

Copeland Borough Council response to the initial note from the Inspector – 28th November 2012

Dear Mr Crysell

Thank you for your initial comments. We note your concerns regarding the ease of comprehension of the Core Strategy along with its evidence base. We consider that they can be dealt with without radical change; I should like to make it clear that, assuming this can be done with a suitably limited number and level of changes, we are open to any recommendations you may find it necessary to make.

The following comments, including references to the National Planning Policy Framework and guidance sources extant at stages in the production process, are made in the spirit of explaining the rationale behind the Core Strategy and Development Policies, and our decision to proceed with it as a DPD rather than holding back to incorporate the site allocation element.

The role of the Core Strategy as part of the post-2012 style Local Plan

The history of plan production in Copeland has been as follows.

1. When the 2004 Act was passed, a Local Plan review was in progress and Government (via the Regional Office) advice was that production should continue under transitional arrangements. The Local Plan was adopted in 2006.
2. As a result partly of that, and also due to resource constraints, the Core Strategy (i.e. the first and most important stage of the 2004-style plan) began production in earnest in 2008.
3. We were thus at an advanced stage of plan production when draft NPPF, with the sudden (and still not statutorily explicit) shift back to a single volume Local Plan, took place a little over a year ago.

Local authorities are enjoined to have a plan in place by April 2013. In late 2011 we concluded that to put the Core Strategy 'on hold,' and proceed with incorporation of site allocations into the plan, would delay matters so that we would be left without up to date strategic policies for an indeterminate period. It was preferable, we concluded, to complete the Core Strategy as soon as we could, and allocate sites as soon as possible afterwards. Experience elsewhere suggests that, with strategic policies in place, subsequent production of site allocations should be reasonably straightforward.

A further, local consideration is that Nugeneration propose to submit a Development Consent Order for the Moorside nuclear power station at the end of 2013. There also will be an application for the National Grid upgrade around then. As well as our desire to have a development strategy in place to enable us to react effectively to the power station proposal, we would be concerned that the production, publication and submission of a single volume local plan might leave us in the position of having the examination of that at the same time as being faced with the production of Local Impact Reports for, and preparation for the examinations into, the two DCO applications.

Thus we have certainly considered the desirability of producing a single volume local plan, and intend to move towards that, though I should point out that, as far as we can ascertain, neither the law, guidance or any clear ministerial statement require it. Though we of course acknowledge that the emerging and ministerially desired norm is for a single volume Local Plan, NPPF paragraph 153 does not explicitly rule out a Local Plan containing more than one DPD. It allows for ‘additional development plan documents where clearly justified’. On our reading and in the absence of any published guidance to the contrary, we felt that our circumstances do indeed justify continuing to adoption with the Core Strategy (with development management policies), and then completing the plan with a subsequent site allocation process. To do otherwise would have been to hold up this Development Plan Document (which has already been in production for four years), which is undesirable for the reasons given above.

Thus it does not seem to us that we have failed to recognise the evolving plan process. We note your appreciation that some authorities will produce more than one document. The number of Development Plan Documents we intend to produce is two – this, and (guided by it and evidenced by the SHLAA) the Site Allocation DPD. On adoption of the latter we will have a complete Local Plan, which can be presented as a single entity.

The level of detail in the Core Strategy

Our understanding has been that the Core Strategy should not go into too much detail, and the advice always given was that it should not allocate land except for ‘Strategic Sites’ as previously defined in PPS12. The shift to a single Local Plan obviously changes that, but, given our timetable and the circumstances noted above, our understanding has been that it would be acceptable in principle to continue with the strategy and allocate land in the site allocation DPD. (See also response to question 1 below.)

