



The Planning Inspectorate

Report to Carlisle City Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO CARLISLE DISTRICT

LOCAL PLAN

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Examination hearings held between 1-3 December 2015 and 19 and 20 January 2016

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Abbreviations Used in this Report

AA	Appropriate Assessment
AHEVA	Affordable Housing Economic Viability Assessment
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
ATLAS	Homes and Communities Agency's Advisory Team for Large Applications
CCDF	City Centre Development Framework
CDLP	Carlisle District Local Plan
CIL	Community Infrastructure Levy
CNDR	Carlisle North Distributor Road
DPD	Development Plan Document
DtC	Duty to Co-operate
FPC	Further Proposed Change
GTAA	Gypsy and Traveller Accommodation Assessment
HMA	Housing Market Area
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
NPPG	National Planning Practise Guidance
OAN	Objectively Assessed Need
ONS	Office for National Statistics
PPTS	Planning Policy for Traveller Sites
PSA	Primary Shopping Area
RSS	Regional Spatial Strategy (North West)
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SES	Strategic Employment Site
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SUDs	Sustainable Urban Drainage Systems
WHS	World Heritage Site
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Carlisle District Local Plan provides an appropriate basis for the planning of the District, providing a number of modifications are made to the plan. Carlisle City Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Correction to overall minimum housing requirement figure to reflect evidence base date;
- Modified annual housing requirement based on stepped approach to inform monitoring and five year housing land supply calculations, together with revised housing trajectory to provide most up-to-date position;
- Provision for Carlisle South to be developed prior to 2025;
- Inclusion of clearly set out requirements, design constraints and limitations that will need to be considered in relation to individual housing allocations;
- Changes to wind power development and housing standard policies to reflect written ministerial statements from the Secretary of State for Communities and Local Government;
- Allocation of transit pitches for gypsies and travellers.
- Provision of monitoring indicators that clearly indicate how the effectiveness of policies to deliver the development required will be monitored, together with appropriate triggers for intervention and the action to be taken.

Introduction

1. This report contains my assessment of the Carlisle District Local Plan (CDLP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC), in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (June 2015) which is the same as the document published for consultation in March 2015.
3. My report deals with the main modifications that are needed to make the Local Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with Section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were either broadly agreed through representations and Statements of Common Ground or discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.
5. The Council is required to maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is then required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the local plan. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation as part of the Schedule of Modifications [EL4.001] (identified as MM81 – MM87) but are nevertheless not included in the appendix of main modifications necessary for soundness. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the CDLP and those further changes.

Assessment of Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
7. The Council has prepared a 'Duty to Co-operate Statement' [SD 008] which summaries how the Council has co-operated with other local planning authorities (LPAs) and with the additional bodies prescribed in Regulation 4 of the 2012 Act.
8. The Council has actively engaged with all the neighbouring authorities and Cumbria County Council during the preparation of the CDLP. The level of involvement with the different authorities has varied according to the issues raised. Details of a range of meetings, discussions and other means of communication are set out in detail in SD 008.
9. A notable cross boundary strategic issue is the Hadrian's Wall World Heritage Site (WHS) which traverses the local planning authority areas of Northumberland, Carlisle and Allerdale. The respective policies within the Carlisle, Northumberland and Allerdale Local Plans which relate to the WHS all have the common aim of preserving the outstanding universal value of the site. These policies were derived in part from cross boundary co-operation, and in part from the provisions of the Hadrian's Wall WHS Management Plan, the aims and objectives of which seek the conservation, preservation and management of the outstanding universal value of the WHS, and to protect this value through local plan policies.
10. There are two Areas of Outstanding Natural Beauty (AONB) within the District, (the North Pennines and the Solway Coast). Both AONBs are managed by Partnerships which are part funded by the Council. The adjoining authorities (Allerdale, Eden and Northumberland) and Cumbria County Council have worked with Carlisle City Council to ensure complementary protective policies for these assets are included within their respective local plans.
11. It is clear that there are no strategic cross boundary issues that need to be resolved. There has been positive and constructive engagement with surrounding authorities.
12. In addition to the neighbouring authorities, all other relevant bodies have been engaged in the process. The precise details of that engagement is set out in SD 008, demonstrating that the Council has engaged constructively, actively and on an on-going basis.
13. Taking the CDLP as a whole, I conclude that the Council has complied with the duty to co-operate imposed on them in relation to the Plan's preparation.

Assessment of Soundness

14. Following the introduction of the NPPF (27 March 2012) the Council embarked on the production of a single Local Plan which includes strategic policies, site allocations and development management policies. A Preferred Option consultation took place between 29 July and 16 September 2013 with a Stage

Two consultation between 10 March 2014 and 4 April 2014. Consultation on the proposed submission draft of the Carlisle District Local Plan 2015 – 2030, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, commenced on the 4th March 2015.

15. The Statement of Community Involvement (SCI) [SD 010] was adopted by the Council in July 2013. It sets out the framework which identifies how and when the Council will consult in the preparation of the CDLP. Details of the consultation undertaken in relation to the submitted plan are set out in the Council's Consultation Statement [SD 007]. The preparation of the CDLP has followed the principles established in the SCI.
16. The CDLP has been subject to Sustainability Appraisal (SA) [SD 003] throughout its preparation up to the time of the hearing sessions. The Council's evidence base demonstrates that different options and alternatives have been addressed at all the relevant stages. At each stage of its development the emerging CDLP policies were assessed against SA objectives, to determine the likely effects of the policies and any reasonable alternatives. The SA was subject to consultation in the same way as the CDLP. The conclusion of the SA is that the CDLP is robust in terms of its sustainability and that its policies provide certainty and clarity. The main modifications have also been subject to SA [EL4.002]. Therefore the CDLP has been subject to an adequate SA.
17. Similar conclusions apply in respect of the work carried out in relation to the Habitats Regulations Assessment (HRA) [SD005 & EL4.003]. Taking into account the advice from relevant consultees, in particular Natural England and the Environment Agency, I consider that the plan has been subject to a legally compliant and adequate HRA.

Main Issues

18. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified eleven main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the overall spatial strategy is soundly based

19. The Local Plan contains a number of strategic policies aimed at achieving the Spatial Vision and associated objectives for Carlisle (Chapter 2). The Spatial Vision seeks to successfully assert Carlisle's position as a centre for activity and prosperity, as the capital and economic engine for the region. This is to be achieved by ensuring Carlisle District is seen as an attractive place to visit, live, work, invest and remain. This is a clear and appropriate vision.
20. The vision is underpinned by a number of Strategic Objectives, the first of which sets out the overall Spatial Strategy and Strategic Policies objective. This reflects the social, economic and environmental strands of sustainable development set out in the NPPF. In brief, it seeks to promote a sustainable pattern of development, which will contribute to building a strong, responsive and competitive economy; to support strong, vibrant and healthy communities by meeting the housing needs of present and future generations; and to contribute to protecting and enhancing the natural built and historic environment. This is further supported by Policy SP1 'Sustainable

Development' that reinforces a positive approach to the consideration of development proposals that reflects the presumption in favour of sustainable development set out in the NPPF.

21. The remaining objectives correspond to the subsequent chapters in the CDLP covering the key areas of economy, housing, infrastructure, climate change and flood risk, health, education and community, the historic environment and green infrastructure.
22. The need to protect and further enhance Carlisle's strategic connectivity has been identified as critical in supporting not only the District's growth aspirations but also those of the County. This is echoed in the Cumbria LEP and the Cumbria Local Transport Plan. In order to facilitate the levels of growth set out in the CDLP, interventions identified through the Infrastructure Delivery Plan (IDP) will be prioritised. No safeguarding of land is considered essential at this time but this is to be monitored and if necessary achieved through a partial review of the plan.
23. Carlisle is a district rich in heritage including Hadrian's Wall WHS, which is central to its attractiveness as a tourist location and the area's economy. The need to protect heritage whilst supporting economic growth is recognised throughout the CDLP as is the importance of tourism as a generator of economic prosperity and employment in the District.
24. In addition to two AONBs there are a network of ecologically important rivers, becks and burns. The River Eden and its tributaries are of international importance for their biodiversity, being designated as both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). Carlisle has a range of other sites of European nature conservation importance including the Upper Solway Flats and Marshes Ramsar site and Special Protection Area (SPA), the Solway Firth (SAC), the Irthinghead Mires Ramsar site and the North Pennine Moors (SPA).
25. In December 2015 Cumbria and Lancashire experienced the impact of storm Desmond and subsequent heavy rainfall, with widespread, and in some cases destructive, flooding. Urban centres, including Carlisle were affected and recently constructed flood defences were overtopped by the unprecedented magnitude of the event. It is understood that the flood outline in most areas was more extensive than the Flood Zone 3 outline. The Environment Agency is currently involved in a post flood evidence and data gathering exercise. This will enable them to revise their knowledge of flood risk across the area to help validate, improve existing flood modelling studies and inform future decision making. However this exercise is still ongoing and so cannot be fed into the evidence supporting the CDLP. Nevertheless, the actual impact on particular sites is addressed in this report.
26. Overall, the strategic objectives are consistent with those set out in national policy within the local context of Carlisle District and provide a positive structure for the strategic policies.

