

COPELAND LOCAL DEVELOPMENT FRAMEWORK

**EXAMINATION OF CORE STRATEGY AND DEVELOPMENT
MANAGEMENT POLICIES**

**BOROUGH COUNCIL
STATEMENTS:
MATTER 1**

PROCEDURAL MATTERS AND LEGAL COMPLIANCE

March 2013



1.1. Has the Plan been prepared in accordance with all statutory procedures and the Regulations including appropriate consultation, in line with the Council's Local Development Scheme and Statement of Community Involvement?

1.1.1 It has.

1.1.2 Production of the plan began in 2008 and was signposted in the Local Development Scheme 2007 (Doc. 2.4). There has been slippage in the programme, which has been reported in each relevant Annual Monitoring Report and triggered appropriate adjustments in revised Local Development Schemes. Publication and submission have been on schedule as printed in the Local Development Scheme adopted at the beginning of 2012 (Doc 2.4).

1.1.3 Each stage has been conducted, including publicity and consultation arrangements, to meet the Regulations in force at the time, and meeting the arrangements which the Council has undertaken to carry out in the Statement of Community Involvement (Doc 2.6). The Executive Summary of the SCI is appended to the Statement of Consultation (Doc. 1.3), so that readers can check this for themselves.

1.1.4 The Statement of Consultation provides details of the engagement that has taken place during production of the document. It contains (at Annex 1) a complete list of the representors, showing who has responded at each stage. Annex 2 lists those informed of the Regulation 20 publication. The list includes all the consultees whom the Council is obliged to consult. The same is true of the list of consultees at the 'Issues and Options' stage (Appendices D and E of the 'Issues and 'Options' report, included in Doc 1.3 at pages 227-230).

1.1.5 Doc 1.3 contains copies of the advertisements which have been made through the process, to confirm that the Regulations have been followed in that respect. The Soundness Assessment (Doc 1.10) contains a section on legal compliance, using the pro forma published by the Planning Advisory Service, which describes in detail how the Regulations have been complied with.

1.2. Does the Core Strategy take appropriate account of other relevant plans and strategies?

1.2.1 The Core Strategy takes account primarily of the following strategies.

The Sustainable Community Strategy, initially for West Cumbria; more recently the Copeland Partnership Plan (Doc 4.1) has been adopted, as the pre-submission draft was being prepared for publication, but the approach is fundamentally the same. An additional facet of the SCS is the Cumbria-wide action plan known as the Cumbria Sub-Regional Spatial Strategy (Doc. 5.2). The West Cumbria Economic Blueprint (Doc 1.8), an economic development strategy with spatial dimensions, which gives a useful strategic overview for West Cumbria and is subscribed to by Copeland and Allerdale Borough Councils along with the County Council and the National Park Authority.

The North West Regional Spatial Strategy (Doc 1.6.3) and the Cumbria Sub-Regional Strategy (Doc 5.2) (see Question 1.5 below). Care has been taken to align the Core Strategy with the sub-regional document, which has cross-county support, and whilst the County Council has reservations about the Core Strategy using settlement terminology which conforms more with national practice than with that of the CSRSS, it is content that the approach of the Core Strategy is broadly consistent with the CSRSS.

1.2.3 Plans of Neighbouring authorities. The most relevant spatial plan is the Local Plan for Allerdale. As this is at an earlier stage of production, consistency has not been formally established. However, policy planners of the two districts meet several times a year bilaterally (that is, additionally to inter-district Development Plans Officer Group meetings). Thus there has been close consultation in the production of local plans, as well as other matters such as the evidence base, some of which has been developed jointly, the infrastructure deficit, and early planning for the impact of nuclear new build. The Copeland local plan is also having regard to that of the Lake District National Park Authority; planners from the two authorities meet regularly at Cumbria DPOG meetings, but in general contact has been informal, via e-mail and telephone. This is an appropriate level of dialogue, given the small number of communities and people involved, the remoteness of the western Lake District from the rest, and the continuing general agreement as to strategic approach. The same is true for our relationship with Barrow (whose Local Plan has made limited progress), albeit for the different reason of limited transport linkage, and social and economic interchange, between the two districts.

