

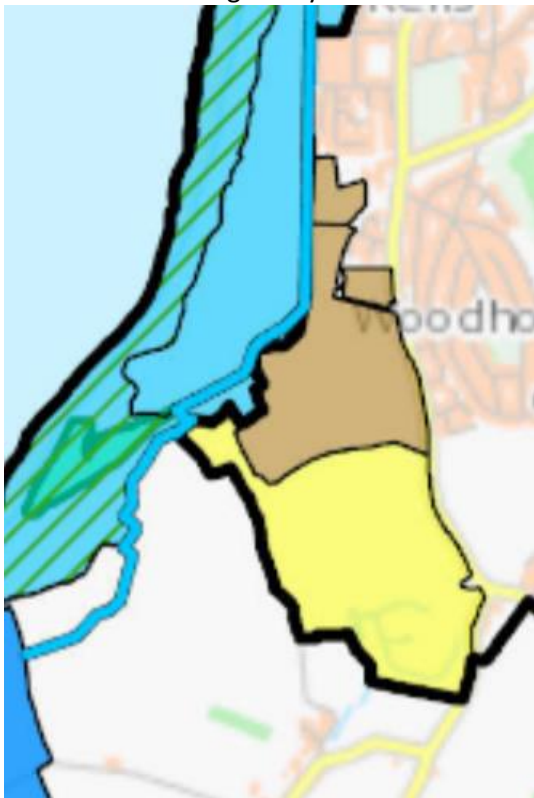
## Strategic Planning Response to Planning Application: 4/21/2432/0F1, Former Marchon Chemical Factory, Whitehaven

### Copeland Core Strategy and Development Management Policies 2013-2028

The Core Strategy was adopted in 2013 and remains an important consideration for determining planning applications. The policies most relevant to the application are the following:


Policy	Policy Team Comment
<b>ST1 Strategic Development Principles</b>	<p>Part of the proposals accord with the development principles in terms of redevelopment of a brownfield site for housing in the main town, but there is conflict with protecting, enhancing and restoring the borough's valued assets.</p> <p>The application is supported by Criterion A(iii):</p> <p>"Ensure development creates a residential offer which meets the needs and aspirations of the Borough's housing markets"</p> <p>Part of the scheme is consistent with B(1v)</p> <p>"Reuse existing buildings and previously developed land wherever possible, directing development away from greenfield sites, where this is consistent with wider sustainability objectives" although the proposals involve the development of greenfield land identified as being of high landscape quality.</p> <p>B (v) prioritises development in the main towns where there is previously developed land and infrastructure capacity.</p> <p>The proposal conflicts with several other elements of this policy. For instance, Criterion C(1):</p> <p>"Protect and enhance areas, sites, species and features of biodiversity value, landscapes and the undeveloped coast"</p> <p>C(V) "Support the reclamation and redevelopment or restoration of the Borough's vacant or derelict sites, whilst taking account of landscape, biodiversity and historic environment objectives"</p> <p>The proposal provides a potential pathway to de-contaminating land around Marchon. However, it does not do so while taking into account the exceptional landscape concerns surrounding the St Bees and Whitehaven Heritage Coast. These issues will be highlighted.</p> <p>In addition, Criterion D (iv):</p> <p>"Ensure new development addresses land contamination with appropriate remediation measures"</p> <p>The application argues that it is also necessary to develop west beyond the settlement boundary and housing allocation of HWH5 in the emerging Copeland Local Plan 2021-2038. There is substantial evidence highlighting the landscape issues this causes. As such, the Council questions whether a scheme that causes irreversible harm to a nationally recognised landscape can be considered an "appropriate remediation measure", especially when other options do not appear to have been explored.</p>

Policy	Policy Team Comment
<b>ST2 Spatial Development Strategy</b>	<p>This policy outlines Whitehaven as the principal town within the Copeland Local Plan area, expected to take a substantial proportion of development within the Borough as a whole.</p> <p>The policy states that appropriately scaled development will be located within defined settlement boundaries and development outside the defined settlement boundaries will be restricted to that which has a proven requirement for such a location.</p> <p>Phase 1 of the development proposals to the west of the wagonway lies outside the settlement boundary defined for Whitehaven. However, the settlement boundaries identified in the Copeland Local Plan 2013-2028 are out of date – it is accepted that extensions to the settlement boundaries are required to accommodate housing growth.</p> <p>The settlement boundaries have been revised as part of the new plan and site allocation process to accommodate future growth. The settlement boundary proposed in the Publication Draft of the new Local Plan does not alter the settlement boundary along the wagon way – part of phase 1 remains outside of the settlement boundary.</p>
<b>ST3 Strategic Development Priorities</b>	<p>In pursuit of economic regeneration and growth to fulfil strategic objectives for Copeland and west Cumbria, the following locations are priorities for development: B) Regeneration sites in south and central Whitehaven – the town centre and harbourside, Pow Beck Valley, Coastal Fringe and the South Whitehaven Housing Market Renewal Area.</p> <p>The accompanying text states that the coastal fringe, predominantly the site of the former Marchon works, will be taken forward in the West Whitehaven SPD. In addition, ‘our emphasis on growth and regeneration does not mean that development will be directed exclusively to these priority locations. Development may also be accommodated on other sites consistent with the broader development strategy and settlement hierarchy in Policy ST2</p>
<b>ST4 Providing Infrastructure</b>	<p>The proposal argues that viability issues entail it will not be possible for the applicant to provide contributions to alleviate the demand the development will cause on physical and social infrastructure. As such, the proposal conflicts with Criterion A):</p> <p>“A Development that generates a demand for physical, social or environmental infrastructure will be permitted if the relevant infrastructure is either already in place and has the capacity to meet the additional demand, or there is a reliable mechanism in place to ensure that it will be provided when and where required.</p> <p>Criterion C states that the Council will, until a Community Infrastructure Levy is adopted, apply the following principles in securing developer contributions:</p> <ul style="list-style-type: none"> <li>i) Development proposals should provide, or contribute to the provision of facilities, infrastructure, services, and other environmental and social requirements either on or off site, as is reasonable and necessary to support and mitigate the impact of the development.</li> <li>ii) The nature and scale of any planning requirements sought for this purpose should be related to the type of development, its potential impact upon the surrounding area and in the case of residential proposals, the need for affordable housing. The Council will not seek contributions which would prejudice viability of a development, <b>beyond those which would be necessary to make it acceptable.”</b></li> </ul>
<b>ER4 Land and premises for</b>	<p>The former Marchon site is identified as an Employment Opportunity Site under Saved policy EMP3 of the Copeland Local Plan 2001 - 2016. Employment Opportunity Sites</p>