Issue 2 – Whether the approach to the provision of housing is positively prepared, justified, effective and consistent with national policy.

27. The Council's evidence demonstrates that Carlisle has relatively high levels of self-containment when looking at either migration or travel to work. The identification of the administrative boundary as representing a single strategic housing market area is therefore justified. There is no evidence of unmet need from other local authorities needing to be accommodated in Carlisle. The Strategic Housing Market Assessment (SHMA) September 2014 Update (EB002) methodology follows the requirements of the NPPF and the more recent (March 2014) Government advice about assessing housing and economic development needs. In accordance with the National Planning Practice Guidance (NPPG) the latest population and household projections were the starting point for the analysis before considering whether any upward adjustment to housing provision is required.
28. The SHMA Update considers in detail housing market dynamics and market signals. It concludes, that a departure and upwards adjustment from national projections is both necessary and appropriate in Carlisle's circumstances. Overall the analysis suggests a housing need in the range of about 480 and 565 dwellings per annum based on demographic projections and Experian job growth forecasts respectively, moving forward from a 2013 base date. The higher figure equates to 9606 new dwellings to 2030. I am satisfied that the SHMA provides a robust and justified evidence base for the plan's housing provisions.
29. Whilst the submitted plan adopts the higher annualised figure as the housing requirement, a reduced overall requirement figure of 8475 is specified which reflects the later start date of the Plan. However, this approach fails to take into account any shortfall of supply from 2013 to 2015. Accordingly, a main modification is required to ensure the housing requirement in the CDLP aligns with the base date and evidence of the SHMA, that being an overall requirement of 9606 new dwellings between 2013 and 2030 (**MMO1** and **MMO3**). With this modification to Policy SP2 and the supporting text, the overall housing requirement figure, to be expressed as a minimum, will meet the objectively assessed housing needs of the area over the plan period and is consistent with the NPPF and the Government's aims to boost housing supply.

Housing distribution

30. The submitted plan makes provision for the approximate spatial distribution of 70% new housing in urban areas and 30% in rural areas. This broadly corresponds with the housing distribution that has occurred over the last 10 years - 72% of housing built within the District has been within the urban area and 28% in the rural area. This spatial distribution arose from two main factors. Firstly, the response to consultations which identified a desire to allow more housing in the rural areas than the 20% set out in the previous plan, thereby freeing certain settlements from a 'sustainability trap', and secondly, the actual population split within the District between the City of Carlisle and the rural area, which has remained at approximately 70/30.
31. This distribution is also supported through the process of the Sustainability Appraisal (SA) [SD 003]. Three distribution options were initially identified at

the outset of the plan making process but the option carried forward in to the submitted plan was appraised as having the potential to address more comprehensively the broad range of economic, social and environmental issues facing the District. It is important to note that this approach takes account of the number of larger settlements and market towns within the rural area, with a good range of facilities and services, and therefore the capacity to accommodate further development.

32. Furthermore the 2011 Housing Need and Demand Study [EB 003] sets out at paragraph 11.21 that the demographics of the District identified that two thirds of the need/demand is within the urban area and the remaining third is in the rural areas. The 2014 SHMA update [EB 002] at paragraph 3.54 also identifies that the demographic projection outputs support the proposed housing distribution in the Plan.
33. This is considered the most appropriate strategy as not only is the urban area where the majority of the housing needs arise but it also reflects a desire to enhance the City's role as a sub-regional centre. Specific allocations have been identified within the Plan to contribute, alongside existing commitments and a modest allowance for windfall, to meeting the majority of growth required in the plan period on the basis of an approximate 70/30 split. The Council has clarified that this is to be regarded as an approximate figure and that development within but also on the edge of the City of Carlisle would contribute towards the urban percentage. For the reasons given below, development at Carlisle South would not be included for the purposes of calculating and monitoring whether or not this is being achieved. Main modifications to reflect this are required to ensure this is clear so that the plan is flexible, positively prepared and will be effective (**MM02** and **MM05**).

Carlisle South

34. Policy SP3 of the Plan identifies land to the south of Carlisle as a broad location for housing led growth. Carlisle South is a long term growth aspiration with the potential to deliver some 10k residential units alongside considerable additional employment development. The Plan as submitted includes provisions for Carlisle South to commence delivery from 2025 onwards, in the latter years of the plan period and following the preparation of a masterplan to guide development. A key objective of masterplanning will be to develop a clear understanding of the required infrastructure to support development at the location and to ensure that a robust delivery strategy is in place. This is currently reflected in Policy SP3. This masterplan is to be approved as a Development Plan Document (DPD).
35. The Council has been successful in securing capacity funding as part of the Government's Large Sites Infrastructure Programme in order to progress with key evidence base studies and initial masterplanning. A successful bid was also made through the same programme to secure support from ATLAS (the Homes and Communities Agency's Advisory Team for Large Applications) in order to assist the Council in the initial stages to actively bring Carlisle South forward. This will accelerate the planning for Carlisle South alongside the Local Plan thereby helping to underpin Policy SP 3 and also provide greater certainty to landowners and developers in regard to the scale and location of development opportunities and also the likely infrastructure requirements.

Work has also been jointly commissioned by Carlisle City Council and Cumbria County Council to undertake a feasibility study into the alignment options for a link road that will provide a vital connection into Carlisle South and will also link with the existing Carlisle Northern Development Route (CNDR). Policy SP5 confirms that opportunities will be taken to develop a southern link road linking junction 42 of the M6 with the southern end of the A689 as part of developing the broad location of Carlisle South.

36. Policy SP 3 commits the Council to progressing masterplanning work on the site in the short-term, a further commitment to which is contained within the Council's published Local Development Scheme (LDS) [SD 009] (which envisages work commencing on a separate DPD in January 2016). Statement EL1.005c sets out that preliminary work on this subsequent plan had already commenced at that time in the form of evidence gathering, and that such efforts are being supported by ATLAS and aided by the receipt of external funding.
37. Some representors consider that policies relevant to Carlisle South should facilitate development earlier than 2025 provided that any proposals would not prejudice the delivery of the site as a whole, including the infrastructure required. This was acknowledged by the Council. Ultimately the degree of flexibility will only become apparent as an outcome of the masterplanning process. The completion of the masterplan is considered a legitimate prerequisite to any development being brought forward to ensure a comprehensive and coordinated approach to the delivery of sustainable growth. It will be the outcomes of the subsequent DPD which properly informs the release and phasing of Carlisle South.
38. Given the work that has commenced, it is considered that the timescales for the adoption of a further DPD, well in advance of 2025, are realistic. It is the coordination of the relevant infrastructure to ensure that the broad location for growth is self-sufficient and will not prejudice development that is critical rather than the date of 2025. Notwithstanding representations to the contrary, it is not considered the production of a DPD would hinder or prejudice the supply of housing. To ensure the plan is flexible, boosts housing supply without unnecessary restriction and is positively prepared, main modifications are required to Policy SP 3 and the supporting text. This will facilitate development in the Carlisle South broad location sooner than 2025 subject to the necessary infrastructure being provided; the release and implementation of developments being a matter for the DPD (**MM06, MM09, MM10, MM11, MM12, MM13, MM14, MM15, MM16** and **MM31**).