1.2.4 Topic Paper 4 (Doc 1.6.4) goes into this in more detail. The content of the paper has been shared and agreed with the County Council, Allerdale and the Lake District.

1.3. Have relevant cross-border issues been adequately dealt with and is the Council satisfied it has complied with the 'duty to cooperate' and carried out the necessary engagement with other bodies?

- 1.3.1 The Soundness Assessment (Doc 1.10) has a section containing the Borough Council's statement as to how it has met the Duty to Co-operate, under four headings: co-operative working with neighbour local authorities, joint evidence base work, and co-operation with other prescribed bodies. This demonstrates that the plan has been produced in a spirit which fulfils the Duty to Co-operate, even though most of the work was done before the Duty was stated in law.
- 1.3.2 The main cross-border issue is the maintenance of strategic consistency with our closest neighbour, Allerdale, under the umbrella of the West Coast Economic Blueprint (and its predecessor strategy, the Energy Coast Master Plan). It is inevitable and entirely appropriate that this is the main focus of strategic policy, and planning policy officers of the two authorities meet frequently to discuss progress on our local plans. Co-operation also focuses on developing a joint approach to dealing with major infrastructure projects affecting both boroughs.
- 1.3.3 Spatial planning issues in and adjoining the western Lake District are generally low level, and harmony is assisted by Copeland's intention to concentrate development in the towns. The spatial strategy represented in policy ST2 is aligned with that in the Lake District Core Strategy. There is dialogue with the National Park Authority as the need arises. The Authority was consulted when Topic Paper 4 (Sub-Regional Context) was in preparation and the text is agreed.
- 1.3.4 Our interface with Barrow Borough is the Duddon estuary, which has the highest level of environmental protection, and very restricted transport links – the substandard A595, and irregular train services. The level of interaction with that borough is, therefore, limited. Barrow has been consulted at each stage of plan production, and local plan matters are discussed at the quarterly Development Plans Officers Group in which both authorities participate.
- 1.3.5 Our boundary with South Lakeland is almost entirely within the National Park, and there is, therefore, contiguity with the South Lakeland planning authority boundary only across the upper Duddon estuary (Foxfield and Kirkby-in-Furness being the settlements facing Copeland). There has been bilateral dialogue with South Lakeland District Council, most recently at a meeting in May 2012, which also discussed their Site Allocation document.
- 1.3.6 Cumbria County Council has been concerned to ensure that the Core Strategy is aligned with the Sub-Regional Strategy (Doc 5.2), an aim with which we fully agree, and this has been achieved in general terms although the County Council did make objections with regard to the terminology used to describe settlements. The most recent (pre-submission) bilateral meeting with County Council planners was in July 2012.

- 1.3.7 There has been extensive joint working on evidence base preparation, county-wide (Strategic Flood Risk Assessment, Gipsy and Traveller assessment work, housing market definition informing the SHMA) and with Allerdale (SHLAA methodology, employment land, retail capacity, and supervision of the 'blueprint' evidence papers including the viability study).
- 1.3.8 Engagement with other bodies has been carried out as outlined in the Statement of Consultation (Doc. 1.3) and section 5 of the Soundness Assessment (Duty to Co-operate). Most of the bodies involved have declared themselves content with the Core Strategy. We regard the National Trust as a key stakeholder and they have a few minor objections as to wording, which do not undermine the strategy as a whole.
- 1.3.9 United Utilities have raised concerns, mainly via a standard response, and we are aware that there are issues regarding waste water treatment capacity and water supply from the Ehen catchment. These are referred to in the Strategy for Infrastructure (Doc. 1.7). Discussion with UU is continuing, most recently in January 2013, and whilst the company is pursuing desirable improvements in its Asset Management Plan currently under development, it is content that issues can be dealt with as site allocation decisions are considered, without compromising the Borough's ability to provide for the development needs identified. From Copeland's point of view, we are satisfied that the SHLAA (Doc 7.3) has identified a large enough supply of available land for there to be enough capacity even if some of the candidates are ruled out for reasons of drainage or water supply.
- 1.3.10 Transportation must be seen in Copeland as a cross-border issue. The Borough Council is active in inter-agency discussion to ensure that road network capacity is improved as much as possible to cope with nuclear new build. Similarly, the Council is involved in discussions to improve capacity service frequency on the Cumbria Coast rail line, again partly with nuclear new build in mind but also to provide better commuter services for Sellafield staff, to reduce road use by them. In both cases there are cross-border implications especially regarding connectivity with and through Allerdale. Policy T1 makes reference to this.

