flexibility to go beyond the 10% figure if a developer so wishes consistent with the wording of the publication draft. Consequently, I consider that the policy as amended by **MM94**, is broadly consistent with the BNG legislation and guidance in terms of the 10% requirement.

155. The third paragraph of the policy requires planning applications to include a Biodiversity Gain Plan; however, Schedule 14 of the Environment Act sets out that a general condition will be applied to every planning permission (except those exempt from BNG) and that a Biodiversity Gain Plan should be submitted and approved before commencement of development. As BNG is designed to be a post permission matter, it is not appropriate to require a BNG Plan to be provided at the application stage. Furthermore, the PPG clearly sets out the information which should accompany a planning application, and this does not need to be repeated here. **MM94**, therefore, deletes the third paragraph for the policy to be effective and consistent with national policy.
156. The second paragraph of the policy relates to off-site provision of BNG. The legislation enables off-site provision to be made either in whole or in part. There may be circumstances where some on-site provision could be provided but not the full 10% and so the remainder may need to be provided off-site. I have, therefore, amended, post-consultation on the MMs, the second paragraph of the policy to ensure that the policy is justified (**MM94**).
157. Furthermore, greater flexibility and differentiation is required regarding the order of preference for off-site provision. Consequently, I have amended **MM94** post-consultation to include reference to provision off-site on an alternative suitable site and also through the purchase of off-site biodiversity units on the market to be consistent with national legislation. I have also amended criterion 2 of the policy to refer to alternative suitable sites within Cumberland, as opposed to 'Copeland' or the Borough to reflect the current administrative area. In addition, it is not clear that any off-site provision in an area identified as a Local Nature Recovery Network should be in the Plan area. These amendments (**MM94**) are necessary for effectiveness and to ensure that the policy is justified.
158. The fourth paragraph relates to management and monitoring of BNG. It is amended, post-consultation, to state that 'where appropriate' applicants should supply a Habitat Creation Plan and a Habitat and Monitoring Plan for effectiveness (**MM94**). In addition, the fourth paragraph is amended, post consultation on the MMs (**MM94**) to reflect that the landowner, as opposed to the applicant or other body, is legally responsible for creating or enhancing habitat for the policy to be justified and effective.
159. The fifth paragraph of the policy addresses circumstances where there may be evidence of deliberate neglect or damage to any habitats which would reduce its biodiversity value. I have amended, post-consultation on the MMs (**MM94**) the wording of this paragraph for the paragraph to be consistent with the PPG. The above post-consultation MMs are simply to reflect the recent legislation/guidance and do not fundamentally alter the fundamental purpose of the Policy or the requirement to provide 10% BNG.
160. **MM94** addresses all of the above matters for the policy to be justified and effective.

Marine Planning (Policy N4)

161. Policy N4 provides the framework for the consideration of proposals which may affect the marine environment. The policy requires compliance with the North West Marine Plan; however, it is not appropriate to require accordance with a document which does not form part of the development plan. **MM95**, therefore, deletes this reference. However, the supporting text highlights the status of the Marine Plan and **MM95** incorporates the key objectives of the Marine Plan into the policy itself in recognition of the importance of the Marine Plan in order for the policy to be justified and effective.

Protection of Water Resources (Policy N5)

162. Policy N5 seeks to ensure the protection or improvement of surface and groundwater resources, including designated coastal Bathing Waters and Shellfish Waters downstream. Policy N5 and the supporting text address the issue of nutrient neutrality. Natural England has not raised any concerns about the nutrient neutrality aspects of the policy as submitted. As successive Court judgements¹ indicate that significant weight should be given to the views of Natural England on such matters, I am satisfied that the policy provides an effective basis to consider the effect of development on nutrient neutrality.

163. However, as drafted the supporting text and policy do not effectively address the Groundwater Source Protection Zones (SPZ's) for ground water sources as defined by the Environment Agency. Consequently, **MM96** proposes additional supporting text to explain the position in relation to SPZ's for effectiveness.

Landscape Protection (Policy N6)

164. As drafted, the policy does not sufficiently address the need for development proposals to be informed by landscape character assessments to ensure that landscape issues are considered at the start of the design process. Reference to the Lake District National Park Landscape Character Assessment is also necessary to ensure that development outside the National Park does not adversely affect its setting. **MM97** addresses these matters for the policy to be justified, effective and consistent with national policy.

St Bees and Whitehaven Heritage Coast (Policy N7)

165. Policy N7 seeks to conserve, protect and enhance the St Bees and Whitehaven Heritage Coast and manage development along this stretch of coast. The last paragraph of the policy states that major development within the Heritage Coast is unlikely to be appropriate unless it is compatible with its special character and will only be permitted in 'exceptional circumstances'. However, there is no 'exceptional circumstances' test in the Framework relating to Heritage Coasts. The last paragraph is, therefore, deleted and the previous paragraph is amended to achieve consistency

¹ Including R(Wyatt)v Fareham Borough Council & Natural England [2022] EWCA Civ 983

with the Framework. **MM98** and **MM99** address these matters for the policy and supporting text to be justified, effective and consistent with national policy.

Green Infrastructure (Policies N9; N10; N11; N12)

166. Policy N9 sets out the strategic framework for the provision of Green Infrastructure in Copeland. The policy refers to green spaces as opposed to 'open spaces' which are shown on the Policies Map. In addition, the policy does not refer to playing fields as being protected open spaces. **MM100** addresses these matters and is necessary to ensure the policy is justified, effective and consistent with national policy.
167. Policy N10 designates Green Wedges as identified on the Policies Map and provides the framework for the consideration of proposals for development within them. The Green Wedges have been identified as part of a systematic and robust process through the Settlement Landscape Character Assessment (NB15). As drafted the policy does not reflect that Green Wedges play an important role functionally in addition to their landscape merits and this results in an unjustified and ineffective policy position. **MM101** addresses this matter to ensure that the policy is justified and effective.
168. Policy N11 of the publication draft seeks to resist the loss of open/green spaces and the enhancement of green/open spaces. However, as currently drafted the Plan does not sufficiently deal with how open space would be secured through new development where a need is identified. **MM103**, therefore, creates a new policy which sets out how open space would be secured as part of new development including the circumstances in which a financial contribution in lieu of on-site open space would be acceptable. Additional supporting text is also set out in **MM102** to clarify the approach. **MM102** and **MM103** are necessary for the policy to be justified, effective and consistent with national policy.
169. The Open Space Assessment (OSA) [EB28] and Addendum Document [EB29] identified that a number of protected open spaces are of low quality at present, falling short of the quality or value threshold. However, a site rating of low quality or value does not mean that the site should automatically be viewed as being fit for development. It is also necessary to understand its value, access and role in the community it serves. It may for example be the only site serving an area or the area may have a quantitative shortfall and, therefore, should be considered important and a priority for protection and/or enhancement. Where new open spaces cannot be provided as part of new developments, developer contributions could be spent improving these poor-quality spaces where there is a shortage in that particular typology. The supporting text does not reflect these considerations and did not, therefore, provide a justified or effective basis for consideration of this issue. **MM104** therefore, provides additional text to explain this approach to ensure that the policy is justified and effective.
170. The title and text of Policy N11 refers to 'Protected Green Spaces'; however, the Policies Map identifies 'Protected Open Spaces' which is the correct terminology. **MM105** addresses this inconsistency by amending the policy to refer to open spaces as opposed to green spaces for the policy to be justified and effective.

171. Local Green Spaces were identified through a systematic process set out in the OSA and Addendum Document and also the Local Green Space document 2020 (EB30). Policy N12 sets out the approach to the consideration of development proposals which would affect Local Green Spaces. This approach is justified, effective and consistent with national policy.
172. Policy N13 sets out the approach to how existing trees, woodland and hedgerows would be protected and considered as part of new development. As written, the policy encourages developers to incorporate additional native tree planting and hedgerows into new developments; however, the policy should *require* such features to encourage greater biodiversity and landscapes which are native to the area. The policy is also not clear or sufficiently flexible in relation to viability issues and offsite provision or alternative provision. **MM106** addresses these matters for the policy to be justified, effective and consistent with national policy.

Conclusion

173. With the above MMs, the approach towards the natural environment is justified, effective and consistent with national policy.

Issue 8 – Whether the approach towards the built and historic environment is justified, effective and consistent with national policy?

Heritage Assets (Policies BE1; BE2; BE3; BE4)

174. Policy BE1 provides the strategic framework for the protection and enhancement of heritage assets. As drafted the policy does not reflect national legislation or policy as it states that heritage assets and their setting will be 'conserved' and enhanced. Also, as drafted the policy is not locally distinctive. Consequently, the policy is not justified or consistent with national policy. A new paragraph has, therefore, been added to the policy which refers to the Borough's distinctive character and sense of place and by cross referencing to the list of distinctive heritage assets in paragraph 16.2.1 and 16.2.5 of the supporting text. **MM107** addresses these matters for the policy to be justified and consistent with national policy.
175. Policy BE2 provides the framework for the consideration of designated heritage assets. As drafted, the policy simply cross references to national policy in relation to development which would lead to the substantial harm, or total loss of significance to a heritage asset. It is, therefore, necessary to clarify the circumstances in which substantial harm or total loss of significance of a heritage asset would be acceptable. Furthermore, the policy does not adequately address the circumstances in which the loss of a designated heritage asset would be accepted, including ensuring that the new development proceeds and that the historic asset/environment is suitably recorded prior to development. **MM108** addresses the above matters for the policy to be justified, effective and consistent with national policy.
176. Policy BE3 provides the framework for the consideration of proposals which affect archaeological sites. As above, the policy should refer to the preservation, as

opposed to conservation of elements which contribute to the significance of the site for the policy to be justified. **MM109** addresses this matter.

177. Policy BE5 relates to shopfronts, but as presented includes a drafting error which results in ambiguity. **MM110** addresses this matter for effectiveness.

Conclusion

178. With the MMs, I consider that the approach towards the built and historic environment is justified, effective and consistent with national policy.

Issue 9 – Whether the approach towards health, sport and culture is justified, effective and consistent with national policy?

Health and well-being (Policy SC1)

179. Policy SC1 provides the strategic framework for promoting health and well-being. However, the policy does not adequately address the matter of securing developer contributions to new sports and leisure facilities. Consequently, Policy SC1 is modified to retain a strategic commitment to securing developer contributions towards sports, leisure and community facilities whilst Policy SC2 is amended to provide a more effective framework to secure contributions.

180. In addition, there is some repetition with other policies such as the requirement for a health impact assessment. Greater emphasis is required in relation to the last bullet point to ensuring that people can live longer within their communities through adaptations and specialist housing. **MM85** addresses these issues for the policy to be justified, effective and consistent with national policy.

Sports and Leisure (Policies SC2 – SC3)

181. The Indoor Facilities Strategy (EB26) and the Playing Pitch Strategy (EB47) have been signed off by Cumberland Council and Sport England and provide a sound evidential basis to inform the Local Plan.

182. Policy SC2 does not set out an effective framework to secure sports and leisure facilities through new development. Furthermore, the wording of the policy in relation to the loss of existing facilities does not fully reflect the Framework. Nor does the Plan set out the approach to on or offsite provision. **MM86** and **MM87** addresses these matters by modifying the supporting text and the policy. With these MMs the policy provides an effective framework for securing contributions to sports and leisure facilities and is justified, effective and consistent with national policy.