Policy	Policy Team Comment
<b>Economic Development; DM3 Safeguarding Employment Areas</b>	<p>were identified as being suitable for a wide range of employment uses, or possibly suitable for non-employment use. The policy states:  Areas of land at Whitehaven, Cleator Moor and Egremont have been delineated on the Proposals Map as Employment Opportunity Sites. These areas are being investigated as to their future development potential and contribution they can make to the regeneration strategies in the Borough. Detailed implications and locational issues associated with these sites will be the subject of future planning policy documents as soon as practicably possible. Accompanying text states that The Council and its regeneration partners are committed to seeking outcomes which improve the environment of the former Marchon site and contribute to sustainable regeneration.</p> <p>Policy ER4 states that the Council will identify sites which are better suited to alternative uses. This site is not identified within the Economic Development Needs Assessment as being required to meet the employment needs in the Borough. The Policy Team has therefore supported a mix of uses on the allocated section of the site, not just employment.</p> <p>The emerging Local Plan has taken this thinking further with the northern element of the Marchon site allocated solely for housing, and the southern section identified as an Opportunity Site (OWH13) under policy E6PU in the draft plan, with the approved Woodhouse Colliery the likely employment element for the former Marchon site.</p> <p>The development proposal Includes entire housing allocation HWH5 together with additional land outside the settlement boundary and Employment Opportunity Site to the west of the wagonway.</p> 
<b>ER10 Renaissance through tourism</b>	<p>The land to the west of the wagonway is identified as a tourism opportunity site (ref TOS3) under policy ER10 in which the Council will maximise the potential of tourism in the borough and will seek to:</p> <p>C Support appropriate tourism development which accords with the principles of sustainable development and does not compromise the special qualities and character</p>

Policy	Policy Team Comment
	<p>of allocated Tourism Opportunity Sites, the area surrounding them or public access thereto, in the following locations: i) Hodbarrow ii) Ehen / Keekle Valleys iii) <b>Whitehaven Coastal Fringe</b> iv) Lowca Coastal Area</p> <p>4.11.6 Away from the towns, major Tourism Opportunity Sites will provide for larger-scale tourist activities that may not be possible or appropriate in the urban areas. The Tourism Opportunity Sites will support <b>appropriate, low impact development for the purpose of quiet enjoyment</b>. Development will be expected to relate to the character of the site and wider area. Appropriate development may include activity areas linked by footpaths, cycle routes and landscaping for instance. Some small-scale hard development may be permitted at gateways to the site to facilitate activity in the wider area. The Sites are designed to act as catalysts to boost further tourism infrastructure in the nearby service centres thereby improving the tourism/lifestyle offering and providing valuable economic benefits, safeguarding existing businesses and jobs and creating opportunities for the development of new businesses and employment.</p> <p>The relevant Tourism Opportunity Site here is:</p> <ul style="list-style-type: none"> <li>• Whitehaven Coastal Fringe – the ‘Colourful Coast’: linking Whitehaven Harbour with Haig Pit and St Bees Heritage Coast. Leisure and recreational use not compromising the special qualities and character of the undeveloped coast or public access thereto</li> </ul> <p>The policy emphasizes the low-key nature of any development of this nature and the need to protect the quality and character of the undeveloped coast.</p>
<b>SS2 Sustainable Housing Growth</b>	<p>Seeks densities of over 30 dwellings per hectare, although detailed density requirements determined in relation to the character of the surrounding area, and also seeks to achieve 50% of new housing development on previously developed brownfield land.</p> <p>This has not translated into the new plan; the target of 50% on brownfield land was aspirational and desirable. At the time of writing the Core Strategy Marchon was not identified for housing.</p>
<b>SS3 Housing Needs, Mix and Affordability</b>	<p>Policy SS3 states:</p> <p>Applications for housing development should demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone.</p> <p>A Development proposals will be assessed according to how well they meet the identified needs and aspirations of the Borough’s individual Housing Market Areas as set out in the Strategic Housing Market Assessment, by:</p> <ul style="list-style-type: none"> <li>i Creating a more balanced mix of housing types and tenure within that market area, in line with the evidence provided in the SHMA</li> <li>ii Including a proportion of affordable housing which makes the maximum contribution (consistent with maintaining the viability of the development) to meeting identified needs in that market area</li> <li>iii Establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority and also giving particular attention to the three smaller towns</li> <li>iv Ensuring that housing meets special needs, for example those of older people, where there is a genuine and proven need and demand in a particular locality</li> </ul>

