

Carlisle District Local Plan Examination

Matters & Issues for Examination

The following Matters, Issues and questions will provide the focus for the hearings due to commence on Tuesday 1 December 2015.

All further statements should only address the Matters and Issues for Examination and should be received by the Programme Officer no later than **noon on Monday 16 November 2015**.

All contact details are available at <http://www.carlisle.gov.uk/planning-policy/Local-Plan-Examination/Carlisle-District-Local-Plan-2015-2030-Examination>

The Programme Officer is Tony Blackburn who can be contacted by:

Post: 15 Ottawa Close, Blackburn, BB2 7EB

Tel: 01254 260286

Email: programme.officer@carlisle.gov.uk

The Council is invited to respond on all matters, issues and questions listed, referring to information in the Submission Documents & Supporting Evidence (limited to 3000 words per Matter). Other participants should only respond on issues relevant to points made in their original representation(s), without raising new issues, in statements of no more than 3000 words. Participants can rely on their original representation, but should not extend the scope of the original points made. Participants may refer to information in earlier representations, but the Inspector only has copies of the representations made at the Proposed Submission stage of the Local Plan. Please note that further statements are not needed unless they relate to the legal requirements or soundness of the plan, as set out in the Schedule of Matters & Issues, and are essential to understand the original representation(s).

Detailed agendas for the hearing sessions will be issued shortly before they commence, based on the Matters & Issues for Examination and the responses received. However, it is unlikely that the Inspector will introduce new issues or questions that do not arise from the Matters and Issues identified. Although anyone can attend the public hearings, only those listed on the programme can participate in the relevant hearing session. **Normally, only those who made representations on the proposed submission draft and that seek some change to the plan are entitled to participate in the hearing sessions.** Participants should let the Programme Officer know as soon as possible whether they wish to attend a particular hearing session.

The Examination will focus on the requirements of soundness set out in the National Planning Policy Framework (2012). The starting point is the assumption that the Council has submitted what it considers is a sound plan. **Participants are expected to explain which aspect of the plan is unsound, why it is unsound and specify how it should be altered, with detailed wording and clear evidence to support any changes.**

As well as complying with the legal requirements, the plan has to be positively prepared, justified, effective and consistent with national policy.

Please see the Inspector's Guidance Note for further advice which is available on the examination webpage.

Matter 1 –Legal requirements and Procedural Matters

Key Issue: Whether the legal requirements and relevant procedures have been satisfied.

Q1. Has the Carlisle District Local Plan (LP) been prepared in accordance with the current Local Development Scheme (LDS), including its timetable, content and timescale?

Q2. Has the LP been prepared to comply with the adopted Statement of Community Involvement, allowing for adequate and effective consultation and engagement of the community and all interested parties and meeting the minimum consultation requirements set out in the Regulations?

Q3. Has the LP been subject to Sustainability Appraisal, including a final report on the published plan; and is it clear how the Sustainability Appraisal influenced the final plan and dealt with mitigation measures? Has a Habitats Regulations Assessment under the Habitats Directive/Regulations been carried out to the satisfaction of Natural England?

Q4. Does the LP have regard to national planning policy, including consistency with the National Planning Policy Framework (NPPF) and the Planning policy for traveller sites (PPTS)? Is there sufficient local justification for any policies that are not consistent with national planning policy? Does the submitted plan properly reflect the presumption in favour of sustainable development in the NPPF?

Q5. Does the LP comply with the Local Planning Regulations, including preparation, content and publishing and making available the prescribed documents?

Q6. Has the LP been prepared in accordance with the Duty to Co-operate and does it fully meet this legal requirement? What are the key outcomes from the co-operation with neighbouring authorities?

[Please refer to Duty to Co-operate Statement (SD008)]

Matter 2 – Housing

Please see the Council's suggested schedule of Main Modifications (document ref: EL.1.006b)

Issue 1: Whether the housing requirement figure of 8475 dwellings contained in Policy SP2 of the LP will meet the objectively assessed housing needs of the area over the plan period.

The Strategic Housing Market Assessment Update (SHMA) (EB002) identifies an objectively assessed need figure of 8475 dwellings over the plan period as reflected in Policy SP2.

Q1. Is the methodology for assessing the OAN appropriate and the conclusions supported by the evidence including market signals? If not, why not?

Issue 2: Whether the spatial strategy is justified.

Q1. Is the approximate spatial distribution of 70% new housing in urban areas and 30% in rural areas justified?

Q2. Is the reliance on some windfall developments to accommodate the growth required until 2025 justified?