Affordable Housing

39. The NPPF requires local planning authorities to meet the objectively assessed needs for both market and affordable housing. The SHMA update identified a need for affordable housing provision of 295 dwellings per annum. Policy H04 sets out the affordable housing requirements for development which differ both in relation to thresholds and the percentage of housing to be affordable, dependant on which of three viability zones the site is within. A new national threshold for affordable housing was introduced in a Written Ministerial Statement (WMS) in November 2014. The scale of affordable housing

required reflects both the findings of the Affordable Housing Economic Viability Assessment (AHEVA) and the thresholds set out in the WMS. Nevertheless, the CDLP will not ensure that the full assessed need for 295 affordable dwellings per annum will be achieved.

40. Since the submission of the plan, and following a judgement in the High Court on 31 July 2015 (*West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government* [2015] EWHC 2222 (Admin), the High Court issued a Declaration Order on 4 August 2015 confirming that for various reasons the policies in the WMS must not be treated as a material consideration. On this basis, main modifications were proposed to lower the threshold when affordable housing would be required and reduce the number of zones to two. These modifications would further maximise affordable housing provision in the District although it would still not ensure delivery of the full quantity of affordable housing required. However, that High Court judgement has since been overturned. The main modifications suggested would not therefore accord with the WMS. Accordingly, in light of this recent judgement I have deleted MM41, MM44 and MM45.
41. The SHMA suggests that the affordable home requirement will partially be met by the private rental sector supported by housing benefit. However accommodation provided through the private rented sector does not come within the definition of affordable housing in the NPPF and does not contribute towards affordable housing.
42. Whilst the NPPF seeks to boost housing supply, the Council suggests that land availability in itself is not an issue in Carlisle and that instead it is the capacity of the industry which is constraining the extent to which land can be considered 'deliverable'. Indeed the actual identified land supply is greater than that required to achieve the overall housing requirement in the plan period. Given the current capacity constraints in Carlisle, a further uplift in the total amount of housing, as a means of securing additional affordable homes, is not a realistic alternative. An increase in the percentage of housing that should be affordable over and above that in the plan is not supported by the AHEVA and is thus likely to stifle development overall for viability reasons. It is acknowledged that homes in Carlisle are more affordable than in Cumbria as a whole. Furthermore, the overall requirement figure is already the higher of the range identified in the SHMA. The overall requirement is not a maximum and overall the plan is flexible and positive in seeking to boost housing supply. To conclude, the approach to affordable housing is the most reasonable strategy when assessed against the reasonable alternatives and thus a sound approach in the current circumstances.
43. To ensure the policy is flexible and positively prepared a different tenure split to that specified and as derived from the AHEVA will be considered not only where the scheme would not otherwise be viable but where the proposed mix better aligns with priority needs (**MM42**). For clarification and to ensure the policy remains effective even in light of any future changes to the national definition of affordable housing **MM43** is necessary.

Gypsies and Travellers

44. The Government's aims in respect of traveller sites are set out in the Planning Policy for Traveller Sites (PPTS). These include that local planning authorities should make their own assessment of need for the purposes of planning, promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites and ensure that their Local Plan includes, fair, realistic and inclusive policies.
45. An assessment of the accommodation needs of gypsies and travellers is contained in the Cumbria Gypsy and Traveller Accommodation Assessment (November 2013) (GTAA) [EB008]. It is generally considered to be robust although an allowance for a 10% turnover rate on existing sites is considered by some to be rather high. Careful monitoring should be put in place to test whether the assumption of 10% turnover on pitches contributing to supply is and remains realistic. The main modifications incorporated in **MM80** in so far as they relate to Policy HO 11 are necessary to ensure that a lower than cumulative 10% turnover on rented sites within the District over a 2 year period would trigger action, which may include a partial review of the CDLP and bringing forward further allocations.
46. The GTAA identifies a need for 15 pitches in Carlisle City Council area up to 2028 from a base date position of 2013/14 (1 pitch per year). The Council confirms that the reference at paragraph 5.90 of the Local Plan to '2028' is a typographical error and should read 2030 to correspond with the plan period. However, the identified need should also be projected forward to include the additional two years. The overall need to 2030 would therefore be 17 pitches. A main modification is required to ensure the pitch requirement corresponds with the plan period to be effective (**MM53**). The Council has recently granted planning permission for two additional permanent pitches in the District which would therefore reduce the remaining identified need over the plan period back to 15 and so the modification, whilst necessary, is of little practical consequence. Since the GTAA was completed, planning permission has been granted for 6 additional permanent pitches at Hadrian's Park (application reference 13/0886). The CDLP sets out a requirement for the remaining balance of 9 pitches.
47. An allocation for 9 permanent residential pitches is proposed adjacent to an existing site known as Low Harker Dene which would numerically satisfy the remaining identified need for gypsy and traveller pitches over the plan period. This site is an existing Council owned site with 15 pitches. The addition of 9 further pitches will result in a large single site accommodating 24 permanent pitches. The single allocation offers little choice to the gypsy and traveller community in terms of allocations making provision for public rented pitches only on one site.
48. That said Carlisle has a reasonable range of site provision for gypsies and travellers with 10 sites currently in operation. These range from private individual family sites accommodating a single family unit to the larger scale Council and private sites providing a number of pitches to a range of families. As the Low Harker Dene site is in the ownership of the Council there is no question over its deliverability. Additionally the adjacent site has been successfully operating for a number of years and has an effective site

management process in place. There are five licenced sites within the area which demonstrates that there is a desire within the gypsy and traveller community to be located within this area. Furthermore, as confirmed in the SA (SD003) no other new sites were put forward for consideration.

49. Policy HO11 contains criteria against which other site proposals that contribute to achieving additional provision of transit, permanent and temporary pitches, and sites for travelling showpeople will be assessed. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.
50. The policy criteria are the same for both temporary and permanent residential pitches. The Council acknowledged that if a site met all the criteria then there would be no justification to restrict any permission to a temporary period as it would equally be suitable for residential use on a permanent basis. Other than transit provision, no specific need for temporary pitches was identified. To ensure the plan is effective and positively prepared, a main modification is necessary to delete the reference to temporary permissions (**MM50**).
51. Criterion 1 requires sites to be physically connected to an existing settlement. Policy C of the PPTS is not so restrictive. It is concerned with ensuring that the scale of sites in rural or semi-rural areas do not dominate the nearest settled community. Whilst Policy H concerns decision taking in the context of determining planning applications rather than plan making, it confirms that local planning authorities should very strictly limit new traveller site development in open countryside that is *away* (*my emphasis*) from existing settlements or outside areas allocated in the development plan. Whilst the ability to ensure peaceful integration is important and to avoid isolated sites, a requirement for sites to be physically connected is not consistent with national policy and may render the policy ineffective. A modification is necessary to better reflect national policy. This would require the location, scale and design of sites to allow for integration with, whilst not dominating or unacceptably harming, the closest settled community and for sites to be appropriately landscaped to minimise any impact on the surrounding area, rather than being screened which would not promote integration (**MM51**). It would not be realistic for all proposed sites to provide site management measures, particularly small family sites. Accordingly, it is necessary to delete criteria 8 (**MM52**).
52. These modifications delete all restrictive or prescriptive wording inconsistent with the PPTS to ensure a positively prepared and effective policy. Subject to these modifications and the careful monitoring of supply through turnover of pitches, the Local Plan would make satisfactory provision to meet the identified residential needs of the gypsy and traveller community, providing choice through an allocation and realistic criteria for additional sites. For the avoidance of doubt I have slightly amended the wording of MM49 and MM50 to refer to permanent 'residential' pitches.
53. The GTAA recommends provision for up to 8 additional transit pitches in Carlisle. The CDLP makes no such provision other than through the criteria based policy. However, the Council have since suggested that the allocated site can accommodate the 9 additional residential pitches together with the transit provision (up to 15 pitches). Notwithstanding the proximity of the site

adjacent to the M6, given its size, this is realistic subject to suitable design and landscaping to provide a clear distinction and to retain reasonable living conditions for the occupiers of the permanent residential pitches (**MM49, MM54**).

54. To conclude, subject to careful monitoring of turnover of pitches, the CDLP provides an appropriate strategy to meet the assessed accommodation needs of the gypsies and travellers throughout the plan period.

Issue 3 – Whether the approach towards the supply and delivery of housing land is positively prepared, effective and consistent with national policy.