In this context we do not understand what “difficult, crucial and important” decisions we are putting off. If the phrase ‘broad locations for future development’ means strategic locations (as per NPPF para. 157), these are not identified because there are none, nor in the foreseeable future are any likely to be needed. (The exception to this is the nuclear power station, whose location is identified on the Key Diagram but will go through the DCO process, beyond the jurisdiction of this authority). The Core Strategy states quite clearly that the main locations for future development – that is, where most development should happen - are the four towns (ST2B), along with Westlakes and Moorside (ST2C); there is no single location below that level of identification which is large enough to merit special attention. As far as housing is concerned, the SHLAA process has identified the sites available for development, which are mostly in the four towns. The Site Allocation DPD will identify those selected as suitable for inclusion in the final Local Plan. No new employment sites are identified, available capacity being sufficient – though policy ER4A does allow for further allocation, which would happen if appropriate proposals emerge in the site allocation process.

Absence of a new Proposals Map

We were guided in this by Regulation 22, and its similar predecessor, to the effect that we should submit a “policies map if the adoption of the local plan would result in changes to the adopted policies map”. One might also note here that the Local Plan will not be complete until the site allocation document is adopted, and our feeling was that this would be the appropriate time to

update the map. In keeping with the post-2004 practice the Core Strategy does not contain site-specific proposals and, as it makes no new site allocations, it did not seem to us to be worthwhile to produce an amended map whose only changes would be the deletion of the small number of allocated sites which have been developed since the 2006 Local Plan was adopted. In our view, to adopt a revised map with no changes that would be of significant interest, then publish another a few months later, is potentially confusing to users of the plan.

Inspectorate advice has been that "... a proposals map is a separate LDD and should be submitted, suitably amended, with any DPD that allocates sites" (quoted on the Planning Advisory Service web site). This advice dates from 2009 and is thus, like almost all extant guidance, out of date, but has not been superseded by any contrary guidance or advice of which we are aware.

Specific questions

1. Does the Core Strategy devolve 'what, where and how' decisions to a subsequent plan?

In our opinion it does not. The Core Strategy sets out strategic principles which will guide the decisions to be set out in another subordinate DPD, or in other words, another part of the same plan. This is a proper relationship between the two, and does not amount to unwarranted devolution.

'What?' This is mainly the province of the Economic Regeneration and Sustainable Settlements sections. In the Council's opinion these, along with their companion development management policies, give a suitable level of guidance for decision making. The main exception to this is the size, type and tenure of housing, where we consider it most sensible to proceed on a site-specific basis when sites are allocated; policy SS3 with its supporting text provides the guidelines for this, based on the Strategic Housing Market Assessment and research on Gypsy and traveller needs.

'Where?' Policy ST2 expresses the spatial development strategy and settlement hierarchy, backed up as regarding priority development locations by ST3. ER6 adds more specific reference to employment locations.

'When?' This is not a district that has developers clamouring for their developments to go ahead, and the Strategy for Infrastructure establishes that there are almost no critical infrastructure constraints, so there is little scope for 'when'. (The exception to that is the nuclear sector, which has yet to reach the point where detailed decisions can be made; all the Core Strategy can do is provide a robust and flexible policy base for the Council to respond when more certainty emerges.) The SHLAA having established that the supply of housing land is sufficient, it is proper for the site allocation process to set out the framework for the phasing of development on the sites that are allocated.

The main decisions which are delegated to the site allocation process are the allocation of sites themselves, which, as pointed out above, would delay the Core Strategy if we had added them at this stage, and adjustments to settlement boundaries, which are dependent on site allocations. (The Core Strategy signposts the settlements where boundaries might be reviewed, at 3.5.14 and 15.)

We note the reference to use of the word 'appropriate', and suggest minor amendments which would take care of that without changing the substance of the policies in question.

Suggested change if needed

Uses of the word 'appropriate' which we have identified could be dealt with as follows.

ER7: - Development will be required to meet the needs of the area, to be of a scale and type which will not damage the environment or amenity of the centre or appropriate to the centre, and not adversely impact on the vitality or viability of other nearby centres.

ER9: - ~~Appropriate~~ Retail and service sector provision will be actively encouraged within the defined boundaries of each Key Service Centre to serve local communities and to facilitate small scale tourism. Evening entertainment and leisure uses will also be acceptable if they meet the criteria as set out in ER7 E above.