Q3. Can the Council provide evidence of the past delivery of windfall developments to demonstrate that the reliance on windfalls is realistic?

Q4. If so, what assurance is there that such trends will continue?

Carlisle South

Q5. The urban extension is *expected* to be delivered from 2025 onwards. The housing trajectory indicates that Carlisle South is expected to deliver approximately 300 dwelling per annum (dpa) over the last 4 years of the plan period.

- (a) Is there any policy restriction on development within the site coming forward sooner than 2025 as suggested in some representations, provided that any proposals would not prejudice the delivery of the site as a whole including the infrastructure required?
- (b) Is the housing trajectory realistic, particularly given the large scale infrastructure that is required?
- (c) How will the infrastructure required be funded and coordinated?
- (d) Are the timescales for the adoption of a further Development Plan Document realistic to ensure that development will commence on the site as expected?

[Note: The Council has recently issued a Statement of Common Ground (SP3 Carlisle South Statement of Common Ground) (EL1.005c)]

Issue 3: Whether the Council can demonstrate a five year housing land supply.

Q1. The Council's Five Year Housing Land Supply Position Statement (April 2015) (EB007) sets out the basis upon which the Council consider a buffer of 5% is justified. The Council elaborates on this further in its response of 31 July 2015 (EL1.002c).

Does the Council's assessment of delivery justify the application of a 5% buffer?

The Inspector has indicated to the Council that the buffer should be applied to the sum of the base housing requirement and the shortfall during the plan period (EL1.003a). Based on a requirement of 565 dwellings per year set out in the submitted plan the Council cannot demonstrate a 5 year HLS. The Council suggests a stepped approach to housing delivery is the most reasonable strategy in light of the way in which the five year housing land supply should be calculated. The stepped approach would require an annual average of 477 dwellings (net of clearance) between 2013 and 2020, 625 between 2020 and 2030 (adjusted to have regard to delivery in the 2013 – 2020 period). The Council has prepared a paper which comprehensively details how a stepped housing delivery target would work (Phased Delivery Statement EL1.005e).

Q2. Is the Council's approach justified?

Q3. What, if any, other alternatives are available to address the five year housing land supply without adopting a stepped approach?

Q4. Is the Council's suggested approach the most reasonable when considered against any reasonable alternatives?

Q5. Is there a realistic and reasonable likelihood that those sites included in the five year housing land supply trajectory are deliverable within the five year timeframe (assessed from 1 April 2015)?

Q6. Are the Council's policies sufficiently flexible to bring alternative sites forward, including Carlisle South, should delivery of sites not come forward as anticipated?

Q7. Does the housing trajectory align with the Infrastructure Delivery Plan?

Issue 4: Whether the monitoring indicators will ensure that a five year housing land supply is maintained

Q1. Do the housing delivery monitoring indicators contain a timely trigger that will ensure measures are put in place promptly should the LP not be effective?

Issue 5: whether the LP will address the affordable housing needs of the area.

The SHMA suggests a requirement for 5,011 (295 per annum) additional units of affordable housing to meet identified affordable needs up until 2030.

Q1. What amount of affordable housing can realistically be achieved, without any reliance on the private rented sector, having regard to the location of site allocations and the viable affordable housing targets in the various zones?

Q2. What reasonable alternatives have been considered to address the provision of sufficient affordable housing without reliance on the private rented sector?

Other Housing Matters:

Q1. The Council will be aware of the Written Ministerial Statement (WMS) to Parliament dated 25th March 2015. The statement introduces a system of Housing standards, with new additional optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations, which are mandatory, and rationalises the many differing existing planning standards for housing into a simpler, streamlined system. The WMS provides comprehensive details covering plan making and decision-taking. The WMS sets out the government's new national planning policy on the setting of technical standards for new dwellings. The statement should be taken into account in policies on local standards or requirements, in both plan making and decision-taking. In short, since 1 October 2015 decision takers should only require compliance with the new national technical standards.

In light of the WMS are policies in the LP consistent with national policy, in particular Policy CC3 & SP9 (3)?

[Please note – The Council proposes Main Modification MM57 which is to delete the reference to the Code for Sustainable Homes and BREEAM in paragraph 7.27 to Policy CC3]

Matter 3 – Housing Sites Allocated within Policy HO 1

Issue 1: Whether Appendix 1 provides sufficient detail to provide clarity to developers, local communities and other interests about the nature and scale of development envisaged on each site (addressing the "what, where, when and how" questions) in accordance with Planning Practice Guidance (ID 12-002)?