183. As drafted Policy SC3 does not adequately address the matter of securing developer contributions to playing fields and pitches, including reference to relevant standards, maintenance and the approach to on or off-site provision. The Council liaised with Sport England to agree an appropriate approach which is set out in the SoCG (DTC13). **MM88** and **MM89** introduce text reflecting this agreed approach and

address these matters in order for the policy and supporting text to be justified, effective and consistent with national policy.

184. Policy SC4 addresses the issue of the impact of new development on sporting facilities. The title of the policy and body text requires modifying to including reference to playing fields and pitches, the omission of which means that the policy is ineffective, unjustified and inconsistent with national policy. **MM90** addresses this matter for the policy to be justified, effective and consistent with national policy.

185. Policy SC5 seeks to avoid the loss of existing community and cultural facilities and encourages the provision of new facilities. Some modifications are necessary to improve the legibility of the policy in the interests of effectiveness. In addition, the policy should refer to the need for applications to consider the existing use as part of a shared/combined service to improve viability. **MM91** addresses this matter to be consistent with paragraph 93 of the Framework and to secure effectiveness.

Conclusion

186. With the MMs, I consider that the approach towards health, sport and culture is justified, effective and consistent with national policy.

Issue 10 – Whether the approach towards connectivity is justified, effective and consistent with national policy?

Communications (Policy CO1)

187. Policy CO1 seeks to provide a positive framework for the provision of infrastructure which improves digital connectivity, but the approach is inconsistent with paragraph 115 of the Framework which encourages mast sharing wherever possible. **MM111** modifies the policy to achieve consistency with the Framework.

Transport (Policies CO2; CO3; CO4; CO5)

188. Policy CO2 sets out priorities for improving transport networks. Criterion g relates to the local cycle and walking network; however, lack of coverage of the strategic walking and cycling network means that the policy is ineffective on this issue. In addition, the strategic priority to improve pedestrian links across the Duddon Estuary is not reflected. **MM112** addresses these matters for the policy to be justified, effective and consistent with national policy.

189. Policy CO3 sets out priorities for improving transport links to and from Copeland. As drafted, the policy states that proposals that have the potential to compromise improvements to transport links will be resisted. However, this does not provide any flexibility or potential to balance any harmful effects of a proposed development against the benefits. Consequently, additional wording is added to incorporate such a balance in the interests of effectiveness. **MM113** addresses this matter through the incorporation of such a balance for the policy to be justified, effective and consistent with national policy.

190. Policy CO4 seeks to encourage sustainable modes of transport. However, the language used in some of the policy is unclear and it is ineffective as a result. Consequently, modification is necessary to improve the legibility of the policy. **MM114** addresses these matters for the policy to be justified and effective.
191. Policy CO5 encourages new development to promote a transport hierarchy of users including pedestrians, cyclists and public transport. The hierarchy includes 'vehicles that facilitate car sharing' at criterion d. However, this is ambiguous as any car with more than one seat could facilitate car sharing but it is not clear how car sharing could be promoted, managed or enforced in practice. **MM115**, therefore removes criterion d for the policy to be justified and effective.

Parking Standards (Policy CO7)

192. Policy CO7 addresses parking standards and seeks to secure Electric Vehicle Charging Infrastructure. However, part S of the Building Regulations 2010 enacted June 2022 now covers the provision of Electric Vehicle Charging Infrastructure and so it is not necessary to repeat it. Consequently, the last paragraph is deleted. In addition, modifications are proposed to improve the legibility of the policy and to ensure that references to the Whitehaven Parking Strategy endure over time. **MM116** addresses these matters for the policy to be justified, effective and consistent with national policy.

Conclusion

193. With the MMs, the approach towards connectivity is justified, effective and consistent with national policy.

Issue 11 – Whether the approach towards development standards is justified, effective and consistent with national policy?

Planning obligations (DS5)

194. As drafted, Policy DS5 does not make clear that planning obligations would only be secured where it is necessary to mitigate the impact of development and is, therefore, contrary to paragraph 55 and 56 of the Framework. Clarification that any viability assessment must be site specific is necessary for effectiveness. In addition, the policy as submitted is not clear that where the Council has agreed the findings of a site-specific viability assessment that a proportionate reduction of contributions would then be agreed between the relevant parties. This would provide flexibility to respond to viability issues. **MM15** addresses these matters for the policy to be justified, effective and consistent with national policy.

Design and Development Standards (Policy DS6)

195. As submitted the policy is not clear that design standards can also contribute to the health and well-being of residents and is, therefore, contrary to paragraph 92 of the Framework. Neither does the policy place sufficient emphasis on development layouts which provide safe, accessible and convenient pedestrian and cycling layouts

and the importance of providing connections to existing routes. It is, therefore, inconsistent with paragraphs 105 and 106 of the Framework.

196. Criterion f does not reflect paragraph 115 of the Framework which states that development should not give rise to severe impacts on highway safety or the capacity of the highway network and to also reflect the need for mitigation measures where necessary. In addition, criterion g requires development to take into account the needs of people with mental and physical disabilities; however, dementia is an increasing concern with an ageing population and the need for dementia friendly principles is not adequately reflected in the policy. Furthermore, some re-wording of the policy is also necessary to improve legibility and, therefore, effectiveness. **MM16** addresses the above matters for effectiveness and consistency with national policy.
197. As submitted, the policy does not require new development to make suitable provision for residents to recycle household waste. An additional criterion is, therefore, added to promote recycling. Criterion m) requires development to ensure that external lighting does not create light pollution and helps to maintain dark skies. Post consultation on the modifications, I have amended the criterion to refer to 'good lighting' guidance as opposed to 'dark skies' guidance to be effective. This does not affect the thrust of the policy and does not, therefore, prejudice any party. In addition, the last paragraph is amended to reflect that developers should take a comprehensive and co-ordinated approach to development by respecting existing site constraints and infrastructure on site to ensure a pragmatic approach to development. **MM16** addresses these matters for effectiveness.
198. In respect of the requirement for a higher water use efficiency standard, the PPG states that where there is a clear local need, local planning authorities can set the tighter Building Regulations optional requirement of 110 l/p/d. Implementation should be based on evidence, consultation and consideration of the impact of viability and supply. The PPG states that primary sources of evidence which might support a tighter water efficiency standard for new dwellings are: The Environment Agency water stressed areas 2021 classification which identifies areas of serious water stress; water resource management plans produced by water companies; and River Basin Management Plans. The North-West and Copeland are not considered to be an area of Water Stress as identified by the Environment Agency (2021 Assessment of Water Stress Areas Update).
199. However, attention is drawn to the emerging Water Resource Management Plan (WRMP) for United Utilities Water. Copeland lies within the North-West Strategic Resource Zone (SRZ). The revised Draft Water Resource Management Plan 2024 (the revised draft WRMP) was published in June 2023 for the period 2025-2050 and sets out the baseline supply-demand balance for water resources. It shows that without the drought supply and demand measures included in the drought plan, there is a potential deficit in the SRZ. Without any interventions, the SRZ faces a deficit such that available supplies are insufficient to meet demand plus target headroom from 2025 onwards. Consequently, the revised, draft WRMP requests that all local authorities in the supply area adopt the optional minimum building standard. This is also stated in the draft Water Resources West Draft Regional Plan (Autumn 2022).

200. Whilst I note the above evidence, the request for the optional higher standard is set out in documents which are in draft form and, therefore, not yet finalised which reduces the weight which I can attach to them. Furthermore, it is suggested that the additional cost of installing such measures as part of new development may be relatively low per dwelling. However, as the LPVA did not include the optional higher technical standard, I cannot be certain that the cumulative cost of the additional higher standard would not affect viability across a scheme taking into account other costs, particularly when viability in Copeland is marginal. Consequently, the inclusion of the optional higher standard is not justified at this stage. Monitoring and review activity should inform whether any updates to the Plan are needed on this issue in the light of emerging evidence.
201. Whilst the optional standard is not justified, the emerging evidence points to water efficiency being an important issue, and one that is not effectively dealt with by the policy. Consequently, an additional criterion p is necessary to encourage the inclusion of water efficiency measures such as rainwater recycling measures, green roofs and water butts where possible and appropriate. **MM16** addresses the above matters for the policy to be justified, effective and consistent with national policy.

Hard and soft landscaping (Policy DS7)

202. Reference to native species should be deleted in the second bullet point as this is already referred to in the policy to avoid repetition for effectiveness. As drafted the policy does not address the issue of future maintenance or replacement which is necessary to ensure the longevity of landscaping provided in new developments per paragraph 131 of the Framework. **MM17** addresses these matters to ensure that the policy is justified, effective and consistent with national policy.

Reducing Flood Risk (Policy DS8)

203. As drafted, the first sentence of Policy DS8 states that the Council will ensure that development in Copeland is not prejudiced by flood risk; however, this is ambiguous. This sentence is, therefore, reworded to 'ensure that flood risk is reduced and mitigated' to be consistent with national policy and guidance. Neither does the policy reflect the 'exceptions' test set out at paragraph 163 of the Framework which recognises that there may be circumstances where development in flood risk areas may provide wider sustainability benefits to the community that outweigh the flood risk provided that development is safe for its lifetime and does not increase the risk of flooding elsewhere. Criterion a is, therefore, reworded to address this to be consistent with national policy. Criterion c relating to opportunity sites within Whitehaven is already covered by amended criterion a. Criterion c is, therefore, deleted to avoid repetition and improve clarity in the interests of effectiveness. **MM18** addresses these matters for the policy to be justified, effective and consistent with national policy.

Sustainable Drainage (Policy DS9)

204. Policy DS9 states that development must incorporate sustainable drainage systems; however, there may be circumstances where it may not be possible, for example, due to ground conditions. The first paragraph is, therefore, amended to provide some flexibility where it can be demonstrated that sustainable drainage systems are not

possible. The policy does not reflect that landscaping may also provide additional benefits in addition to biodiversity and recreation. As drafted, the policy does not require details of the long-term management of sustainable drainage systems an approach contrary to the Framework (at paragraph 169c). The policy is, therefore, amended to address this to ensure that development endures in the longer term. **MM19** addresses these matters for the policy to be justified, effective and consistent with national policy.

Soils, Contamination and Land Stability (DS10)

205. The Plan does not reflect that developing on brownfield land can be more costly and affect a scheme's viability. The supporting text to the policy is, therefore, amended to address this and to draw attention to potential funding opportunities to support development on challenging sites. **MM20** addresses this point for the Plan to be effective. The policy does not reflect that development should avoid the loss of deep peat as a finite resource. **MM21** therefore amends bullet point four to address this matter and to be consistent with the Framework at paragraph 211d.

Conclusion

206. With the MMs, the approach towards development standards is justified, effective and consistent with national policy.

Issue 12 – Whether the proposed housing allocations, broad locations and Gypsy and Traveller site are justified, effective and consistent with national policy?