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	<p>v Providing housing for specific groups where there is housing need, including temporary workforce, agricultural workers and key workers</p> <p>It is not clear from the submission how the proposal responds to the needs identified within the Strategic Housing Market Assessment 2019, Housing Needs Assessment 2020 or the SHMA 2021 update, in terms of house type and mix.</p> <p>The SHMA (2021) outlines:</p> <table><tr><th colspan="5">Suggested Mix of Housing by Size and Tenure – Copeland</th></tr><tr><th></th><th>1-bedroom</th><th>2-bedrooms</th><th>3-bedrooms</th><th>4+-bedrooms</th></tr><tr><td>Market</td><td>5%</td><td>35%</td><td>40%</td><td>20%</td></tr><tr><td>Affordable home ownership</td><td>15%</td><td>45%</td><td>35%</td><td>5%</td></tr><tr><td>Affordable housing (rented)</td><td>30%</td><td>40%</td><td>25%</td><td>5%</td></tr></table> <p>However, the Council recognise that viability may inhibit the provision of affordable housing in situations where such provisions would inhibit development. As such, flexibility is provided both within the Core Strategy and the emerging local plan. The Council will not seek to impose a standardised mix. Developers may be required to justify with evidence proposals which do not seek to address identified local needs. In terms of affordable housing lower levels of provision are likely to be accepted on brownfield sites</p>	Suggested Mix of Housing by Size and Tenure – Copeland						1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms	Market	5%	35%	40%	20%	Affordable home ownership	15%	45%	35%	5%	Affordable housing (rented)	30%	40%	25%	5%
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SS5 Provision and Access to Open Space and Green Infrastructure	<p>One could argue that the proposal resonates with Criterion C)</p> <p>“Promoting the establishment, improvement and protection of green infrastructure networks connecting open spaces with each other and with the countryside”</p> <p>This is through the proposed undeveloped space west of the housing itself. Consequently, one could argue that the agricultural land itself is being “opened up” to public use. However, such a position would fail to recognise that multiple public access footpaths – including the England Coastal Footpath, and the Wagon Way itself – already function to provide public access to this section of the St Bees and Whitehaven Heritage Coast; and, importantly, do so without irreversibly damaging the open landscape that facilitates the definition.</p>																									

Policy	Policy Team Comment
	
<b>ENV2 Coastal Management</b>	<p>To reinforce the coastal zones' assets and opportunities this policy makes a distinction between the developed coast and undeveloped coast. Undeveloped coast includes some of Cumbria's best bathing beaches, a significant number of nature conservation and wildlife sites and high-quality landscapes. Phase 1 of the development extending west beyond the Wagon Way projects into what is categorised as undeveloped coast, where the council will:</p> <ul style="list-style-type: none"> <li>B maximise opportunities along the undeveloped coast for tourism and outdoor recreation through support for the northwest coastal trail and colourful coast projects</li> <li>C support the management of more of the undeveloped coast for biodiversity.</li> <li>D support energy generating developments which require a coastal location ..... providing impacts no biodiversity, landscape and heritage assets are carefully assessed against the benefits and can be adequately mitigated and compensated</li> </ul> <p>Supporting text makes clear the importance of conserving and enhancing biodiversity, the landscape and historic assets, and enable opportunities for appropriate outdoor leisure and recreation. Whilst <b>there will be a general restriction on the undeveloped coast</b>, nuclear and renewable energy development proposals may be permitted subject to an assessment of their environmental impacts and benefits.</p>

Policy	Policy Team Comment
	<p>Finally, of particular relevance is criterion E. Development west of the wagonway fails to accord with criterion E which says that development must “Protect the intrinsic qualities of the St Bees Head Heritage Coast in terms of development proposals within or affecting views from the designation. At the same time encourage schemes which assist appropriate access to and interpretation of the Heritage Coast area.” See the Issues section below for more information.</p> <p>The content of this policy is largely replicated in Policy N8 “The Undeveloped Coast” in the new Local Plan</p>
<b>ENV3 Biodiversity and Geodiversity; DM25 Protecting Nature Conservation Sites, Habitats and Species</b>	<p>The application should engage sufficiently with potential ecological impacts.</p> <p>The emerging Local Plan provides a site profile for HWH5, although it should be noted that only some of the site is within HWH5:</p> <p>“Morecambe Bay and Duddon Estuary SPA, Solway Firth SPA, Duddon Estuary Ramsar and Morecambe Bay Ramsar sites - Loss of or Disturbance to Off-Site Supporting Habitats (In Combination)”</p> <p>Alongside:</p> <p>“Affected Protected Site/Species and potential pathway: Solway Firth – water quality (in combination)”</p> <p>The requirements this generates are outlined within Appendix E of the Copeland Local Plan which is currently being consulted on: <a href="#">Copeland Local Plan 2021-2038 - Main Modification Appendices   Copeland Borough Council</a></p>
<b>ENV4 Heritage Assets; DM27 Built Heritage and Archaeology</b>	<p>There are a number of heritage assets in proximity to the site including the Barrowmouth Scheduled Ancient Monument. The Council’s Heritage Impact Assessment identifies that development of the site could cause harm if appropriate mitigation is not put in place.</p> <p>The Council has prepared a Heritage Impact Assessment for HWH5 which states:</p> <p>“Avoid encroaching too far westward within the site. Ensure character of development presented to the west is not overly suburban. The need to conceal development where possible will undoubtedly conflict with a developer's desire to make use of the views (which will, of course, block the views of the houses behind), so this conflict will need addressing using innovation”</p> <p>HWH5 is recognised as one of the most sensitive sites for heritage impact. One should note, the Heritage Impact Assessment only focuses on the impact of HWH5 itself – while the application also includes a large section of land to the west of the site. The heritage impact assessment submitted by the developer indicates no impact on the heritage asset or its setting and it is suggested that this is reviewed by the Council’s Conservation Officer.</p>
<b>ENV5 Protecting and Enhancing the Borough’s Landscapes</b>	<p>Phase 1 of the proposal, due to its extension beyond the Wagon Way, is contrary to criteria a, b and c:</p> <p>“A) Protecting all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area</p>