ER10B: - Encourage development ~~of an appropriate scale in~~ which will support the vitality and viability of the Key Service Centres of Cleator Moor, Millom and Egremont

ER10C: - Support ~~appropriate~~ tourism development which accords with the principles of sustainable development and does not compromise the special qualities and character of allocated Tourism Opportunity Sites, the area surrounding them or public access thereto ...

ER10D: - Support ~~appropriate~~ developments which improve and enhance the quality of the tourism product whilst respecting the scale and character of their surroundings

T1B: - Where ~~appropriate~~ indicated as necessary for successful implementation of the scheme, land will be allocated or safeguarded to facilitate the following transport priorities for the Borough:
...

2. Why are certain issues in supporting text not in policy?

The Core Strategy is drafted on the principle that policy expresses strategic principles and, wherever appropriate, explanatory detail accompanies it in the supporting text.

We would comment on the specific instances mentioned as follows. If any inferences are incorrect, we would be glad to respond to further comment.

- We assume that the housing information is that in paragraph 3.5.7, possibly augmented by that in figure 3.3. This could be inserted at Policy ST2D. The policy is already long and splitting it into two might be indicated.
- We are not sure what the employment issue is. No new land is allocated and the reference in 4.4.4 (4.5.4 in 'tracked change' text) is intended as justification for the apparent surplus. Policy ER4 does refer to allocation; no new employment sites have been suggested, and this is to allow for the possibility that proposals may emerge in the site allocation process, not least from the nuclear sector.
- If the reference regarding retail floorspace information is to the suggested addition to 4.7.4 (tracked change 4.8.4), our defence would be that this text was not included originally because it merely states that the norm in national policy would be followed, and has been included as a minor modification in response to an objection – see Schedule of Minor Modifications, Document List reference 1.4. Our understanding has been that national policy should not be repeated, but we have no objection in principle to including that in policy.

Suggested change if needed

We submit that, where incorporation of text in policy is needed along the lines indicated above, this would not be a substantial amendment to the plan, as the text is already there (albeit in national policy in one instance), and the above or similar changes would therefore be admissible.

3. *Why is there no information to show the CS has identified specific deliverable housing sites?*

The drafting principle here was that the policy states what the provision would be and that the information demonstrating its achievability is in the SHLAA (Document List reference 7.3). The site allocation process will thus be able to allocate sufficient site capacity, using the SHLAA as a basis. Reference to the SHLAA is made in 5.3.5.

We considered that this link to the key evidence base document was adequate to demonstrate, to anyone who needed convincing, that the plan was justified in this respect, and that there was no need to take up space in the Core Strategy itself to analyse it.

(A five year supply is also identified in the Annual Monitoring Report, Document List reference 2.5, up to date as of the end of 2011, and currently being updated for publication in January 2013).

Suggested change if needed

Supporting text could be inserted describing in more detail what the SHLAA indicates. If this is not the shortcoming indicated, we would welcome more guidance on how the Core Strategy falls short.

4. *Estimation of housing and employment consequences of changes in the nuclear industry*

It is not feasible to provide more precisely for needs arising from nuclear-related development. Compared to previous demand, there is a considerable 'over supply' of employment land in the borough and the plan proposes that this be retained. This is discussed in detail in Core Strategy Topic Paper 1 (Document List reference 1.6.1). The strategy has a 'base' allowance for housing land (230 per annum), which is itself ambitious by the performance standards of recent years. There is an additional 'aspirational' element of 70 per annum in the second and third quinquennia of the plan period – in the years 2018-2023 to absorb permanent in-migration arising from the power station project, and in 2023-2028 to allow for other 'market uplift' which would primarily result from other nuclear-related development. (*See Housing Trajectory, Appendix 5.*)

The best estimates of the power station workforce and other requirements remain those in the Nuclear Topic Paper (Document List reference 6.1), even though this is a year old. Those figures, which are derived from Hinkley Point estimates and other unspecified sources, give nowhere near enough certainty to make specific provision in the plan. The relevance of Hinkley Point is limited by our not knowing if the construction method will be the same and by very different assumptions about how much transport will be by sea and/or rail.