55. Policy SP2 confirms that sufficient land will be identified to support the delivery of an annualised average of at least 565 net new homes to ensure that objectively assessed development needs are met. The supply of housing land was updated (as at 1 April 2015) together with the housing trajectory which are to be substituted for Table 1 and Appendix One respectively to provide the most up-to-date position (**MM07 & MM08**).
56. The Council's Five Year Housing Land Supply Position Statement (April 2015) (EB007) sets out why the Council consider a buffer of 5% is justified and how the Council have applied it. I shall first consider whether the application of a 5% buffer is sound.
57. The Council recognises that historically there has been under delivery of housing within the District against previous development plan housing requirements. The Council is of the view that, in keeping with most authorities in England, this can largely be attributed to the most recent recession, but also in Carlisle's case due to the previous regional and therefore consequential local policies which restricted delivery to help secure both wider regional and local regeneration. The Council elaborates on this further in its response of 31 July 2015 (EL1.002c).
58. The Carlisle Local Plan (2001-2016) was adopted in 2008 (2008 LP) and was prepared within the context of the then County Structure Plan housing requirement of 354 net new homes per annum. Delivery fell short in only four of the 16 individual years within the plan period, although the cumulative delivery has always exceeded the 2008 LP housing requirement. There is no persistent under delivery when measured against this adopted plan.
59. During this plan period there was an over-supply of housing within the Rural Area against the Structure Plan. A moratorium was implemented effective from 17 July 2004 by way of an intervention measure. The moratorium was lifted in January 2006 just after the informal consultation of the Planning and Compulsory Purchase Act 2004, where Regional Planning Guidance was being replaced by Regional Spatial Strategies which removed County Structure Plans from the system.
60. The North West Regional Spatial Strategy (RSS) for the North West covering the period 2003 – 2021 was adopted in 2008. It set a higher housing requirement than the 2008 LP, increasing the annualised requirement from the 354 dwellings per annum set out in the 2008 LP to 450. From 2006/7 onwards the Council failed to deliver the RSS annual target of 450 dwellings

with the cumulative shortfall increasing year on year thereafter. Against the RSS requirement there was an under delivery. However, it was at least in part due to the 18 month moratorium which affected the supply coming forward in the subsequent years.

61. The RSS was revoked only some two years or so after its adoption. The 2008 LP continued to provide a policy framework to March 2016. The Council has not under performed against this plan. Accordingly, it is considered that a 5% buffer is realistic and justified in this particular local context.
62. The Council's Housing Position Statement only applies the buffer to the base target and on this basis can demonstrate a five year housing land supply. However, it is general practice to apply the buffer to both the base target and any shortfall when establishing the total 5-year housing supply requirement in order to ensure that the buffer serves the same purpose (of flexibility of "brought forward" land supply) for the totality of the 5 year requirement, i.e. including any provision required to be made to address that shortfall. On this basis and taking the upper SHMA requirement of 565 dwellings per year set out in Policy SP2 of the submitted plan, the Council can only demonstrate 4.48 years of supply, slightly short of the requirement to demonstrate a 5 year housing land supply.
63. As stated previously in paragraph 42, land availability in itself is not the issue in Carlisle. It is the capacity of the industry which is constraining the extent to which land can be considered 'deliverable'. The actual identified land supply is greater than that required to achieve the overall housing requirement in the plan period; it is the deliverability in the early years that is problematic.
64. The evidence demonstrates that the annualised figure is not representative of the actual assessed need for housing as identified for both the lower and upper range scenarios contained in the SHMA. This shows that the level of need for Carlisle, and therefore assessed need for housing, is lower in the early part of the projection period and increases over time. The annualised requirement contained in the submitted plan is not only the higher requirement figure of the range set out in the SHMA (480 – 565 dwellings) but already seeks to uplift and front load supply.
65. In the case of the demographic projection, the greater need for housing later in the plan period is due to net migration being expected to increase in future years (a finding consistent with the latest 'official' projections – the 2012-based subnational population projections (SNPP) from the Office of National Statistics (ONS). An increasing level of net migration is driven by changes to the age structure of the population in Carlisle and in areas from which people might be expected to move to the District. A changing age structure impacts on expected levels of both in and out-migration to and from the District.
66. In the case of the jobs-led projection, a lower level of housing need in the early part of the projection period is driven by two main factors. Firstly, job-growth is generally expected to be stronger post-2020 (and hence a greater increase in population would be required) and secondly, the modelling (consistent with national economic forecasts) expects there to be a greater improvement in employment rates in the short-term as the economy moves out of recession. Importantly the projections indicate that more than two

thirds of the estimated total job growth in Carlisle is projected to arise from 2020 onwards.

67. An increase in the supply of allocated sites in Carlisle is unlikely to result in a respective increase in delivery, at least in the short term as the detailed analysis demonstrates that the demand for a greater supply of housing will be later in the plan period on both the projections set out in the SHMA. Furthermore, the annualised requirement already incorporates significant front loading and there is a need for the industry to expand and increase in the area. The Council is working hard to make the area attractive to more major house builders.
68. These findings justify consideration of the phasing of housing development to better correspond with when both population growth and job-growth is expected to happen. Appendix 2 of the SHMA Update provided detailed outputs from the demographic modelling. The Council has used this information (along with an allowance for vacant homes) to study when it is expected that the housing need will arise.
69. Under the demographic scenario there is an average annual need for some 442 dwellings in the 2013-20 period which rises to 509 for the remainder of the plan period. In the case of the jobs-led scenario a need for 477 dwellings per annum is shown to 2020; followed by a significantly higher average figure of 625 from 2020 to 2030. As noted, this is partly due to an increase in the number of jobs expected to be created (rising from 349 per annum in the 2013-20 period to 390 from 2020 to 2030).
70. It is also considered important to note that since the SHMA update was published, the Government have produced a new set of trend-based household projections. In the period from 2013 to 2020 these projections are only showing household growth of 233 per annum on average. This is significantly below the levels proposed in the Plan and again supports that a phased approach with slightly lower numbers at the start of the plan period would more closely match with when the housing need might be expected to arise.
71. Additionally, in June 2015, ONS published a new set of mid-year population estimates (MYE) for the 2013-14 period. These showed that the population of Carlisle had grown by around 73 people in the 12-months to mid-2014; a figure which is substantially lower than projected through the SHMA (population growth of 525 people in the main demographic scenario and 801 from the jobs-led one). This lower population growth would be expected to lead to a lower need for housing and again supports a lower target in the early part of the plan period.
72. Overall, this analysis shows consideration can and should be legitimately afforded to the phasing of development so that housing growth matches both the demographic and (higher) economic need. Seeking to provide a 'flat rate' of housing averaging 565 per annum, which already incorporates significant front loading, in addition to the 5 % buffer applied to both the base requirement and the shortfall, could result in land supply issues in the earlier years, providing more homes than there is either a demographic or economic need or demand for. The need for 565 dwellings per annum in the early part of the projection period (to 2020) can therefore be seen to be not critical as it is

not proven as required by the available evidence and analysis.

73. The Council suggest a stepped approach would require an annual average of 478 dwellings (net of clearance) between 2013 and 2020, 625 between 2020 and 2030 (adjusted to have regard to delivery in the 2013 – 2020 period). This figure broadly accords with the lower annualised demographic led projection of 480 dwellings per annum, set out in the SHMA, and is justified.
74. On this basis the Council can demonstrate a five year housing land supply whether a 5% or 20% buffer figure had been adopted (5.73 years or 5.01 years respectively). Such an approach would have the added benefit of affording the development industry an opportunity to expand and increase in capacity within Carlisle, a necessary response to achieve and sustain the required Local Plan delivery rates moving forward.
75. To conclude, a stepped approach to housing delivery is the most realistic and sound basis for monitoring and assessing land supply (including five year housing land supply) throughout the plan period. In the event that the industry can mobilise quicker than anticipated and demand is greater than envisaged, there is no justification to hold back and constrain supply. A number of main modifications to provide for the stepped delivery of the higher range assessed figure are required to ensure the plan is effective and to ensure that it is clear how the five year housing land supply should be calculated (**MM01, MM03, MM04, MM29**).
76. The NPPF confirms that to be deliverable sites should be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular, development of the site should be viable.
77. Sites with planning permission or where there is a resolution to grant planning permission have only been included within the five year supply where they are likely to be implemented in whole or in part within the five year period. Of the forward supply of 3285 dwellings identified in the five year housing land supply set out within the Council's phased delivery statement [EL1.005e], only 895 homes (27%) were on allocated sites for which an existing planning permission was not in place (as at 1 September 2015). However, a number of planning applications had been submitted at that time but were yet to be determined. Within the housing land supply assessment 135 units from proposed allocation U14 (out of a total 189) have been included in the deliverable supply to 2020. This reflects that a full planning application for 189 dwellings was due to be lodged with the Council on a site which is larger than that allocated. In addition, the updated position reflects that allocated site U19 (Land at Carlton Clinic) has been formally withdrawn as an allocation and that allocated site R13 (Linstock North) is no longer available for development.
78. The Council first published its housing trajectory in September 2014. This predicted 404 net completions in 14/15 with actual delivery being 419. The majority of completions were from the sites expected to deliver thus reinforcing the credibility of assumptions employed with respect to forecasting. This same trajectory predicted 489 net completions for 15/16, with quarterly monitoring indicating that actual delivery will once again align and likely exceed this projection