Appendix 1 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, any constraints and mitigation that is required, along the lines of that provided in the Housing Site Selection Document (SD 015).

Q1. Will the Local Plan be effective in securing the delivery of development of the scale and nature anticipated in the Housing Site Selection document (SD 015), given the sparse and limited information provided in Appendix 1?

Q2. The Housing Site Selection document (SD015) under the heading 'biodiversity' highlights the proximity of some sites to tributaries that discharge into SACs and SPAs. What assessments have been carried out to ensure that any adverse impacts can be satisfactorily mitigated against and will not be a constraint to the development of these sites?

Issue 2: Whether the allocated sites are the most reasonable when consider against any reasonable alternatives?

Q1. Is the selection of sites for inclusion in the LP justified having regard to the supporting evidence base, in particular the Sustainability Appraisal?

[Note: The Council has recently produced a Statement of Common Ground relating to Site allocation R15 (Document EL1.005b)]

Q2. Having regard to the representations made pursuant to regulation 20 in relation to Policy HO1 and omission sites, are there any corrections required to the Sustainability Assessment and if so, would those corrections change the assessments made to the selection of sites for allocation?

Q3. Notwithstanding the comments of the Inspector in 2008, do sites U1 and U2 (land to the south east of Junction 44 of the M6, Carlisle) remain viable in light of the significant infrastructure works required to create access off the A7 / C1022 signalised junction and potential contributions to facilitate primary school places? What viability assessments have been carried out?

Q4. What is the outcome of the planning applications on the following allocated sites?

- (a) Site U1 (planning application ref: 14/0761 for 190 units);
- (b) Site U5 (planning application ref: 13/0983 for 189 units);
- (c) Site U10 (planning application ref: 14/0778 for 277 units);

Q5. Are the lower yields reflected in planning applications on sites U5 and U10 an indication that the Council is being over optimistic in assessing the yield of sites?

Q6. Have any other planning applications been submitted on allocated sites and what is the outcome / expected date for determination?

Matter 4 – Gypsy & Traveller Site Provision

Issue 1: Whether the LP makes satisfactory provision to meet the needs of the gypsy and traveller community and travelling showpersons?

Q1. Does the GTAA provide a realistic assessment of the needs of the gypsy and traveller community? In particular:

- (a) Is the allowance made for an annual 10% turnover on existing sites realistic and supported by evidence?
- (b) Has in-migration to the area been assessed and included in the assessment of need?

Q2. The GTAA identifies a need for 15 pitches up to 2028 not 2030 as it has a base date position of 2013/14. In response to the Inspector's Initial Questions the Council confirms that the reference at paragraph 5.90 of the Local Plan to '2028' is a typographical error and should read 2030. However it would also be necessary to calculate the additional need for those two years. The Council has recently

granted permission for an additional two pitches on an alternative site within the District. It suggests that this results in the residual unmet need between now and 2030 reducing to seven pitches. However, that would not take account of the additional two years of the plan period not already accounted for in the GTAA.

- (a) Based on the methodology used in the GTAA, would the identified need between 2013 and the end of the Plan Period be 17 pitches? If so, even having regard to the two pitches that have since been granted planning permission, the identified need would remain 15 pitches over the plan period?
- (b) Unless 6 pitches have been granted elsewhere, the allocation of 9 pitches at Low Harker Dene would not meet the identified need over the entire plan period; they would meet a need for the first 9 years of the plan with windfall sites being relied upon to meet the remainder. Is this correct?

Q3. Low Harker Dene is an existing Council owned gypsy site. The addition of 9 pitches will result in a large single site accommodating 24 pitches. The single allocation offers little choice to the gypsy and travelling community. The Sustainability Appraisal Report (SD003) confirms that no other sites were put forward for consideration.

- (a) What efforts were made to ensure that the gypsy and travelling community were able to engage in the site selection process?
- (b) Is the site currently occupied by both Romany Gypsies and Irish Travellers and will the additional 9 pitches provide accommodation that is realistically suitable for both ethnic groups?

Q4. Are the criteria set out in Policy HO11 consistent with national policy which requires criteria based policies to be fair and facilitate the traditional and nomadic life of travellers whilst respecting the interests of the settled community (Planning Policy for Traveller Sites (PPTS) paragraph 10) and realistically likely to facilitate additional accommodation to meet the needs of the gypsy and traveller community?