Site Selection

207. The Council has considered all land within and adjoining the edges of settlements within the settlement hierarchy through the SHLAA process and assessed sites for their availability, suitability and achievability to determine whether sites were deliverable or developable. The reasons for discounting alternative sites were set out in the Discounted Sites Document (EB40). Once potential housing sites were identified through the SHLAA they were assessed for their suitability for allocation considering potential constraints, mitigation and availability/delivery. The sites were also assessed through the SA and HRA process. The methodology used to select sites for allocation and broad locations is summarised in section 8 of the Settlement Hierarchy and Development Strategy Update 2021 (EB1). Overall, I consider that the Council has undertaken a systematic and robust approach to site selection.

208. There are some cases where changes are required to maps within the Plan to reflect recent planning permissions or to address minor changes to the settlement boundary. These are addressed by **MMs 122-126** for effectiveness. Consequential changes are also required to the Policies Map. Appendix F sets out the Housing Allocation Site Profiles (HASP). As drafted it is not clear how the HASPs will inform decision making. Some amendments are, therefore, necessary to the introductory text to explain the status of the HASPs for effectiveness (**MM14; MM63; MM134**). Table 8 of Appendix F explains the constraint categories identified in the HASPs. Clarification is necessary in terms of the highways and accessibility rows and an additional row is

inserted to include Minerals and Waste constraints. **MMs 135** and **MM136** address these matters for effectiveness.

209. In a number of instances, the HIA identifies potential impacts to various heritage assets that could occur as a result of development on the site allocations. However, it concludes that any such impacts would be capable of mitigation. Nevertheless, the HASPs do not reflect these considerations. Accordingly, **MMs 139-142**, **MMs 144-147**, **MMs 149-158**, and **MMs 160-170** are necessary to introduce reference to the relevant heritage assets in the HASP or to clarify that there would be no impacts on heritage assets to secure the effectiveness of the Plan in this regard.

Housing Allocations (Policy H5)

Whitehaven

LAND AT WEST CUMBERLAND HOSPITAL AND SNECKYEAT ROAD (HWH1)

210. The site is situated to the west of West Cumberland Hospital and comprises of open land to the east of Homewood Drive and also buildings associated with the hospital including training and staff residential units. The site boundary is amended to exclude the operational land of the hospital which is still in use. The site capacity is amended from 127 dwellings to 46 dwellings in addition to the title of the allocation to reflect the revised site boundary. **MM65** addresses these matters for the policy site allocation to be justified and effective. In addition, **MM122** amends the site boundary on the maps within the Plan and **MM137** amends the boundary of the site on the HASP in Appendix F. **MM138** amends the text of the HASP to reflect the amended site boundary for effectiveness.
211. The site does not benefit from planning permission and several technical issues in relation to such matters as ecology and flood risk would need to be assessed and resolved. Whilst it is not anticipated that any such issues would preclude the development of the site in the longer term; it would take some time to address these matters. Hence, the assumption that the site would come forward within the first 5 years is not justified. The trajectory is, therefore, amended to reflect that the site would come forward in 6+ years. Given the scale of the site it is anticipated that it would be developed at a rate of around 10 units per annum. This is reflected in the updated Housing Trajectory (**MM133**) and the HASP (**MM138**). With these MMs, I consider that the site is developable within the Plan period and that subject to these MMs the allocation is justified.

RED LONNING AND HARRAS MOOR (HWH2)

212. The site lies to the southwest of Harras Moor and to the north of Red Lonning Estate. It extends to 23 hectares and has an indicative capacity of up to 370 dwellings. The site rises steeply from Loop Road South (A595) on its western side towards Harras Road, levelling out in line with Caldbeck Road. It lies between two existing residential estates, Highlands to the north and Hillcrest to the south.
213. A significant proportion of the site is allocated for residential development under Policies HA1 and HA2 of the Copeland Local Plan 2001-2016 'Saved Policies' with an indicative capacity of 220 dwellings. The site benefits from outline permission for up

to 370 dwellings. The site would require improvements at the Main Street/Cleator Moor Road junction and the A595/Egremont Road/Homewood Road junctions. It would also require improvements to encourage sustainable modes of transport. However, subject to those improvements, the site would not give rise to any unacceptable effects on highway or pedestrian safety.

214. Site 179 of the OSA identifies part of the allocated site as Red Lonning Playing Field, falling within the Amenity Greenspace typology. Whilst the site is rated lower for quality and value in the OSA, continued protection of the open space is justified as the OSA identifies a shortfall of Amenity Space in Whitehaven. It will ensure that suitable replacement provision is secured should the outline permission lapse. The HASP rightly identifies that the playing field should be replaced to comply with paragraph 97 of the Framework.
215. Part of site 72 of the OSA (White Park and Crow Wood Park) is protected in the current development plan for its landscape value, under Policy DM26 of the Core Strategy and covers part of this site allocation. The area extends further north along Loop Road than the site proposed as a protected open space in the emerging Local Plan to the southeast of Laurel Bank.
216. The OSA assessed site 72 as amenity greenspace as it meets the definition as “opportunities for informal activities close to home or enhancement of the appearance of residential or other area”. Due to the shortage of amenity green space in Whitehaven the site is classed as high value and is identified as having potential to provide an opportunity to increase future provision. Given this shortage, I consider that it is important for the continued protection of the open space which will help to ensure that sufficient open space is secured as part of any proposals for development.
217. The remaining part of the protected open space from the Core Strategy has not been assessed or identified for protection within the OSA as it does not fall within the listed typologies. It has, however, been identified as ‘Prominent Hillside’ in the Settlement Landscape Character Assessment to which policies N6 (Landscape Protection) and N9 (Green Infrastructure) apply.
218. An additional paragraph has been added to the housing chapter (**MM64**) to explain the rationale for part of housing allocations being also designated as open space under Policy N12 for effectiveness. Policy N12 allows for development on such sites in particular circumstances and the proposed housing allocations provide an opportunity to improve the open space or replace it with better provision elsewhere within the settlement. The open space designation would not, therefore, preclude the development of the site as the recent outline permission shows.
219. Homes England has confirmed that the site is viable and deliverable and that there has been a high level of interest from developers. It considers that development will commence within 5 years of the Plan being adopted and completed within 8 years. Given the need for a developer to submit a reserved matters application, I consider that a realistic start date would be 26/27 with completion 33/34 and so the original timescale identified in the Plan is not justified. An update to the trajectory (**MM133**) is, therefore, necessary to reflect this revised position for effectiveness. Taking account

of the above, I consider that the site allocation is developable within the Plan period and justified.

LAND AT EDGEHILL PARK PHASE 4 (HWH3)

220. The site is situated close to the existing residential development at Edgehill Park. It is necessary to amend the site capacity from 120 dwellings to 109 dwellings to reflect the planning permission for effectiveness. The HASP sets out the identified need for traffic calming measures along High Road and Woodville Way and that development would need to contribute to safety improvements at St Bees Road/Mirehouse Road junction. However, a number of these highway improvements may have already been factored into the reserved matters approval on the adjacent piece of land and may not be required when considering development on this site. Some of these requirements may not, therefore, be justified depending on progress with the adjacent site. Hence it is necessary for the text in the HASP to be amended (**MM140**) to reflect that developer contributions would be agreed at the planning application stage for the allocation to be justified and effective.

221. The site was part of a larger allocation (510 units); however, part of this site now benefits from outline permission for up to 335 dwellings and a subsequent reserved matters application. This part of the site is shown on the Policies Map as an extent permission. As drafted, the status of sites shown as having planning permission is not clear and the Plan is ineffective in this regard. Additional text has been added (**MM66**) to clarify that for sites shown as having an extant permission, the principal of development has been accepted for the Plan to be effective.

222. The developer has confirmed that the site is viable and it is anticipated that work will commence in 2024/25 at a rate of 35 dpa and will be completed by 2027/28. Given that the site has planning permission, I agree that these timescales are realistic. Taking into account the above, I consider that the site is deliverable within the Plan period and that the allocation is justified.

LAND SOUTH AND WEST OF ST MARY'S SCHOOL (HWH4)

223. The site is situated to the south and west of St Mary's School. It is bound to the south by the former Marchon Factory site and the St Bees and Whitehaven Heritage Coast and Whitehaven Coastal Path runs to the west of the site. It is around 2.39 ha and has an indicative capacity of around 60 dwellings.

224. The site has a number of constraints including the potential impact on the National Sites Network through water quality; unknown archaeological remains; potential harm to ground nesting birds; potential landscape impact on the St Bees and Whitehaven Heritage Coast; and the potential for prejudicial impact on the playing field. However, I consider that these potential constraints are capable of mitigation at the planning application stage including a site specific HRA; construction environmental management plan and drainage strategy.

225. The original developer has decided not to pursue the allocation. However, the landowner is keen to see the site developed and it would be attractive to potential purchasers given its location with views of the sea. The LPVA indicated that the site is viable for development within the Plan period. Development is anticipated to

commence in 2025/26 at a rate of around 10 dpa. Consequently, I consider that the site is deliverable within the Plan period and that the allocation is justified.

FORMER MARCHON SITE NORTH (HWH5)

226. The former Marchon site is a large (20ha), longstanding vacant previously developed site with an indicative capacity of 532 dwellings. A volume house builder submitted a hybrid planning application seeking full permission for the erection of 139 dwellings, access, open space and outline permission for residential and retail. The application extends beyond the allocation boundary onto the fields to the west of the Wagon Way footpath which is part of the proposed extension to the Heritage Coast.

227. Due to the elevated nature of land in the east and the totally open nature of the area proposed for Heritage Coast extension any development west of the Wagonway would have a significant visual impact on the Heritage Coast extension and undermine its value. Furthermore, the Wagonway is a key cultural heritage feature in its own right and is important in understanding the context of the mining and industrial cultural heritage of this part of the coastline. On the basis of submitted evidence, it is not clear how development in this area could be achieved without severing the clear visual links of the Wagonway and the Heritage Coast. Accordingly, the consequential potential harm that a wider boundary would cause to the historic and visual interest of these two assets militates against extension of the site any further west. Moreover, there is no need for any further housing land in the plan to meet the requirement.

228. The LPVA (EB20) highlights that this site is just under the viable threshold for development within the Plan period, largely due to contaminated land issues. External funding may, therefore, be required to facilitate the delivery of the site. The developer has an option on the site and has made significant progress in terms of technical studies and site assessments. However, given the amount of site remediation work, I consider that it would be unlikely that the site would yield completions until 2027/28. Housing would be delivered at a rate of around 35 dpa with 385 units completed within the Plan period and 147 units thereafter. This is reflected in the updated trajectory and HASP (**MM133/MM142**) for the Plan to be effective. Most of the site is, therefore, developable within the Plan period and the site allocation is justified.

LAND SOUTH OF WATERS EDGE CLOSE (HWH6)

229. The site is around 1.41ha and is situated to the south of Waters Edge Close surrounded to the south by local plan allocation HWH5 and to the north and east, by existing residential estates. The site is currently under construction by a house builder for around 35 dwellings. The site is, therefore, deleted from Policy H5 by virtue of **MM65** in the interests of effectiveness. Consequential amendments are necessary to the Whitehaven map in the Plan (**MM122**), showing the site as having planning permission and the HASP (**MM143**) also for effectiveness.