79. A windfall allowance of 100 dwellings per year is included in the five year housing land supply allowance. Historically windfall rates within the District have been high averaging 199 dwellings per annum, although it must be recognised this is in the context of an ageing plan. Policy HO 2 does not specify a site size threshold to restrict what will or will not be permitted under windfall provisions, with a criterion based approach instead adopted. The windfall allowance is modest when compared to past trends in Carlisle. I am satisfied that there is sufficient evidence to demonstrate that windfall sites, both large and small, have consistently become available in the local area and will continue to provide a reliable source of supply over the plan period.
80. Based on the evidence, there is a realistic prospect that those sites included in the five year housing land supply statement are deliverable within the five year period. The identified deliverable supply would comfortably exceed the housing requirement of 478 net new homes per year to 2020.
81. Policy HO 1 requires a mix of both type and tenure of housing in accordance with the NPPF. **MM30** will ensure the policy is effective in securing an appropriate mix of housing to correspond with identified local housing need.
82. Policy HO 5 sets out the criteria that rural exception sites should meet. **MM46**, which clarifies that in a relevant section 106 agreement the parish or parishes cited must be within the appropriate area (usually the relevant Housing Market Area) where the local affordable housing need has been identified, is necessary to ensure the policy is effective.
83. Policy HO 7 concerns enabling development that would secure the future of a heritage asset. To reflect the views of Historic England and ensure consistency with national policy, **MM47** is necessary.
84. In a WMS issued on 25 March 2015, the Secretary of State for Communities and Local Government set out new arrangements for the consideration of Housing Standards in the planning system. New additional optional Building Regulations on water and access and on space standards are described which can complement existing, mandatory Building Regulations. **MM66** deletes references to the Code for Sustainable Homes withdrawn by the WMS. **MM21**, **MM22** and **MM48** delete specific references to Lifetime Homes Standards that no longer apply. This is necessary to ensure consistency with national policy.
85. Overall, the approach towards the supply and delivery of housing land is positively prepared, effective and consistent with national policy.

Issue 4 – Whether the housing allocations set out in Policy HO 1 are justified and deliverable.

86. Policy HO1 includes a schedule of allocated sites together with their area, indicative yield and anticipated delivery period. These sites are identified to provide the main part of the housing requirement up to 2025 beyond which it is anticipated that developments will have commenced at Carlisle South. Planning permission has already been secured on some of the allocations.
87. In order to arrive at the assessment of reasonable housing sites to be

considered for the purposes of the SA, a number of sources have been used, including the Strategic Housing Land Availability Assessment (SHLAA) [EB 005] and the Housing Site Selection Document [SD 015] which established a pro-forma for detailed assessment of each site. Some 68 sites were considered as reasonable alternatives through the SA process, 42 of which were selected as preferred options to carry forward into the Submission draft of the Plan (with an overall score of positive or neutral). It is appropriate that sites submitted to the SHLAA within the broad location of Carlisle South were not considered to constitute reasonable alternatives at this stage.

88. In the SA Report, the social, environmental and economic effects of all site allocations have been predicted and evaluated for their significance and ways of mitigating adverse effects and maximising beneficial effects, including consideration of the potential effects of sites coming forward in-combination rather than piecemeal development. The SA helped to identify the impacts of development acknowledging that many such impacts are not specific to a particular site, but rather they could apply to any development, and thus were addressed in the Housing Selection document. For the purposes of the SA, the principal site specific impacts identified, based on available information, were flood risk (using data from the Carlisle Strategic Flood Risk Assessment (SFRA), the Environment Agency and Cumbria County Council); impacts of sites on the historic environment; and impact on sites of importance for nature conservation.
89. All of the allocated housing sites lie within Flood Zone 1 as designated on the Environment Agency's flooding maps. Following the December 2015 floods, representations were invited from relevant parties to establish the impact of this flooding event on the allocated sites. According to those responses, none of the allocated housing sites were affected. Nevertheless the Environment Agency confirms that, in light of this flood event, there may be consequential changes to the flood mapping following on from the emerging 'Section 19 Flood Incident Investigation Report' that is being produced and that will be available from Cumbria County Council in the near future.
90. For the purposes of this examination, based on the evidence available, the SA remains accurate in relation to flooding considerations relating to allocations at this time. Any future changes affecting the designated flooding zones within which the allocated housing sites are situated would be a material consideration in the determination of any planning applications. If, as a result of future changes flooding became an issue that was an obstacle to delivery of any allocated site(s) such that the housing requirements would not be met, then an early review of the housing allocations may be necessary. At this time the December 2015 flooding events do not result in a necessity to re-visit the SA in respect of the allocated housing sites or render the allocations unsound in this respect.
91. Overall, and notwithstanding the omission sites I have been referred to, it is considered that the SA demonstrates that the most sustainable options have been taken forward, and that opportunities to maximise the overall sustainability of the Plan can be seen to have been taken.
92. The schedule in Policy HO1 requires some updating to reflect the deletion of sites U19 (**MM33**) and R13 (**MM38**) which are no longer available. The area

and yield of the site on land north of Carleton Clinic (U14) can be increased to accurately reflect an extant planning permission and the expected delivery in years 0-5 (**MM34**). In addition sites U4 and R17 are now expected to be delivered in years 0-5 rather than years 6-10 (**MM35** and **MM40**). As a result of these various updates, the total rural and urban dwelling capacities of all sites will also require amendment (**MM36** and **MM37**).

93. Appendix 1 of the CDLP contains some information about the individual sites, constraints and requirements to be satisfied. However, the policy makes no direct reference to Appendix 1 or the need to satisfy site specific criteria or provide infrastructure where necessary to do so. To be effective a modification is necessary to clearly link the policy and appendix together with the need to have regard to and address issues identified as relevant to a particular site (**MM32**).
94. Furthermore, the appendix offers only a very brief assessment of each allocated site and the specific issues an application may need to address. The Council explains that the site descriptions identify some of the main issues associated with the sites, but are not intended to be an exhaustive list. However, whilst pre-application discussions are encouraged, the site allocations should be clear about the nature and scale of development envisaged on each site and any constraints and mitigation that is required. The NPPF is clear that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
95. A number of modifications are therefore necessary to include requirements that reflect access and highway safety, biodiversity, heritage, flood risk and design constraints and limitations where applicable on individual sites along the lines of that provided in the Housing Site Selection Document (SD 015). This will ensure that Policy HO 1 read in conjunction with Appendix 1 will be effective in delivering appropriate development. All main modifications to Appendix 1 are contained within **MM79** as a separate appendix. Where necessary, I have addressed specific modifications related to individual allocated sites below.
96. Proposed modifications that relate to allocation U20 include highways advice that requires access to be from Durranshill Road, through the adjacent development known as Barley Edge, where an access road has been created to serve this site. From correspondence received, it is likely that this site would be developed jointly in conjunction with site U18 adjacent to it. It may be that an alternative access could therefore be feasible through site U18 also from Durranshill Road. To provide a greater degree of flexibility I have amended the precise wording of the appendix in so far as it relates to U20 within **MM79** to offer this alternative option if it can be demonstrated that a safe and suitable access to U20 in conjunction with, and without prejudice to, the development of site U18 can be provided.
97. Additional land is proposed to be incorporated within allocation R15 (Land north of Hill Head, Scotby) to provide an alternative access. The additional land has been included at previous stages of the plan preparation and consultation. However, due to highway concerns about safe access onto Scotby Road, the site area was reduced in the submitted plan with access to

be provided off Hill Head only. A highways assessment has since been carried out which demonstrates that the additional traffic can be safely accommodated on Scotby Road. Its exclusion from the plan on highways grounds is therefore no longer justified. Notwithstanding objections from local residents, there are no overriding amenity issues that would indicate that a satisfactory relationship could not be achieved between the existing and proposed housing. A requirement to secure appropriate distances between existing and proposed dwellings is justified to ensure no adverse effect on residential amenity. A modification is necessary to Policy HO 1 to reflect the suitability of the additional area of land to be brought forward as part of allocation R15 following the presentation of new highway evidence (**MM39**).