However, this outwardly unsatisfactory situation is moderated by the following factors, which in our view demonstrate that the Core Strategy is 'fit for purpose' with regard to this issue.

i. Moorside nuclear power station. The first crucial decision as regards development requirements will be the reactor design to be used. One design uses more components fabricated off-site than the

other, and our information is that this will make a considerable difference to the workforce numbers and associated (i.e. off-site) development needs. We will not have more information on this until the Development Consent Order application begins to materialise. The Core Strategy explicitly sets a policy framework which will govern the Council's response to that, but the DCO will have its own planning process which will make its own decisions regarding site-based land use.

The permanent power station workforce will be in the order of 800, arriving gradually as it is built and commissioned. The plan allows for an additional housing provision of 70 per annum (i.e. the 300 per annum 'aspirational' total) – 350 dwellings in all - over the second part of the plan period, which is expected broadly to coincide with construction. This provision should be enough to cope, bearing in mind that some of these workers already live here and others will choose to live in Allerdale.

ii. Nuclear reprocessing-related development. The plan (policy ER1D) assumes, and indeed stipulates, that development relating to changes in the nuclear fuel reprocessing cycle would be accommodated within the existing Sellafield perimeter. There are a number of possibilities but no firm proposals. We have no indication that off-site requirements cannot be met from the existing employment land supply: Core Strategy Topic Paper 1 relates to this, explaining why these possibilities necessitate the maintenance of what amounts to a 'surplus' of employment land on current rates of demand. Note, for example, that work is already in progress on a development to accommodate 900 'back office' workers to be moved out of Sellafield, on a site previously allocated in the Local Plan (Albion Street North and South, 'Energy Coast Master Plan' sites referred to in policy ST3 and in the Whitehaven locality section on page 86). Labour demand, and therefore impact on the housing market, will be offset, probably to a large extent, by reductions in employment in processes currently operating.

iii. Higher activity waste repository. Although there is a widespread assumption that a 'geological' repository will be built in Copeland, we do not know whether the geology will permit it, where its surface elements would be built, or indeed whether it will ever be built anywhere. If the repository proceeds, a precise decision as to its location will not be made within the next ten years and construction will not start within the plan period.

Suggested change if needed

The Core Strategy is intended to give a strategic basis for any decision making regarding the nuclear sector, which is in itself useful if not essential, and is a realistic response to the complete lack of certainty with which we are faced. We have no change to suggest here, though if further explanation is merited as an addition to the text, we would welcome your views on that.

In conclusion, I would like to stress our strong hope that your concerns can be met without the Core Strategy being withdrawn to be redrafted incorporating site allocations. We do not consider that your concerns demonstrate the strategy to be unsound, and hope that the above comments and information allay your fears in that respect. On the basis of your comments so far, we have suggested a small number of changes, none of which is fundamental.

We consider it highly desirable to continue with the examination process, if at all feasible, for the following reasons.

1. Withdrawal would introduce a fourth round of consultation for the Core Strategy and Development Management policies. The history of their production so far does not lead us to expect that there would be any major re-opening of debate, but we would prefer to avoid 'consultation fatigue'.
2. We are anxious to comply with the Government's warning that up-to-date plans should be in place by April 2013. If the examination process went smoothly, we would not quite make the deadline but we would be very close to it. An up-to-date strategy and development management policies are the central base for planning decision making, and this is what we most urgently need. In a district such as Copeland, where there is at present no rush from the development industry to find new sites, the absence at this stage of site allocations does not prejudice the integrity of the process and does not justify delaying it.
3. We expect the promoters of the Moorside nuclear power station to proceed with a Development Consent Order application late in 2013 and we regard it as important to have a development strategy in place, to enable us to participate effectively in that process. Withdrawal of the Core Strategy now would make this very difficult if not impossible.

We look forward to your response and remain at your disposal as regards whatever next steps you propose.

John Groves

Head of Nuclear, Energy and Planning

29th November 2012