Cleator Moor

LAND AT JACKTREES ROAD (HCM1)

230. The site is situated at Jacktrees Road and is around 5ha with an indicative capacity of 127 dwellings. The site is bound by a mix of terraced and semi-detached properties to the north and east. To the south and west are allotment gardens with open countryside further west and south-west. Whilst development may have a number of impacts, these could be mitigated for at the planning application stage.

231. The LPVA (EB20) highlights that the site is viable for development within the plan period. The site is owned by a housing developer and a registered provider, and the developer is keen to progress a planning application for the site. Taking this into account, I consider that it is realistic to see first completions in 2025/26 with the site built out at a conservative rate of 10 dpa. I, therefore, consider that the site is deliverable within the Plan period and that the allocation is justified.

LAND NORTH OF DENT ROAD (HCM2)

232. The site is situated to the north of Dent Road, Cleator Moor. Residential areas lie to the south and open countryside to the north, east and west. Whilst development may have a number of impacts, these could be mitigated for at the planning application stage.

233. The site had an original indicative capacity of 96 dwellings; however, **MM65** increases this to 119 dwellings which more accurately reflects the size of the site for effectiveness. A consequential amendment is also made to the HASP to reflect this (**MM145**) also for effectiveness.

234. The LPVA (EB20) highlights that the site is viable for development within the Plan period, although this does not include the provision of 10% affordable housing. It is not clear who the developer is at this stage; however, the site is an attractive and viable site, and it would, therefore, be realistic for development to commence in 2026/27 at a rate of around 10 dpa. Considering the above, the site is deliverable in the Plan period and the allocation is justified.

FORMER EHENSIDE SCHOOL, CLEATOR MOOR (HCM3)

235. The site is the former Ehenside School in Cleator Moor which is around 1.11ha with an indicative capacity of 40 dwellings. Whilst development may have some effects, these can be addressed at the planning application stage and are not expected to prohibit development of the site.

236. The LPVA (EB20) highlights that this site is just under the threshold for viable development within the Plan period. However, the site is in public ownership and there may be the option to release the site to a developer for less than market value to bring forward the development. External funding for example through Homes England may also be necessary to increase the viability of the site. It is not known whether there is developer interest at this stage. Taking this into account, I consider that development would be unlikely to commence until 2026/27 and it would be likely to proceed at a conservative pace of around 10 dpa. Considering the above, the site is developable within the Plan period and the allocation is justified.

LAND AT MILL HILL, CLEATOR MOOR (HCM4)

237. The site is situated at Mill Hill and is around 3.3ha with an indicative site capacity of 81 dwellings. The site has outline planning permission for up to 65 dwellings and so **MM65**, **MM147** and **MM133** modify the site capacity to 65 dwellings for effectiveness. The site is owned by a housing developer and given the planning status of the site it is anticipated that first completions would arise in 2024/25 and the site would be built out at a conservative rate of 10 dpa. Having regard to the above, I consider that the site is deliverable within the Plan period and that the allocation is justified.

Egremont

LAND NORTH OF ASHLEA ROAD (HEG1)

238. The site is situated to the north of Ashlea Road and is around 5.2 ha with an indicative capacity of 108 dwellings. There may be some impacts of developing the site; however, these could be mitigated at the planning application stage. Given the location of the site, the SLCA identifies the opportunity to enhance and improve the character of the settlement edge.

239. The Council's OSA recommends that the existing public open space, a playing field be protected. However, development of the wider site provides an opportunity to create a higher quality and better used open space in the eastern part of the site. As the site has been used as a playing field in the past, mitigation would be required to replace the playing field. Subject to these mitigation measures, I consider that the site forms a logical extension to the town.

240. The site is in part privately owned and partly owned by the Council. The LPVA highlights that the site is viable, albeit without the provision of 10% affordable housing. Developer interest in the site is unknown and the site does not benefit from planning permission hence the timing of the site in the original trajectory is ambitious and, therefore, not justified. However, the site is an attractive site, and I consider that development could commence slightly later around 2026/27 at a conservative rate of around 10 dpa. The Housing Trajectory and HASP have been amended to reflect this (**MM133/MM148**). Considering the above, the site is deliverable within the Plan period and the allocation is justified.

LAND AT GULLEY FLATS (HEG2)

241. The site is situated adjacent to Gulley Flats and is around 6.88 ha with an indicative capacity of 170 dwellings. The site is split in two by Queens Drive. It has a number of constraints including those related to highway safety; however, with suitable mitigation these can be overcome at the planning application stage. A project specific HRA would be required to demonstrate avoidance of water pollution to the River Ehen. The additional considerations section does not reflect the location of the site immediately adjacent to Ground Water Source Protection Zone 1 and within Zone 2 for the boreholes at Gulley Flats and so is ineffective in this regard. A modification (**MM149**) to the additional considerations row is made to the HASP to address this for effectiveness.

242. The LPVA identifies that the site would be viable within the Plan period including the provision of 10% affordable housing. A developer has not yet been identified; however, the site would be attractive to the market. It is anticipated that development would commence in 2027/28 which would give sufficient lead in time to gain planning permission. The Housing Trajectory and HASP have been amended to reflect this (**MM133/MM149**) for the Plan to be effective. Considering the above, the site is deliverable within the Plan period and the allocation is justified.

LAND TO SOUTH OF DALEVIEW GARDENS (HEG3)

243. The site is situated to the south of Daleview Gardens and is around 7.69 ha with an indicative capacity of 141 dwellings. The open, greenfield site rises to the south on high ground which helps to define the character of the settlement. Development would, therefore, need to be sensitive to this setting, ensuring that a harsh settlement edge is not created and that the open character of the eastern section is retained along with the existing hedgerows.

244. The site has several constraints; however, these are capable of being mitigated at the planning application stage. Consideration would need to be given to the setting of Egremont castle which lies to the North. The HIA identifies that intervisibility is limited due to trees and development but that the development may appear in some broad views from the riverside south of the town. However, I acknowledge that development would be part of the built-up area which already characterises the south of Egremont. The HIA recommends that development should be of a human scale, with planting and that irregularity will mitigate harm and provide a more attractive edge to the south of Egremont.

245. The LPVA states that the site is viable for development within the Plan period with the provision of 10% affordable housing. No developer interest has been identified; however, the site is viable, the landowner is promoting the site and it would be attractive to house builders. Consequently, I consider that the site would come forward in 2025/26 at a rate of around 10 dpa. Considering the above, the site is deliverable within the Plan period and the allocation is justified.

Millom

LAND WEST OF GRAMMERSCROFT (HMI1)

246. The site is situated to the west of Grammerscroft, a redeveloped housing estate. It is around 4.29 ha with an indicative capacity of 107 dwellings. The site would be accessed via the existing estate at the junction of Grammerscroft and Croft Close.

247. The site would provide a logical extension to the town; however, given its location opportunities should be taken to enhance the character of the settlement edge. In addition, a high-quality landscape buffer would be required between the development and the railway line to mitigate any visual or noise impact.

248. The LPVA highlights that the site is viable for development within the Plan period; but not with 10% affordable housing. There is potential interest from a registered provider and housebuilder; however, no firm plans at present. I would not, therefore, anticipate output from the site until 2028/29. It is envisaged that the site would be

developed at a conservative rate of around 10 dpa. Considering the above, the site is developable within the Plan period and the allocation is justified.

MOOR FARM (HMI2)

249. The site is situated to the west of Lowther Road on the western edge of the town. It is around 7.84 ha and has an indicative capacity of 195 dwellings.

250. The site is owned privately but has active developer interest from a national developer who has been working towards the submission of a planning application for the site, following the adoption of the Plan. A draft master plan has also been prepared. The LPVA highlights that the site has marginal viability issues without the provision of 10% affordable housing. However, the developer confirmed at the hearing sessions that the site would be viable applying a policy compliant level of affordable housing and that it is deliverable within the Plan period. Given that an application has not yet been submitted and allowing time for discharge of conditions and site preparations, I consider that it would be more realistic to see completions in 2026/27, as opposed to 2024. The Housing Trajectory is amended (**MM133**) to reflect this for effectiveness. Considering the above, the site is deliverable within the Plan period and the allocation is justified.

Local Service Centres

Arlecdon and Rowrah

LAND EAST OF ARLECDON ROAD (HAR1)

251. The site is around 1.73 ha with an indicative capacity of 37 dwellings. Access would be via Arlecdon Road and would need to be situated to ensure visibility from the site access of northbound vehicles. As drafted the HASP does not reflect that a right of way must be maintained to access key infrastructure. **MM153** alters the HASP to reflect this for the allocation to be justified and effective.

252. The site forms a logical extension to Arlecdon and there are no constraints which cannot be overcome through mitigation at the planning application stage. The LPVA identifies that the site is viable; however, without the provision of 10% affordable housing. The site is likely to be attractive to smaller housebuilders. Given that there is no planning application, it is unlikely that completions would materialise before 2026/2027 and so the original trajectory is overly optimistic and not justified. As it is likely to be a small housebuilder development it would proceed at around 10 dpa. Considering the above, the site is deliverable in the Plan period and the allocation is justified.

Distington

LAND SOUTH OF PROSPECT WORKS (HDI1)

253. The site is situated to the south of industrial land Prospect Works and to the west of Prospect View. It is around 1.21 ha with an indicative capacity of 30 dwellings. The access to the site from Prospect View is very steep and narrow and so further feasibility work would be required to confirm the deliverability of the road and

footways. Whilst the site has some constraints, these can be overcome with suitable mitigation at the planning application stage.

254. The LPVA highlights that the site has marginal viability issues even without the provision of 10% affordable housing. There may be the potential for Council or external funding to facilitate the bringing forward of the site. The site is likely to prove attractive to a smaller house builder. In the absence of a developer and taking into account site constraints, I consider that the site would come forward in 2028/29. The Housing Trajectory is amended (**MM133**) to reflect this for effectiveness. Considering the above, the site is developable within the Plan period and the allocation is justified.

LAND SOUTH WEST OF RECTORY PLACE (HDI2)

255. The site is situated to the south of Rectory Place and is around 2.56 ha with an indicative capacity of 30 dwellings. The site has some constraints; however, I consider that these can be mitigated at the planning application stage.

256. The LPVA highlights that the site has viability issues for development within the Plan period, even without the provision of 10% affordable housing; however, an alternative mix of tenure may improve viability. Furthermore, the site is owned by a Registered Provider who would provide market housing as part of any mix and who may be able to secure additional funding. Given the presence of a registered provider who is active elsewhere in the area, I consider that the site would come forward in 2026/27 at a rate of 10 dpa. Considering the above, the site is deliverable within the Plan period and the allocation is justified.

St Bees

LAND ADJACENT ABBOTS COURT (HSB1)

257. The site is situated adjacent to Abbots Court, at the northern edge of St Bees. The site is around 2.3 ha and has an indicative capacity of 58 dwellings. Access to the site would be via an existing stub off Solway Rise. An emergency access would also be required. Development would need to take account of existing on-street parking and off-site improvements to footpath connections would also be required. A landscape buffer would be required between any new and existing development and development should respect the strong upland landscape setting to the north of the site.