Policy	Policy Team Comment
	<p>B) Where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site</p> <p>C) Supporting proposals which enhance the value of the Borough's landscapes"</p> <p>Please see comments on landscape in the Issues section below.</p>
<p><b>DM10</b> <b>Achieving</b> <b>Quality of</b> <b>Place</b></p>	<p>Phase 1 of the proposal, due to its extension beyond the Wagon Way, is contrary to Criterion B):</p> <p>"B) Respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through:</p> <ul style="list-style-type: none"> <li>i) An appropriate size and arrangement of development plots</li> <li>ii) The appropriate provision, orientation, proportion, scale and massing of buildings</li> <li>iii) Careful attention to the design of spaces between buildings, including provision for efficient and unobtrusive recycling and waste storage</li> <li>iv) Careful selection and use of building materials which reflects local character and vernacular"</li> </ul> <p>As highlighted throughout, the section of the development west of HWH5 is not appropriate for the landscape, in both locational placement and within questions of design. For these reasons, Phase 1 is also Contrary to Criterion C):</p> <p>"C) Incorporate existing features of interest including landscape, topography, local vernacular styles and building materials; and in doing so, have regard to the maintenance of biodiversity"</p> <p>Utilising the wagon way as the edge for the development would reflect Criterion C, and it is not clear how the proposed extension west of the wagon way can achieve this.</p>
<p><b>DM26</b> <b>Landscaping</b></p>	<p>Phase 1 of the proposal due to its extension westwards beyond the Wagon Way is substantially contrary to this policy. See comments on landscape in the Issues section below.</p>
<p><b>Copeland</b> <b>Localities</b> <b>(Whitehaven)</b> <b>Narrative text</b></p>	<p>ST3 Strategic Regeneration</p> <p>The "Colourful Coast" Project extends the length of the coast from Whitehaven harbour to St Bees and has provided major improvements to the rights of way network and biodiversity through a partnership between the Land Trust, the National Trust, RSPB, Haig Colliery, Natural England, Cumbria County Council and the Borough Council. Projects have been undertaken to improve access, infrastructure, interpretation and public awareness, all designed to improve visitor enjoyment of the coastal fringe strip between the harbour and the Marchon site, especially in relation to the high-quality landscape here and industrial archaeological interest (including the Haig Mining Museum). This whole area has been designated as a Tourism Opportunity Site (ER10) and the approach will be to leave the seaward side open and to protect the views from the Heritage Coast itself, to create new areas of parkland, and to allow some limited redevelopment on the east side, beginning with the area occupied by former offices and labs. Appropriate uses include those associated with tourism such as visitor interpretation facilities, accommodation and conference space, and a small, high quality business park for offices and craft workshops.</p>



One should also note Strategic Objective 16 of the Core Strategy which states: “Conserve and enhance all landscapes in the Borough, with added protection given to the designated St Bees Head Heritage Coast site.”

### **Copeland Local Plan 2021-2038**

#### **Development of the Emerging Local Plan**

The Council is in the final stages of producing the new Local Plan which replaces the Core Strategy. This will cover the period 2021-2038.

The appointed Inspector has considered the submitted Local Plan, all responses received to that Publication Draft of the Plan and all issues raised during the Examination Hearings. She has identified changes to the Local Plan (Main Modifications) that she feels are necessary for the Council to be able to adopt it as a ‘sound’ Local Plan, and in February 2024 the Inspector’s Consultation on Main Modifications was begun.

#### **Weight of Emerging Policies**

The weight emerging policies can be given is determined by:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the National Planning Policy Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Local Plan is at an extremely advanced stage and all policies are considered by the Council to be consistent with the NPPF. The Planning Inspector considers all matters within the Local Plan to be sound, justified, and effective; subject to her proposed modifications, which carry slightly less weight. As such the emerging Local Plan can be considered to be broadly sound, but the weight that can be attached to individual policies will vary depending upon the extent of the change being proposed by a Main Modification and its relevance to the proposal being considered.

#### **Accordance with relevant emerging policies**

The most relevant policies to the application are:


<b>Policy</b>	<b>Policy Team Comments</b>
<b>Strategic Policy DS1 Settlement Hierarchy; Strategic Policy DS2 Settlement Boundaries</b>	<p>The proposal is largely within the settlement boundary of the Principal Town.</p> <p>The area to the west of the Wagon-Way is not within the settlement boundary of Whitehaven.</p> <p>DS2 provides flexibility through considering development beyond the settlement boundary where the following criterion are met:</p> <p>“1) Where the proposal is for housing and;</p>


Policy	Policy Team Comments
(Policy DS4 in the Publication Draft)	<p>a) The site is well related to and directly adjoins an identified settlement boundary of town or Local Service Centre; and</p> <p>b) the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes; and</p> <p>c) the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or</p> <ul style="list-style-type: none"> <li>• there has been previous under-delivery of housing against the requirement for 3 years or more or</li> <li>• the proposal is for a specific type of housing Supported by Policies H15, H16 or H17”</li> </ul> <p>The section of the site beyond the settlement boundary directly adjoins the settlement boundary, and the site can be physically connected to the settlement.</p> <p>However, the Council can demonstrate a 5-year supply of deliverable housing sites, and there has been a substantive over-delivery of housing against the requirement for 3 years or more, and any proposals would still need to be considered against the plan as a whole.</p> <p>Modification MM13 relating to this policy does not propose any substantive change in relation to this planning application and retains significant weight.</p>
<p><b>Strategic Policy DS3 Planning Obligations</b> (Policy DS5 in the Publication Draft)</p>	<p>Due to the scale of the proposed development, the Council would require developer contributions under this policy. This would be necessary to mitigate the impact of the development and make the proposal acceptable.</p> <p>The Council has produced a Transport Improvement Study that sets out key improvements to the highway network that would be required on allocated sites. In addition, education has been highlighted as a potential issue in the broader South West Whitehaven area.</p> <p>However, the viability appraisal provided by the applicant claim that no such contributions are possible. As such, the development substantially fails to satisfy both local and national planning policy.</p>
<p><b>Policy DS4 Design and Development Standards</b> (Policy DS6 in the Publication Draft)</p>	<p>The proposal is contrary to criterion b: “locally distinctive places which are sympathetic to the surrounding context of the built, historic and natural environment and local landscape character”</p> <p>This will be discussed through an analysis of landscape concerns.</p> <p>Modification MM16 does not propose to change criterion b which retains significant weight.</p>
<p><b>Policy DS5 Hard and Soft Landscaping</b> (Policy DS7 in the Publication Draft)</p>	<p>This policy specifies the considerations of what the Council considers to be a necessary Landscaping Scheme:</p> <p>It is unclear how development that extends beyond the wagon way would be in keeping with the character of the area and be well assimilated into the wider surrounding landscape.</p> <p>The Settlement Landscape Character Assessment for the West of Whitehaven explicitly identifies the wagon-way as defining the settlement boundary and:</p>