98. Notwithstanding other responses in relation to MM79, I am satisfied that the modifications are necessary and justified to provide certainty to developers and decision makers.
99. To conclude, the housing site allocations are the most appropriate strategy having regard to the reasonable alternatives to effectively deliver the main proportion of the overall housing requirement to 2025.

Issue 5 – Whether the approach to employment is positively prepared, justified, effective and consistent with national policy.

100. The Carlisle Employment Sites Study (2010) [EB 010] identified that whilst there is sufficient land for employment in Carlisle there are qualitative issues with the sites that are available. A key element of the Plans economic strategy is to support investment in existing sites together with the allocation of an additional 45 ha of land for employment related purposes (Policy EC1). Employment development within Carlisle South will help to address the imbalance of employment land between the north and south of the City.
101. The identification of designated Primary Employment Areas on the Policy Map and a clear policy framework regarding their protection and development (Policy EC 2) is considered to provide the certainty required by businesses and investors. Flexibility to consider sui-generis uses and non-employment related uses ensures a positive approach. It is appropriate to include additional existing employment land at Harraby Green Business Park and the workshops on South John Street, Robert Street, Water Street and James Street to recognise the primary employment role of these areas. Consequential changes to the policies map are identified as 'Policy Map Modification No.1' and 'Policy Map Modification No. 2' on Appendix 4 of the published Schedule of Modifications [EL4.001]).
102. An example of the effectiveness of the Plan's strategy for employment land can already be seen with work (secured through LEP and Homes and Community Agency funding) underway at Durrhill Industrial Estate to deliver a programme of infrastructure improvements, including access to additional undeveloped land alongside public realm improvements to aid the overall attractiveness of the location. Private sector led improvements are also fundamental to improving the qualitative offer of employment land and an effective local plan strategy which supports investment is key to providing the confidence to support delivery. An example of where this is currently happening in Carlisle is at Rosehill Industrial Estate where significant changes

and improvements are taking place.

103. Tourism is of major importance to Carlisle as a generator of economic prosperity and employment. Policy EC9 is supportive of proposals that contribute towards the development and / or protection of the arts, cultural, tourism and leisure offer of the District. Although not referred to in the policy, the supporting text suggests that sustainable rural tourism and leisure developments that aid rural diversification must be able to demonstrate a connection with an established tourist attraction. Such an onerous requirement is not consistent with national policy. Accordingly, to be sound, the requirement should be deleted (**MM28**).
104. To conclude, the CDLP contains policies that positively and proactively encourage sustainable economic growth, are justified and will be effective in delivering the economic vision and strategy for both the urban and rural areas in accordance with the NPPF.

Issue 6 – Whether the approach towards Town Centres and retail is positively prepared, justified, effective and consistent with national policy.

105. One of the key spatial objectives of the Plan is to focus new retail and leisure floorspace within the City centre, and take opportunities to strengthen and diversify its offer, maintaining and where possible enhancing its vitality and viability. This is wholly consistent with national policy. The relevant spatial policy is Policy SP4. The Council commissioned consultants to prepare the City Centre Development Framework (CCDF) [EB 014] to guide the future development proposals in the City Centre to 2030. The key principles to emerge from this study are embedded in Policy SP4. Policy EC6 seeks to ensure that the vitality and viability of defined retail centres is not undermined by proposals for retail and other main town centre uses outside of the main town centres.

Expansion of the Primary Shopping Area

106. Carlisle Retail Study 2012 [EB 012] identified a quantitative and qualitative need for additional comparison retail floor space (Use Class A1) within the plan period. The CCDF identifies land to the north of Lowther Street including Rickergate as the most appropriate location for future expansion of the Primary Shopping Area (PSA) within the City. The extent of land identified is intended to afford a strong degree of flexibility whilst still affording certainty to potential investors.
107. Three potential locations were considered. Only one, the Citadel, is within Flood Zone 1 but this would not provide a reasonable alternative due to other constraints. The other two options fall within areas designated as Flood Zone 3. Caldew Riverside area, as well as being within an area identified as Flood Zone 3 is detached from the City Centre retail area. The allocated area is, in locational terms, far superior to the two alternatives being well located to the existing PSA and was therefore identified as the most reasonable alternative.
108. When the flood defences were breached in the flood event that occurred in December 2015, part of the allocated site was badly affected by the flooding as had been the case in 2005. The extent of flooding broadly aligned with that

envisaged within a flood defence breach scenario considered by the SFRA. Only the higher ground to the east of Lowther Street was not subject to flooding.

109. However, it is also acknowledged that the NPPG defines retail and leisure uses as 'less vulnerable' and so no exception test is necessary. 'Less vulnerable uses' are "appropriate" within Flood Zone 3. The allocation is not therefore contrary to national policy in this respect although any proposal would need to be accompanied by a Flood Risk Assessment in accordance with Policy CC4 to show what mitigation may be necessary.
110. The proposed area includes existing residential properties and local businesses. There is opposition to this allocation from the community within the area due to the potential loss of homes and local businesses, which is likely as a result of any comprehensive development. Some of these residential properties and businesses suffered as a result of the flooding event. Whilst the opposition to loss of homes and business is understandable, residential uses are categorised as 'vulnerable' to flooding and are therefore poorly located. Indeed the Environment Agency raised concerns about an illustrative scheme that included residential development given the potential for flooding in Zone 3 and the 'vulnerable' categorisation of residential uses. The identified need for additional retail floor space to secure opportunities to strengthen and diversify Carlisle's offer is a compelling consideration weighing in favour of the allocation and would outweigh the loss of more vulnerable uses in this area.
111. Notwithstanding the concerns expressed about the timing and phasing of growth within the allocation, I am not persuaded that any restriction on the phasing of development within the allocation is necessary to ensure delivery. The evidence before the examination did not satisfactorily demonstrate that the implementation of extant permissions or the delivery of other potential schemes would be prejudiced. The intention of the allocation is to ensure flexibility. No restrictions on the amount of floorspace that can be provided are embedded within the policy. It allows a retail-led scheme thereby permitting other appropriate uses alongside. Accordingly the area should not be restricted in size to accommodate only the balance of convenience floor space required. The policy is simply worded to ensure that development should not prejudice delivery of the remainder of the site.
112. To conclude it is considered that the policy is positively prepared and effective. Notwithstanding the recent flooding of December 2015 it remains the most reasonable location when assessed against the possible alternatives. It is consistent with the NPPF which confirms that it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

Caldew Riverside

113. Policy SP 4 identifies Caldew Riverside as a significant regeneration opportunity. The identification of the site as a regeneration opportunity reflects the importance of bringing the land back into beneficial use. However, there are challenges facing the site. Policy SP 4 reiterates and is explicit that proposals for main town centre uses at this location would be subject to

sequential and impact testing. This is an important safeguard to ensure consideration is given to the impacts of any proposal on the vitality and viability of the City Centre including the future expansion of the PSA. Modifications are appropriate to signpost Policy EC 6 (Retail and Main Town Centre Uses Outside Defined Centres) which seeks to ensure that the vitality and viability of defined retail centres is not undermined by proposals for retail and other main town centre uses outside of these centres (**MM17**). For the avoidance of any doubt, it should also be made clear that the site is not relied upon to accommodate the identified need in Carlisle for any main town centre uses (**MM19**) and that the delivery of main town centre uses on sequentially preferable sites will be given clear priority over Caldew Riverside (**MM20**). Further the wording of the supporting text should be strengthened to clarify that development is expected to deliver enhanced walking and cycling links (**MM20**).