258. The site lies close to St Bees Priory a Grade I listed building and also St Bees Conservation Area. The site is part of the green setting of rolling hills which has already been significantly encroached upon during the 20th Century. The site is well-contained by existing development and the HIA concludes that through good design and careful attention to how colours, reflectiveness, roofscape and massing will appear any potential impact will be reduced. Development should not break the ridge line of the hill given its situation on a prominent hillside.

259. The site has some constraints; however, it is anticipated that these can be overcome at the planning application stage. The capacity of the site has been reduced from 58 to 40 dwellings reflecting the constraints of the site. **MM65** amends Policy H5,

MM133 amends the Housing Trajectory and **MM156** the HASP, to reflect this for effectiveness.

260. The LPVA highlights that the site is viable including 10% affordable housing. The site is owned by a housing developer and is anticipated to come forward 2025/26. Having regard to the above, I consider that the site is deliverable within the Plan period and the allocation is justified.

LAND ADJACENT FAIRLADIES (HSB3)

261. The site is situated south of Fairladies, a modern housing estate and to the east of Egremont Road. The site is around 1.1 ha with an indicative capacity of 30 dwellings. Access would be from Egremont Road which is at a significant level gradient difference to the site. However, the site has been subject to a phase 2 assessment which provides an outline access design and associated scheme costings which demonstrates that the access can be achieved. A continuation of the footways would be required to provide connectivity to St Bees and the bus stops which are situated around 50m north of the site.

262. Whilst concerns have been raised regarding congestion, objections have not been raised by the highways authority and there is no evidence before me to demonstrate that this would be the case. Neither has the consultation process with statutory consultees including the education and health authorities raised any capacity issues.

263. The LPVA highlights that the site has marginal viability issues, partly associated with the abnormal costs in relation to the access. There are two landowners who intend to work together to release the site as one. Whilst no developer is yet identified; the site is attractive and within a buoyant housing market. Consequently, the site is likely to come forward slightly later in the Plan period than originally envisaged around 2026/27 and so the trajectory is not effective in this case. Consequently, the housing trajectory (**MM133**) and HASP (**MM157**) are amended for effectiveness. Considering the above, the site is deliverable within the Plan period and the allocation is justified.

Seascale

FAIRWAYS EXTENSION (HSE2)

264. The site is situated adjacent to the Fairways Estate to the north of Seascale. It is currently a recreation ground with a playing field to the south. The site is around 0.88ha with an indicative capacity of 22 dwellings. Access to the site would be from Links Crescent and a secondary access would also be required potentially from Coniston Road. The site has some constraints; however, these are capable of being overcome at the planning application stage.

265. The LPVA highlights that the site has marginal viability issues, even without 10% affordable housing. The site is owned by a housing developer who is seeking to dispose of the land; however, the site would be attractive to a smaller house builder who don't use finance in the same way as volume house builders. Given the absence of a planning application the original housing trajectory is overly optimistic; however, the site could come forward slightly later at 2026/27. This is reflected in the revised

housing trajectory (**MM133**) and HASP (**MM158**) for effectiveness. Considering the above, the site is deliverable within the Plan period and the allocation is justified.

TOWN END FARM EAST (HSE3)

266. The site is situated to north of the B5344 Gosforth Road. It is around 1.28 ha with an indicative capacity of 32 dwellings. Access would be achieved via the existing private access track between Gosforth Road and Links Crescent. The Phase 2 SAA assessment provides details of an outline access design which confirms that access can be achieved, subject to third party consent.
267. The HASP includes reference to the need for the delivery of a pedestrian footbridge over the railway lines; however, this would be too onerous for one site in viability terms and so the requirement is not justified. Hence **MM159** removes the reference for effectiveness. Furthermore, the HASP fails to identify the need for an appropriate buffer due to the potential prejudicial impact on the adjacent playing field and is, therefore, not effective. **MM159** addresses this point for effectiveness. No infrastructure capacity issues have been raised by statutory consultees. Whilst there are some constraints; these can be resolved through appropriate mitigation at the planning application stage.
268. The LPVA (EB20) highlights that the site has marginal viability issues, even without the provision of 10% affordable housing and even with a different mix of tenure. However, the site would be attractive to a small housebuilder who finance schemes differently to volume housebuilders. In the absence of a planning application the original timescales are overly optimistic and, therefore, not justified. However, it is anticipated that the site could come forward slightly later in 2028/29 at a build rate of 10 dpa. This is reflected in the revised trajectory (**MM133**) and HASP (**MM159**) which is necessary for effectiveness. Considering the above, the site is developable within the Plan period and the allocation is justified.

Thornhill

LAND TO THE SOUTH OF THORNHILL (HTH1)

269. The 2.59 ha site is situated on the south side of Thornhill Village and has an indicative capacity of 20 dwellings. The site would be accessed via an existing cul-de-sac on Wodow Road. There is potential to maximise connectivity by connecting to the National Cycle Network Route 72 via a disused railway line at the south of the site. Overall, there are no constraints that cannot be overcome through mitigation secured at the planning application stage. As drafted the HASP fails to reflect the need for a buffer due to the potential prejudicial impact on the adjacent playing field. **MM160** amends the HASP accordingly for effectiveness. Overall, the site forms a logical extension to the village of Thornhill.
270. The LPVA highlights that the site has viability issues, even without the provision of 10% affordable housing, although a different tenure mix may improve viability. The site would be attractive to smaller as opposed to volume housebuilders. Due to the absence of a planning application or developer interest, it would likely come forward later in the Plan period, around 2028/29 which is reflected in the revised housing

trajectory (**MM133**) and HASP (**MM160**). Considering the above, the site is developable within the Plan period and the allocation is justified.

Sustainable Rural Villages

Beckermest

LAND NORTH OF CROFTHOUSE FARM (HBE1)

271. The site is situated to the north of Crofthouse Farm, in the village of Beckermest. It is currently agricultural land and is around 1.97 ha with an indicative yield of 46 dwellings. The primary access would be taken from Sellafield Road and further work may be needed to ensure that the required visibility splays can be achieved. No infrastructure capacity issues have been highlighted by statutory consultees and there are no constraints which cannot be overcome through mitigation at the planning application stage.

272. The LPVA highlights that the site is viable, including the provision of 10% affordable housing. As developer interest is unknown at this stage, I consider that it would be more realistic for the site to commence in 2028/29 to allow sufficient time for the submission of a planning application and discharge of conditions. Revisions to the housing trajectory (**MM133**) and HASP (**MM161**) reflect this for effectiveness. Considering the above, the site is developable within the Plan period and the allocation is justified.

LAND ADJACENT TO MILL FIELDS (HBE2)

273. The site is adjacent to Mill Fields, to the north-west of the village of Beckermest. It is currently agricultural land and is around 1.66ha with an indicative yield of 27 dwellings. The primary access would be taken from Sellafield Road and further work may be needed to ensure that the required visibility splays can be achieved. Whilst additional work would be required to support a planning application including a FRA and project specific HRA, no issues have been highlighted which would preclude development.

274. The LPVA highlights that the site is viable for development within the Plan period including the provision of 10% affordable housing. Whilst developer interest is unknown it is considered that this site would be attractive to the market and appeal to a smaller housebuilder. Due to the absence of a planning application and developer interest, development would be likely to commence later around 2027/28. Revisions to the housing trajectory (**MM133**) and HASP (**MM162**) reflect this for effectiveness. Taking the above into account, I consider that the site is developable within the Plan period and that the allocation is justified.

Bigrigg

LAND NORTH OF SPRINGFIELD GARDENS (HBI1)/LAND WEST OF JUBILEE GARDENS (HBI2)

275. HBI1 is situated to the north of Springfield Gardens at the northern end of the village of Bigrigg. The site is around 2.6ha with an indicative capacity of 65 dwellings. Further work would be required to establish the acceptability of direct access from the

A595 and it is recommended that the speed limit gateway is relocated north of this site.

276. HBI2 is situated to the west of Jubilee Gardens and is around 1.45 hectares with an indicative capacity of 35 dwellings. The site would be accessed via a stub of an existing cul-de-sac. Improvements would be required towards a future pedestrian crossing along this section of the A595 in addition to the provision of a shared path along the eastern side of the A595 to improve connections to the NCN72.

277. Whilst both sites would require Extended Phase 1 Habitat Surveys and site-specific FRA and HRA there are no constraints which would preclude development. The LPVA confirms that both sites are viable including the provision of 10% affordable housing. HBI1 is owned by a housing developer and is likely to come forward in 2025/26 whilst HBI2 would be later at 2026/27. **MM133** and **MM164** amend the trajectory and HASP to reflect the later commencement date of HBI2 for effectiveness. Considering the above, both sites are deliverable within the Plan period and the allocation is justified.

Drigg

WRAY HEAD, STATION ROAD (HDH2)

278. The site is situated in the centre of Drigg at the junction of Station Road and the B5344 and is currently open land. It is around 0.87 ha with an indicative capacity of 22 dwellings. It would be accessed from Station Road and development may necessitate provision of safe crossing points on the B534 to access the bus stop. The SLCA identifies the opportunity for development to define the village edge and contribute to the sense of place. A site-specific FRA, HRA, extended Phase 1 Habitat Survey and archaeological investigations would also be required to support any planning application, however, there are no constraints which could not be mitigated at the planning application stage.

279. The LPVA identifies that the site has marginal viability issues even without the provision of 10% affordable housing. However, the site would be attractive to smaller housebuilders. The landowner supports the release of the site; however, no developer is yet identified. As such, it is anticipated that the site would come forward later around 2027/28. **MM133** and **MM165** amend the trajectory and HASP to reflect this for effectiveness. Taking the above into account, the site is developable within the Plan period and the site is justified.

Holmrook

HILL FARM, HOLMROOK (HDH3)

280. The site currently comprises a collection of buildings associated with Hill Farm. It is around 0.73 ha with an indicative capacity of 20 dwellings. **MM166** amends the site area for accuracy and effectiveness. Access would be taken from the B5344. As the SAA [EB24] identified that there may be potential issues surrounding visibility splays the site was subject to a phase 2 SAA which provides an outline access design and scheme costings. Given the previous use, there may be contamination issues to overcome. Subject to a site-specific FRA; HRA; speed survey; and extended Phase 1

Habitat Survey, there are no constraints which could not be overcome through mitigation secured at the planning application stage.

281. The LPVA identifies that the site has marginal viability issues for development, even without the provision of affordable housing. The site was put forward by the landowner; however, there is no developer interest at this stage. Consequently, it is unlikely that the site would come forward before 2032/33. Considering the above, the site is developable within the Plan period and the allocation is justified.

Moor Row

LAND TO THE NORTH OF SOCIAL CLUB (HMR1); LAND TO THE SOUTH OF SCALEGILL ROAD (HMR2)

282. HMR1 is situated to the north of the social club on the western side of the village. It comprises of around 1.5 ha of green field land and has an indicative capacity of 37 dwellings. The capacity of the site in the Plan is too high considering constraints and so the Plan is not justified in this regard. Accordingly, **MM65**, **MM133** and **MM167** reduce the capacity of the site to 19 in the housing trajectory, Policy H5 and the HASP for the Plan to be justified.