Policy	Policy Team Comments
	<p>“The coastal landscape, it’s scenic quality and open character are sensitive to encroachment seawards by development.”</p>
<p><b>Policy DS8 Soils, Contaminati on and Land Stability</b> (Policy DS10 in the Publication Draft)</p>	<p>The proposal fails to satisfy the expectations outlined in supporting text engendered by the Inspector’s modification “MM20” which supports Policy DS8:</p> <p>“The Council recognises that developing on brownfield land can be more costly and affect a scheme’s viability. To help with this there is often support and funding available (such as Homes England’s Brownfield Land Fund) to support development on such challenging sites, and the Council would expect applicants to provide evidence illustrating that such opportunities have been fully pursued to ensure developments meet of the policy requirements within this Local Plan”</p> <p>The Council questions the decision by the applicant to refuse to engage with such funding opportunities. In particular, as the costs associated with remediation are currently the justification for requiring development into the St Bees and Whitehaven Heritage Coast.</p>
<p><b>Strategic Policy E6 Opportunity Sites</b></p>	<p>The proposal shares a southern boundary with the Marchon Opportunity Site.</p>
<p><b>Strategic Policy H1 Improving the Housing Offer; Strategic Policy H2 Housing Requirement ; Strategic Policy H3 Housing delivery; Strategic Policy H4 Distribution of Housing</b></p>	<p>The proposal is for a scheme through which to deliver housing on housing allocation HWH5.</p> <p>The housing trajectory outlines that from HWH5 is expected to provide 35 houses per annum from 27/28. This will total 325 overall throughout the plan period.</p> <p>However, even if these figures were removed, the Council would still have a sufficient amount of housing provision for its housing requirement; especially considering the recent approval of Harras Moor for 370 homes in Whitehaven.</p> <p>“It must be noted however that, whilst all sites are considered to be deliverable, they may not all be delivered. Allocating over and above the highest target allows for flexibility and helps improve the range and choice of housing in the borough. The actual delivery rate will depend upon a number of factors including market forces and demand, wider economic signals and the progress with local projects affecting the growth scenarios, and capacity within the sector locally.” <b>Appendix 5 – Updated Local Plan Appendix E: Housing Trajectory (Main Modification MM135)</b></p>
<p><b>Strategic Policy H5 Housing Allocations</b></p>	<p>The proposal covers housing allocation HWH5, but also extends beyond its boundary and the settlement boundary, leading to concerns that the development to the west of the wagon way would cause unacceptable harm to the St Bees and Whitehaven Heritage Coast. The allocation boundary was originally drawn to avoid such unacceptable impacts. Whilst it may provide a means through which to deliver housing on HWH5, there are also concerns that the proposed phasing scheme would lead to piecemeal development outside the allocated area if phase 1 is brought forward first.</p> <p>The boundary for housing allocation HWH5 is not proposed for change in the Inspector’s Main Modifications and can be afforded significant weight.</p>
<p><b>Policy H6 New Housing Developmen t</b></p>	<p>The proposal does not accord with criterion A or B:</p> <p>“Proposals for housing development on allocated and windfall sites will be supported in principle providing that the following criteria are met:</p>

Policy	Policy Team Comments
	<p>a) The design, layout, scale and appearance of the development is appropriate to the locality.</p> <p>b) Development proposals clearly demonstrate that consideration has been given to surrounding natural, cultural and historical assets and local landscape character (including the impact upon the setting of the Lake District National Park and the Heritage Coast and its setting where appropriate)”</p> <p>As will be discussed later, the scheme is not appropriate for the locality and does not successfully mitigate the irreversible harm it proposes to the St Bees and Whitehaven Heritage Coast.</p> <p>The criteria in this policy have not been modified and carry significant weight.</p>
<b>Policy H7 Housing Density and Mix</b>	<p>The proposal does not align with the requirements of the SHMA, as discussed earlier, however the Council recognises that flexibility is needed in circumstances where viability concerns inhibit the delivery of SHMA led housing mix.</p> <p>Policy H7PU: Housing Density and Mix Developments should make the most effective use of land <b>and reuse previously developed land where possible</b> (MM68). When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site.</p>
<b>Strategic Policy H8 Affordable Housing</b>	<p>The policy requires at least 10% of units to be affordable and identifies the appropriate tenure split. This is due to the identified need within the Whitehaven area.</p> <p>The applicant has argued that it is not possible to provide any affordable housing. A viability assessment has been provided to justify this position. However, its findings conflict with those used to underpin the Copeland Local Plan. This document – the VA2 – found that an alternative housing mix could render HWH5 viable. One should note, the applicant includes a large degree of uncontaminated land within the site; as such, one can assume the viability is further improved from the situation outlined in the updated viability assessment for the emerging Local Plan VA2.</p>