1.4. Is the Plan generally in accord with the National Planning Policy Framework (NPPF) or is it likely that any potential deficiencies can be addressed?

1.4.1 The Borough Council believes that the plan is in accord with the NPPF. An analysis has been carried out using the standard pro-forma supplied by the Planning Advisory Service, and this forms the fourth section of the Soundness Assessment (Doc 1.10).

1.4.2 Four main issues emerged on pre-submission publication.

I. Whilst we considered that the publication draft was consistent with the NPPF, representations (S37/SO30) on the so-called 'model policy' convinced us that the plan should make explicit reference to our support for the presumption in favour of sustainable development. The model wording suggested by the Planning Inspectorate has been included almost verbatim, albeit not as a free-standing policy but in a way which fits the narrative of the plan. See Changes 2, 3, and 4 in the Schedule of Minor Modifications (Doc 1.4). See discussion under issue 4.1, dealing with this in more detail.

II. It was pointed out (representation 37/SO31) that the Council was not putting forward a policy regarding retail impact assessment and the sequential test. We did not do so because to vary from the national default thresholds in the NPPF requires evidential justification, and we do not have one; and, given that we are not varying from national policy, it is not necessary for the plan to repeat it. However, we accept that it is helpful to note what the threshold is, and we are happy to incorporate that (Change 18).

III. There have been objections to policy on wind farm development on the grounds of conflict with NPPF. We do not accept this and remain of the view that the plan's treatment of this form of development is an appropriate response to national policy bearing in mind local circumstances, in particular the landscape. This is discussed in more detail at Issue 11.1.

1.4.3 A number of other suggestions have been made to align policies better with national policy by revising wording, and incorporated as minor proposed amendments; Changes 24, 25, 27, 43 and 44.

1.5. What is the position and status of the North West Regional Strategy and the Cumbria Sub-Regional Strategy?

- 1.5.1 The Preferred Option (Doc 2.3), on which the submitted plan is based, was certified by the 4NW (North West Regional Assembly) as being in conformity with the North West RSS. That strategy is about to be revoked, but the general approach for Cumbria and West Cumbria remains valid and the submitted Core Strategy does not differ greatly from the Preferred Option, so the submitted Core Strategy would be consistent with the RSS. That is not surprising as the North West RSS was not the imposed 'top down' diktat of current planning mythology, but a co-operatively developed expression of local authority and stakeholder preferences. In Cumbria, the community partnerships agreed on a sub-regional approach (the Sub-Regional Strategy, Doc.5.2) which carried forward the strategy developed jointly in the Cumbria and Lake District Structure Plan and is thus far still subscribed to by the local planning authorities.
- 1.5.2 The Cumbria Sub-Regional Spatial Strategy, as an action plan deriving from the county Sustainable Community Strategy, does not have strategic force, but remains an agreed approach to dealing with spatial planning across the county. It therefore has considerable legitimacy as a spatial strategy carrying forward the strategic direction agreed between the districts several years ago in the Structure Plan and Cumbria-specific policies of the RSS.
- 1.5.3 Thus, although going forward it is not obligatory to conform with previous higher level planning strategies, the emerging Copeland Local Plan builds upon the foundation they created and they remain part of the narrative of its development.