283. HMR2 is a greenfield site situated to the south of Scalegill Road, opposite HMR1. The site is around 1.8ha with an indicative capacity of 41 dwellings. Access would also be from Scalegill Road. Both HMR1 and HMR2 would be required to deliver streetlighting along Scalegill Road to promote sustainable modes of transport facilitating the use of the bus stop.

284. Both sites would require site-specific FRA and HRAs; and habitat surveys; however, there are no constraints which would preclude the development of the sites. The LPVA identifies that HMR1 and HMR2 are viable although without the provision of affordable housing. HMR1 has the potential to deliver self-build plots and there is an outline planning application subject to a s106 obligation. It is, therefore, likely to come forward in 2025/26. In the absence of a planning application HMR2 is likely to come forward later at 2026/27 and so the original timescale is not effective. **MM133** and **MM168** amend the trajectory and HASP to reflect the later commencement date for effectiveness. Considering the above, the sites are deliverable and developable respectively within the Plan period and the allocations are justified.

SOLWAY ROAD, LOWCA (HL01)

285. The site is situated north of Solway Road and a nursery business and would form a logical extension to the existing residential areas to the north. The site is around 0.9 ha with an indicative capacity 22 dwellings.

286. The site would be accessed to the west of an existing field gate access. The road would require adoption to serve the development. Footway connections along Solway Road would also be required to ensure accessibility by public transport. The SLCA identifies that the edge of the settlement is poorly defined, and development would provide an opportunity to improve this. A site-specific FRA and HRA; extended Phase 1 Habitat Survey would be required; however, there are no constraints which would preclude the site coming forward.

287. The LPVA highlights that the site has viability issues for development even without affordable housing; however, it would be attractive to a smaller housebuilder. As there is no developer identified at this stage, it is anticipated that the site would come forward later around 2030/31 and so the original timescale is not effective. **MM133** and **MM169** amend the trajectory and HASP to reflect the later commencement date for effectiveness. Considering the above, the site is developable within the Plan period and the allocation is justified.

Rural Villages

LAND TO THE SOUTHWEST OF SUMMERGROVE, SUMMERGROVE (HSU1)

288. The site is situated to the south-west of Summergrove village and to the north-east of Westlakes Science Park. Open countryside lies to the east and open countryside and the wooded area to Summergrove Hall to the north west. The site is around 8.52 ha with an indicative capacity of 80 dwellings.

289. The village of Summergrove is designated as a rural village in the settlement hierarchy. Rural villages scored between 5-10 points in the Village Services Survey. They are described as smaller settlements which offer one or two key services, but which are physically separated from settlements within a higher tier. Limited development would enable future housing needs to be met and support existing local services. There is currently a planning application for 30 dwellings on the northern section of the proposed allocation which is recommended for approval.

290. The village has a public house/social club at Summergrove Halls. Major employers are situated close by at Westlakes Science Park. There is a restaurant at Summergrove Halls together with conference and events facilities. Furthermore, Whitehaven is only 0.4 miles from the western edge of the village. Consequently, whilst the scale of development would go beyond that which would normally be allowed in rural villages, given the services associated with Summergrove Halls, and the close proximity of Westlakes Science Park, I consider that the village has sufficient capacity and accessibility to support additional development.

291. Whilst there would need to be highway improvements and a site specific FRA and extended Phase 1 Habitat Survey, there are no constraints which cannot be addressed at the planning application stage.

292. As drafted the HASP fails to reflect the need to retain the Trig Pillar as a cultural feature. **MM170** addresses this point for the allocation to be justified and effective.

293. The LPVA highlights that the site is viable for development within the Plan period, including the provision of 10% affordable housing. The site is owned by a housing developer and given the planning application on the northern part of the site; I consider that the site could yield completions by 2024/25. Taking the above into account, the site is deliverable within the Plan period and the allocation is justified.

Broad locations

294. Paragraph 13.8.1 of the Plan explains that Broad Locations are large areas of land on the edges of settlements where potential long-term growth (10 years plus) could be

considered and are identified on the Key Diagram. The broad locations were identified through the SHLAA process. Broad locations will only be considered at the Local Plan review stage if there are insufficient specific deliverable or developable sites to meet local need. Most are linked to a growth corridor on the edge of Whitehaven that would be created by the construction of the Whitehaven Relief Road. Whilst identified on the Key Diagram, they are not proposed for allocation and have not been through the SA or HRA process. The Plan is very clear that these broad locations would only be considered at the Local Plan review stage and as such I consider the approach is justified.

Gypsy and Traveller Site Allocation – GTW 5 Land at Sneckyeat Industrial Estate

295. The methodology for selecting GTW 5 Land at Sneckyeat Industrial Estate is set out in the “Potential Gypsy and Traveller Site Assessment” document, (2022) (EB11). Eleven sites were assessed in terms of their suitability, but only 2 were considered suitable (GTW3 and GTW5). Both sites were subject to SA and HRA and public consultation. The outcome of the assessment and consultation was that the GTW5 site was least constrained and most deliverable. Overall, having reviewed the evidence, I am satisfied that the Council has taken a systematic approach to site selection.
296. The site is vacant and owned by Cumberland Council; there are no extant planning permissions on the site. In terms of adverse effects, development would result in the loss of a protected open space identified in the Council's OSA 2020 (EB28). In order to comply with Policy N11 replacement open space must be provided within the same settlement; this must be of the same or better quality.
297. The Site Access Assessment notes that any development would increase the number of vehicle movements, although not significantly. The impact on air quality and residential amenity in terms of noise and disturbance is therefore likely to be negligible.
298. The site ecology assessment notes that there is potential habitat on site for breeding birds, bats, badgers, reptiles and red squirrels. Further ecological assessment would, therefore, be required as part of any future planning application and mitigation may be necessary. The ecology assessment (along with the assessments carried out on all other allocated sites) have not been made publicly available as they contain sensitive information which might result in damage to habitats and species. The site has a historic landfill use and ground investigations will be required as part of any future planning application to ensure no adverse impacts on future site occupiers for example, in terms of landfill gas.
299. The site is available and deliverable. There are no constraints which would preclude development. The site, therefore, has a reasonable prospect of it being delivered within 5 years.

Conclusion

300. With the MMs, I consider that the proposed housing allocations, broad locations and Gypsy and Traveller site are justified, effective and consistent with national policy.

Issue 13 – Whether the proposed employment allocations and opportunity sites are justified, effective and consistent with national policy.

Employment Land Allocations

SITE SELECTION PROCESS

301. The ELAS (EB16) assessed 67 sites for their potential as employment land to identify a suitable, available and achievable supply of land for economic development. Each site was assessed against a series of criteria which resulted in the narrowing down of sites to the 17 sites which are proposed for allocation. These were then subject to Sustainability Appraisal and HRA assessments.
302. The proposed allocations provide a total of 39.31ha of deliverable employment land. Of this total, around 0.82ha is proposed for Class E (offices). Land at Westlakes Science Park, land adjacent to Moor Row and Westlakes and Land adjacent to Scalegill are identified as suitable only for Class E or Class B2 uses (16.07ha). The remaining sites (22.42ha) are identified as being suitable for all employment use classes (E, B2 and B8).
303. Taking into account the above, I am satisfied that the Council has undertaken a methodical and systematic process to the selection of employment land allocations.

WESTLAKES SCIENCE PARK

304. Westlakes Science Park is a regionally important site, situated around 2 miles from Whitehaven on the A595. It is an attractive, low-density site that currently accommodates around 2000 personnel in eleven modern buildings.
305. The focus of the site is on research and development, education, sciences and high-tech companies, primarily within the nuclear, energy and medicine sectors building on the sectors in the area and their technologies. The existing site currently has more than 6ha of serviced, undeveloped land for development set over nine plots and further expansion land is proposed to be allocated in the Local Plan (9.5ha gross). Westlakes Science Park and its proposed extensions are part of the employment land package required to meet the needs identified from the growth scenario projects identified in the EDNA.
306. Permitted uses on the site are at present restricted to E(g) and F1 use classes with the primary focus on science, research and learning associated with the Science Park. However, broadening the uses on the site may make it more attractive to potential occupiers and their staff. However, any new ancillary businesses such as small shops, café's, gymnasiums, should not affect the vitality and viability of nearby town centres.
307. The smaller extension for the site (ES1b) would represent a rounding off of the existing site and would not require significant infrastructure. The larger extension allocation (ES1c) would require investment to provide the necessary infrastructure.

308. The site is owned by a regeneration company who has successfully supported the development of the park to date. Demand for space on the park is consistently high and historically development has taken place to meet the needs of an identified end user. It is intended to prepare a Masterplan to guide the development of the rest of the site. It is anticipated that development would continue at a steady pace on the existing science park with the remainder of the site being developed prior to the proposed extensions. Taking into account the above, the allocation is justified.

CLEATOR MOOR INNOVATION QUARTER (CMIQ) AT LECONFIELD

309. Leconfield Industrial Estate is an existing, underutilised industrial estate in Cleator Moor which has been acquired by the Council and which will form the focus for the CMIQ. The CMIQ is proposed as a Business Cluster acting in a complementary role to Westlakes Science Park. Specifically, the CMIQ is aimed at leveraging the economic growth potential of the Sellafield supply chain, through a cluster approach. Part of this will be the creation of an Industrial Solutions Hub (ISH) which will provide bespoke accommodation. Policy E4 restricts the primary uses on the site to Use Classes B2, B8 and E(g). The Policy also reflects that there may be the need to develop ancillary uses alongside to support the primary use such as cafes, meeting spaces and so on which would be clustered together in a central hub. An outline application for the hub has been submitted.

310. The CMIQ would comprise 3 main sites: Area 1 – the existing industrial estate (17.6ha); and its future Associated Growth Areas: Area 2 – land to the east towards Heather Bank and Cleator Moor medical centre (4 ha); and Area 3 – land to the north (14ha). The primary uses on Growth Area 2 would be limited to Use Class (E(g) and student accommodation linked to the site. Development would be brought forward via an approved Masterplan which would address matters such as design, sustainability, scale and massing and phasing. Area 3 is not required to meet the employment land requirement in the Plan and so is not an actual allocation. It has not, therefore, been subject to the same degree of assessment.

311. Policy E4 seeks to focus development on the existing estate first before the associated Growth Areas, unless the Leconfield Estate has been fully developed or it can be demonstrated that the requirements of a business cannot be met on the existing estate. However, as drafted it is not clear as to the circumstances in which development would be allowed on the growth areas in advance of the existing estate being fully developed in order to make best use of previously developed land in accordance with paragraph 119 of the Framework. Consequently, **MM26** and **MM27** address this matter, emphasising that any development should reflect the ISH concept for the allocation to be justified, effective and consistent with national policy.

312. As the south-west portion of Growth Area 3 is situated in Flood Risk Zone 3b the SRFA recommends careful consideration of the layout and design to avoid development in this area. The existing estate and Growth Area 2 are well related to the existing settlement; however, Growth Area 3 would extend into the open countryside and would require suitable screening to mitigate the visual impacts.

313. Development of the site may have potential impacts on the water quality of the River Ehen SAC and as such a project specific HRA and a Construction Environment

Management Plan would be required. New Appendix H sets out details of this approach.

