

Ms Claire Sherratt, Dip.URP, MRTPI  
Planning Inspector  
Rickersgate  
Carlisle

21/12/15

Dear Madam Inspector,

**CARLISLE LOCAL PLAN 2015-2030  
SITE CA47 LANDS AT ETTERBY, CARLISLE.**

I refer to the above and to the request to submit further representations in the wake of the recent flooding in as much as sites that were excluded from the draft Local Plan for 2015-2030 are concerned.

I would ask you to accept this letter as an additional representation.

In support of these additional representations, I do however acknowledge that it is not part of your remit or the function of the Enquiry to question the classification of any area by the Environment Agency as being in any particular flood zone. However, it has been noted that such mapped classifications that do exist evidently do not match the factual findings on the ground. As such, I would submit the mapped areas delineating flood zone 2 areas must be regarded with a degree of scepticism. This is especially true given the fact that recent floods are clearly not 1:100 or 1:200 year events but in fact occur as fairly regular events.

As we both know, the lands at site CA47 have been classed as partly within flood zone 2. Having checked the Environment Agency's map for both planning purposes and general flood risk, it is equally clear that such classifications are at best inaccurate and at worst plain wrong if the recent flooding is of any significance. As such, I would argue that such classifications should either be amended or simply rejected for all practical purposes in assessing the real and substantive risk of flooding.

You may recall the oral evidence of Mr Legg from Carlisle City Council in relation to building houses on flood zone 2 land.....namely that it was not Council policy and that when challenged about the erection of some 30 houses on site CA36N, he asserted that such houses were only erected on a small portion of the site affected by flood zone 2 !

I would reiterate my comment made to you on 4/12/15, that to treat one site in such a manner but not another (especially one as contiguous as site CA47) is simply unfair, not transparent and of course unwarranted in all the circumstances. Furthermore, it does not inspire confidence in landowners, builders or developers that all planning applications will be treated in a fair and consistent manner.

I would also like to stress that, given the degree of land alleged to be in flood zone 2 on site CA47, it is wholly disproportionate to exclude the whole site from development in any

event. Furthermore, it is wholly incongruous to ascribe two different classifications to lands which, for all practical planning purposes, are identical in all relevant aspects.

I therefore submit that by differentiating between the two sites in the manner in which the Council seek to do here and to exclude site CA47 from the local plan is wholly incongruous, wrong in both fact and law and fails to take any account whatsoever of the impact which the recent very serious floods will inevitably have on the available housing stock. (Especially in the short term).

In terms of the draft Local Plan, as currently drafted, I posit the view that the anticipated amount of available housing stock, especially in years 1-5, is simply no longer credible and in some cases viable and it's incumbent on the Council in my view to have a root and branch reappraisal of all sites allocated in order to arrive at a reasonable amount of sustainable housing land especially in the short term. In this respect I am of course mindful of the Chancellor's recent statement about the need to construct circa 400,000.00 new homes by 2020.

Without prejudice to the effects elsewhere in Carlisle of the recent serious flooding the inescapable fact is that the lands at site CA47 were wholly untouched by any floodwaters. I submit this fact alone should be a material factor in any reappraisal by the Council of which excluded sites are now suitable for allocation as housing land.

In this regard I would respectfully refer you to your own site inspection, the photographs provided by my client, my oral submissions made on 4/12/15 and the incontrovertible empirical evidence thrown up by the recent floods.

I submit that when taken together all these factors suggest that the lands at ETTERBY, despite what the council claim, are just not liable to flooding far less "excessive flooding", are eminently suitable for the erection of housing in the teeth of the worst flooding for years and that in such special and extraordinary circumstances the Council should be invited to revisit their whole file on site CA47 with a view to applying a more proactive "planning led" approach to the matter and to apply, in a more proactive manner, some if not all, of the 12 core planning principles as set out in the NPPF document.

I would go further and submit that due to their location such lands are uniquely located to provide space for flood-free housing which planners, developers and the public can have full confidence in as a place to invest in for their future.

Finally, I acknowledge the remarks by Highways in respect of possible infrastructure issues and the need for say a primary school but submit these are general planning issues that are capable of being worked through (or not) in the course of an application for full planning permission and should not prejudice the basic principle that the lands should be allocated at this stage.

I can confirm that the landowner is fully aware that a flood risk assessment will need to be carried out as part of any planning application but is prepared to commission such a report at this stage if the Council were to indicate such an assessment would be a factor that may

influence their approach to any reclassification of site CA47 as being suitable for inclusion in the Local Plan 2015-2030.

When interpreted in accordance with the “golden thread” analogy as mentioned by you during the Enquiry, I respectfully submit that these additional representations should convince both you and the council that far from being excluded from the local plan 2015-2030, site CA47 should rightly be placed within the local plan as a location that can make a safe, immediate and lasting impact on sustainable development for Carlisle and its inhabitants.

One thing is certain, a prospective buyer can build a home on site CA47 with the knowledge and confidence that their property will not be under water after construction. This is not an empty statement as we just need to look right next door to see how the 30 houses erected on site CA36N easily withstood the rigours of the extremely serious flooding to be convinced that the objections to including site CA47 in the local plan going forward are wholly misplaced.

As such, I submit that the objections should be repelled, rejected and ultimately removed from the draft local plan in preference to the empirical facts all of which point to the lands as being appropriate for housing development . As such, I once again invite the council to reconsider their objections to site CA47 and for you to recommend that site CA47 be included in the local plan and allocated as suitable for housing.

If you require any further information or clarification on any of the matters raised herein please do not hesitate to contact me.

Best Regards and a merry Christmas and a happy new year when it arrives.

James Kelly, LLB, Dip. L.P.  
For & on behalf of the owner  
Of site CA47

C.C. Taylor & Hardy  
Frank Jackson