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However, to the Council’s knowledge, the applicant has not engaged with any such options that would provide further improvements to viability.</p>	Settlement	Ref	Address	Capacity	Density	Original Mix			Alternative Mix			Site Coverage (sf/acre)	No Affordable	10% Affordable	Site Coverage (sf/acre)	No Affordable	10% Affordable	Whitehaven	HWH1	Land at West Cumberland Hospital	127	32	12,570	-£12,176	-£16,271	13,693	-£7,974	-£12,201	Whitehaven	HWH2	Red Lonning and Harras Moor	370	30	11,799	£12,540	£8,607	12,869	£17,699	£13,420	Whitehaven	HWH4	Land south and west of St Mary's School	60	33	13,000	£10,610	£5,510	14,165	£13,474	£8,156	Whitehaven	HWH5	Former Marchon Site North	532	36	14,183	-£3,619	-£7,494	15,458	£505	-£3,517	Cleator Moor	HCM1	Land at Jacktrees Road	127	33	12,963	£2,673	-£3,117	14,120	£7,255	£1,128	Cleator Moor	HCM2	Land north of Dent Road	96	30	11,821	£2,959	-£1,386	12,924	£7,744	£3,035	Cleator Moor	HCM3	Former Ehenside School	40	38	14,970	-£5,693	-£8,947	16,311	-£2,259	-£6,256	Egremont	HEG1	Land north of Ashlea Road	108	30	11,815	£3,298	-£1,803	12,856	£8,149	£2,664	Egremont	HEG2	Land at Gulleys Flatts	170	33	13,025	£9,165	£5,149	14,216	£13,946	£9,696	Egremont	HEG3	Land to south of Daleview Gardens	141	30	11,814	£5,611	£1,709	12,865	£10,340	£6,134	Millom	HMI1	Land west of Grammerscroft	107	33	12,956	£348	-£3,569	14,112	£4,895	£668	Millom	HMI2	Moor Farm	195	33	13,006	-£589	-£4,569	14,174	£3,848	-£562	Arlecdon	HAR1	Land East of Arlecdon Road	37	30	11,805	£256	-£3,782	12,897	£4,787	£496	Distington	HDI1	Land south of Prospect Works	30	30	11,945	-£5,748	-£9,722	13,139	-£1,265	-£5,543	Distington	HDI2	Land south west of Rectory Place	30	35	13,936	-£18,710	-£22,425	15,329	-£15,299	-£19,281
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Strategic Policy SC1 Health and Wellbeing	<p>The proposal fails to take many of the opportunities identified within this policy.</p> <p>In addition, it jeopardises these strategic aims through a failure to provide appropriate contributions to support health and active travel.</p>																																																																																																																																																																																						
Strategic Policy N1 Conserving and Enhancing Biodiversity and Geodiversity	<p>The now superseded The Extended Phase 1 Habitat Survey submitted (Para 4.7) states that “Further assessment of the potential impacts upon the SSSI will be required, once the details of the proposed development are finalised”.</p> <p>Please see previous discussion of outlined requirements through ENV3.</p>																																																																																																																																																																																						
Strategic Policy N3 Biodiversity Net Gain	<p>N3 requires a 10% Net-Gain in Biodiversity from development. The application has provided an assessment which suggests this is the case.</p>																																																																																																																																																																																						
Strategic Policy N6 Landscape Protection	<p>The proposal is contrary to criteria b, c and d as the proposal neither conserves or enhances the distinctive characteristics of the Heritage Coast. Nor does the layout appear to take the opportunities available to better define the settlement edge as identified in the SLCA as it erodes a clear and existing development edge which strongly defines the character. With regards to criterion d, the LVIA submitted does identify some harm (some of which is moderate to significant) but then appears to say that as the harm is “localised and limited”. The benefits of phase 1 of the proposal as it stands, do not outweigh this harm. This is discussed further in the Issues section below.</p> <p>There have been no substantive modifications to these criteria which retain significant weight.</p>																																																																																																																																																																																						

Policy	Policy Team Comments
<b>Strategic Policy N7 St Bees and Whitehaven Heritage Coast</b>	<p>The proposal is contrary to this policy as it neither conserves, protects or enhances the Heritage Coast and its setting. This is discussed further in the Issues section below.</p> <p>One could argue that the agricultural land itself is being “opened up” to public use, and so is facilitating access and understanding to the Heritage Coast. However, such a position would fail to recognise that multiple public access footpaths – including the English Coastal Footpath, and the Wagon Way itself – already function to provide public access to this section of the St Bees and Whitehaven Heritage Coast; and, importantly, do so without irreversibly damaging the landscape that facilitates the definition.</p> <p>Whilst the policy has been modified as part of MM99 and the additional supporting text outlined in MM98, the principle of the St Bees and Whitehaven Heritage Coast remains, along with the assertion that inappropriate development includes major development.</p> 
<b>Strategic Policy N8 The Undeveloped Coast</b>	<p>Land to the west of the wagonway is identified as ‘undeveloped coast’ in the draft plan, reflecting existing policy in the Copeland Local Plan 2013-2028.</p> <p>The proposal is contrary to this policy which states</p>

Policy	Policy Team Comments
	<p>“The Council will ensure that the landscape character of the undeveloped coast is maintained by conserving the intrinsic qualities, natural beauty and open character of the undeveloped coast from inappropriate development. Inappropriate development includes that which affects views within or towards/from the St Bees and Whitehaven Heritage Coast.”</p>  <p>     ■ Moor Side/Cumbria Clean Energy Park (Policy 1)      — St Bees and Whitehaven Heritage Coast (Policy N8)      ■ Developed Coast (Policy T2)      ■ Undeveloped Coast (Policy N8)      ■ Frontiers of the Roman Empire (Hadrian's Wall)      ■ The English Lake District World Heritage Site (Policy N1)      ■ Whitehaven Relief Road Indicative Route (Policy T1)   </p> <p>The applicant has provided a degree of wildflower planting, and the provision of additional footpaths. However, as previously stated, there are already multiple footpath access to this section of the Heritage Coast.</p> <p>In addition, the provision of wildflowers does not fall into the category of “Development which supports the <b>management</b> of biodiversity.”. In addition, while the wildflowers are to be welcomed, the Council would highlight that the minimal positive bonus accrued by biodiversity would come at the cost of the Heritage Coast definition status itself.</p> <p>This policy has not been modified and carries significant weight.</p>
<b>Strategic Policy BE1 Heritage Assets &amp; BE2 Designated Heritage Assets</b>	<p>Requires that Heritage assets and their setting will be preserved and enhanced</p> <p>There are a number of heritage assets in proximity to the site including the Barrowmouth Scheduled Ancient Monument. The Council’s Heritage Impact Assessment identifies that development of the allocated site could cause harm if appropriate mitigation is not put in place.</p> <p>The Council has prepared a Heritage Impact Assessment for HWH5 which states:</p> <p>“Avoid encroaching too far westward within the site. Ensure character of development presented to the west is not overly suburban. The need to conceal development where possible will undoubtedly conflict with a developer's desire to make use of the views</p>