314. Development of the site will be led by the new Council; however, the site would require funding to unlock its full potential. The Town Fund bid would help deliver the first phase, including the hub building and the redevelopment of the western side of the estate. A further funding bid has been submitted to the Levelling up fund to help deliver the remainder of the estate and Growth Area 2. Furthermore, there has been interest from companies wishing to locate on the CMIQ. Taking into account the above, the site allocation is deliverable and justified.

Employment Land

315. In addition to the strategic sites at Westlakes and CMIQ, Copeland has a number of existing employment sites which provide flexibility to provide a variety of sites of differing quality, size and space to meet local business need. Policy E5 sets these allocations out, all of which are developed to a greater or lesser extent. The continued allocation of these sites will help to ensure that the need for local employment space can be met across Copeland. The largest of these sites is Whitehaven Commercial Park, Moresby Parks which has 11ha of undeveloped land remaining.

316. The table at Policy E5 does not include the site reference and so is ambiguous and not effective. The table has, therefore, been updated to include the site reference in addition to the ELAS reference for effectiveness. The table shows the area of undeveloped land within the allocation and it is now out-of-date and therefore, ineffective. The amount of remaining undeveloped land at Sneckyeat Road includes land which is currently used as a hospital car park and is, therefore, unjustified. **MM28** addresses these matters for the policy to be justified and effective. With **MM28**, I consider that the employment land allocations are justified.

Opportunity Areas

317. Policy E6 supports the development and/or redevelopment of opportunity sites in and on the edge of the towns of Whitehaven, Cleator Moor, Egremont and Millom as the focus to regenerate these towns. The sites would provide a flexible range of uses and help to deliver Town Investment Plans, support future investment and funding bids and increase activity and vitality to the towns. This approach is consistent with paragraph 81d of the Framework which highlights the need for planning policies to be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and enable a rapid response to changing economic circumstances. It is also consistent with paragraphs 119-123 of the Framework which seek to promote the effective use of land and in particular utilising brownfield sites.
318. Many of the areas are in existing use or have vacant sites within them or sites which may come forward in the future. Some of these areas may be in transition, where a previous use is declining, and alternative uses are being established. The policy provides a flexible approach to the development of sites in the urban area, enabling an effective transition to new uses and aiding regeneration efforts. Furthermore, the allocation of the sites would provide greater certainty to landowners and incentivise them to bring sites to the market. Many of the sites would be attractive to smaller

housebuilders and also Registered Social Providers. Overall, the approach of utilising sites within the urban area is one which should be supported.

319. Appendix C of the Plan lists the opportunity sites and includes an indication of the range of uses that may be appropriate.

OWH13 MARCHON SOUTH

320. The northern section of the former Marchon factory site is a proposed housing allocation in the Plan (HWH5). The southern section of the site was subject to a planning application in 2017 for a new coal mine 'Woodhouse Colliery'. The coal mine was considered at a planning inquiry and subsequently recommended for approval by the Inspector and allowed by the Secretary of State. The decision has since been subject to judicial review, the outcome of which is not yet known.

321. The Plan allocates this site as an opportunity site to ensure that there is a focus on a productive and positive future for the site if planning permission is ultimately refused. The proposed range of uses for the site include office, industrial and associated warehousing; residential; tourism associated development (Use Classes B, C, E, F and some Sui Generis uses). It could also provide community spaces, biodiversity, and public open spaces.

322. The proposed coal mine would not be incompatible with the range of uses were the permission to be upheld as a coal mine would be 'sui-generis'. Furthermore, it would provide a framework for the consideration of development once the coal mine ceases operation. If the decision is successfully challenged, the proposed uses would provide a framework for the consideration of other uses.

323. As submitted, it is not clear that the Council's preferred use for the site is the Woodhouse Colliery, whilst acknowledging that a broad range of uses could also be acceptable and the allocation is not, therefore, effective. Due to the scale and complexity of the site a comprehensive approach to development would be required; however, this is not reflected in the Plan and the allocation is, therefore, ineffective in this regard. **MM131** addresses these points for the policy to be effective.

OWH08 POW BECK, WHITEHAVEN

324. The site is currently allocated as an employment opportunity site in the Copeland Local Plan under Policy EMP3. There are a number of uses clustered in the north and along Meadow View as well as a large radio transmitter.

325. It was proposed as an Associated Development Site to support the construction workforce associated with developing Moorside nuclear power station. Whilst subject to constraints, including being situated within Flood Risk Zone 2 and 3a, a meanwhile use to support the development of the power station could be justified. Against this background the policy provides a clear scope as to what activities might be permissible. However, given the flood risk, I consider that the site's retention is only justified by the need to support the delivery of a major infrastructure project or similar use and subject to the resolution of flood risk issues.

OCL01 CLEATOR MILLS, CLEATOR

326. The site allocation is in three main parts: the historic mill building; a former factory; and a greenfield element. The site is proposed for a variety of uses including Use Class B, C2 (college and training centre), C3, E9(g) and F1(a) uses.
327. The site has been subject to various planning applications; however, due to issues around improving flood defences and the potential impact on the River Ehen SAC/SSSI this has meant that development has not taken place. The Council is commissioning a Level 2 FRA to better understand the implications and opportunities for different developments and how best flood risk can be mitigated. Given that the site is situated in Flood Risk Zone 3a an Exception Test would be required, alongside a site-specific FRA. The potential impacts on the River Ehen SAC would also need to be very carefully considered and it is likely that a project level HRA would be required.
328. Subject to those issues being resolved, there is developer interest in the site which suggests that it could be viable for redevelopment. If the site is not delivered by the market, there is the potential for infrastructure funding to help unlock the site. The development of the site could bring significant economic investment and the potential to meet the housing needs of Cleator. Taking into account the above, the site is justified.

EGREMONT OPPORTUNITY SITES (OEG01; OEG2; OEG3)

329. Three opportunity sites (OEG01; OEG2; OEG3) are proposed in Egremont, two of which are in the town centre and are proposed for town centre appropriate uses. The redevelopment of the former Red Lion Public House is a key priority for the Council and its allocation will assist in supporting this objective. Subject to mitigation, including the potential impact on the River Ehen SAC/SSSI and heritage assets the proposed allocations are justified.

OTHER OPPORTUNITY SITES

330. Some of the opportunity sites (OWH06; OWH07; OWH09 and OWH11) have been identified as having some potential for residential development as part of mixed-use development. However, the Level 1 SFRA did not specifically test the opportunity sites for residential use. A footnote to the opportunity sites table is, therefore, necessary to explain that a Level 2 SFRA would be required to confirm the suitability (or otherwise) for residential development and if necessary, a sequential and exceptions test. **MM127, MM128, MM129, MM130 and MM132** address this matter for the allocations to be justified and effective. With appropriate mitigation and the above MMs, I consider the opportunity sites to be justified.

Issue 14– Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.

331. Policy H3 sets out a housing requirement of 2,482 net additional dwellings equivalent to 146 dpa for the period 2021 to 2038. However, in order to plan positively and support employment growth the plan identifies a range of allocated housing sites which when combined with future windfall, previous completions and extant

permissions, would provide 3,400 dwellings (an average of 200 dwellings per annum) over the Plan period.

332. Appendix E of the Plan sets out the housing trajectory for the Borough which demonstrates how the housing land requirement would be met. Updated evidence regarding site capacities, delivery rates and completions means that the trajectory needs to be amended to ensure that the Plan is justified and effective. **MM133** updates the housing trajectory at Appendix E of the Plan for effectiveness. The analysis of housing land supply below reflects this revised version.
333. Completions between 2021 and 2022 total 138 dwellings. Sites with planning permission equate to 1216 dwellings of which 490 dwellings are under-construction. A windfall allowance of 30 dpa has been applied from 2024/25 from small windfall sites equating to a total of 420 dwellings over the Plan period. This assumption is supported by evidence which shows that on average 34 dwellings have been delivered on such sites since 2013/14. I agree with the cautious approach of not applying an allowance for large windfall sites on the basis that larger developers will likely focus on housing allocations after the adoption of the Plan.
334. The majority of homes (2595) over the Plan period will be delivered on sites allocated in the Plan and 6 dwellings were developed in 2021/22 on a Core Strategy site. Finally, it is assumed that there would be a net loss of 2 dpa from 2022/23 equating to a total net loss of -32 dwellings. This provides a total supply of 4,343 dwellings over the Plan period. This would easily meet the housing requirement of 2,482 dwellings and the aspirational growth target of 3,400 dwellings can also be met with a comfortable margin. This allows a good degree of flexibility to provide a range and choice of housing in Copeland.

5-year supply

335. The Council's updated Five-Year Housing Supply Statement 2023 reflects the revised trajectory discussed above. It covers the period 1 April 2022 to 31 March 2027. It calculated the 5-year supply based on a number of options including the Standard Methodology and also the Copeland SHMA with a 5% and a 10% buffer. The Copeland SHMA calculation is the same as the Plan requirement of 146 dpa. The calculation reasonably assumes a 5% buffer given the 2022 Housing Delivery Test result of 1456%. The 5-year requirement would be 767 dwellings with a 5% buffer and 803 dwellings with a 10% buffer.
336. In calculating supply, the Council has taken account of sites with planning permission (568 dwellings); a windfall allowance of 30 dpa for the last 3 years (90 dwellings) only to avoid double counting; dwellings anticipated to come forward on sites allocated in the Plan (501 dwellings); minus 10 dwellings which are likely to be demolished (2 dpa). This would give a total supply of 1,149 dwellings equivalent to 7.5 years supply. There would be a 7.1 years supply based on the application of a 10% buffer.
337. Consequently, the Plan demonstrates that there would be in excess of a 5-year supply of deliverable sites in 2022 when measured against the housing requirement of 146 dpa. Whilst there will be some peaks and troughs, the housing trajectory shows that the Council will continue to comfortably meet the 5-year supply, including

at adoption. This is in accordance with both paragraph 68 and paragraph 74 of the NPPF.

338. Consideration was given to the start dates and annual output of each site at the hearing sessions, in agreement with the developer where they were present. Based on the evidence in submission and at the Hearing sessions I consider that the sites are deliverable and developable, viable and will come forward in broad agreement with the housing trajectory during the Plan period.

339. As the housing figures in the Plan have been superseded by more up to date information, it is not effective. Changes to the Housing Trajectory at Appendix E are, therefore, necessary to reflect revised capacities, start and delivery dates. **MM133** addresses this matter for the Plan to be effective. Policy H5 is updated to reflect revised site capacities (**MM65**) as are the HASPs (**MM135-MM170**) for effectiveness.

Distribution of housing land

340. The trajectory is broken down by settlement hierarchy tier and shows that each tier in the hierarchy would be able to deliver the amount of housing supply to meet its required needs. Each tier is also able to achieve its growth aspirations, with the exception of the Rural Villages and Local Services Centres tiers. However, it is likely that a number of windfall development will come forward within the rural villages which will increase supply.