114. These main modifications are necessary to make sure that the policies relevant to development of Caldew Riverside ensure that the development of this site would not undermine the delivery of sequentially preferable site opportunities in the City Centre, in particular the future expansion of the PSA and that the vitality and viability of the city centre is enhanced.
115. As a result of the December 2015 flooding event, this site was subject to extensive and significant flooding from the adjacent Caldew which is only partly defended along its corridor through the City. This risk of flooding is already explicitly acknowledged within the Plan and in the evidence underpinning it. The Caldew Riverside site is promoted through the Plan as a regeneration opportunity as opposed to being relied upon to accommodate any objectively assessed needs. As such the floods are not considered to have had any material impact on the inclusion of this site within the Plan other than acting to reaffirm the need for detailed proposals to have full regard to the risks of flooding and ultimately the need to deliver a flood resilient mix of uses and environment.

The Citadel

116. The CCDF recognises that a significant redevelopment opportunity exists to the south of the City Centre centred on the Citadel and former Courts buildings. This is reflected in Policy SP 4. The supporting text to Policy SP 4 does not fully reflect the most recent work carried out by the Council on the opportunities that the Citadel presents together with its constraints. A modification to reflect the most up-to date position and acknowledge that a phased development may be necessary to bring development forward is necessary to ensure the policy will be effective. In addition it is necessary to reiterate the need to respect the historic character and fabric of this important site (**MM18**) to ensure consistency with the NPPF.

Morton District Centre

117. Since the publication of the submission version of the plan, the permission for a foodstore referred to in Policy EC4 has lapsed. It is considered that a proposal of the same capacity, specifically referred to in the policy, is unlikely to now be delivered. Whilst retail, leisure, local services and community facilities would still be supported, to ensure future development, particularly

fashion retailing, does not significantly impact on the City Centre PSA, any comparison (Class A1) retail development which exceeds 500sqm should be subject to a retail impact assessment. Main modifications are necessary to the policy and text to ensure the plan objectives are not undermined and consistency with national policy (**MM23** and **MM24**).

Retail and main town centre uses outside defined centres

118. Local Plan policy EC6 proposes a 200 sq. m locally set threshold for impact assessments. However, this threshold was based on advice in the 2012 Retail Study and pre-dated the publication of NPPG which set out the relevant tests to be considered in setting a lower threshold than the 2,500 sq. m floorspace figure set out in the NPPF.
119. A Retail Impact Threshold Assessment was commissioned and published in September 2015 (EL1.005d), having regard to the NPPG tests. It was concluded that the City Council should not rely on the NPPF default threshold of 2,500 sq. m and should continue to propose a lower locally set threshold through the Local Plan to reflect the circumstances relevant to Carlisle. However, it is recognised that the 200 sq. m threshold currently proposed through policy EC6 is not consistent with the NPPG tests.
120. On the basis of the NPPG compliant analysis undertaken, requirements that a retail impact assessment is necessary for proposals in the urban area which exceed 1000sqm (gross) for convenience retail and 500 sq.m (gross for comparison retail is justified. A separate impact threshold of 300 sq.m (gross) for convenience and comparison retail proposals is demonstrated to be justified for Brampton, Dalston and Longtown. Main modifications are necessary to this effect to ensure the policy is consistent with national policy and effective (**MM25, MM26, MM27**).
121. To conclude, the CDLP allocates a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in Carlisle District.

Issue 7 - Whether the plan will ensure the provision of infrastructure necessary to secure the growth required to meet the assessed needs of the district in a timely manner.

122. The NPPF requires local planning authorities to work with other authorities and providers to establish infrastructure requirements, the ability to meet forecast demands and take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.
123. Chapter 6 of the CDLP 'Infrastructure' recognises the essential nature of infrastructure to support the delivery of increased housing provision, economic growth and creating thriving and sustainable communities. The Council's Infrastructure Delivery Plan (IDP), updated in September 2015 [EL1.004b], sets out the infrastructure required to support the growth proposed and how it is expected that it will be funded. Where there are gaps in funding, it is expected that developer contributions will be needed to ensure infrastructure is provided to support new development.

124. Policy IP8 confirms that in the first instance new development will be expected to provide infrastructure improvements which are directly related to and necessary to make the development acceptable. To ensure it is clear how the policy will operate a modification to the precise wording is necessary to clarify that these improvements will be identified through the development management process and secured through the use of planning conditions and obligations (**MM57**). This will ensure the policy is effective.
125. The policy also confirms that 'small-scale' and self-build' development will be exempt from any tariff style planning obligations reflecting the WMS referred to earlier. However, so that the policy can be applied more flexibly should national policy change a modification is proposed to simply refer to 'certain forms of development where prescribed by national policy and guidance' being exempt (**MM58**). This is necessary to 'future proof' the policy and ensure continued consistency with national policy.
126. The IDP assesses the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management in accordance with the NPPF. It also commits the City Council to actively explore the role of introducing a Community Infrastructure Levy (CIL) which could play a part in helping to deliver the infrastructure required at Carlisle South. It is a working document to be regularly updated.
127. The IDP recognises that education provision and capacity of the District's highways network are especially important issues that will need to be addressed in order to facilitate the delivery of the CDLP. Key infrastructure schemes include the delivery of highway improvements needed to address the cumulative and site specific effects of development and delivery of primary and secondary school spaces required to address the effects of new development. It is also recognised that significant new infrastructure will be required to allow for the delivery of Carlisle South.
128. The Carlisle Transport Improvements Study [EB 025] recommends a range of potential sustainable transport improvements which can be delivered in Carlisle. These include new cycle routes, improved pedestrian facilities and improvements to public transport frequencies as well as associated infrastructure to reduce car travel. The study also recommends potential highway improvements at 11 junctions throughout Carlisle to reduce vehicle queuing and delay where proposed. It is anticipated that funding for these schemes would primarily be secured through developer funding mechanisms with delivery dependent on specific sites within the Local Plan coming forward.
129. It is considered that the delivery of more strategic improvements may be best delivered through future use of CIL. Government grants may help address any shortfall in the availability of funding or to deliver some more strategic improvement needed in the longer term.
130. The IDP pre-dates the December 2015 flooding event. It states that the urban area now enjoys a very high standard of flood protection, as a result of investment in defences after the 2005 floods and that there is no need to provide new flood protection schemes to deliver the growth in the city that is

currently proposed through the Local Plan. On this basis, no intervention has been identified which is critical to the delivery of the Local Plan strategy. Of course, the outcome of the Environment Agency's post flood evidence gathering exercise following the more recent flooding are not yet known. Nevertheless, the IDP provides the most up-to-date assessment. Furthermore, it is important to recognise that the CDLP does not propose to allocate any land for vulnerable uses in areas currently designated as Flood Zones 2 or 3.

131. Issues around surface water flooding also exist within the District. These tend to be highly localised. Surface water flooding is to be largely addressed through sustainable drainage by ensuring that development does not take place in areas prone to it, as well as ensuring that development doesn't exacerbate surface water flooding problems elsewhere. This is supported by relevant policies.
132. There are no significant issues with water utilities provision currently, beyond potential capacity issues at a small number of local waste water treatment works. United Utilities has stressed that early engagement with them as part of the planning process is vital. In order to ensure Policy IP6 'Foul Water Drainage on Development sites' is effective and consistent with national policy, a modification is required to put the onus on a developer to demonstrate how foul drainage from a site will be managed rather than for United Utilities to demonstrate that connection to the public sewage system is not possible. Further, the policy should be clear that the first presumption will be for new development to drain to the public sewer system (**MM56**).
133. The quality and coverage of telecommunications is improving across the District. Policy IP 4 supports the expansion of high speed broadband access across the district in accordance with the NPPF. The overall strategy to concentrate the majority of the additional growth within the urban area should act to ensure that most new developments are in areas where there is a realistic prospect of benefiting from investment in and the expansion of existing networks.
134. For the rural area there has been an indication that a site for a medical centre will be required in Brampton over the course of the plan period. As such a site located off Carlisle Road has been identified for this purpose. It is expected that this will come forward through the delivery of new housing adjacent to the site.
135. Growth plans for Carlisle align with the investment plans of the Clinical Commissioners Group (CCG) and where they will focus future investment. The Council continues to support health infrastructure through the Local Plan, and dedicated strategic policies for health and wellbeing.
136. The Local Plan seeks to protect the District's rich biodiversity where it can, through the recognition of the various designations of environmental protection. In certain cases it may be necessary to secure contributions from developers to help enhance biodiversity provision either on or nearby to a development site, particularly if this is required through imposed mitigation requirements.