Policy	Policy Team Comments
	(which will, of course, block the views of the houses behind), so this conflict will need addressing using innovation”  HWH5 is recognised as one of the most sensitive sites for heritage impact. One should note, the HIA only focuses on the impact of HWH5 itself – while the application also includes a large section of land to the west of the site. As such, it is reasonable to assume the impact is more substantive.
<b>N3 Biodiversity Net Gain</b>	Requirement for 10% BNG over and above existing site levels and applicants must provide a gain plan

Consideration also needs to be given to these Strategic Objectives of the Copeland Local Plan:

Landscapes and Built Heritage:

“Conserve and enhance all landscapes and built heritage within the borough, attaching great weight to improving the setting of the Lake District National Park and the St Bees Head and Whitehaven Heritage Coast, in addition to the many places and buildings of historical, cultural and archaeological importance and their settings.”

High Quality Design:

High Quality Design Support development that meets the highest possible standards in terms of sustainable design and construction, energy efficiency, provision for biodiversity, safety, security and accessibility. Support development that relates well to the existing built environment, enhances the public realm, protects amenity and creates quality places.

Strategic Development:

Focus major development in Whitehaven, and encourage complementary and additional development in Cleator Moor, Millom and Egremont and in Local Service Centres and Sustainable Villages where opportunities exist, in line with strategic infrastructure provision and environmental capacity (our emphasis).

**NPPF**

At the heart of the NPPF is a presumption in favour of sustainable development, this means that proposals that accord with an up-to-date development plan should be approved without delay. Whilst the proposal supports the Government objective of boosting the housing land supply, the Policy Team feel that the proposal does not represent sustainable development when taking into account NPPF objectives.

Paragraph 178 states that: *Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.*

The Policy Team feel that insufficient consideration has been given to the special character of the Heritage Coast and the impacts upon the Heritage Coast are discussed further below.



## **Discussion of Key Issues**

### ***Housing Land Supply***

The Council produced a Five-Year Housing Land Supply Statement in November 2020. This demonstrated that, at that time, the Council could identify a 6.35 year supply against the annual housing requirement of 2019 SHMA and a 55 year supply based on the need figure set out in the Government's standard methodology.

An update to this document was produced in January 2022 with a baseline of March 2021. This identifies an 86 year housing land supply against the Government's standard method figure and a 5.6 year supply against the emerging Local Plan housing requirement.

An update to this document was produced in February 2023. This identifies 191 year housing land supply against the Government's standard method figure and a 7.1 year supply with the Copeland 2021 SHMA figure (in addition to a 10% buffer).

The Council views HWH5 as an important allocation for ensuring this robust five-year land supply is maintained. However, as outlined in the Housing Trajectory, it is not expected to deliver until the later stages of the Local Plan. As such, the immediate delivery of a flawed scheme on HWH5 (which expands into critically sensitive land) is not required to ensure the sustainable delivery of housing within the Copeland plan area.

Given this, the Council is confident that its housing policies are not out of date, unless they no longer accord with the NPPF or as set out above.

### ***Landscape***

Part of the application site (phase 1) extends beyond the Wagon Way to the west, into an agricultural field that forms an important, green landscape buffer between the Wagon Way and the cliff edge. This area forms part of the setting of the St Bees Heritage Coast. The St Bees Heritage Coast is the only area of Heritage Coast in the North West of England. The Heritage Coast definition sits alongside a number of designations including a Marine Conservation Zone, Sites of Special Scientific Interest and Scheduled Ancient Monuments. This combination of features gives the area a unique set of qualities and character.

The land to the west of the wagon way also forms part of a proposed extension area to the Heritage Coast. The extension area was informed by a report produced by Land Use Consultants<sup>1</sup> in 2016 and the Heritage Coast extension it informed was approved by full Council in April 2019. A public consultation was carried out where 95% of respondents highlighted their support for the extension and creation of the St Bees to Whitehaven Heritage Coast. Further information can be found in the following report to Full Council: <https://copeland.moderngov.co.uk/documents/s7909/Report%20-%20Proposed%20Extension%20to%20St%20Bees%20Head%20Heritage%20Coast.pdf>. Following Council's approval, a formal submission was made to Natural England to jointly define the extended Heritage Coast and the Council's commitment to taking this forward is set out within the Local Plan Publication Draft. The Council is currently formalising the definition with Natural England.

The Policy Team feels that the planning application does not contain sufficient robust evidence to justify the need for the development to extend into the proposed Heritage Coast extension area, and likewise that the proposed benefits of the development are not substantive enough to justify this irreversible harm to a recognised landscape of national significance.

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<sup>1</sup> <http://solwayfirthpartnership.co.uk/wp-content/uploads/2018/09/170110-St-Bees-Heritage-Coast-Extension-FINAL.pdf>

## Landscape Value

The value of the landscape to the west of the Wagon Way, which forms part of the phase 1 site, is recognised in the Council's Settlement Landscape Character Assessment (SLCA) 2022, the LUC report referred to above (particularly section 8) and the applicant's own Landscape and Visual Impact Assessment (LVIA).