341. Setting aside windfall development (which is not attributed to any settlement), the Plan would deliver around 40% of the requirement in the main town of Whitehaven; the Key Service Centres of Cleator Moor, Egremont and Millom would account for around 30% of the requirement; local service centres around 17%; sustainable rural villages 10%; and rural villages 3%. The distribution is influenced, amongst other things, by the availability of land and is in broad accordance with the settlement hierarchy set at Policy DS3. As presented Policy H4, which sets out the distribution of development, does not reflect the updated housing trajectory. Consequently, **MM62** is necessary to address this and to reflect the additional year of the Plan for effectiveness.

342. Policy H3 sets out a proactive approach to monitoring the effectiveness of housing delivery. Part 3 states that where housing exceeds the expectations in the Sustainable Rural Village and Rural Village tiers of the hierarchy which may put the overall development strategy at risk, the Council would carry out a full/partial review of the Plan. The principle of ensuring that development is directed to sustainable locations is acceptable; however, the wording is ambiguous and thus ineffective. **MM61** amends the wording accordingly for effectiveness.

Conclusion on Issue 14

343. Overall, subject to the MMs identified above, the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.

Issue 15 – Whether the approach towards housing development is justified, effective and consistent with national policy.

344. Policy H1 seeks to improve the housing offer of the Borough consistent with the Framework objective to boost the supply of homes and meet the needs of groups with specific housing requirements.
345. Policy H6 sets out the approach to considering proposals for new housing development. As drafted the first paragraph of the policy is ambiguous and does not present a more positive approach to proposals for housing in recognition of the objective of the Framework to significantly boost the supply of homes. **MM67** amends the policy to address this for effectiveness and consistency with national policy.
346. Policy H11 provides an effective approach to support community-led, self-build and custom build housing. The Council has a self-build register which identifies that 20 people are interested in building their own homes. The HNA (EB6) notes that 15% of all respondents to the survey expressed an interest in such housing. There is a good track record of self-build properties being delivered in the area either as individual plots or a part of a larger site which is sold off in plots. However, **MM73** is required to remove the unnecessary reference to 'in accordance with the Development Plan' for the policy to be effective.
347. Policy H13 deals with the conversion and sub-division of buildings to residential uses including large Houses in Multiple Occupation (HMO). Part H seeks to avoid an 'over-concentration of HMOs', taking into account their cumulative impact. However, it is not clear to Plan readers and decision takers how the over-concentration of HMOs would be practically assessed. **MM74**, therefore, inserts additional supporting text to set out the matters which would be considered in the interests of effectiveness.
348. Policy H15 sets out the approach to rural exception sites. As submitted, the policy implies that rural exception sites would be permitted in the open countryside. However, this would be contrary to paragraphs 79 and 80 of the Framework which seek to promote sustainable development in rural areas and avoid the development of isolated homes. **MM76** is, therefore, necessary to ensure that rural exception sites are adjacent to an existing settlement (but beyond settlement boundaries) for the policy to be consistent with national policy. **MM76** is also necessary to ensure that such proposals are supported by robust evidence and to refer to the potential effects on heritage assets in addition to the landscape and biodiversity. These MMs are necessary for the policy to be effective.
349. Policy H16 seeks to provide a framework for the consideration of essential dwellings for rural workers, whilst Policy H20 sets out the circumstances in which the removal of occupancy conditions for such development would be permitted.
350. The supporting text to Policy H20 refers to a 'local occupancy' technical note which had not been prepared at the time of submission of the Plan. Consequently, the supporting text to both Policy H16 and H20 has been expanded to reflect the guidance on this matter in the PPG. A Housing Technical Paper has now been prepared which sets out the evidence which would need to be submitted to support applications for rural workers dwelling and the approach to considering a 'local

connection'. It is, therefore, necessary to include reference to this document to ensure that the Plan is up-to-date and, therefore, effective. **MM77** and **MM83** addresses these matters for the policy to be justified, effective and consistent with national policy.

351. Criterion e of Policy 16 refers to 'other planning requirements' which is ambiguous and also unnecessary as the Plan should be read as a whole and is, therefore, deleted. Criterion d is amended to reflect recent caselaw relating to the occupation of existing dwellings which may be occupied by retired farm workers who previously worked on the site. **MM78** addresses these matters for the policy to be justified, effective and consistent with national policy.
352. Policy H17 provides a framework for the consideration of proposals for the conversion of rural buildings to residential use in the open countryside. The penultimate paragraph of the policy states that permitted development rights will be removed 'where necessary' to protect the character of the building or the landscape. However, this is ambiguous and does not reflect the PPG (paragraph 017) which states that area wide or blanket removal of small-scale domestic alterations are unlikely to meet the tests of soundness. **MM79**, therefore, amends the supporting text to set out the circumstances in which permitted development rights would be likely to be removed. **MM80** alters criteria a and g of Policy H17 to reflect that conversions to residential would be supported where the building contributes to the character of the area and an additional criterion is added to ensure that proposals do not have an adverse effect on the historic environment or landscape for effectiveness. **MM80** is necessary for the policy to be justified, effective and consistent with national policy.
353. Policy H18 sets out how replacement dwellings in the open countryside would be considered. Criteria a and b are amended to clarify that a replacement dwelling should be sited on or directly adjacent to the footprint of the existing dwelling, unless there are clear reasons why an alternative siting or footprint is needed and also to ensure that a replacement dwelling should be no larger than the dwelling to be replaced to ensure that any visual impact is limited. These amendments are addressed by **MM81** and are necessary to protect the character and appearance of the countryside and for the policy to be justified, effective and consistent with national policy.
354. Policy H19 provides a framework for the consideration of beach bungalows, but it is unclear whether all of its criteria have to be complied with for proposals to be deemed acceptable. Consequently, **MM82** inserts the word 'and' between criteria a-d to reflect that all of those criteria apply to such proposals for the policy to be effective.
355. Policy H21 sets out the approach to residential caravans which will only be permitted in exceptional circumstances and on a temporary basis unless a need can be fully demonstrated and certain criteria are met. The policy is amended to refer to 'unacceptable harm' as opposed to 'adverse impacts' for clarity and effectiveness. Criterion a is also amended to ensure that heritage assets are taken into consideration.
356. Criterion d states that a caravan should be located within a settlement identified in Policy DS3. The last paragraph qualifies that proposals will not be required to comply

with criterion d where the caravan will accommodate a rural worker and cross references to Policy H16. However, cross-referencing to other policies in the plan is unnecessary as the Plan should be read as a whole. Furthermore, a simpler approach would be for criterion d to reflect that caravans should be located within a settlement boundary unless it will accommodate a rural worker who is required to live at or near their place of work. The penultimate paragraph is amended to reflect that caravans should be well-screened by existing landscaping where possible. **MM84** addresses these matters for the policy to be justified, effective and consistent with national policy.

Conclusion on Issue 15

357. Overall, subject to the MMs identified above, the approach to housing development is justified, effective and consistent with national policy.

Issue 16 – Whether the Local Plan is justified, effective and consistent with national policy in relation to Infrastructure Provision, Implementation, Monitoring and Viability?

Infrastructure

358. The Council has worked closely with a range of other organisations to identify key infrastructure requirements and a programme for delivery. Stage 1 of the Infrastructure Delivery Plan (IDP) (Sept 2020) (EB21) set out the baseline of infrastructure provision to support the Preferred Options consultation of the Plan. Stage 2 of the IDP (Jan 2022) (EB22) builds on these findings by considering how the cumulative impact of growth proposed in the Plan will affect already identified infrastructure constraints in addition to identifying potential new issues where additional infrastructure improvements are required.

359. There will be occasions where infrastructure requirements for specific planning applications may differ from the IDP; however, those requirements would reflect the particular circumstances of that case and the IDP will always form the starting point for discussions. The IDP is a snapshot in time, and I have considered the version submitted alongside the Plan. There is a clear commitment to keep this under review. The Council has also been active in pursuing funding opportunities such as the Towns Fund programme to assist in improving infrastructure in Cleator Moor and Millom and Haverigg. Appendix 1 of the IDP, the Infrastructure Delivery Schedule clearly sets out the specific infrastructure requirements for the site allocations.

Implementation

360. The Local Plan takes a pragmatic and realistic approach to developer contributions. Policy DS5 sets out the approach to securing infrastructure provision/enhancements through planning obligations and how the Council will consider issues of viability. Amendments to the policy are necessary to be clear that infrastructure provision/enhancements would be sought in order to mitigate the impact of development and that the list of types of infrastructure provision is not exhaustive.

361. For clarity, the last paragraph of the policy should refer to 'site-specific' viability assessments. Furthermore, an additional sentence is necessary to reflect that there would be a proportionate reduction of contributions where it is agreed that development would be unviable. With these amendments, I am satisfied that the policy provides sufficient flexibility to allow for viability to be taken into account. **MM15** addresses these matters for the policy to be justified, effective and consistent with national policy.

Monitoring

362. As drafted, the Monitoring table (18) contains targets which are not precise or measurable and it is, therefore, ineffective. **MM117** addresses this matter by amending the Monitoring Table (18) set out at Appendix 2 of the Plan to ensure that there would be clear and effective mechanism to monitor the implementation of the Plan.

Viability

363. A draft of the LPVA (EB20) was consulted upon alongside the publication draft Plan (CD1). Comments on the draft study informed the final version of the Stage 2 LPVA (EB44) which was submitted alongside the Local Plan. The LPVA and its predecessor (the stage 1 LPVA EB19) have been subject to consultation at various stages.

364. The financial appraisal assumptions have been derived from RICS accredited consultants and were adjusted, where appropriate, following consultation. The cost of contributions per dwelling has been derived from inputs in Table 6.7 of the draft LPVA (EB20) which were then applied according to the knowledge of individual sites.

365. Where adjustments have not been made in relation to representations, EB45 robustly sets out the reasons for this. Additional sensitivities were also tested within the Addendum to consider how matters such as education contributions, larger discounts associated with First Homes and alternative residential mixes affect the viability of each of the housing allocations in the Local Plan. EB45 demonstrates that an alternative residential mix would produce a more efficient site coverage which gives rise to a significant improvement in viability on a number of sites.

366. Whilst detailed assumptions were challenged by developers, it is important to note that this is a high-level assessment and undertaking a LPVA is not an exact science. There will always be an element of judgement in applying assumptions and reaching conclusions. Furthermore, I consider that the consultants have robustly addressed and considered the matters raised in the Addendum document (EB45). Based on the evidence before me, I find the methodology used and the inputs applied to be grounded in recognised data sources.

367. A cautious approach has been taken throughout the LPVA and anecdotal evidence has shown that housing in Copeland has continued to come forward on sites that are not considered to be viable through standard viability modelling. Where viability is an issue developers may be able to access support from external bodies such as Homes England to assist in delivering sites. Furthermore, numerous policies provide

flexibility regarding planning obligations where it can be demonstrated that viability is an issue (Policy DS5; H8).

368. Overall, the LPVA demonstrates that the cumulative requirements of the Plan would not undermine the delivery of the strategy of the Plan by threatening the viability of development.

Conclusion on Issue 16

369. Overall, subject to the MMs identified above, the approach towards Infrastructure Provision, Implementation, Monitoring and Viability is justified, effective and consistent with national policy.

Overall Conclusion and Recommendation

370. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

371. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendices the Copeland Local Plan 2021-2038 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

CA Mulloy

Inspector

This report is accompanied by two Appendices containing the Main Modifications.