137. There are no major concerns regarding the provision of open space within the District. Carlisle enjoys a large range of diverse and high quality public open spaces. Where local deficits do arise, these will likely need to be addressed through developer contributions – particularly if such contributions will be required as part of mitigation measures due to development having an adverse impact upon an existing open space. The justification to Policy IP 2 'Transport and Development' states that new development should capitalise upon and enhance links to existing green infrastructure and rights of way networks wherever possible or should seek to create new networks if none are present. To ensure Policy IP 2 is effective in this regard, Travel Plan and Transport Assessments should demonstrate how a site contributes to creating a multifunctional and integrated green infrastructure network (**MM55**).
138. To conclude the IDP demonstrates that adequate provision of physical, social and green infrastructure is present within the plan area in order to support the levels of development proposed within the CDLP and where gaps in infrastructure have been identified, how and by whom, the required infrastructure will be provided, funded and delivered. Progress on infrastructure delivery will be monitored and reported on in the Annual Monitoring Report.

Issue 8 - Whether the approach to climate change and flood risk is effective and consistent with national policy.

139. Policy CC1 seeks to make the most effective use of natural resources. It has an overarching principle of support for Renewable Energy extending to any technology, where a number of criteria can be satisfied to ensure developments do not have an adverse impact. One of the criteria within Policy CC1 requires proposals for renewable energy development to not have a significant adverse impact on, amongst other considerations, the historic environment and their settings. To ensure consistency with policies concerning heritage assets in Chapter 9, development should not have an 'unacceptable' impact (**MM59**).
140. Policy CC2 is a criterion based policy dealing exclusively with energy from wind and sets a general presumption in support of this type of development where proposals do not have significant or adverse effects. There are six areas of advice within the policy covering issues ranging from amenity to heritage to civil or military aviation issues and technical environmental aspects such as flicker, low frequency sound or vibration issues. These stipulations are similar to, but more specific than those held in the policy and justification text for Policy CC1.
141. The evidence base used to inform the Plan's renewable energy policies was jointly commissioned on a County wide basis which in part reflects that in Cumbria the issue of renewable energy production is deemed to be a cross boundary issue. Such evidence includes the Cumbria Renewable Energy Capacity and Deployment Study [EB 018]; the Cumulative Impacts of Vertical Infrastructure Study [EB 019, EB 020 and EB 021]; and the Cumbria Wind Energy Supplementary Planning Document [FSD 025].
142. On 18 June 2015, the Secretary of State published a WMS regarding onshore wind turbine development. The WMS sets out new considerations to be applied

to proposed wind energy development so that local people have the final say on wind farm applications. When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if the proposed development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the proposal reflects the planning concerns of affected local communities and therefore has their backing. In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Policy CC 2 does not allocate suitable areas for wind energy development. It is not therefore consistent with national policy and so not effective.

143. The Council commissioned a report to consider the best way forward to address national policy within the plan. It was considered that Policy CC2 together with the supporting justification could be modified to require proposals to accord with national policy and guidance in addition to satisfying the criteria contained in the policy. Furthermore, the policy and justification text can be modified to include reference to a future allocation document that identifies suitable sites and states suitable tests to determine the assessment of local backing. In this way Policy CC2 would be effective as delivery of development could occur (whether through an allocation document or neighbourhood plan). It would be necessary to clarify within policy CC1 that wind energy development should accord with Policy CC2. With these modifications, Policy CC1 and CC2 would reflect and be consistent with national policy (**MM60, MM61, MM62, MM63, MM64, and MM65**).
144. The CDLP is supported by Strategic Flood Risk Assessment (SFRA) for the whole of the District and a Stage 2 SFRA carried out for those parts of the City Centre that benefit from flood defences. Housing allocations are only located in areas designated as Flood Zone 1 to avoid flood risk to people and property and manage any residual risk, taking account of the impacts of climate change and applying the sequential test. This accords with national policy. Policy CC4 aims to steer new development away from flood risk areas where possible in line with the NPPF and associated NPPG, recognising that flooding may be as a result of fluvial flooding or influenced by existing formal or informal flood defences and the capacity of existing drainage systems or culverts and surface water run-off. To ensure the policy is robust and effective in ensuring the impacts of developments in relation to flooding are satisfactorily assessed, modifications are required to ensure proper liaison with statutory bodies and use of sustainable drainage methods that promote the use of permeable surfaces (**MM67, MM68 and MM69**).
145. Policy CC5 sets out the detailed surface water management and sustainable drainage systems requirements that new developments should satisfy. Surface water management is a key principle of sustainable development. The Council's SFRA advocates that Sustainable Urban Drainage systems (SUDs) should be considered and given priority in line with the NPPF and associated NPPG. United Utilities and Cumbria County Council have sought a number of changes to the precise wording of the policy to ensure that it is effective in securing sustainable drainage systems and the use of permeable surfacing and gives a clear indication of the type of information that should accompany applications for new development. Whilst the overall thrust of the policy is not

changed, these modifications are necessary to give certainty to developers and decision makers and ensure the policy and explanation is effective (**MM70** and **MM71**).

146. To conclude, policies in the CDLP support the transition to a low carbon future taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and the use of renewable resources in accordance with the NPPF. With the main modifications set out above, it adopts proactive strategies to mitigate and adapt to climate change.

Issue 9 – whether the plan will support strong, vibrant and healthy communities consistent with national policy.

147. The Council recognises the importance of protecting and enhancing the health and wellbeing of the District's population and the benefits that are attainable from good design and development. This is reflected in policies contained in Chapter 8 which concern the provision of health care, meeting educational needs, sustaining community facilities and services, planning out crime and environmental and amenity protection which in turn are consistent with national policy. Some redevelopment and reconfiguration at the Cumberland Infirmary is likely during the plan period. **MM72** and **MM73** are necessary to ensure Policy CM1 is positively prepared and effective in supporting these works which will help the hospital to meet future health care needs.

Issue 10 - Whether the approach to the natural, built and historic environment is positively prepared, appropriate to the area and consistent with national policy.

148. One of the objectives of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. It requires that local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

149. Chapter 9 of the CDLP build on the strategic direction to promote and protect Carlisle's finite heritage resource, recognising the key role its heritage assets play in reinforcing the District's distinctive identity and sense of place, as well as underpinning a strong tourism offer, opportunities for education and the wider economy through job creation and environmental quality. Within the chapter there are some instances where the wording does not precisely reflect the assessment of harm set out in the national policy. Modifications are therefore required to ensure consistency (**MM75**, **MM76** and **MM77**).

150. Policy HE1 is specific to Hadrian's Wall, a WHS. It states that new development will not be permitted on currently open land on the line of the wall. However Historic England recognises that there may be some instances where development on the line of the wall may be allowed. Accordingly to ensure the policy is positively prepared and flexible such development should not 'normally' be permitted (**MM74**).

151. The plan contains a clear strategy for enhancing the natural, built and historic

environment, recognising that heritage assets are an irreplaceable resource.

Issue 11 - Whether the plan would monitor the delivery of development and infrastructure effectively.

152. Monitoring is key to ensuring that the plan remains effective and is delivering the development required to meet the assessed needs of Carlisle district where and when required. It should be clear how the success of policies will be measured and when intervention is necessary and what it would entail. To this end, main modifications are required to both the text within Chapter 11 'Monitoring and Implementation' (**MM78**) and Appendix 2 (**MM80**). The AMR and IDP will provide evidence to support the monitoring and establish over what period the policies may not be achieving the requirements of the plan.

153. Overall, with these modifications, the plan would effectively ensure development progress, including infrastructure, is monitored so that timely interventions can be made when necessary.

Assessment of Legal Compliance

154. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all subject to MMs where necessary.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS February 2015 which sets out an expected submission date of May 2015 and adoption date of April 2016. The Local Plan's content and timing are broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2013 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Screening Report (March 2015) and Addendum (March 2016) sets out why AA is not necessary.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

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

156. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Carlisle District Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Claire Sherratt

Inspector

This report is accompanied by the Appendix containing the Main Modifications