Q5. Policy C3 of the PPTS refers to sites in rural areas and the countryside. Is there tension between this policy and criteria 1 of Policy HO11 that requires sites to be physically connected to an existing settlement?

Q6. Is requirement (8) of Policy HO11 that requires proposals to include site management measures in proposals for all sites, including small family sites or single pitches, justified?

Q7. What criteria in Policy HO11 would distinguish between circumstances when a pitch may only be suitable for a temporary period rather than providing permanent accommodation? Is such a distinction justified?

Q5. The Council makes no allocations for transit pitches within the LP. What justification is there for relying on this provision to come forward through windfall development, for example can the Council provide evidence of the past delivery of such transit windfall developments to demonstrate that future provision is realistic?

Matter 5 – Economy

Issue 1: Whether the LP will support sustainable economic growth

Q1. Will the LP strategy be effective in improving the qualitative offer of employment land in the area?

Q2. Is the protection of existing employment land justified and consistent with national policy?

Issue 2: Whether the policies in the LP will support the viability and vitality of town centres, consistent with national policy.

Q1. Policy EC6 currently proposes a 200 sq. m locally set threshold for impact assessments. However, this threshold was based on advice in the 2012 Retail Study (EB 012) and predated the publication of National Planning Practice Guidance (NPPG) which set out the relevant tests to be considered in setting a lower threshold compared the 2,500 sq. m floorspace figure set out in the National Planning Policy Framework (NPPF). Is it justified?

[Note: Carlisle City Council has commissioned CBRE to offer further advice on setting an appropriate locally set threshold for retail impact assessments (Retail Impact Threshold Report (EL1.005d)). On the basis of the analysis completed, it is recommended that the locally set impact thresholds are increased from 200 sq. m to 1,000 sq. m (gross) in relation to convenience retail; from 200 sq. m to 500 sq. m (gross) for comparison retail, for the urban area and an impact threshold of 300 sq. m (gross) for convenience and comparison retail proposals in existing district centres – see the Council's proposed Main Modifications (EL1.006b) (MM05)].

Q2. The LP makes a major allocation in Policy EC4 for a foodstore at Morton with a capacity of 8,175m². Is this justified and is there a need to control the amount of convenience and comparison split of floorspace that can be accommodated?

[Please note that the Council's proposed Main Modification (EL1.006b – MM14) proposes to remove the floorspace figure and instead refer to "foodstore anchor"]

Q3. Land to the north of Lowther Street including Rickergate is identified in Policy SP4 for a potential future expansion of the Primary Shopping Area.

- (a) Is this proposal justified by the evidence, particularly in relation to flooding?
- (b). What other reasonable alternative options were considered?

Q4. Policy SP 4 identifies Caldew Riverside as a significant regeneration opportunity. Does the evidence that underpins this allocation demonstrate 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 Primary Shopping Area and if so, will the policies be effective in ensuring the vitality and viability of the city centre is enhanced?

Matter 6: Infrastructure Provision

Issue: Whether the LP will provide the necessary infrastructure to support the level of development proposed and within the timescales envisaged.

Q1. Is the Infrastructure Delivery Plan realistic in assessing the timescales that infrastructure will come forward over the plan period?

Q2. Is Policy IP 2 consistent with paragraph 32 of the National Planning Policy Framework in so far as the policy states that "development that causes *significant* issues that cannot be mitigated against will be resisted" which is a lower threshold than *severe* harm referred to in paragraph 32?

Q3. Will a Supplementary Planning Document that sets minimum parking standards for the district (a) be setting out policy that should be included in the Local Plan? (b) be justified; (c) be consistent with national policy?

Matter 7: Other Questions

Q1. Should Policy CC2 refer to AONBs?

Q2. The NPPF requires that Plan policies should contain a positive strategy for the historic environment and how the presumption in favour of sustainable development should be applied locally. Does the support in Policy H07 for enabling development subject to compliance with a number of criteria, offer sufficient protection to ensure that proposals do not harm the significance of heritage assets and is it consistent with the framework that confirms that such proposals will be unacceptable unless a specific set of criteria are met?

Q3. 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 Neighborhood 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 Neighborhood Plan.

(a) In light of this WMS, is Policy CC2 effective and consistent with national policy?

[Please see the Council's response to the Inspector's Initial Questions (Q5) on this issue and subsequent documentation (EL1.002b, EL1.004a, EL1.004d & proposed Main Modifications EL1.006b)]

(b) Do the Main Modifications suggested by the Council ensure the LP would be sound in relation to wind energy development?

Claire Sherratt
Inspector