1.6. How has the Plan evolved in terms of the alternatives considered? How were these evaluated and have all reasonable options been examined? Are the choices made properly justified and is it clear from the SA why the preferred option has been chosen?

- 1.6.1 The options presented in the 'Issues and Options' report (Doc 2.2), and subject to public consultation at that point, were derived from two sources; the prevailing direction of spatial policy (as determined by other strategies such as the Energy Coast Master Plan and the Housing Market Renewal Initiative, and then extant higher level policy in the Structure Plan and Regional Spatial Strategy), and ideas generated by the stakeholder workshops in November 2008. The spatial choices revolved around varying distributions of development between different levels of settlement. This represents a 'front loaded' approach to making strategic choices, with the response to comments made at this early stage driving the selection of the preferred spatial strategy as expressed primarily in policies SDT2 and ST3.
- 1.6.2 The report Copeland LDF Issues and Option Responses to Consultation (Doc 14.1) goes into detail on responses. The questions essential to the settlement strategy were 25, settlement hierarchy, and 26, distribution of development; Question 23, services required in sustainable settlements, is also relevant. These can be seen at pp.68-72 in Doc 2.2 and pp. 14 and 15 in Doc 14.1.
- 1.6.3 The central basis for justifying the plan is the reasoned justification underlying the spatial strategy, set out in Section 3 of the Core Strategy.
- 1.6.4 The Vision and Objectives, from which flow the development principles in policy ST1, have at all stages attracted strong support from stakeholders and consultees.
- 1.6.5 On the key question of distribution of development between settlements, opinion was split between 'status quo' (i.e., the 2006 Local Plan, which led to a large proportion of development being in villages) and an evidence based distribution. The submitted strategy is a development of the latter, which fits better with national policy regarding accessibility of sustainable settlements, is supported by evidence such as availability of development land, and fits better with the Sustainability Appraisal Framework, and as it happens coincides well with the existing settlement hierarchy.
- 1.6.6 The justification for this is expressed on page 27 of the Preferred Option (Doc 2.3). Paragraph 3.3.5 sums it up - "This focussing of development is seen as the way that best exploits opportunities for regeneration, makes the best use of existing development and infrastructure in settlements, and gives opportunities for the enhancement of the quantity, quality and accessibility of new services and facilities."
- 1.6.7 As regards the settlement hierarchy, opinion favoured Option 3, which had an additional tier of 'sustainable villages'. This has not been adopted explicitly, though in practice some 'sustainable villages' may emerge during site allocation if certain proposed sites are accepted (for example, at Drigg and Holmrook). The reason it was not adopted is that the criteria for selecting suitable villages, based on responses to Question 23, did not produce

any settlements fulfilling the criteria to an extent which would distinguish them from other villages.

- 1.6.8 The level of response fell short of what can be regarded as statistically significant. However, the strategic choices made, and set out in the Preferred Option, have attracted general support from stakeholders, and not generated (see responses in the Statement of Consultation, Doc 1.3, particularly those on Policy ST2, on pages 153-159).
- 1.6.9 The Sustainability Appraisal of Preferred Options (Doc 14.2) analyses the options set out in the Issues and Options Report Doc 2.2. On the key strategy questions 26 (and 27) the SA does not come to a clear conclusion either way. However, the final SA Report (Doc 1.2, pages 21 and 22) demonstrates that the selected strategic approach fulfils the framework criteria well.
- 1.6.10 As the remainder of the policies in the Core Strategy either flow from the spatial strategy or are local expressions of higher level policy, or both, it is not surprising that they score reasonably well in sustainability terms.

1.7. Are there any other outstanding elements or queries in relation to the SA?

The Borough Council has not been made aware of any.