The key paragraphs relating to the phase 1 and surrounding area are referred to below:

<b>SLCA 2021</b>	
Part 3, Page 34	<i>"The coastal landscape, it's scenic quality and open character are sensitive to encroachment seawards by development. The separate identity of Sandwith, the character of the coastal sandstone downs and the characteristics of the Heritage Coast are sensitive to development beyond the high ground to the south and west of Marchon."</i>
Part 3 Page 35	The area is identified as part of a wider area of Strategic Green Infrastructure: <i>"Prominent coastal strip maintain the undeveloped coastal character and defines the boundary of the undeveloped edge of Whitehaven."</i>

<b>LUC Report (to consider the extension to the Heritage Coast)</b>	
Page 41	<p><i>"A substantial part of the Kells Farmland can be described as "a coastline of exceptionally fine scenic quality", particularly the arable fields on the west side of the Wagon way footpath which are connected to the sea, both visually and through experiential qualities."</i></p> <p><i>"It is recommended that the fields west of the Wagon way footpath should be included, as they have a valuable coastal character linked to the cliffs. It is recommended that the boundary should follow the existing Wagon way footpath along the back of housing in Kells. This is a definite boundary, noting that there is no other equivalent feature on the ground to follow to the west closer to the cliffs. It is also undeniable that not including these fields would mean that some intrinsic, contiguous and vital parts of the coast would not be included in the extended Heritage Coast. This boundary would also allow the whole area of arable fields to be effectively managed for Heritage Coast objectives."</i></p>

<b>Applicant's LVIA</b>	
Paragraph 4.16	<i>The site is located in Area of Local Character (AoLC) 4i Coastal Urban Fringe Cliffs. The CLSS considers this AoLC to have capacity to accommodate small scale development to help define the urban edge but otherwise little capacity for development without causing change to landscape qualities of openness. The objective of a management strategy for the AoLC is to manage, enhance and restore the landscape.</i>
8.3	<i>To the west of Wagon Way, the site extends onto two gently sloping arable fields which extend to the clifftop. The site has an exposed and windswept character and the sea is visible to the west.</i>
5.35	<i>Substantial parts of the Kells Farmland can be described as 'a coastline of exceptionally fine scenic quality', particularly the arable fields on the west</i>

Applicant's LVIA	
	<i>side of the Wagon Way footpath, which are an important part of the coastal landscape having a valuable coastal character linked to the cliffs. Fields to the east of the footpath have stronger urban fringe characteristics.</i>

### *Landscape Harm*

The LVIA, particularly Table 5, identifies that the proposal will cause landscape and visual harm, some of which is moderate to substantial.

However, it then states in paragraph 8.9 that *"In summary, substantial-moderate and negative visual effects would be localised and limited to a small number of residents at home at Waters Edge and moderate and negative effects on landscape character would be localised and limited."* Given the significance and the national importance of the Heritage Coast, is it right to assume that the irreversible harm engendered by development west of the wagon-way is acceptable because negative effects are localised and limited? In addition, it seems unlikely that the harm would not also affect users of the Wagon Way and the Coastal Path.

### *Alternative Heritage Coast extension boundaries*

The eastern boundary of the proposed Heritage Coast extension is the Wagon Way which is a clear, definitive feature on the landscape. This is recognised in the SLCA (page 35) which identifies the area to the east of the Wagon Way and within the settlement boundary as an *"opportunity for development to define the settlement edge."*

The applicant's LVIA (paragraphs 7.15 and 7.16) recognises LUC's *Review of the defined area of St Bees Heritage Coast* recommendation that the boundary for the Heritage Coast should be the wagon way footpath in the absence of any equivalent feature to the west of the wagon way, but then seems to suggest that there is a natural break in the slope which runs north to south which could be used as an alternative boundary to the Heritage Coast extension. This is however less of an obvious and less defined feature within the landscape, that was not recognised by LUC, and would not form an appropriate alternative boundary as it would introduce housing on both sides of the Wagon Way. This would change the character of the route, preventing open views towards the sea for users and altering how they would experience the existing Heritage Coast.

### *Design and Layout*

Development beyond the Wagon Way, particularly one with hard linear edges as proposed, would create an unnatural and incongruous edge to the settlement in this area, protruding further west than surrounding development into the greenfield coastal strip. It would also cause irreversible harm to the cultural feature of the Wagon Way and its setting.

### **Summary**

The Policy Team supports the development of the former Marchon site, which is allocated in the emerging Local Plan for housing, in principle. However, we object to phase 1 of the development, for the reasons set out above which can be summarised as follows:

- Phase 1 development is not consistent with the housing allocation (HWH5) in the emerging Local Plan and is contrary to several other saved and emerging Local Plan policies.

- Development beyond the Wagon Way would result in unacceptable harm to landscape character as identified in the SLCA, LUC report and LVIA.
- Phase 1 development is not consistent with the special character of the St Bees and Whitehaven Heritage Coast area and the importance of conserving it and would therefore be contrary to NPPF Paragraph 178.
- Phase 1 development would cause irreversible harm to the Heritage Coast extension in such a way that risks affecting the integrity of the whole extension area to such an extent that it may no longer be able to be defined and lost as Heritage Coast. This would go against the earlier Council decision to formally define the St Bees and Whitehaven Heritage Coast with the Wagon Way as its eastern boundary.
- The layout of the development, due to its hard linear edges and extension towards the sea cliffs is not considered appropriate to this sensitive location.
- The development fails to take the opportunities available to create a more sustainable development, for example through the provision of electric vehicle charging points etc and evidence has been provided to demonstrate that this would make the proposal unviable.
- The development fails to provide to hard and soft infrastructure.
- The applicant has failed to evidence engagement with Homes England and brownfield funding opportunities which would improve the viability of the scheme and alleviate the requirement to develop land outside of the HWH5 housing allocation.